

MINISTER'S HANDBOOK 2019

How the Finnish Government works

PUBLICATIONS OF THE FINNISH GOVERNMENT 2021:61

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GOVERNMENT

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INTRODUCTION

This Minister's Handbook serves as a comprehensive information source on the organisation and functioning of the Finnish Government. Primarily intended to support the work of members of the Government and their aides and advisers, this publication also provides useful insight to anyone interested in the workings of the Finnish Government.

The Minister's Handbook was first published in 2015, and the present volume is an updated and enhanced edition of that first publication. A working group was set up by the Prime Minister's Office on 11 October 2018 to prepare an updated version of the Handbook. It was chaired by Permanent State Under-Secretary Timo Lankinen from the Prime Minister's Office. The other members representing the Prime Minister's Office were Senior Ministerial Adviser Heidi Kaila, Senior Ministerial Adviser Arno Liukko, Chief Senior Specialist Ulla Rosenström and Senior Ministerial Adviser Maaret Suomi. The working group also included the following members: Counsellor Kirsti Pohjankukka from the Ministry for Foreign Affairs, Senior Specialist Anu Mutanen from the Ministry of Justice, Senior Ministerial Adviser Kirsti Vallinheimo from the Ministry of Finance, and Referendary Counsellor Maija Salo, Head of Department for Government Affairs at the Office of the Chancellor of Justice. Senior Ministerial Adviser Sanna Helopuro from the Prime Minister's Office served as secretary of the working group.

The Minister's Handbook contains key information on the organisation and work of the Government. It describes the role of ministers as members of the Government, how they contribute to the preparation of matters, how they participate in decision-making and in parliamentary work, and what their ministerial responsibilities are. The Handbook gives a detailed description of the main preparatory processes for advancing the Government's policies and programmes and describes the ways in which the Government and Parliament work together. The role of ministers in European Union affairs and in Finland's other international relations is also explained in detail. In addition, the Handbook sets out information on the benefits,

support services and security arrangements for ministers and on the work of State Secretaries and Special Advisers to ministers.

The Prime Minister's Office wishes to thank the entire working group for its achievement in producing this updated Minister's Handbook. The purpose of this new edition of the Minister's Handbook is to provide a clear and comprehensive source of information for anyone seeking details on the organisation and work of the Finnish Government.

Any feedback you have about the Handbook is very welcome and should be addressed to the Government Session Unit in the Prime Minister's Office.

Helsinki, 15 May 2019

Permanent State Under-Secretary Timo Lankinen

Senior Ministerial Adviser, Legislative Affairs Sanna Helopuro

1 THE GOVERNMENT

1.1 Government and ministries

Under the Constitution of Finland, the country's governmental powers are exercised by the President of the Republic and the Government. A key principle of the Constitution is that the Government and its members should enjoy the confidence of Parliament (the principle of parliamentarism).

Government is a concept with several meanings. It may refer narrowly to the Government composed of the Prime Minister and the other ministers (see e.g. sections 61 and 62 of the Constitution). It may also mean the broader organisational entity consisting of the ministries and the government plenary session format (see e.g. sections 67 and 68 of the Constitution). It may at times refer only to the plenary session or to the ministers collectively. Usually it is clear from the context in which sense the term Government is used.

The Government has a requisite number of ministries. Section 1 of the Government Act defines the organisation of the Government and lists the ministries. This provision meets the requirement in section 68 of the Constitution, which states that provisions on the maximum number of ministries and the general principles for their establishment shall be laid down by an Act of Parliament.

The ministries are:

1. Prime Minister's Office
2. Ministry for Foreign Affairs
3. Ministry of Justice
4. Ministry of the Interior
5. Ministry of Defence
6. Ministry of Finance
7. Ministry of Education and Culture
8. Ministry of Agriculture and Forestry
9. Ministry of Transport and Communications

10. Ministry of Economic Affairs and Employment
11. Ministry of Social Affairs and Health
12. Ministry of the Environment.

This ministerial division has changed very little in Finland. The portfolio responsibilities of ministers may not always follow this same pattern, however.

Each ministry is responsible for the preparatory work on government matters that fall within the ministry's sphere of authority, and for the proper functioning of administration and government within that sphere. While the spheres of authority of individual ministries can broadly be inferred from their names, they are defined in more detail in the Government Rules of Procedure, issued as a government decree. Further provisions on the duties of the ministries are set out in ministerial decrees. Ministries collaborate in the preparation of matters whenever necessary. This is a principle laid down in the Government Act in order to facilitate the attainment of shared objectives. Responsibility for organising such cooperation rests with the ministry primarily responsible for the matter in hand.

Each ministry handles the international and EU-related matters that fall within its sphere of authority. Each ministry, within its sphere, is also responsible for matters in the following areas: operational and financial planning; performance management; legislative drafting; information society; administration and government; communications; IT administration; research, development and monitoring; international issues; matters related to ownership of state assets managed within the ministry's sphere of authority; and matters deemed to be part of the general discharge of duties within the ministry's competence.

In addition, each ministry attends to matters related to the following entities within its sphere of authority: government agencies, public bodies, unincorporated state enterprises, off-budget funds, organisations, state-owned companies and other bodies. Each ministry also deals with matters concerning other bodies that discharge duties on behalf of the ministry, and oversees the activities of the Regional State Administrative Agencies and the Centres for Economic Development, Transport and the Environment in matters falling within the ministry's responsibilities.

The provision of common administrative and other services for the Government and its ministries is the task of the Prime Minister's Office, where the responsibility for these is allotted to the Government Administration Department.

Key provisions on the organisation of the Government, on the resolution of different matters, and on the decision-making procedures to be followed at government plenary sessions and in the ministries are set out in the Government Act. The Government Rules of Procedure, issued as a government decree, provide further details regarding the provisions of the Government Act, by laying down commonly applicable provisions on matters such as: the spheres of authority of the ministries; decision-making powers and their delegation to public officials; the right to reserve the power of decision; the presenting of matters at the ministries; the presenting officials at the ministries; and the required qualifications and duties of public officials. Legislative drafting work concerning the Government Act and the Government Rules of Procedure is the duty of the Prime Minister's Office, where this is assigned to the Government Session Unit.

1.2 Prime Minister and ministers

The Prime Minister leads the work of the Government and coordinates the preparation and consideration of matters that fall within the authority of the Government. The Prime Minister reconciles the views of the different political groups within the Government. Additionally, she or he is responsible for coordinating work between the Government and Parliament. The Prime Minister oversees and directs the plenary sessions of the Government, represents Finland in the European Union, serves as chair of the statutory Ministerial Committees and guides the work of the Committees' secretariats.

The Constitution of Finland emphasises the Prime Minister's role in leading the work of the Government. The Prime Minister's firm position reinforces the principle of parliamentarism on which the Finnish political system is based. All major decisions are made at plenary sessions of the Government on the basis of presentations by the ministers concerned. The decisions at the plenary sessions are made by the Government as a collegial body. For more information on this, see section 2.4 below.

Ministers either serve as the head of a ministry or handle specified matters that fall within a ministry's sphere of authority. Each minister addresses the particular matters concerning EU and international affairs, legislative drafting, appointments and human resources that fall within his or her areas of responsibility. Within their respective areas, ministers also oversee financial planning and the preparation of budgets and other matters concerning the ministry at large.

The Constitution does not stipulate that each minister must serve as head of a ministry. In addition to those ministers serving as ministry heads, the Government may also include ministers appointed for the purpose of attending to specific duties falling within the responsibilities of one or more ministries. If two or more ministers are appointed to the same ministry, they are equal in rank. In such cases, a minister serving as head of the ministry may not interfere with the decisions made within the areas of responsibility of another minister appointed to the same ministry. If a minister is assigned to carry out duties in two or more ministries, his or her ministerial positions are of equal rank. The division of portfolio responsibilities in ministries served by more than one minister is determined by the Government.

Ministers make the decisions on all matters of major importance in the ministries. Additionally, ministers oversee the activities of the government agencies and public bodies that are within the purview of their respective ministries.

1.3 Government's appointment and departure

1.3.1 Appointment

The Prime Minister is elected by Parliament and appointed to office by the President of the Republic. Other ministers are appointed by the President in accordance with a proposal made by the Prime Minister. The decision concerning the appointment of a new government is officially made by the President in a presidential session of the Government, which is attended by the members of the outgoing Government. The document of appointment is called an Open Letter and is published in the Statute Book of Finland.

The President's Open Letter declares who is appointed Prime Minister and lists the names of all other members of the Government and the ministerial posts they are to hold (e.g. Minister of Finance).

Ministers may only have one title. They are required to use the assigned title when making decisions on matters falling within the sphere of authority of their own ministry and when serving in any another ministry to which they have been assigned, as well as when deputising for another minister within their own ministry or another ministry. Exceptionally, the deputising role must be expressly indicated when a minister deputises for the Prime Minister or, in a deputising capacity, answers a parliamentary written question pertaining to an area of responsibility of another minister.

During the negotiations to form a new government, it may be agreed that a politically significant issue calling for the coordination of preparatory work and deliberation be assigned to a particular minister as a cross-government task. This minister would then serve as a minister in all the ministries which by law have a responsibility for the matter in question.

The titles and portfolios of ministers are determined by the President's Open Letter and by the decisions made at a plenary session of the Government.

Any proposal for a change in the composition of the Government that would affect the Government as a whole is presented by the Permanent State Under-Secretary at the Prime Minister's Office, who serves as the appropriate presenting official in the matter. If there is a partial change in the composition of the Government during the course of the government term, the Prime Minister will present the changes in the form of an amendment to the President's Open Letter at a presidential session of the Government and, at a government plenary session, as an amendment to the decision on the portfolio responsibilities of ministers.

1.3.2 Departure and caretaker government

The President of the Republic will accept upon request the resignation of the Government (premature departure or formally upon completion of term) or of any member of the Government. The President may also accept the resignation of an

individual minister at the proposal of the Prime Minister. If a minister is elected President of the Republic or Speaker of Parliament, she or he shall be considered to have resigned the post of minister as of the day of election (section 64 of the Constitution of Finland).

The resignation of the Prime Minister means the resignation of the entire Government. If the Government or a minister no longer enjoys the confidence of Parliament, the President shall accept the resignation of the Government or the minister, even if no formal request is made. However, as governmental and administrative authority cannot be exercised without a competent Government, any Government that has tendered its resignation will continue to serve as a caretaker government until a new government is appointed.

The most common situation in which there is a caretaker government is for the period of government formation negotiations following parliamentary elections. After the elections, the outgoing Government formally tenders its resignation and becomes a caretaker government, because under the Constitution, the Government must enjoy the confidence of Parliament. A caretaker government also serves if the Government resigns due to a resolution of no confidence by Parliament or because it no longer wishes to continue.

There are no specific legislative provisions on the status of a caretaker government. Formally, a caretaker government has the same powers as the preceding Government. However, the powers of a caretaker government are limited by the fact that its position is not based on parliamentary confidence, which is required by the principles of parliamentarism.

While exercise of the powers of a caretaker government is primarily a political issue, there are judicial limits for these powers arising from the provisions on the division of government duties set out in the Constitution and presupposed by the principles of parliamentarism. It is deemed appropriate that a caretaker government attends to necessary routine matters and addresses urgent issues that cannot await a new government. A caretaker government does not, however, continue implementing the Government Programme of the predecessor Government. Additionally, a caretaker government is expected to refrain from new or far-reaching policy initiatives that could have an adverse effect on the next Government's scope for action.

1.4 Initial organisational matters

The Government must see to its organisational matters without delay after being appointed. Some of these matters are addressed and settled at a government plenary session. These include the statement to Parliament concerning the programme of the new Government; identification of deputies for ministers; the portfolio responsibilities of ministers; memberships of Ministerial Committees; and the ministers' declarations to Parliament concerning their private interests. Where necessary, some of the organisational matters can be addressed at informal government meetings or in other meetings.

Decisions on organisational matters are made throughout the government term as necessary, for example in situations in which one or more ministers are replaced. Responsibility for the preparatory work on organisational matters rests with the Government Session Unit in the Prime Minister's Office.

1.4.1 Government Programme

Before the Prime Minister is elected, the parliamentary groups negotiate on the content of the Government Programme and the composition of the Government (section 61 of the Constitution of Finland). The Government Programme defines the Government's objectives and key tasks. Without delay, the Government Programme must be submitted to Parliament in the form of a statement. The same applies when the composition of the Government is significantly altered (section 62 of the Constitution). The matter is addressed at a plenary session of the Government.

The Government Programme is a political programme of action that sets out, either in detail or at a more general level, the policy guidelines that the Government intends to follow during its term. There are no legislative provisions on the format of the Government Programme.

Monitoring the implementation and fulfilment of the Government Programme in the manner agreed in the government formation negotiations or at the constitutive meetings of the Government is part of the procedures applied in overseeing the management of central government finances and use of funds.

The procedures for monitoring the Government Programme's implementation are agreed at the beginning of the government term. Additionally, agreement is made on providing amplifying details on the Government Programme, for example through a Government Action Plan.

The Prime Minister oversees the implementation of the Government Programme and ensures that at the beginning of the government term the Government agrees on the procedures for implementing the Programme.

1.4.2 Oath or affirmation

Before assuming their duties, ministers are required to take an oath of office or make an equivalent affirmation of office, and also to make a judicial affirmation if they have not previously done so. The minister may choose either to take an oath of office or make an affirmation of office, irrespective of any affiliation with a religious community. Following changes in the law, an equivalent judicial oath is no longer used as an alternative to the judicial affirmation.

The oath is taken or the affirmation made at the Government's first plenary session following its appointment. The oath or affirmation is officiated at the plenary session by a public official from the Prime Minister's Office. The wording of the oath of office and affirmation of office is set out in the Decree on the Oath of Office, the Affirmation of Office, the Judicial Oath and the Judicial Affirmation. The wording of the judicial affirmation is presented in part I, chapter 1, section 7 of the Courts Act.

1.4.3 Deputies

Decisions on who will deputise for each of the members of the Government are determined at a government plenary session on the basis of a presentation by the Prime Minister. A sufficient number of deputies are appointed for the ministers in case the first deputy or another deputy is unable to attend. Deputising always follows a specified order of precedence, in that a deputy may only perform this function if all the other deputies preceding him or her in the order of precedence are prevented from doing so.

The Government will also decide which minister is to deputise for the Prime Minister in the first instance. The Prime Minister's other deputies are determined according to order of seniority.

1.4.4 Ministerial portfolios

The constitutive session of the Government will determine the division of portfolio responsibilities between ministers in ministries served by more than one minister, and will also specify which ministries have only a single minister.

Ministers appointed to the same ministry will direct the work of the ministry independently within their respective areas of responsibility. This principle is set out in the rationale for section 68 of the Constitution. As provided in section 4 of the Government Act, ministers either serve as the head of a ministry or handle specified matters that fall within a ministry's sphere of authority.

1.4.5 Ministers' declaration of private interests

While holding the office of minister, a member of the Government shall not hold any other public office or undertake any other tasks which may obstruct the performance of his or her ministerial duties, or compromise trust in his or her actions as a minister (section 63 of the Constitution). Such other tasks include paid positions in private companies or entities; membership of the board of directors, supervisory board or other equivalent body of a state-owned company or unincorporated state enterprise; administrative positions in financial or insurance institutions or in other private enterprises that are economically significant or of importance to society; positions of trust in stakeholder or advocacy organisations at a national level or at the level of a central organisation; and administrative duties or positions of trust in entities with close links to the ministry concerned or to agencies or bodies within the ministry's branch of government.

After being appointed, each minister shall submit to Parliament a disclosure of his or her business activities, business holdings and ownership interests, and other significant assets, as well as any duties outside the official duties of a minister and

other interests which may be of relevance to the evaluation of his or her actions as a member of the Government.

Information on ministers' private interests is assembled immediately after their appointment to office. The information is forwarded to Parliament without delay in the form of a government communication.

Any material changes in these private interests taking place during a minister's term of office must be promptly reported to the Government Session Unit in the Prime Minister's Office. Additionally, at the beginning of each calendar year, the Government Session Unit asks ministers to report any changes, so that these can be incorporated into a summary report submitted to Parliament.

Pursuant to an amendment (section 76a) to Parliament's Rules of Procedure effective from the start of 2015, Members of Parliament are required, within two months of the date of examination of their credentials, to submit to Parliament an account of their non-parliamentary duties, business activities, business holdings and ownership interests, and other significant assets that may be of relevance to the evaluation of their actions as a Member of Parliament. Disclosure of the private interests of MPs and of ministers are each subject to separate procedures.

1.4.6 Ministers' commitment to actions when transferring to other duties

In September 2014, the Government-appointed Advisory Board on Civil Service Ethics issued a recommendation concerning specific actions when a minister transfers to other duties. The Advisory Board proposed that when the Government is at its constitutive phase, its members make a commitment that they will disclose any intention they have of transferring to other duties after serving as ministers.

At an informal government meeting held when the new Government is seeing to organisational matters, the members of the Government may voluntarily commit to giving timely advance notice of any intention they have of transferring to

other duties mid-term or during a specified period of time after their tenure.¹ The Government will make a decision on commitments.

A commitment will specify the preconditions for the acceptance of another position if the minister's transfer to other duties would result in a conflict of interest in view of his or her previous areas of responsibility, duties or field of activity, or if the transfer is otherwise likely to erode confidence in public administration. If applicable, the notice of an intention to transfer is given to the Prime Minister and to the Advisory Board on Civil Service Ethics, which will issue an advisory opinion. The Advisory Board may recommend that the minister observes a waiting period of up to six months before the transfer to new duties.

1.4.7 Order of seniority and seating plan

The Prime Minister's Office prepares a ministerial seating plan for the Government's plenary sessions and presidential sessions based on order of seniority. The most senior member of the Government is the Prime Minister, followed by his or her deputy appointed by the Government and then those members of the Government who have earlier served in a ministerial position, in order of precedence determined by the number of days in office.

The next criteria affecting seniority order are previous service as a Member of the European Parliament and as a member of the Parliament of Finland, after which consideration is given to all the relevant circumstances. These include the positions ministers have previously held in Parliament or in their respective parties, and whether they have served as a Speaker or Deputy Speaker of Parliament or chaired parliamentary committees.

In the case of ministers who are not Members of Parliament, due consideration in determining seniority is given to factors such as length of service as a public official and the posts held.

¹ The ministers in Prime Minister Juha Sipilä's Government agreed at their meeting in 2015 to follow the above-mentioned notification procedure (Government Communication Department's communication 359/2015).

The seating order supports the collegial voting procedure applied by the Government, in which members take turns in expressing their opinion in reverse order of seniority. In the arrangements for deputising for the Prime Minister, the normal order of seniority is observed.

1.4.8 Appointment of Ministerial Committees

The Government has four statutory Ministerial Committees: the Ministerial Committee on Foreign and Security Policy, the Ministerial Committee on European Union Affairs, the Ministerial Finance Committee and the Ministerial Committee on Economic Policy. Provisions on the duties and composition of the Ministerial Committees are set out in the Government Rules of Procedure. Membership may be automatic on the basis of a minister's portfolio, while other members are appointed by a plenary session of the Government. Decisions on the membership of Ministerial Committees are made at government plenary sessions. See 2.3.2.2 below for more information on Ministerial Committees.

Other ministerial committees may also be appointed by a government plenary session for the purpose of addressing particular matters. If so, the duties and members of such committees are determined at the time of appointment.

1.4.9 Appointment of ministerial working groups

The Government may agree to appoint a working group of ministers to deal with a specific issue. Agreement on this and on the group's duties and membership is reached at an informal meeting of the Government. The ministerial working group is then officially appointed by government decision. See 2.3.2.3 below for more information on ministerial working groups.

1.5 Familiarising ministers with their duties

The Prime Minister's Office will familiarise new ministers with their duties to the extent it is deemed necessary. This process will address the procedures followed in the work and decision-making of the Government as well as other key issues.

Security and emergency preparedness and the rights and obligations concerning the performance of ministerial duties are also covered. If necessary, special sessions are held to address specific issues.

Additionally, each ministry will familiarise its minister(s) with the procedures and practices followed and matters dealt with at the ministry.

2 WORK OF THE GOVERNMENT AND ITS MINISTERS

2.1 Government's annual calendar

Table 1. The Government's annual calendar

JANUARY

- The next Member State in line takes over the rotating presidency of the Council of the European Union
- Consideration of the Government's legislative plan and legislative timetable

FEBRUARY

- Opening of the parliamentary session

MARCH

- Bilateral negotiations between the Ministry of Finance and each of the other ministries on the spending limits for that ministry's respective branch of government
- European Council meeting

APRIL

- Informal government meeting on the General Government Fiscal Plan (including central government spending limits) for the next four years and on the Government Action Plan detailing the Government Programme
- Submission to Parliament of the Government Report on the General Government Fiscal Plan* and the Government Report on the Government Action Plan detailing the Government Programme; the General Government Fiscal Plan also constitutes Finland's Stability Programme, which is submitted to the European Commission (EU Stability and Growth Pact)
- Submission of urgent government proposals on which parliamentary replies are expected before the end of the spring session
- Submission to Parliament of the Government Annual Report comprising final central government accounts for the previous year

MAY

- Submission to Parliament of the spring supplementary budget proposal after an informal government meeting

JUNE

- The European Commission issues country-specific recommendations for fiscal, economic and social policies
- Parliament's last meeting of the spring session is usually held at the end of the month
- Preliminary views of the EU's General Affairs Council on the Commission's work programme for the following year
- European Council meeting

JULY

- The next Member State in line takes over the rotating presidency of the Council of the European Union

AUGUST

- Bilateral negotiations between the Ministry of Finance and each of the other ministries on the central government budget proposal for the following year**
- Government budget session on the following year's Budget**
- Consideration of the Government's legislative plan and legislative timetable

SEPTEMBER

- Opening of Parliament's autumn session
- Submission to Parliament of the central government budget proposal for the following year and proposals for finance and expenditure acts
- Yearly decision on the Government Plan for Analysis, Assessment and Research
- State of the Union address by the President of the Commission and the Commission's Letter of Intent on the following year's work programme; discussion at the EU's General Affairs Council

OCTOBER

- Submission to Parliament of the autumn supplementary budget proposal after an informal government meeting
- Submission of urgent government proposals on which parliamentary replies are expected before the end of the year
- Decision on the following year's priorities concerning appropriations for the Government's analysis, assessment and research activities in support of decision-making
- Submission of the Draft Budgetary Plan (DBP) to the European Commission
- European Council meeting
- The European Commission publishes its work programme for the following year

NOVEMBER

- Submission to Parliament of an amended budget proposal after an informal government meeting
- The European Commission issues its Annual Growth Survey and Alert Mechanism Report (Macroeconomic Imbalance Procedure); the Commission also presents its opinion on each Member State's Draft Budgetary Plan
- Views of the EU's General Affairs Council on the Commission's work programme for the following year (consideration possibly as early as October)

DECEMBER

- Parliament approves the Budget and finance and expenditure acts for the following year
 - Joint Declaration by the three main EU Institutions on the EU's legislative priorities for the following year
 - European Council meeting
 - Parliament's last plenary session before the Christmas recess
-

* The Report is submitted in non-election years

** Also on the General Government Fiscal Plan in an election year

2.2 Core of a minister's weekly programme

The weekly programme of a member of the Government is structured around certain schedules, which can be departed from as necessary by decision of the Prime Minister. This core framework is taken into account when planning a minister's diary and other timetabling needs.

As a rule, government plenary sessions are held every Thursday in the Government Session Hall at the Government Palace after the meeting of the Ministerial Finance Committee, which usually starts at 13.00.

Presidential sessions of the Government, attended by the President of the Republic, are usually held every other Friday at 11.00 in the Presidential Room at the Government Palace. In the summer, presidential sessions are held less frequently.

In addition to the Ministerial Finance Committee, the other Ministerial Committees also meet at fixed times. The Ministerial Committee on Economic Policy normally meets on Tuesdays at 10.00 and the Ministerial Committee on European Union Affairs on Fridays at 8.00. The Ministerial Committee on Foreign and Security Policy meets approximately once a month, usually on a Friday after a presidential session. In recent years, meetings of the Ministerial Committee on Foreign and Security Policy have been replaced by joint meetings of the President of the Republic and the Ministerial Committee on Foreign and Security Policy. A proposal to convene a joint meeting can be made by either the President or the Prime Minister. Meeting times are adjusted if necessary.

There are also other meetings and sessions of the Government involving the presence of all ministers, and these are fitted into the weekly programme as necessary. They include government evening sessions, government strategy sessions, government budget sessions and other informal meetings of the Government. In addition, the Government may convene in other agreed compositions, such as meetings of Government party leaders or ministerial working groups. The ministers' parliamentary work, including plenary sessions of Parliament, is also fitted into the weekly programme.

From the beginning of the government term in 2019, the Prime Minister's Office is to produce a constantly updated diary of the Government's activities. In addition

to presidential and plenary sessions of the Government, the diary will include the times for informal government meetings, such as government strategy sessions and government evening sessions, and for the Ministerial Committees and ministerial working groups. It will also include information on the dates of European Council meetings and meetings of the different configurations of the Council of the European Union.

Table 2. Core of a minister's weekly programme

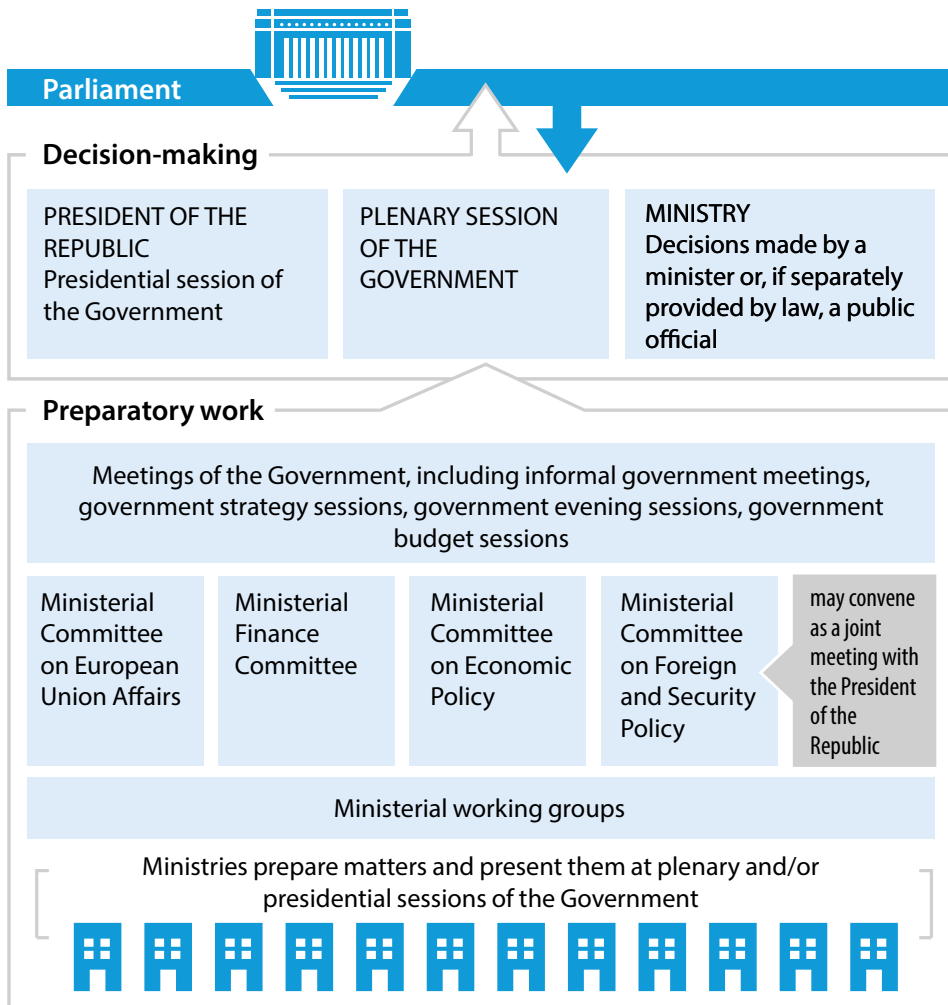
MON	TUE	WED	THU	FRI
	Ministerial Committee on Economic Policy at 10.00			Ministerial Committee on European Union Affairs at 8.00
				Presidential session of the Government at 11.00
				Joint meeting of the President and the Ministerial Committee on Foreign and Security Policy
			Ministerial Finance Committee Plenary session of the Government at 13.00	Plenary session of Parliament at 13.00
	Plenary session of Parliament at 14.00	Plenary session of Parliament at 14.00		
			Plenary session of Parliament at 16.00	

2.3 Preparation of matters for decision-making

All matters to be considered and decided by the Government are prepared at the relevant ministries (section 67 of the Constitution of Finland). The ministries also handle a substantial proportion of the Government's administrative matters. Each ministry is responsible for the preparatory work on government matters that fall within the ministry's sphere of authority, and for the proper functioning of administration and government within that sphere.

Provisions on the spheres of authority of the ministries and the division of matters between them are issued by Act of Parliament or by government decree (section 68, subsection 3 of the Constitution, sections 2 and 8 of the Government Act). Matters are divided among the ministries in accordance with the spheres of authority laid down in chapter 3 of the Government Rules of Procedure. Each matter is dealt with by the ministry under whose responsibility it principally falls.

Figure 1. Government decision-making and preparatory work



Under section 66 of the Constitution, the Prime Minister leads the work of the Government and coordinates the preparation and consideration of matters that fall within the authority of the Government. Ministers either serve as the head of a ministry or handle specified matters that fall within a ministry's sphere of authority.

Decision-making at government plenary sessions frequently proceeds quickly. The range of matters for decision is broad and each session may address numerous

matters. It is therefore important that decision-making is preceded by careful and thorough preparatory work. A minister's personal role in the preparation of government matters is very important. As government matters often fall within the scope of more than one ministry or branch of government, cooperation is important. This is emphasised in section 2 of the Government Act, which states that ministries shall collaborate in the preparation of matters as necessary. Responsibility for organising such cooperation rests with the ministry primarily responsible for the matter in hand. Good cooperation is essential if the preparatory work is to ensure that decisions are of a high quality in both form and substance. It also facilitates the decision-making at government plenary sessions.

2.3.1 Preparatory work by public officials

The work of ministers is supported by public officials, who prepare matters for decision-making. They perform the main preparatory work as part of their official duties or within a preparatory body. A presenting official is appointed for the matter, and she or he is responsible for the preparatory work to bring the matter for decision. Decisions are made on matters at government plenary sessions or in the relevant ministry on the basis of a presentation by the presenting official. The preparatory work assesses the various options, taking into account the factual material regarding the decision as well as the financial considerations and existing legislation. The presenting official is responsible for ensuring that the preparation of a proposed decision is in accordance with the principles of good governance (facts verified; legality ascertained; relevant parties sufficiently informed and consulted; impacts and alternative solutions assessed; background, justification and proposed decision entered in the records). Enough time has to be allowed for diligent preparatory work.

Ministries have issued more detailed in-house rules on preparatory work and procedures. In addition to presenting a proposed decision and the reasons for it, the presenting official must present proposals for any necessary interim measures. There are also certain tasks that need to be performed before a matter can be presented to decision-makers, though these will depend on the matter in question. They include seeking the opinion of relevant entities, translation, legislative editing and requesting permission to present the matter.

2.3.2 Preparatory work by the Government

Before a decision on a matter is made in the relevant ministry or at a plenary session and/or presidential session of the Government, the necessary political preparatory work is undertaken in an informal government meeting or a meeting of another composition of ministers, and possibly in one or more of the four statutory Ministerial Committees.

Ministers' parliamentary responsibility implies that they must be able to effectively monitor the actions of their respective ministry and branch of government as well as supervise the preparatory work for decision-making. Moving forward with matters of a cross-government nature requires coordination between ministries and reconciliation of the different ministries' positions. Coordination and reconciliation of positions, in turn, requires effective political guidance, which is the responsibility of ministers.

Political guidance is necessary particularly in the preparatory work for cross-government matters falling within the sphere of authority of more than one ministry and for other matters of major importance. The Government's joint preparatory meetings are essential in this respect. It is also important for the relevant ministers to participate in person in all meetings whenever possible.

Each Government can decide to hold informal meetings of various kinds, which can be given names chosen by that Government. Such meetings have been referred to as informal government meetings, but some have been given other names, for example government evening sessions, government strategy sessions and government budget sessions. These informal meetings are attended by all members of the Government, and other persons may also be present.

The Government also meets in various smaller compositions to deal with preparatory work on different matters. Such compositions include the meetings of Government party leaders, Ministerial Committees and ministerial working groups. All of these are for the purpose of preparatory work and do not make final decisions.

Table 3. Meetings held by the Government, 2016–2018

	2016	2017	2018
Decision-making			
Plenary sessions of the Government	60	59	55
Presidential sessions of the Government	26	25	25
Preparatory work			
Informal government meetings	14	17	17
Government strategy sessions	18	13	9

Ministerial Committees and ministerial working groups engage in preparatory work on matters, and their deliberations are confidential in nature. The work of ministerial working groups engaged in preparations on complex issues and major policy packages also often becomes a regular part of the Government's weekly routine. Meetings of the ministerial groups of the Government parties and meetings of Government party leaders also play an important role when positions are taken during preparatory work for decision-making.

2.3.2.1 Informal meetings of the Government

Informal meetings of the Government are convened by the Prime Minister and attended by all ministers. No formal decisions are made at these meetings, but the discussion summary drafted by the Prime Minister and any agreement reached by the ministers are of significance in substance and guide the Government's activities.

Informal meetings of the Government have been held under various names. Apart from being referred to as informal government meetings, some have in recent times been given other names, such as government budget sessions, General Government Fiscal Plan sessions, government strategy sessions and government evening sessions.

Informal government meeting

Informal government meetings have usually been held in the Government Session Hall, but other venues are possible. These meetings have typically discussed

and outlined policy on individual matters requiring more urgent position-taking by the Government.

Informal government meetings sometimes need to be arranged at short notice. When ministers' schedules are planned, time should be allowed for an informal meeting after a government plenary session. In addition to the ministers, informal government meetings are also attended by the Chancellor of Justice, the Prime Minister's State Secretary, and the Director of Government Communications.

Each matter is usually presented by the minister responsible. If public officials are to attend and to present matters or information at the meeting, this will be agreed in advance with the Prime Minister. If ministers have matters they wish to be addressed at the meeting, they can inform the Prime Minister or the Prime Minister's Special Adviser in Political Affairs accordingly.

The Prime Minister's Special Adviser in Political Affairs or another official designated by the Prime Minister acts as secretary to the meeting. The minutes of these meetings are not public documents. They are kept at the Prime Minister's Office and transferred to the central government archives no later than when the Government departs from office, and they then become part of the archive of that Government.

Government evening session and government strategy session

Government evening sessions were first held at the end of the 1930s. They were created to meet a practical need: to promote cooperation within the Government, prevent severe clashes of opinion, and ensure the continued functioning of the Government. The nature of the evening sessions has changed over time, and their frequency has varied. The issues discussed have included important matters falling within the sphere of authority of more than one ministry. No government evening sessions were held during the 2015–2019 government term. These were instead replaced by government strategy sessions that focused mainly on Government Programme priorities and key government projects, but other matters were handled as well.

Both the evening sessions and the strategy sessions are convened by the Prime Minister, and their compositions have been largely the same. In addition to the ministers, they are attended by the chairpersons of the parliamentary groups of the

Government parties, the Chancellor of Justice, the Prime Minister's State Secretary, and the Director of Government Communications.

General Government Fiscal Plan session and government budget session

The process of drafting the General Government Fiscal Plan for the following four years (the General Government Fiscal Plan process) ends with the General Government Fiscal Plan session, where the entire Government is present. The session is chaired by the Prime Minister and is attended not only by all ministers but also the Chancellor of Justice, the Permanent Secretary at the Ministry of Finance, the Ministry of Finance's Budget Department managers and their advisers, as well as senior officials and advisers as necessary. The Prime Minister decides the course of the session. The Budget Department records the decisions made and also makes any entries in the minutes, which then become public. The General Government Fiscal Plan session may also outline policy on other government matters, and a record of these will be kept by, for example, Special Advisers.

The main purpose of the session is to decide the spending limits for each ministry and its respective branch of government for the following year, taking into account central government resources and the scope for action under existing and planned legislation. Policy outlines may also be determined for longer-term structural changes. The General Government Fiscal Plan is used as a guide for the preparation of draft budgets for the following year.

Ministers bring to the table for decision only matters and appropriation adjustments on which no consensus has been reached with the Ministry of Finance at an earlier stage of the General Government Fiscal Plan process.

The General Government Fiscal Plan covers all general government finances. It also meets the EU's requirements for a medium-term fiscal plan. Specific information relating to the Stability Programme is presented in an appendix to the General Government Fiscal Plan. The General Government Fiscal Plan session addresses all spending needs as a whole.

The government budget session decides on the content of the central government budget proposal for the following year. The document produced is an administrative document of legal, political and fiscal significance. The session is chaired by the Prime Minister, and the participants are the same as those for

the General Government Fiscal Plan session. The Government decides jointly on all main titles (revenue and expenditure) of the central government budget proposal. The session determines the priority order of central government needs and allocates appropriations for the budget proposal. The revenue and expenditure decisions taken can have a significant impact on the national economy. The Budget Department records the decisions made and also makes any entries in the minutes, which then become public.

2.3.2.2 Ministerial Committees

Under section 67 of the Constitution, the Government may operate Ministerial Committees for the purpose of conducting preparatory work on matters. Ministerial Committees may therefore be established for determining political choices and policy positions and for preparing other matters. Ministerial Committee meetings are not usually attended by all ministers.

The Government Act sets out provisions on the following committees for the purpose of preparatory work on matters to be considered by the Government and for determining political guidance on this preparatory work:

1. Ministerial Finance Committee (abbreviated in Finnish as 'RV')
2. Ministerial Committee on Foreign and Security Policy ('UTVA'), which in recent years has convened together with the President of the Republic ('TP-UTVA')
3. Ministerial Committee on European Union Affairs ('EU-MINVA')
4. Ministerial Committee on Economic Policy ('TALPOL').

In addition, extraordinary ministerial committees may be appointed by a government plenary session.

The Ministerial Committees do not have formal decision-making power. In practice, however, because they choose policies to be pursued and determine positions to be taken, the role of the Ministerial Committees in the political decision-making process has gained a considerably stronger emphasis. For instance, the statements of the Ministerial Committee on Economic Policy are in some matters de facto decisions. Where necessary, a matter is submitted to more than one statutory Ministerial Committee.

The Prime Minister is responsible for coordinating the preparation and consideration of matters that fall within the authority of the Government. This is why the Prime Minister chairs the Ministerial Committees: under sections 3 and 23 of the Government Act, the Prime Minister chairs the Ministerial Committee on Foreign and Security Policy, the Ministerial Committee on European Union Affairs, the Ministerial Finance Committee, and the Ministerial Committee on Economic Policy.

The Prime Minister determines the dates, times and agendas of meetings of the Ministerial Committees. Minutes must be taken of these meetings. The accuracy of the minutes is verified by the Committee secretary (section 39 of the Government Rules of Procedure). For public access to Ministerial Committee documents, see 11.2.2.7. Operating guidelines are adopted for the Ministerial Committees.

Ministerial Finance Committee

The Ministerial Finance Committee is responsible for prior assessment of central government finances. Matters to be raised at a government plenary session or coming under the authority of a ministry that are of financial significance or otherwise important are submitted to the Ministerial Finance Committee before a decision is made.

The Government has issued more detailed regulations on matters which, in view of their financial or other importance, have to be considered by the Ministerial Finance Committee before a decision is made (Government Regulation on the Handling of Matters in the Ministerial Finance Committee, No. TM 0201/VM/2081/00.00.00/2012). The purpose of prior assessment of central government finances is to ensure that funds are used in accordance with the Budget and the provisions of budgetary statutes and regulations, and that decisions are cost-effective and appropriate in their timing. If necessary, the agenda manager at the Ministry of Finance's Budget Department expresses his or her view on the interpretation of the Regulation.

The Ministerial Finance Committee is chaired by the Prime Minister, and its other members are the Minister of Finance and two other ministers, one of whom is designated by the Government and the other is the minister within whose authority the matter in hand falls (section 27 of the Government Rules of Procedure). If necessary, the Government may designate a maximum of six other ministers as

members of the Committee. Additionally, if a minister has been designated to consider matters that are within the sphere of authority of the Ministry of Finance, she or he will also serve as a member of the Committee.

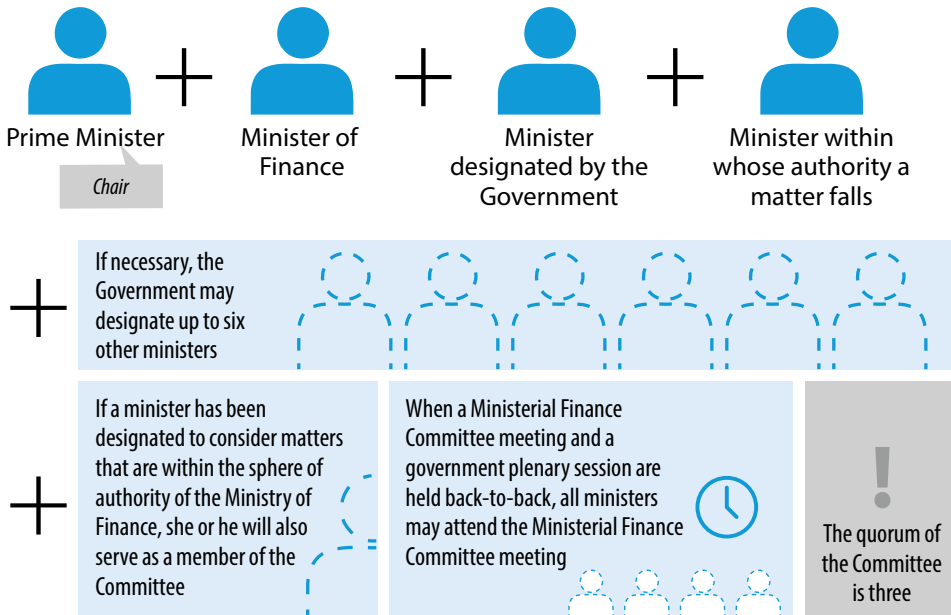
The Ministerial Finance Committee has a quorum when three members are present. One of the members present must be from the Ministry of Finance. If a member of the Ministerial Financial Committee is unable to attend or is disqualified from attending, the minister designated as his or her deputy serves as a member of the Committee. If a minister has been appointed to two or more ministries and if the matter in hand does not fall within his or her responsibilities, any of the ministers designated as his or her deputies may deputise for him or her, but in compliance with the specified order of precedence. If the matter in hand does fall within the minister's responsibilities, the relevant order of precedence for that area of responsibility will apply.

The sessions of the Ministerial Finance Committee resemble government plenary sessions in that there are similarities in presentation files, presentation and the decision procedure.

Matters to be addressed by the Ministerial Finance Committee should be distributed through the electronic decision support system by 11.00 on the Friday preceding the meeting. If there are compelling reasons, the agenda manager of the Ministry of Finance can give permission for the agenda to be distributed later.

The Budget Department (experts and agenda manager) of the Ministry of Finance gives its comments on the presentation files in advance. The Permanent Secretary at the Ministry of Finance or a Ministry of Finance official designated by him or her acts as the secretary of the Ministerial Finance Committee and as presenting official. If considered necessary, the relevant presenting official for the Government in the matter may be invited to be heard.

A government plenary session may deviate from an opinion issued by the Ministerial Finance Committee. A ministry, however, may not make a decision that deviates from the opinion of the Committee; in such cases, the matter would need to be presented for consideration by a government plenary session.

Figure 2. Composition of the Ministerial Finance Committee

Ministerial Committee on Foreign and Security Policy (including joint meeting of the President and the Ministerial Committee)

The Ministerial Committee on Foreign and Security Policy prepares important aspects of foreign and security policy, other matters concerning Finland's relations with foreign states, related key internal security matters, and important matters pertaining to comprehensive national defence. In addition, the Committee considers issues concerning the coordination of matters that fall within the scope of its authority. The Committee may also consider matters in a written procedure.

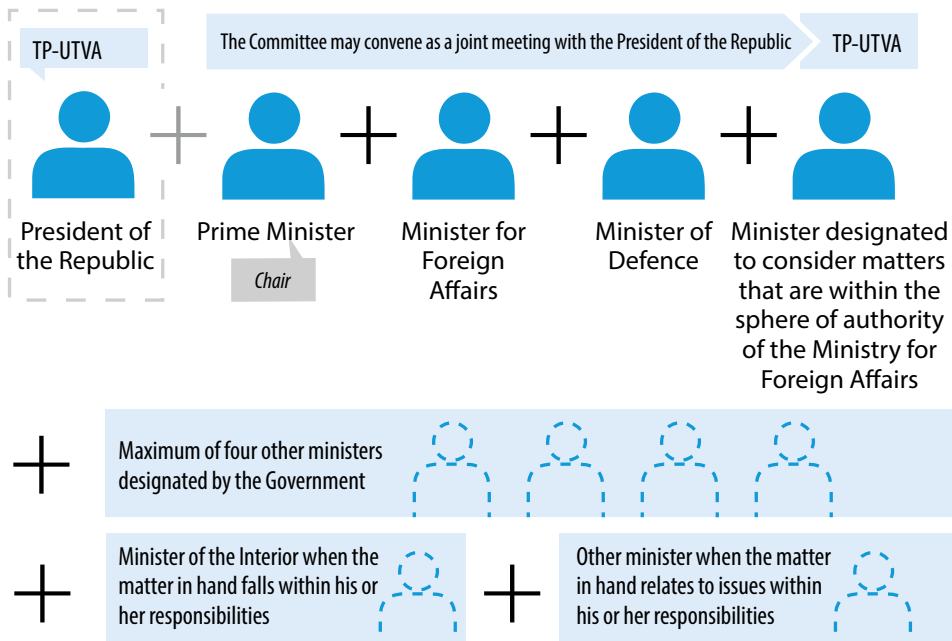
The Ministerial Committee on Foreign and Security Policy may hold joint meetings with the President of the Republic (section 24 of the Government Act). Such joint meetings of the President and the Ministerial Committee have become established practice. The joint meeting is chaired by the President. The request to convene a joint meeting can be made by the President or the Prime Minister.

Other members of the Ministerial Committee include the Minister for Foreign Affairs, the Minister of Defence and a maximum of four other ministers designated

by the Government. Additionally, any other minister designated by the Government to consider matters within the sphere of authority of the Ministry for Foreign Affairs is also a member of the Committee. The Minister of the Interior attends when the matter in hand falls within his or her responsibilities. When the matter relates to issues within any other minister’s sphere, she or he will also take part in the Committee’s work.

The Ministerial Committee on Foreign and Security Policy traditionally meets on Fridays directly after the presidential session of the Government. Matters to be brought for the Committee’s consideration are coordinated by the Ministry for Foreign Affairs. Following the Committee’s consideration of these matters, information is released on them to the extent agreed in the meeting.

Figure 3. Composition of the Ministerial Committee on Foreign and Security Policy



Ministerial Committee on European Union Affairs

The Ministerial Committee on European Union Affairs is the central tool for managing Finland's EU policy. It discusses EU matters that are important politically, economically, legally or otherwise. The Ministerial Committee agrees Finland's policy guidelines in advance of gatherings such as European Council meetings, other meetings of the heads of the Member States, and formal and informal meetings of the different configurations of the Council of the EU (Council of Ministers). The Committee's agenda also includes other EU-related policy matters that require political-level discussion. Particular attention is given to looking ahead and to the timing of different steps in the process, so that Finland is able to effectively influence the EU's preparatory work and decision-making at an early stage. Discussing and monitoring of wide-ranging policy issues is another important task.

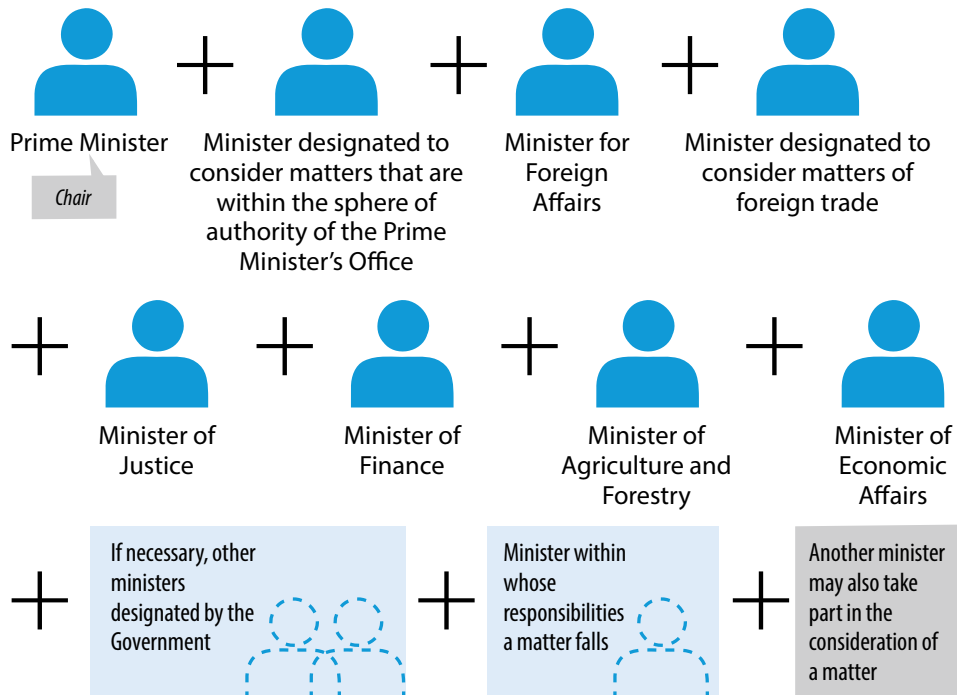
The Ministerial Committee is chaired by the Prime Minister. Other members include the minister designated to consider matters that are within the sphere of authority of the Prime Minister's Office, the Minister for Foreign Affairs, the minister designated to consider matters of foreign trade, the Minister of Justice, the Minister of Finance, the Minister of Agriculture and Forestry, the Minister of Economic Affairs, and, where necessary, other ministers that may be designated by the Government. Additionally, when the matter in hand falls within the responsibilities of another minister, she or he serves as a member of the Committee. Other ministers may also take part in the consideration of matters. In practice, all ministers have an equal right to take part in the Committee's discussions and its formulation of Finland's policies, and to propose changes as part of a written procedure. The head, or Premier, of the Government of Åland has the right to be heard by the Ministerial Committee when a matter falls within the competence of Åland or is otherwise of special significance to it (section 26 of the Government Rules of Procedure).

In the Ministerial Committee on European Union Affairs, each minister presents the matters that fall within his or her authority. Matters concerning meetings of the Council of the EU are presented by the minister who will represent Finland at the meeting concerned. Deputies are determined according to the Government's list of ministerial deputies. A State Secretary cannot deputise for a minister. The presenting minister may be accompanied by an expert in the matter to be presented, and a State Secretary can be present at the meeting in this role of expert.

The Ministerial Committee is a preparatory body where no formal decisions are made. The aim of the minister presenting a matter is to get the support of the Ministerial Committee for the policy being proposed, or otherwise to generate discussion on a particular issue. The competent minister plays a central role when policies are being agreed. The aim has been to find a common understanding on Finland's positions under the direction of the Prime Minister. This has made it possible for the Government to present a united front in Parliament and for Finland to do the same in the European Union.

As a rule, the Ministerial Committee on European Union Affairs meets on Fridays at 8.00. When the Prime Minister is unable to attend, or if it is otherwise necessary, a written procedure can be arranged. In exceptional cases, a telephone conference may be held by decision of the Prime Minister. Minutes are always taken at the meetings of the Ministerial Committee on European Union Affairs. The Ministerial Committee has a set of operating procedures. Matters to be brought for the Committee's consideration are coordinated by the Government EU Affairs Department at the Prime Minister's Office, previously known as the Government Secretariat for EU Affairs.

The Government Communications Department gives out advance information on the meetings of the Ministerial Committee on European Union Affairs, publishing the date, time and agenda of the meetings. A press release is prepared after the meeting.

Figure 4. Composition of the Ministerial Committee on European Union Affairs

Ministerial Committee on Economic Policy

The Ministerial Committee on Economic Policy handles matters related to the development of the economy, general economic policy measures, the main trends in public finances, and other economic policy measures, to the extent determined by the Prime Minister.

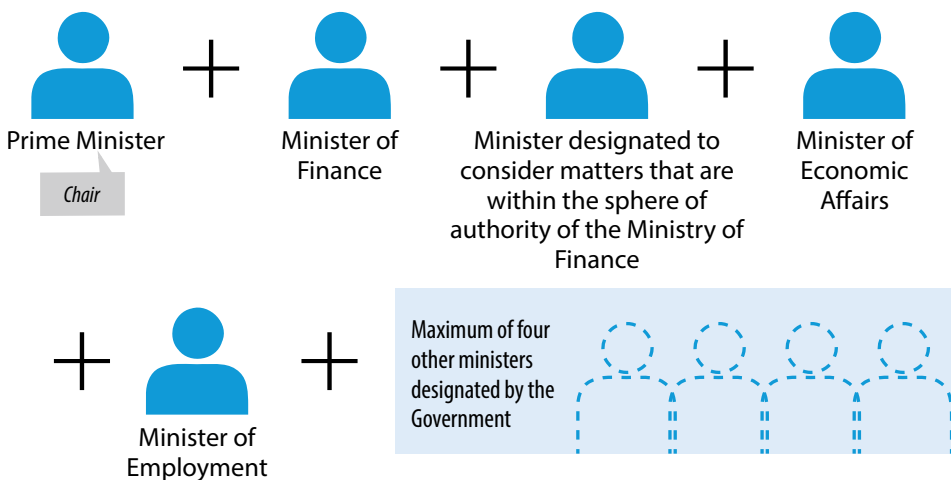
The Ministerial Committee is chaired by the Prime Minister. Other members include the Minister of Finance, the Minister of Economic Affairs, the Minister of Employment, a maximum of four other ministers designated by the Government, and any other minister designated by the Government to consider matters falling within the responsibilities of the Ministry of Finance. Serving as permanent expert to the Ministerial Committee is the Permanent Secretary at the Ministry of Finance, and as secretary the Director General of the Budget Department at the Ministry of Finance.

Meetings of the Ministerial Committee on Economic Policy are usually held on Tuesdays.

Matters to be brought for the Committee's consideration are coordinated by the Budget Department at the Ministry of Finance. The meetings are attended by the Prime Minister's State Secretary and the Director of Government Communications, who is responsible for releasing information about the meetings in line with the Prime Minister's instructions. Other public officials may be present as presenting officials and experts.

Matters to be addressed by the Ministerial Committee on Economic Policy should normally be notified to the Committee's secretary by 11.00 on the Thursday preceding the meeting and any documents forwarded to the secretary to the Director General of the Budget Department by 15.00. Documents to be discussed must be so drafted that they clearly set out the proposed decision for the Committee to take. In addition to presenting the matter and an analysis of it, the document must indicate how it relates to the Budget and the General Government Fiscal Plan. The proposed decision could be, for example, that the Committee takes note of the matter or that the Committee supports continuation of the preparatory work. The secretary to the Committee draws up the agenda in accordance with the Prime Minister's instructions or those of the Prime Minister's aides and advisers.

Figure 5. Composition of the Ministerial Committee on Economic Policy



The decisions made in the meetings of the Ministerial Committee on Economic Policy are recorded in the minutes. Memorandums and other documents that served as the basis of the discussions are appended to the minutes. The minutes also record the results of any vote taken and any dissenting opinions or statements by Committee members. Separate instructions have been issued on the handling of matters to be kept secret.

2.3.2.3 Ministerial working groups

The Government may agree to set up a ministerial working group for the purpose of cooperation and coordination in preparing a particular matter or a package of related matters, such as a major cross-government reform package. Decisions on ministerial working groups, their tasks, membership and any deputies are taken in informal government meetings. The appointment of the ministerial working group is then made by the Government.

Like statutory Ministerial Committees, ministerial working groups act as collegial bodies of the Government engaged in preparatory work and political coordination.

2.4 Decision-making at plenary sessions of the Government

2.4.1 Matters addressed at plenary sessions

Plenary sessions of the Government take decisions on matters that come under the plenary session's authority. Matters that are far-reaching or important as matters of principle, as well as matters whose significance so warrants, are decided at government plenary sessions (section 67 of the Constitution).² Plenary sessions also determine the proposed decisions to be presented to the President of the Republic (section 12 of the Government Act). Parliamentary replies to government proposals are numerically the most important type of matter incorporating proposed decisions for presentation to the President of the Republic (bill approvals).

2 In 2018, 55 government plenary sessions were held, and they addressed nearly 1,600 matters.

In addition, plenary sessions take decisions concerning government proposals, reports and communications for submission to Parliament; government statements, reports of the Government and plenary session communications for submission to Parliament; government decrees; and matters, such as those to be dealt with by the European Union, whose public policy importance or financial significance calls for such decision-making (section 12 of the Government Act).

Matters to be considered by government plenary sessions are listed in more detail in sections 3 to 8 of the Government Rules of Procedure. In these Rules, matters are divided into general matters, financial matters, matters concerning public officials, matters laid down in acts or decrees, other matters, and matters concerning cooperation and disputes between authorities.

2.4.2 Time, place and quorum

The Prime Minister decides when government plenary sessions are held. As a rule, they take place on Thursdays in the Government Session Hall after the Ministerial Finance Committee meeting, which starts at 13.00. In addition to ordinary plenary sessions, the Government may be convened for extraordinary plenary sessions. The date and time of these are determined by the Prime Minister in such a way that the notice to attend can be sent out to all members of the Government in advance.

Government plenary sessions are chaired by the Prime Minister or, if the Prime Minister is unable to attend, by the minister designated as his or her deputy (the minister deputising for the Prime Minister in the first instance). If this minister is also unable to attend, the session is chaired by the most senior minister present among the ministers designated to deputise for the Prime Minister.

In addition to the Prime Minister and other ministers, plenary sessions of the Government are attended by the Chancellor of Justice or, in his or her absence, the Deputy Chancellor of Justice or the substitute for the Deputy Chancellor of Justice, as well as a government sessions secretary, who takes the minutes. When a matter before the session pertains to the University of Helsinki, the Chancellor of the University is also entitled to take part (section 68, subsection 2 of the Universities Act).

A government plenary session has a quorum if five members are present. In addition, a matter can only be considered if the minister within whose authority the matter falls, or his or her deputy, is present. Government plenary sessions are not publicly accessible.

Responsibility for the decision-making procedures and practical arrangements of the Government and for the organisation of plenary and presidential sessions of the Government rests with the Government Session Unit in the Prime Minister's Office.

2.4.3 Introduction of matters and presentation files

A matter is introduced to a government plenary session when the presenting official who has prepared the matter in a ministry draws up a presentation file and distributes this through the Government's electronic decision support system. The relevant minister's permission is required before the presentation file can be distributed. If a deputy is acting on behalf of the minister for the presentation, the deputy's permission is also needed.

Where a specific time limit has been stipulated for the presentation of a matter, for instance due to the presentation of parliamentary replies or for another special reason, the presenting official may distribute the presentation file without the minister's permission. In such a case, the Government decides whether the matter will be considered by the plenary session or not.

The Prime Minister may determine the date by which a matter for the plenary session is to be presented (section 22 of the Government Act). The Prime Minister may also, in individual cases, propose that matters for the decision of a ministry be referred to a government plenary session.

Presentation files must be distributed no later than two days before the session, usually on a Tuesday by 11.00 for a Thursday session. The ministers then have two days to familiarise themselves with the matters. They are assisted by politically appointed Special Advisers, who go through the week's presentation files in agenda meetings held on Wednesday mornings.

With the Prime Minister's permission, a presentation file may be distributed through the electronic decision support system after the time limit, but nevertheless on the same day. Requests for such permission should be addressed to the Prime Minister's Special Adviser in Political Affairs. If, exceptionally, more time is granted, the presenting official must inform the Government Session Unit (istuntoasiat@vnk.fi). In exceptional circumstances and with the Prime Minister's permission, a presentation file may be distributed at the session itself. This will be agreed between the minister in question and the Prime Minister.

The Chancellor of Justice reviews the distributed presentation files and, as guardian of the law, is present at the government plenary sessions.

A presentation file comprises a cover page and appended documents. The cover page contains concise information on the matter and its preparation as well as a succinct version of the presenting official's proposed decision. The proposed decision in its entirety is appended to the cover page. Other appended documents include any other material of importance for the decision-making and, where necessary, a memorandum prepared by the presenting official. All legislative proposals and other documents further specified in the Handbook for the Government's Presenting Officials³ must be translated into Swedish prior to presentation.

As a rule, the proposed decision will have been discussed with the relevant minister and she or he will have concurred with it. The minister may, however, have a proposal that differs from that of the presenting official. This will be entered in the presentation file if the minister so wishes.

The presentation files may be viewed in full or in part prior to the plenary session by accessing texts in the electronic decision support system or as printouts (the provision of which is agreed between the minister and his or her aides and advisers). In the case of secret matters, the electronic decision support system will only show the headings; the actual presentation file will be distributed in paper form.

3 Handbook for the Government's Presenting Officials: <http://urn.fi/URN:ISBN:978-952-287-335-4>

2.4.4 Consideration of matters

Decisions taken at government plenary sessions are based on presentations prepared by the Government's presenting officials, who are public officials from the ministries concerned.

Government plenary sessions use an electronic meeting system which allows ministers to follow the progress of the session and to access documents.

The Prime Minister decides the order of presentation at government plenary sessions. Presentation is by ministry, and is usually in the order in which the ministries are listed in section 1 of the Government Act. Under each ministry, the order of presentation is based on the posts held by the presenting officials. The presenting official is not obliged to attend if the matter is to be decided without debate on the basis of the official's written proposal. In recent years, most matters have been decided in this way.

2.4.4.1 Decision agenda procedure and presentation procedure

Plenary sessions of the Government start with matters which are under the decision agenda procedure, and continue with matters which are under the presentation procedure.

The decision agenda procedure is for matters that are to be approved unchanged on the basis of the presenting official's written proposal. Most matters are handled in this way. The presenting official is not present when the matter is to be dealt with under the decision agenda procedure. Ministers have the right to withdraw any matter that falls within their respective areas of responsibility, and this applies to both the decision agenda procedure and the presentation procedure. Furthermore, under both procedures it is also possible for a minister to request sight of the documents in question, and the government plenary session has the right to defer matters.

In the decision agenda procedure, the handling of each matter proceeds with the Prime Minister first announcing the type of matter, and this is followed by the relevant minister concurring with the proposal by stating briefly "I concur". As there is no debate under the decision agenda procedure, the matter can then be concluded.

Under the presentation procedure, presenting officials are called to the session and they present the matters in question. In this procedure, the Prime Minister or the minister deputising for the Prime Minister announces each item by reading out the type of matter as stated in the presentation file, for instance “government proposal”. The presenting official then presents his or her proposed decision, and the floor is first given to the minister within whose authority the matter falls. If the minister agrees with the presenting official’s proposed decision by saying, for instance, “I concur”, and no other proposals are put forward, the matter is decided in accordance with the presenting official’s proposal. If there is discussion of the matter, questions may be put to the presenting official and amendments may be made to the proposal in the official’s presence.

If the minister does not agree with the presenting official’s proposed decision and presents a proposal of his or her own, with which the other ministers then agree, the decision taken on the matter will accord with the position of the minister. If, contrary to the position of the minister in question, another minister concurs with the presenting official’s position or puts forward his or her own proposal, the matter is decided by a vote. If the presenting official’s proposal does not receive the backing of a single minister, it cannot be put to a vote.

2.4.4.2 Calling a presenting official to attend a plenary session

The presenting official in a matter is called to attend a government plenary session only if further information is needed from him or her or if the ministers might wish to amend the proposal or discuss it in general, or if a minister wishes to enter a statement on the matter in the minutes. The presenting official is also called to attend the plenary session if the matter is considered at the Ministerial Finance Committee meeting immediately preceding the plenary session. The presenting official is also present at the plenary session in the case of a matter that is secret. The presenting official may be called by a minister or the Chancellor of Justice, or may attend independently. When the Chancellor of the University of Helsinki is present at a government plenary session and is to give a statement, the presenting official will attend independently.

When a presenting official is called to attend a plenary session, this must be done no later than three hours before the session. The presenting official may be called later than this if she or he can be contacted.

2.4.4.3 Delay, deferral or withdrawal of a matter

Under section 18 of the Government Act and section 33 of the Government Rules of Procedure, a minister may obtain a delay in government plenary session decision-making to allow time to familiarise herself or himself with a matter by stating “May I request the documents”. In practice, this also means that the consideration of the matter is delayed until the next opportunity for consideration. This next opportunity cannot take place until at least three days after that plenary session. A minister therefore has the right to delay expressing his or her opinion on the matter in hand. The competent minister may also decide that a matter will not be dealt with until a later session (withdrawal of a matter from the agenda). A minister may request the documents only once in the same matter, and consideration of the matter may be delayed no more than three times under the procedure described below.

First consideration

If, in a matter brought for the first time for the consideration of a government plenary session, a minister is not yet able to express his or her view and requests sight of the documents, consideration of the matter shall be delayed until the next plenary session.

Second consideration

When the matter is again brought for consideration in the next plenary session, other ministers than the one who earlier requested the documents may, in turn, obtain a delay in consideration by requesting sight of the original documents. Consideration of the matter is then delayed until the next session. If there are any other ministers who wish to familiarise themselves with the documents, they must request sight of them at this second consideration.

Third consideration

When a matter is brought for consideration a third time, ministers who were present when the matter was considered the first or second time no longer have the right of delay. However, a minister who was not present on the previous occasions when the matter was considered is duly entitled to have the matter delayed by requesting the documents.

The consideration of a matter cannot be delayed, however, if the Government’s decision has to be taken by a statutory date or the Government cannot delay its

decision for other reasons of similar significance. The presenting official will indicate this in the presentation if necessary.

The Government may also decide to defer consideration of a matter at a plenary session in order to acquire further information or for other similar purposes (deferral of a matter).

The minister within whose areas of responsibility a matter falls in accordance with the Government's determination of portfolio responsibilities may withdraw the matter from consideration prior to the plenary session by requesting the presenting official to withdraw the presentation file from the session agenda. The minister can withdraw such a matter even during a plenary session by stating "I am withdrawing the presentation file" when the matter comes up on the agenda.

2.4.4.4 Voting

All members of the Government have the right to present a proposed decision of their own in any matter considered under the presentation procedure at a government plenary session. A vote must be taken when more than one proposal is put forward during the consideration of a matter. Proposals by ministers do not need the support of other ministers to be voted on. However, if a presenting official's proposal does not receive the backing of a single minister, it is not put to a vote.

In the event of disagreement on a matter, it shall be decided by vote, following the same procedure as in a collegial court (section 17 of the Government Act). All proposals put to the vote are decided on a single vote. In the voting process, each member of the Government expresses his or her opinion in turn, in reverse order of seniority. The chairperson is the last to express a view.

No minister present at the session may refuse to express an opinion even if, at an earlier stage, she or he opposed the bringing of the matter for consideration.

The proposal receiving the greatest number of votes is declared the final decision:

- if two proposals are voted on, the proposal attracting the most votes wins
- in the event of a tie, the vote cast by the chairperson is decisive.

If more than two proposals are voted on, the proposal attracting the most votes wins.

2.4.4.5 Dissenting opinion

Responsibility for the decisions taken at a government plenary session rests with all members of the Government who were present at the session, along with the presenting officials for the matters.

Any minister presenting a dissenting opinion for entry in the minutes is, however, released from responsibility. A dissenting opinion must be indicated, and its content expressed, clearly at the time of consideration of the matter, but the final wording can be submitted later to the keeper of the minutes. A dissenting opinion cannot be presented by a minister who supports the proposed decision. Dissenting opinions notified after the session cannot be taken into account.

2.4.4.6 Statement

When decisions are made at government plenary sessions, ministers may express their view on a matter being decided by issuing a statement, which is entered in the government minutes. Other ministers or the entire Government may concur with the statement.

The purpose of a statement is to clarify the grounds for and the objectives of the decision. A statement cannot be contrary to the decision to which it relates. Neither can it contain anything on which a decision would be required in a different sequence from the decision-making on the matter to which the statement relates. The statement is enforceable only in so far as it concerns initiating the preparation of a new decision or other measure or launching the impact monitoring of a decision taken.

To ensure appropriate consideration at plenary sessions, the Prime Minister and the Chancellor of Justice must have adequate opportunity to examine statement proposals in advance. This means that they must be able to examine these before they are brought for consideration.

Statement proposals to be considered by a government plenary session are distributed as appendices to the presentation files. Statements must be distributed through the electronic decision support system no later than 10.00 on the day of the presentation, or by other suitable means, for example by email, to the Prime Minister, the other members of the Government, the Chancellor of Justice, and the Government Session Unit no later than two hours before presentation of the respective matter is to take place at the plenary session. A statement submitted after this time limit may, in exceptional circumstances, be brought for consideration if the delay is caused by, for instance, an unforeseeable event or force majeure. In this case, the statement is distributed at the meeting table, and, after the matter is presented by the Prime Minister, the Government decides whether the statement can be considered. Even in such a case, the Prime Minister, the other members of the Government, the Chancellor of Justice and the Government Session Unit must be informed without delay of the statement and the proposal it contains. If the statement is taken for consideration, the minister in question will read it out when the matter is considered and deliver the final wording in written form to the keeper of the minutes (government sessions secretary).

If the statement relates to a matter that has to be considered first by the Ministerial Finance Committee, the statement proposal must be distributed to that Committee as well.

2.4.5 Decision entries and minutes

The minutes of government plenary sessions are taken by a government sessions secretary from the Government Session Unit in the Prime Minister's Office. Decision entries are made in the electronic decision support system immediately after the session.

Separate minutes of each matter are later drawn up and signed, and these can be accessed through the electronic decision support system. Extracts from the minutes are available from the government sessions secretary on request.

As a general rule, the Government's decisions and the minutes drawn up of the consideration of matters are public documents and everyone has the right to access them. Information on which ministers were present at the session is always publicly accessible. However, the minutes of a secret matter constitute a non-disclosable document. In such cases, information concerning any voting undertaken or a minister's dissenting opinion is not made public.

2.5 Matters for decision by ministries

Matters to be decided at government plenary sessions are listed in the Government Rules of Procedure. Other matters under the authority of the Government are decided by the respective ministries. According to the Constitution of Finland, matters that are far-reaching or important as matters of principle, and matters whose significance so warrants, are decided at government plenary sessions. In quantitative terms, a majority of the matters that come under the authority of the Government are decided by the ministries.

At each ministry, the power of decision rests with the minister. For ministries with more than one minister, the ministers' respective authority and powers of decision are set out in the government plenary session decision on the portfolio responsibilities of ministers.

Each ministry, together with its officials, is responsible for the preparatory work on government matters that fall within the ministry's sphere of authority, and for the proper functioning of administration and government within that sphere. This responsibility also includes guiding, directing and overseeing the government agencies and public bodies within the ministry's branch of government.

Under the Government Rules of Procedure, matters may be given for the decision of public officials acting as a ministry's presenting officials if such matters are not of public policy importance or financial significance and they concern:

1. the allocation of appropriations, granting of authorisations and licences, provision of financial support and other similar decision-making;
2. the setting of performance targets, appropriations used for the ministry's activities, personnel management and other internal administration and order;
3. issuing an opinion of the ministry;
4. regulations and instructions for the ministry's branch of government.

Transfer of the power of decision is regulated by the rules of procedure of each ministry.

If a public official considers that a matter to be decided by him or her is of public policy importance or financial significance in an individual case, she or he must inform the relevant minister before a decision is made.

Ministers, within their own areas of responsibility, may reserve the power of decision in individual matters that a public official could otherwise decide. The same right applies to the Prime Minister's State Secretary, the Permanent Secretaries (and Permanent State Secretary at the Ministry for Foreign Affairs), the Permanent State Under-Secretaries (and Permanent Under-Secretary or Under-Secretary of State at some ministries), and Directors General in matters that have been referred to their subordinates. The right to reserve the power of decision may be extended by government decree.

2.6 Referral of decision-making from a ministry to a government plenary session

Under section 14 of the Government Act, matters for the decision of a ministry must, in individual cases, be referred to a plenary session of the Government for decision if they are considered to be sufficiently far-reaching or important as matters of principle to warrant this. Decisions about referral are taken by a government plenary session on the proposal of the Prime Minister or the relevant minister. Conversely, this provision also means that other matters for the decision of ministries may not be referred to a government plenary session.

The Prime Minister or the competent minister in the matter is obliged to propose the referral upon realising that the matter is far-reaching or important as a matter of principle. All referral decisions are taken by a government plenary session. Before the government plenary session can decide on the matter itself, it must decide whether the matter should be brought for consideration, i.e. whether it is far-reaching or important as a matter of principle. For reasons of non-discrimination and legal protection, appeals and submission cases may not be submitted to a government plenary session.

3 DECISION-MAKING BY THE PRESIDENT OF THE REPUBLIC

3.1 Matters considered by the President of the Republic

Under the Constitution of Finland, the country's governmental powers are exercised by the President of the Republic and the Government, the members of which must enjoy the confidence of Parliament. The President, in carrying out his or her duties, works in cooperation with the Government, and so the President's actions are subject indirectly to parliamentary oversight as well. Matters which are for the decision of the President are, as a rule, prepared by the Government.

The President of the Republic carries out the presidential duties laid down in the Constitution or separately in another act (section 57 of the Constitution).

Finland's foreign policy is led by the President of the Republic in cooperation with the Government (section 93 of the Constitution). However, Finland's entry into and withdrawal from international obligations must be approved by Parliament, which also decides on the bringing into force of international obligations if they contain provisions of a legislative nature, are otherwise significant, or otherwise require approval by Parliament under the Constitution. Matters of war and peace are decided by the President with the authorisation of Parliament.

The Government is responsible for the preparatory work at national level for decisions that are to be made by the European Union, and decides on measures taken by Finland that relate to these decisions, unless this has to be approved by Parliament.

Under section 128 of the Constitution, the President of the Republic is Supreme Commander of the Finnish Defence Forces. This role is associated with the President's duties in conducting foreign policy. As Supreme Commander, the President determines the principal basis of Finland's military defence and the

principles for implementing military defence, and decides on major changes in the defence capabilities of border troops.

The President of the Republic decides on military command matters in conjunction with a government minister. The President may, on the proposal of the Government and under exceptional circumstances, delegate the duties of Supreme Commander to another citizen of Finland.

Decisions to approve bills are taken by the President of the Republic in presidential sessions of the Government on the basis of decisions proposed by the Government. Bills are presented to the President for approval after they have been passed by Parliament (parliamentary reply to the Government). Under section 77 of the Constitution, the President must take the decision about approving a bill within three months of the bill being presented for approval. The President may obtain an opinion about a bill from the Supreme Court or Supreme Administrative Court before approval. When a bill passed by Parliament is prepared by a ministry for presentation to the President of the Republic for approval, it must be borne in mind that any opinion from the Supreme Court and/or Supreme Administrative Court has to be obtained within the stated three-month period.

The President may also decline to approve a bill. The bill is then resubmitted to Parliament, which must take it for reconsideration without delay. Once the appropriate parliamentary committee has issued its report on the bill, the plenary session of Parliament must, in one reading and by a simple majority, either pass the bill without any material alteration or reject it. A bill passed in this way will then enter into force without needing approval. If Parliament rejects the resubmitted bill, it is considered to have expired.

The President of the Republic may issue decrees pursuant to powers granted in the Constitution or another act. The President issues decrees mostly in cases where the right to do so is related to the powers of the President or to the President's position as head of state.

As a general rule, the decisions made by the President of the Republic at sessions of the Government are in accordance with the decisions proposed by the Government. If the President does not decide in accordance with the Government's proposal, the matter is returned to the Government for renewed preparation. In

such a case, if the matter does not involve bill approval or an official appointment or assignment, the Government may submit a report to Parliament on the matter. This also applies to matters of significance in foreign and security policy. If the Government so proposes, the matter is then resolved in accordance with the position adopted by Parliament on the report.

As an exception to the general rule, the President may make decisions on the following matters without the need for the Government to present a proposed decision:

1. appointing and accepting the resignation of the Government or one or more of its ministers;
2. ordering extraordinary parliamentary elections;
3. pardons and any other matters specifically laid down in acts of Parliament that concern private individuals or are not such as to require consideration at a government plenary session;
4. matters referred to in the Act on the Autonomy of Åland, other than those related to the finances of the province.

Some decisions, including those on certain military appointments and matters concerning the Office of the President of the Republic, are taken by the President in 'in-camera presentations' without the Government.

3.2 Presidential sessions of the Government

A presidential session of the Government is one at which decisions are taken by the President of the Republic. All ministers are present at these sessions. To be quorate, the sessions must be attended by at least five members of the Government in addition to the President of the Republic. Presidential sessions are also attended by the Chancellor of Justice or, in his or her absence, the Deputy Chancellor of Justice or the substitute for the Deputy Chancellor of Justice, as well as a government sessions secretary, who takes the minutes. Ministries' Permanent Secretaries or their deputies are also present if matters pertaining to the ministry are to be addressed. If matters relating to the University of Helsinki are being considered, the Chancellor of the University of Helsinki is entitled to be present for the duration of the discussion of those matters. The same applies to the Commander of the Defence Forces

when the President of the Republic has transferred a military command matter for decision at a session of the Government.

Presidential sessions of the Government are usually held on a Friday at 11.00 in the Presidential Room at the Government Palace. Presidential sessions do not take place every week, however, and they may also be held at Kultaranta, the President's summer residence in Naantali.

The presentation files for presidential sessions are distributed two days in advance by 11.00. When matters coming under the authority of the President are to be considered at a session, a member of the Government or a person designated by him or her is obliged to contact the President (through the Secretary General at the Office of the President of the Republic, or his or her deputy, the Legal Adviser) as necessary and well in advance of the distribution of the presentation files for the presidential session. These matters include the most important appointments to office and matters concerning pardons or honorary titles.

The Chancellor of Justice reviews the distributed presentation files and, as guardian of the law, is present at presidential sessions of the Government.

The sessions are chaired by the President of the Republic, and each matter is presented by the minister within whose areas of responsibility the matter falls, or the minister's deputy. The matter is still presented by a minister even if there is no proposed decision by the Government. In the case of a proposal for a change in the composition of the Government, where this affects the Government as a whole, the matter is presented by the Permanent State Under-Secretary at the Prime Minister's Office, who is the appropriate presenting official in the matter.

The Government is responsible for the presentation of matters before the President. Where necessary, a government plenary session may decide its position by voting. The presenting minister is then obliged to present the matter to the President according to the position supported by a majority within the Government.

The presentation procedure for a presidential session is the same as for government plenary sessions. The minister presenting a matter starts by addressing the President, for example in the following way: "Mr/Madam President, I respectfully present ...". If, exceptionally, the President is unable to attend and the Prime Minister

or the minister deputising for the Prime Minister stands in for the President, she or he is addressed in, for example, the following way: “Prime Minister (or: Minister deputising for the Prime Minister), with the President of the Republic being unable to attend, I respectfully present ...”.

It is at the discretion of the minister, and legally permissible, to shorten an agenda item when reading it aloud. For example, the minister may, if she or he so chooses, present a matter in the following concise manner: “Mr/Madam President, I respectfully propose that you decide this matter in line with the proposal in the presentation file.” It is essential, however, to avoid any risk of confusion as to which matter is being decided at any given time. This could arise if, for example, a minister has more than one presentation file in front of him or her.

As the President of the Republic alone makes the decisions at presidential sessions, no vote is taken on the matters presented. Ministers may, however, have their opinions entered in the minutes. The President may request the provision of documents in order to examine a matter in more detail. In such cases, the documents are delivered to the Office of the President of the Republic after the session. The matter may then be included for consideration again when the President of the Republic has returned the documents.

3.3 Incapacity and substitution

If the President of the Republic is unable to conduct official duties, these will be performed by the Prime Minister or, if the Prime Minister is also unavailable, the minister deputising for him or her. The obstacle preventing the President from performing his or her duties will be noted at a government plenary session on the basis of a presentation by the Ministry of Justice.

The Prime Minister or other minister taking over the duties of the President of the Republic may not concurrently perform his or her own duties as a member of the Government or Member of Parliament.

4 OVERSIGHT OF LEGALITY AND MINISTERIAL RESPONSIBILITY

4.1 Chancellor of Justice as guardian of the law

The Chancellor of Justice oversees the legality of the official actions of ministers and ministry officials. This concerns the correct application of legislation, compliance with statutory procedures, and legally justified use of discretionary powers conferred by law.

The Office of the Chancellor of Justice oversees the legality of decisions made at plenary and presidential sessions of the Government by regularly reviewing all presentation files of the sessions.

The Chancellor of Justice or, in his or her absence, the Deputy Chancellor of Justice or the substitute for the Deputy Chancellor of Justice, attends government plenary sessions and presidential sessions as well as other government meetings requiring the presence of the Chancellor of Justice. The Chancellor of Justice is required to present comments on the legality of decision-making as necessary and, if the comments are not heeded, to have them entered into the government minutes.

The legality of the conduct of a minister or public official may become the subject of a retroactive evaluation if a complaint is lodged with the Chancellor of Justice. The Chancellor of Justice may also investigate matters on his or her own initiative if there is reason to suspect that an action has been defective.

The Chancellor of Justice provides the Government and the ministries with information and opinions on legal issues. During the stage at which government decisions are being prepared, ministers and public officials may request opinions from the Chancellor of Justice on legal issues concerning these decisions. There is no prescribed format for this, but requests can be made by contacting the Office of the Chancellor of Justice in writing or verbally. Statements given by the Chancellor of Justice will be an indication of the legality issues that will be of concern at the

decision-making stage. The Chancellor of Justice can only issue opinions on matters that are subject to independent oversight of legality; she or he does not supply any other kind of legal advice.

4.2 Disqualification in the preparation of matters and in the making of governmental and administrative decisions

Disqualification of a member of the Government from participating in the preparation, consideration and resolution of governmental and administrative matters is assessed on the basis of the provisions on disqualification of public officials set out in the Administrative Procedure Act (section 28).

Ministers must themselves decide without delay on whether they are subject to disqualification in a matter, and if so, must declare it at the ministry when the matter is under consideration and at the relevant government plenary session, where the minister must expressly mention this when the matter is considered. A minister must not participate in the consideration of a matter or be present during discussion of it if she or he is disqualified (preparation and decision-making). The Administrative Procedure Act does not prohibit a disqualified minister's views from being heard.

In situations where a public official would be disqualified under the Administrative Procedure Act, a minister would also be disqualified if:

1. the minister or a person close to him or her is a party to the matter;
2. the minister or a person close to him or her serves as counsel for or represents a party or a person who can be expected to experience a particular gain or loss from the decision on the matter;
3. the minister or a person close to him or her can be expected to experience a particular gain or loss from the decision on the matter;
4. the minister is employed by, or, in relation to the matter under consideration, works on the commission of, a party or a person who

can be expected to experience a particular gain or loss from the decision on the matter;

5. the minister or a person close to him or her is a member of the board of directors, supervisory board or a comparable body, or is the managing director or holds an equivalent position, in a corporation, foundation, unincorporated state enterprise or public body which is a party or can be expected to experience a particular gain or loss from the decision on the matter;
6. the minister or a person close to him or her is a member of the board of management or a comparable body of a government agency or public body and the matter in question relates to the guidance or supervision of the agency or body; or
7. confidence in the minister's impartiality is compromised for another particular reason.

Ministers are not deemed to be disqualified from participating in the consideration of matters that concern organisation of the work of the Government or the division of duties among ministers. Individual organisational matters concerning the Government include the designation of ministers' deputies, confirmation of the portfolio responsibilities of ministers, the appointment of Ministerial Committees, and confirmation of the annual leave period for ministers.

There are situations where a minister might consider that from the external credibility perspective it would not be appropriate to present a particular matter, even though on the basis of the disqualification provisions, she or he would not be disqualified from presenting the matter or participating in decision-making. An example of such a situation is where it would be reasonable for a minister not to personally present a matter that confers powers on him or her or to sign or endorse a document that assigns such powers. Refraining from presenting a matter for reasons of external credibility does not, however, prevent the minister from participating in decision-making.

Below is a list of cases in which the minister in question was deemed to be, or not to be, disqualified:

Disqualification due to an involvement or an interest

- A minister who was a member of a particular committee was not disqualified from participating in the consideration of a matter related to the resignation of a member of that committee and the designation of a new member.
- Ministers were not deemed to be disqualified from the Government's consideration of a matter that concerned the designation of nearly all of them as the Government's representatives for a Nordic Council session.
- Some of the shares in a limited company that had applied for authorisation were owned by another limited company which was controlled by a political party; the leader of that party had to withdraw from the consideration of the matter of granting authorisation.
- In TV broadcasting licence matters coming to the Government for decision, the presenting minister was disqualified, because he owned shares in a company that had a significant economic interest in the licensing matters via a television company it owned.
- The Minister for Trade and Industry owned shares amounting to 500,000 Finnish marks in a particular company, which, together with another company, owned a business that had applied for an investment grant from the Ministry of Trade and Industry. The grant would equate to approximately 18 per cent of the investment costs, and the investment would not be made without the grant. The share ownership disqualified the Minister from deciding the matter of the grant.
- A minister owned shares worth 16,000 Finnish marks in a particular company. The shareholding was not large enough to disqualify the minister from presenting a land swap between the State of Finland (Metsähallitus) and the said company in connection with a programme for the protection of shores, old-growth forests and mires. The land swap was made mostly for nature conservation purposes.

Disqualification due to family connections

- A minister was disqualified from participating in the consideration of a matter in which the minister's spouse acted as presenting official.

Disqualification due to membership of an organisation's governing body

The leaders, deputy leaders and board members of political parties were disqualified from considering a matter concerning the granting of party subsidies. Party secretaries would also have been disqualified if they had been members of the Government. The chairperson of a women's organisation of one particular party, who was a member of the Government, was also disqualified, because eight per cent of the party subsidy went to that women's organisation.

Statutory representation

- A minister is not disqualified from presenting the appointment of an advisory board if the minister's chairmanship of that board is based on a legal provision.
- A minister was able to be involved in the designation of the deputy chairperson and the members of an advisory board even though the minister chaired that board, since the chairmanship was based directly on a decree and the proposal did not concern the minister.
- The issuing of a ministerial decree necessarily requires a ministry and the minister acting as its head to use regulatory powers related to the minister's duties. For this reason, the Minister of Agriculture and Forestry was not to be considered disqualified from issuing a ministerial decree even though he was himself a farmer as well as both an applicant for and beneficiary of agricultural subsidies.

General clause – compromised impartiality

Under the general disqualification clause, a minister may be disqualified if confidence in his or her impartiality is compromised for some other special reason. Disqualification under the general clause usually calls for more case-specific consideration than with other disqualification grounds. In disqualification assessments, importance has been attached to factors such as how a third party may be considered to perceive the impartiality and objectivity of the consideration of a matter. The reason for disqualification has to be observable by third parties, however, and its compromising effect must be roughly similar to that of the disqualification grounds specified in the Administrative Procedure Act.

- A minister was disqualified from taking part in the resolution of a matter because of having been previously involved, as agency head, in the decision on issuing an opinion on the same matter.
- A minister who had been appointed Director of Administration of Lihakunta, which was an important shareholder in Tuottajain Lihakeskuskunta (the central body of Finnish cooperative slaughterhouses), to take effect from 1 April 1987, was disqualified from presenting, on 4 December 1986 the proposal for a government decision on the storage obligation and export and import quotas of meat.
- A minister serving as supervisor of a branch of a commercial bank was disqualified from participating in measures related to bank support.
- A minister had been involved in a city council decision on a licence application and was therefore unable to present the matter impartially at a government session and had to be deemed disqualified.
- A member of the Government who had been publicly named as a candidate for CEO of a particular association had to withdraw from considering a city's application in the Ministerial Finance Committee, because the application concerned a potential real estate transaction between the city and the association concerned.
- When a city council discussed the merging of a municipality with the city, a city councillor who was also a minister had not taken part in the council debate. Being the presenting minister, the minister presented the matter of the merger at a government session but withdrew from the consideration of it.
- The Prime Minister had served as member, vice chairman and board chairman of a particular foundation. He resigned his post as chairman of the board when he was appointed minister, but from the start of the following year he was already involved annually in the Government's decisions on the foundation's financial support. Parliament's Constitutional Law Committee considered that the Prime Minister had been in a position of disqualification when he chaired the government plenary session where the Government decided on the support to be granted to the foundation, as confidence in his impartiality was compromised because he had been aware of the foundation's earlier practice of channelling some of its funds in support of the political

activities of the Prime Minister's political party and entities associated with it (for more details, see PeVM 10/2010 vp).

- The Minister of Defence was one of the officials in the guild of a brigade-level unit. The Chancellor of Justice considered him not to be disqualified from deciding on the continued operation of that brigade-level unit in connection with the reform of the Finnish Defence Forces (e.g. OKV/231/1/2012).
- Persons closely associated with the Prime Minister held shares in a company that took part in an export promotion visit led by the Prime Minister. The Prime Minister had not been instrumental in inviting the company to join the delegation nor participated in any negotiations or other discussions held by the company. The participation of the company in the visit could not reasonably be deemed to have compromised confidence in the impartiality of the Prime Minister's activities (e.g. OKV/60/1/2017).
- As chair of both the Ministerial Committee on Economic Policy and the Ministerial Finance Committee, the Prime Minister was involved in the preparation of a budget proposal concerning the funding of a state-owned enterprise, and was involved in decision-making in the matter as chair of the government plenary session. A company partly owned by people closely associated with the Prime Minister received a large contract from the state-owned company in question. The Prime Minister was not deemed to be disqualified in the preparation of the funding nor in the decision-making in the matter (EOAK/5971/2016).

4.3 Insider matters and identification of politically exposed persons

Insider matters

Through Solidium Oy (a wholly state-owned company), the State of Finland is currently a shareholder directly or indirectly in several listed companies whose shares are traded publicly on the NASDAQ OMX Helsinki Oy stock exchange and, in the case of some shares, also cross-listed on foreign stock exchanges. Ministers, as members of the Government, and their aides and advisers may, by virtue of

their position or tasks, have access to information that is classified by law as inside information.

Everyone must themselves assess whether or not they are in possession of inside information. Anyone who is an insider is always responsible for upholding the statutory prohibition against using inside information. Inside information must not be used intentionally or even through negligence. Anyone with inside information must not trade in a financial instrument to which the information relates nor advise another party in the trading of such an instrument. Intent to gain benefit is not a requirement. The information must not be disclosed to others without a valid reason, and the recipient must be aware of the confidential and inside nature of the information. The recipient is bound by the obligation of secrecy. Particular care must always be taken with regard to inside information, and, if necessary, it must be expressly ensured that the recipient understands that she or he is in receipt of inside information. The abuse of inside information is a punishable act.

Members of the Government or persons closely associated with them may own securities in state-owned listed companies, and these might involve case-specific inside information. In order to avoid any doubt or ambiguity, it is recommended that such securities are acquired as long-term investments and are not actively traded. Trading also refers to independent orders submitted to third parties to acquire or transfer securities as well as any changes to these orders or additional instructions. If such securities are traded, this should only be done at times when the market has the fullest possible information on matters that may have an impact on the value of the securities in question.

At government plenary sessions and in Ministerial Committee meetings, secrecy is observed in deliberations on insider matters, such as the selling of state-owned shares. In these cases, a project-specific insider register is usually kept, where at least the names of those receiving information on the project and the time at which the information was received are entered. Secrecy continues until the matter concerning the inside information is public or the project lapses, unless other grounds for secrecy remain. The decision on secrecy (and keeping a project register) and on ending secrecy is made by the public official who presented the matter. In many cases this official is from the Government Ownership Steering Department of the Prime Minister's Office. Insiders are informed of the beginning and end of

the project. Throughout the project they remain subject to the trading and other restrictions referred to above as regards the shares of the company in question.

Detailed information on the handling of insider matters is available in the Government Guidelines for Insiders (Internal instructions of the Prime Minister's Office 1587/50/2012). The Government Ownership Steering Department of the Prime Minister's Office is the contact point for insider matters.

Enhanced identification of a politically exposed person

The Act on Preventing Money Laundering and Terrorist Financing affects politically exposed persons and their family members and associates. The government decree concerning important public positions in this context specifies the positions whose current or previous holders are to be considered politically exposed persons.

Politically exposed persons within the meaning of the Act include ministers, State Secretaries, and the members of the administrative, management and supervisory bodies of wholly state-owned companies.

Under chapter 3, section 13 of the Act on Preventing Money Laundering and Terrorist Financing, politically exposed persons, their family members and associates are subject to enhanced identification. On the basis of enhanced identification, parties subject to the reporting obligation, meaning the senior management of, for example, banks, insurance companies and real estate businesses, must give their approval for a customer relationship, establish the source of funds that are involved in the customer relationship, and ensure enhanced ongoing monitoring of that relationship. In connection with customer identification, politically exposed persons, their family members and associates must indicate that they are politically exposed persons. They need to be aware of the obligations that apply to politically exposed persons under the Act on Preventing Money Laundering and Terrorist Financing and inform their family members and associates of their role and the obligations it entails.

4.4 Legal responsibility of a minister

Ministers are responsible for the lawfulness of their official actions. Ministers are also responsible for the lawfulness of decisions made at government plenary sessions where they have been present. Ministers presenting a dissenting opinion

when a matter is considered at a session are released from this responsibility, however. In decision-making by the President of the Republic, the minister presenting a matter is responsible for what the President decides on the basis of that presentation.

The position of minister also carries criminal liability for unlawful conduct in office.

A charge against a minister is heard by the High Court of Impeachment. The decision to bring a charge is made by Parliament after having obtained the opinion of the Constitutional Law Committee on the unlawfulness of the actions of the minister. Before deciding whether to bring a charge, Parliament must provide the minister with an opportunity to give an explanation. A charge may be brought if the minister has committed an unlawful act in office that demonstrates that the minister acted materially in violation of his or her official duties. Prosecution of a member of the Government is conducted by the Prosecutor-General.

4.5 Political responsibility of a minister and parliamentary oversight

Under the Constitution of Finland, members of the Government must enjoy the confidence of Parliament and they are accountable to Parliament for their official actions. Besides legal responsibility, ministers bear political responsibility. The parliamentary system entails parliamentary oversight of the Government's actions. Political responsibility and oversight are manifested in the interaction between the Government and Parliament, for example through government statements and reports, and questions and interpellations by Members of Parliament.

Political responsibility is tested in a vote of no confidence by Parliament. After deliberations following an interpellation (see 8.5) or a government statement (see 8.4), Parliament may take a vote on confidence in the Government or in an individual minister, provided that in the course of its deliberations a vote on a resolution of no confidence was proposed. A vote on a resolution of no confidence in the Government or in a minister is not, however, restricted to situations of this kind, which are specifically intended for gauging the degree of confidence.

If the Government or an individual minister receives a vote of no confidence and this is expressly adopted at a plenary session by a parliamentary majority, the Government or minister is obliged to resign. Whether or not a resignation is tendered, the President of the Republic must dismiss the Government or minister that received the vote of no confidence.

The Constitution also provides for Parliament's right to receive information. Under section 47 of the Constitution, Parliament has the right to obtain from the Government the information it needs for the consideration of matters. This refers both to the obligation of the Government or ministry to provide on its own initiative the information Parliament needs and their obligation to provide the information Parliament requests. Under section 47, subsection 2 of the Constitution, a parliamentary committee may request the Government or a ministry to provide information. Under section 97 of the Constitution, Parliament is entitled to obtain government reports on matters pertaining to foreign and security policy and on the preparation of European Union affairs. Under section 90, subsection 3 of the Constitution, the Audit Committee of Parliament has the right to receive information necessary for the performance of its duties from public authorities and other entities that are subject to its supervision.

The appropriate minister must ensure that committees and other parliamentary bodies receive without delay all necessary documents and other information held by the authorities. In addition, committees have the right to receive information on matters within their competence from the Government or the appropriate ministry. By virtue of their right to obtain information upon request, individual Members of Parliament are entitled to information which is in the possession of the authorities and necessary for the performance of their duties as Members. However, the right does not apply to information that is secret or pertains to a central government budget proposal under preparation.

Parliament's extensive right to receive information is of great significance especially for parliamentary oversight of the Government.

5 GOVERNMENT COMMUNICATIONS

5.1 Government's joint and strategic communications

The Government Communications Department at the Prime Minister's Office is in charge of communications by the Prime Minister and his or her Government. It sees to communications concerning meetings of the Government, such as government plenary sessions, informal government meetings and Ministerial Committee meetings, and organises press conferences for the Prime Minister and the Government.

The Government Communications Department coordinates and plans the ministries' joint communications of strategic importance on, for instance, key projects and other cross-government matters. The Department also serves and assists the Prime Minister and the other ministers in all communications issues and situations.

The main communication channels of the Prime Minister and the Government are the Finnish Government website (valtioneuvosto.fi) and the Government's social media channels (Twitter, Facebook, Instagram and YouTube). The information published on the website and on Twitter includes press releases of the Government and the ministries, decisions taken at government sessions, and information on the Government and on matters related to the Government Programme. Users can also subscribe to a newsletter on decisions taken at government sessions. The Finnish Government website publishes the main news of all ministries.

Press conferences of the Prime Minister and the Government are always live-streamed online on the Government website. To ensure the quality and smooth running of press conferences, they are usually held in the Government Press Room at the Government Palace. Other possible venues include the press room at the Prime Minister's Official Residence (Kesäranta), the House of the Estates and the Government Banquet Hall. In rapidly unfolding situations, press conferences can be organised and live-streamed elsewhere, too.

The Government's ministers are presented on the Government website in Finnish, Swedish and English. The website also provides media photos and brief biographies (in the three languages) for use in connection with visits, events and other occasions. It also offers access to a database on all ministers from previous governments. The database includes information on the composition and programmes of those governments.

News photos and videos are an important element in all communications. The Government Communications Department photographs all key events and occasions attended by the Prime Minister or the Government. These photos can be accessed through the Government Image Bank and Flickr. Photos and other material are also published and marketed on social media.

In addition, the Government Communications Department produces a range of other visual material, including videos, infographics and social media templates for government communications and presentation material.

5.2 Multilingual communications

Under the Language Act, government authorities with a bilingual status must use both Finnish and Swedish in all information aimed at the public. Government press releases and website texts are published in both national languages and, as a rule, also in English. The aim is to publish all language versions as simultaneously as possible.

5.3 Communications on decisions

Session agendas for plenary and presidential sessions of the Government are published the day before the session on the 'Decisions' page of the Government website and on Twitter. The decisions taken and their appendices are published on the website after the sessions, and the media are informed of this as soon as possible. Their publication is also announced on Twitter. Appendices containing personal data, such as memorandums on appointments, are only published in the Government Media Service. They can, however, be accessed on request.

After each government plenary session, a newsletter on the Government's decisions is published, and this can easily be shared on social media, for example. Ministries, too, communicate actively on their own websites and social media channels regarding decisions pertaining to their own sphere of authority. The ministries' press releases on decisions taken can all be found on the 'Decisions' page of the Government website.

5.4 Communications on Ministerial Committee meetings and informal government meetings

The Director of Government Communications, or his or her deputy, is present whenever the Government convenes at informal government meetings. Communications concerning these meetings is in accordance with directions from the Prime Minister and the ministers concerned. These press releases are published after the meetings, when they have been approved by the Prime Minister and the relevant ministers.

Information on joint meetings of the President and the Ministerial Committee on Foreign and Security Policy is given out in the manner agreed at the meeting. The Government Communications Department issues a press release, which is also published on the website of the Office of the President of the Republic.

Information on Ministerial Committee meetings is provided after the meetings on the basis of instructions from the Prime Minister. Communications-related matters concerning meetings of the Ministerial Committee on Economic Policy, including the content of any press release to be issued, are agreed separately and in good time between the Prime Minister, the Director of Government Communications and the relevant ministry. Any press conferences on matters to be handled as secret are convened only after the decision-making is over.

Communications about any extraordinary Ministerial Committee meetings are managed by the Government Communications Department in accordance with directions from the Committee's chairperson.

Communications and press releases about meetings of the Government are always primarily the responsibility of the Government Communications Department. Other ministries publish any press release of their own after this.

5.5 Communications on EU and international affairs

The Government Communications Department is in charge of communications on European Union affairs. This refers to communications by the Prime Minister and the Minister for European Affairs on, for example, meetings of the European Council and the General Affairs Council of the EU and meetings of the Government's Ministerial Committee on European Union Affairs. The Government Communications Department also coordinates the ministries' communications on EU affairs. Communications on EU affairs include, for instance, media briefings on current EU issues and communications with stakeholders.

The Government Communications Department is responsible for communications and media arrangements for the Prime Minister's travel abroad, for international events arranged in Finland and for international visits to Finland.

5.6 Ministries' communications units

Each ministry is responsible for its own communications and those of its minister(s) in matters not covered by the Government's joint communications. The ministries' communications units maintain their respective ministry's website, publish press releases, arrange press conferences and provide other communications services. In addition, and in accordance with its own guidelines and practices, each ministry publishes information on decisions made at government plenary sessions that concern its respective sphere of authority. Each ministry also independently manages communications concerning the government agencies and public bodies within its respective branch of government.

The Internal Communications Unit at the Prime Minister's Office coordinates the Government's joint internal communications. The most important internal communications channel is Kampus, the ministries' common virtual desktop. Government staff are informed of the most strategically important issues through

Kampus news headlines. Kampus is also an important communications channel and source of information for senior management.

6 PREPAREDNESS FOR ABNORMAL SITUATIONS

6.1 Government's situation awareness activities

A reliable situation picture is a key requirement for decision-making. The Government Situation Centre maintains and analyses an up-to-date cross-government situation picture which supports the strategic and political decision-making of the country's leaders under normal conditions but especially also in abnormal situations, which call for swift and sometimes very far-reaching decisions. The purpose of situation awareness is to support the decision-making of the President of the Republic and the Government so that any threats to the country's independence, its citizens' livelihoods and society's other vital functions can be managed effectively.

The competent authorities submit information to the Government Situation Centre at a sufficiently early stage. The Situation Centre aggregates the information forwarded by the authorities and provides the country's leadership with a cross-government picture of the overall situation. The situation picture reflects the authorities' understanding of what has happened and the factors that have contributed to it, and includes an assessment of possible alternative developments in the situation. Operational responsibility for managing the situation rests with the competent authorities.

The Government Situation Centre is located at the Prime Minister's Office. Under the Act on the Government Situation Centre, the Centre supports the decision-making of the President of the Republic and the Government by:

1. assembling and analysing information on the security situation and on actual and potential abnormal situations that place society's vital functions in jeopardy;
2. carrying out and coordinating cross-government tasks related to maintaining, assembling, reconciling and transmitting the description

(situation picture) to be drawn up of the following: the circumstances of situations referred to in point 1; the events that gave rise to a situation; the background to a situation; assessments of further developments; and the operational capacities of the various entities involved;

3. distributing the coordinated information referred to in point 1 to the President of the Republic, the Government and other authorities.

The Government Situation Centre maintains a round-the-clock (24/7/365) situation picture and creates situational understanding by regular and ad hoc reporting and oral briefs to the country's leaders, senior government officials and the ministries' preparedness organisations. Situational updates are also communicated through an SMS system.

Operating in conjunction with the Situation Centre is the Government's hybrid analysis function (VN HYBRID), charged with supporting the situational awareness of the country's leaders and of the Government's preparedness system in regard to hybrid operations.

6.2 Government's information and alert system

To ensure the Government's capacity to act and make decisions in the event of incidents and emergencies, the Government Situation Centre has the ability to contact the country's leaders and senior government officials at any time.

The Government Situation Centre provides information on major security events and calls ministers to extraordinary plenary and presidential sessions of the Government, and extraordinary Ministerial Committee meetings, as well as informal government meetings.

It sends notifications, requests and alerts to the official mobile phones of ministers and senior officials. Official mobile phones must be carried at all times and kept operational.

6.3 Preparedness

The Emergency Powers Act and the State of Defence Act contain provisions on the general principles of the Government's preparedness. The Government must ensure, by means of emergency plans, prior preparation for emergency conditions, and other measures, that its duties can be performed in the best possible manner even in emergency conditions. Preparedness is led and supervised by the Government and by each ministry within its own sphere of authority. The Prime Minister's Office is responsible for coordinating incident management and for the Government's joint preparedness for incidents and emergency conditions.

The Government's joint preparedness comprises: coordination and maintenance of the emergency plans of the ministries and their respective branches of government; cross-government training and exercises related to the management of incidents and crisis situations; and the Government's real-time situation awareness activities and the risk analysis based on these activities. The purpose of coordinating emergency plans, updating the leadership cooperation models, active training and other similar measures is to ensure authorities can perform their tasks smoothly in the event of incidents during normal times, or in emergency conditions.

The emergency arrangements and plans of the ministries and their branches of government together form the basis for the joint preparedness of the Government. Preparedness is led by each ministry within its own sphere of authority. The Permanent State Under-Secretary at the Prime Minister's Office and the Permanent Secretaries at the other ministries are responsible for ensuring the general security and preparedness of their respective ministry and the rest of its branch of government. Responsibility for organising cooperation on preparedness matters rests with the ministry primarily responsible for the matter in question.

The Meeting of Heads of Preparedness is the key cooperation body supporting the ministries' preparedness. The ministries' Heads of Preparedness assist the Permanent Secretaries in preparedness-related matters and their coordination. The Meeting of Heads of Preparedness is chaired by the Director of Government Security. The meeting of the ministries' preparedness secretaries prepares matters for the Meeting of Heads of Preparedness.

The Security Committee acts as the permanent cooperation body for proactive preparedness. The Secretariat of the Security Committee operates under the auspices of the Ministry of Defence.

6.4 Legislation applicable in the event of incidents and emergency conditions

In the event of an incident, the authorities act for as long as possible under the powers conferred by legislation that is applicable under normal conditions; these powers allow flexibility in stepping up preparedness. The authorities' cooperation arrangements and division of responsibilities therefore remain normal for as long as possible.

The purpose of emergency powers legislation is to ensure people's safety and living conditions as well as society's ability to function in emergency conditions. It may therefore become necessary in emergency conditions to grant emergency powers to certain authorities. It may be necessary, for instance, to regulate imports and exports; oversee production; supervise and regulate passenger and goods traffic; or impose a temporary obligation to work.

An incident or other sudden or gradual aggravation of a situation could lead a declaration that the country faces emergency conditions as referred to in the Emergency Powers Act. The occurrence of an incident alone would not in itself justify the introduction of emergency powers under the Emergency Powers Act.

For emergency powers to be introduced, the following conditions would need to be fulfilled: one of the states of emergency referred to in the Emergency Powers Act prevails; the authorities cannot contain the situation with their normal powers; and the Government, in collaboration with the President of the Republic, has declared that the country faces emergency conditions. The Government and the President first carry out an initial consideration of the emergency conditions and the grounds for declaring them, and then a government plenary session issues the decision declaring that emergency conditions prevail and stating the grounds (section 3, paragraph 22 of the Government Rules of Procedure). The Prime Minister's Office

has issued instructions on the introduction of powers under the Emergency Powers Act (VNK015:00/2016).

The emergency powers legislation includes not only the Emergency Powers Act but also the State of Defence Act. Under the State of Defence Act, a state of defence may be declared for intensifying national defence and further reinforcing national security in order to safeguard Finland's independence and maintain legal order. During the state of defence, the authorities may be given more extensive powers than in normal times.

The Act on the Making of Decisions Concerning the Provision of and Request for International Assistance lays down a centralised and uniform decision-making procedure for serious situations defined in the Act and involving the provision or receipt of assistance.

6.5 Leadership during incidents

When incidents occur, authorities' cooperation arrangements and division of responsibilities remain as they would be under normal conditions for as long as possible. In their leadership roles in the ministries, ministers have a responsibility for managing incidents, and they also have a responsibility as members of the Government if the situation calls for government measures and decision-making. In management of a crisis, ministers are supported by the Permanent Secretaries. The Government's incident management model is described in more detail in the Security Strategy for Society⁴, issued as a government resolution. In principle, responsibility for operational command always rests with the competent authority, which cooperates with other authorities that provide executive assistance.

Decisions called for by an incident are made by a government plenary session, the relevant ministry or other competent authority. Within the Government, the Prime Minister's Office is responsible for the general coordination of incident management.

4 See Security Strategy for Society 2017: <https://turvallisuuskomitea.fi/en/security-strategy-for-society/>

Incident management preparations are supported by the Ministerial Committees, the Permanent Secretaries Meetings, Meetings of Heads of Preparedness, and other permanent interministerial cooperation bodies. Informal government meetings have, in practice, also proved an efficient means of ensuring the flow of information and making certain there are discussions on the further actions of different ministries and their respective branches of government.

6.6 Information influence activities and crisis communications

Communications by the country's leaders, including the President of the Republic, gain particular significance in abnormal situations and times of national crisis. The country's highest leaders play an important role in maintaining and enhancing the nation's psychological resilience to crises, in normal as well as emergency conditions. It is important to recognise that the country may be the target of information influence activities, the purpose of which is to influence decision-making and the functioning of society, among other things, by inappropriate means.

In the event of incidents and in emergency conditions, the Government Communications Department is responsible for the communications of the Government and the Prime Minister and for coordinating central government communications. In addition, it coordinates the actions of the ministries and their respective branches of government in regard to preparedness for and response to information influence activities, also under normal conditions.

7 MAIN PREPARATORY PROCESSES FOR ADVANCING THE GOVERNMENT'S POLICIES AND PROGRAMMES

7.1 Implementation and monitoring of Government Programme (strategy management process)

The Government's strategy management process starts during the negotiations to form a new government. At these negotiations, the composition and programme of the new government are agreed. This is preceded by talks between the leader of the preliminary discussions on forming a new government and the other political parties.

The purpose of the strategy management process of formulation, implementation and follow-up is to support the joint implementation of the Government Programme and the achievement of its key objectives. It also ensures that any major new policy packages emerging during the government term can be kept within the parameters of the Government's overall strategy.

Agreeing on the implementation of the Government Programme and the procedures for monitoring this is part of the strategy management process. This includes agreeing on the responsibilities of those concerned and defining their tasks. These may be directly associated with a minister's areas of responsibility or may be specified when the portfolio responsibilities of ministers are decided. In addition, in the case of large, cross-government projects, responsibilities may be separately agreed.

For dealing with cross-government matters of considerable public policy importance, projects may be set up within the strategy management process in which the measures and responsibilities agreed are recorded in a manner determined by the Government, for example as government resolutions or action programmes.

The key management documents in the strategy management process are the Government Programme (see 1.4.1), the planning and implementation document detailing the Government Programme, and the documents guiding general government finances (see 7.3.2).

The way in which the Government Programme is implemented is dependent on its contents and on the procedures agreed within the strategy management process. After the Government Programme has been finalised, the Government agrees on the detail of the strategy management process and the political leadership practices for the government term in so far as these have not already been determined during the government formation negotiations.

It is customary for the Government Programme to be further detailed in the above-mentioned planning and implementation document⁵, which is updated annually. The document sets out the means, responsibilities and timeframes for achieving the objectives of the Government Programme.

Allocation of the financial resources required by the Government Programme is decided in connection with the General Government Fiscal Plan. This is why the General Government Fiscal Plan and the planning and implementation document detailing the Government Programme are prepared and annually updated within the same timetable. Annual updating enables the Government to respond to, for instance, changes in the operating environment and to make adjustments, as necessary, after consideration of the chosen means of implementation and any changes in these. Any new projects launched during the government term will also be added to the planning and implementation document and to the monitoring process. Meetings of all members of the Government, such as informal government meetings, government evening sessions and government strategy sessions, have a key role to play in determining the political guidance and coordination for implementing the Government Programme. The Government may also convene in a more restricted form without all members being present, for example as meetings of Government party leaders or in Ministerial Committees and ministerial working groups.

5 In the 2015–2019 government term this document was called the Government Action Plan.

In furthering and monitoring the implementation of the Government Programme, the Prime Minister is assisted by a State Secretary appointed for the Prime Minister's term of office. The State Secretaries appointed for the different ministers' terms of office assist them in promoting and monitoring the implementation of the Government Programme within their respective areas of responsibility. The Permanent Secretaries Meeting, bringing together the Permanent Secretaries of all ministries, plays a pivotal role in coordinating the implementation of the Government Programme.

The implementation of the entire Government Programme is supported through monitoring and assessing the impacts of measures and the implementation of projects. Impacts are assessed as separately agreed, using indicators, statistics, analyses, assessments and research (see 7.5). As part of the monitoring, ministries present progress reports to the Government and the Government submits its Annual Report to Parliament (see 7.4).

7.2 Legislative drafting

Legislation includes acts enacted by Parliament and decrees issued by the President of the Republic, the Government or a ministry. The process of enacting an act in Parliament commences when a government proposal is submitted by a government plenary session or a legislative motion is submitted by a Member of Parliament. Legislative motions can be submitted when Parliament is in session (section 70 of the Constitution of Finland). The enactment process can also commence on the basis of a citizens' initiative (section 53 of the Constitution).

Acts and decrees are the most important means for regulating the activities and functioning of society. Government proposals submitted to Parliament are therefore one of the fundamental tools for influencing society's future course, and legislative drafting is one of the Government's most important tasks. The Government has the power to initiate law drafting projects, and discretionary powers as to the substance of the legislation to be drafted and enacted and to the timing of the submission of proposals to Parliament. Government proposals are prepared by the ministries. Government plenary sessions decide on the submission to Parliament of government proposals.

National enactments are significantly affected by EU legislative projects, the preparation of which usually takes several years, and EU legislation has to be implemented nationally within certain time limits.

7.2.1 Legislative plan

At the beginning of each spring and autumn parliamentary session, the Government draws up a plan of the legislative proposals to be submitted to Parliament in the course of that session. This legislative plan for the parliamentary session is also known as the government proposals list. After consideration of the plan at an informal government meeting, Parliament is notified of it and the plan is forwarded to the ministries for implementation. Ministries are responsible for the accuracy and timeliness of the information they submit. Prior to the plan being considered at an informal government meeting, its implementation is discussed on a general level at a Permanent Secretaries Meeting. The plan is assembled and coordinated by the Government Session Unit of the Prime Minister's Office.

Nowadays, the legislative plan for each parliamentary session is drawn up primarily for the purpose of coordinating the activities of the Government and Parliament. The plan is used in Parliament and at the Office of the Chancellor of Justice, and it gives the ministries access to information on projects pending at other ministries. Information on the legislative projects included in the plan is published and therefore also available to stakeholders, the media and the general public.

Longer term legislative plans covering, for example, the entire parliamentary term are currently not drawn up at Government level. A legislative programme covering the full term of the Government has been proposed to address this deficiency. It would be linked to the Government Programme and to the implementation plan for the Government Programme and would serve as a management tool for the Prime Minister to direct the Government's work. The implementation of the legislative programme would be monitored systematically by the Government.

7.2.2 Initiating a legislative drafting project

Before legislative drafting commences, it is necessary to establish whether the desired objective of the proposed legislation (e.g. the objective set out in the Government Programme) is achievable by any other means than new or amended legislative provisions. Legislation is not always the best or the only way to achieve an objective. Excessive regulation has long been considered problematic, and legislation that is unnecessary or insufficiently binding is considered to detract from the focus of the law as an institution and to undermine the credibility of legislation.

Assessing alternative means for achieving a desired objective is closely linked with impact assessment, which yields information on the effects of different legislative solutions and their non-legislative alternatives. Identification and assessment of the impacts of different options is complemented by stakeholders' views, experiences and knowledge of the matter to be prepared. High-quality, transparent preparatory work increases confidence in legislation and in democratic decision-making.

Depending on the importance of the matter, the decision to initiate a legislative drafting project is made either by the competent minister or the highest ranking officials at the ministry in question. It is recommended not to initiate legislative drafting projects until enough background information has been gathered and preliminary alternative solutions for the project have been sufficiently explored and the objectives examined. The objectives should be defined when the project is initiated, but the choice of means should be left to the drafting stage. If the means are determined too soon, it may be difficult to take into account any new aspects that emerge in the course of the drafting. In order to succeed, legislative drafting requires careful planning from the start: the required time, labour input and expertise should be estimated and the stages involved in good legislative drafting (such as stakeholder consultation and communications) should be anticipated.

7.2.3 Responsibility for legislative drafting

Each ministry is responsible for legislative drafting within its respective sphere of authority, and the ministry's Permanent Secretary is tasked with ensuring the quality of legislative drafting at the ministry. Responsibility for the overall development of legislative drafting rests with the Ministry of Justice. The highest ranking officials at the ministries are responsible for the planning of legislative

drafting projects, for the resources and expertise required for drafting, and for directing the work of their subordinate officials. It is the minister's task to negotiate and decide as necessary on the solutions that may be required at different stages of the project on the basis of an assessment of society's needs.

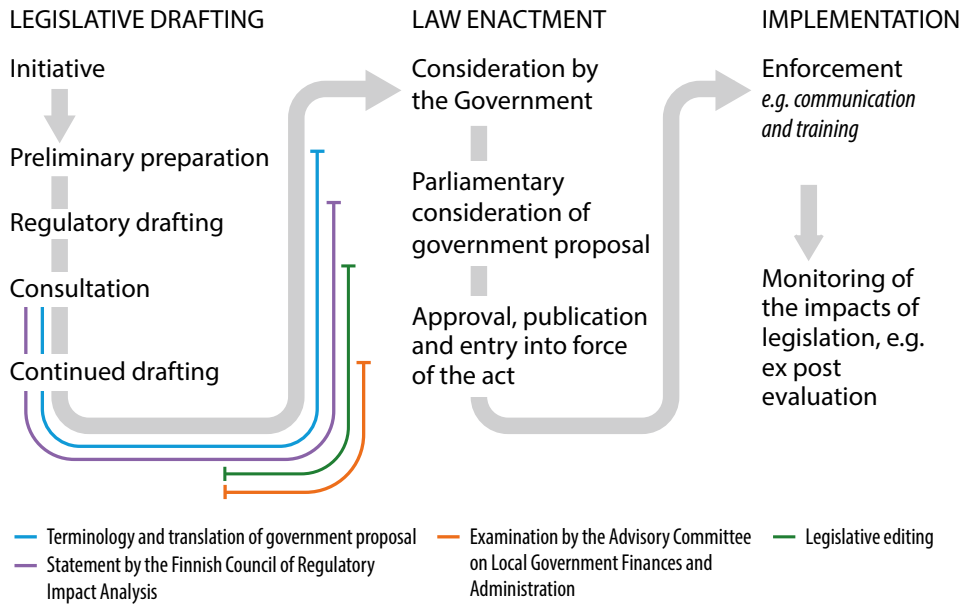
In addition to ensuring quality in the drafting process, good legislative drafting as a whole also involves monitoring the impacts of the legislation and reacting to the monitoring results.

7.2.4 Quality of legislative drafting

One of the key principles of good legislative drafting is that it must be based on reliable and accurate information. It must also be open and interactive, and the views of citizens, experts and organisations of all kinds must be heard. Legislative drafting is carried out in accordance with timely political direction from the Government. The preparation of government bills includes verifying their compliance with the Constitution of Finland. Good drafting practices are set out in a legislative drafting process model, the use of which ensures that drafting is always based on the principles of good legislative drafting.

7.2.4.1 Legislative drafting process

Figure 6. Legislative drafting process



Legislative drafting can be seen as a process that starts with preliminary preparation and ends with enforcement and impact monitoring.⁶ The various steps involve a range of activities, actions and participants. The time required by each step also varies considerably.

7.2.4.2 Organisation of a legislative drafting project

A legislative drafting project can be organised in a variety of ways. The manner in which it is organised may depend on the extent of the project or its overall importance, among other things. Drafting may be carried out at a ministry by public officials as part of their duties, but perhaps most often legislation is drafted

6 See legislative drafting guide: <http://lainvalmistelu.finlex.fi>

by a working group that includes stakeholder representatives. The organisation of such a group's work varies greatly, and wide-ranging projects may even involve several working groups. In such cases, a steering group or management group is often appointed to coordinate the work of the different drafting groups. In addition, a broad-based monitoring group may be appointed to support and evaluate the activities of the working groups. Committees of different kinds may also be used in legislative drafting. If the project is of particular public policy significance or a long-term project, representatives from different ministries or from agencies or bodies within their respective branches of government, or from political parties and other interest groups may often be involved as well.

In projects of a more technical nature, the working group may be composed of experts from ministries and their respective branches of government. If the matter to be prepared has no links to or repercussions for other ministries or branches of government, legislative drafting will not involve a formal working group but will instead be carried out by public officials as part of their duties.

7.2.4.3 Finnish Council of Regulatory Impact Analysis

The Finnish Council of Regulatory Impact Analysis is an impartial and independent body that operates under the auspices of the Prime Minister's Office. Its responsibilities include analysing the impact assessments given in government proposals before the Government decides on submitting the proposals to Parliament. The Council may also issue statements on the impact assessments of other draft statutes.

7.2.4.4 Translation of legislative proposals and legislative editing

Acts are adopted and decrees issued in both national languages, Finnish and Swedish. Translation is the responsibility of the Prime Minister's Office. Legislation is also translated into Saami and foreign languages if required.

Before a government proposal is considered at a government plenary session, which decides on its submission to Parliament, the Finnish and Swedish versions of the legislative proposals are submitted to the Ministry of Justice for it to ascertain that legislative drafting guidelines and guidelines on drafting government

proposals have been complied with and that the two language versions are consistent.

7.2.4.5 Role of the Chancellor of Justice in legislative drafting

The Chancellor of Justice oversees legality and the observance of good practice in legislative drafting. Oversight is primarily concerned with conformity with the Constitution of Finland and international human rights obligations, fulfilment of the rights of participation, consistency of legislation, and due account being taken of EU law. At the drafting stage, the Chancellor of Justice issues statements on draft legislation and requests drafts for advance scrutiny. Upon request by the ministries, the Chancellor of Justice also issues advance statements on the legislative matters that oversight of legality will be concerned with. However, she or he does not take part in actual legislative drafting, and does not therefore provide guidance on drafting, make decisions on content or formulate provisions. At the decision-making stage, the Chancellor of Justice reviews government proposals and government decrees to be presented at plenary sessions of the Government.

7.2.4.6 Decrees

Decrees may only be issued on the basis of authorisation provided in the Constitution or in another act (section 80, subsection 1 of the Constitution). Under certain conditions, other authorities than the President of the Republic, the Government or a ministry may also be authorised by law to issue legal rules (section 80, subsection 2 of the Constitution).

Proposals for decrees of the President of the Republic are prepared by the Government, and a government plenary session then formulates a proposed decision for presentation at a presidential session of the Government. Government decrees are issued by a government plenary session. Ministers take decisions on decrees to be issued by their respective ministries.

7.2.4.7 Instructions for legislative drafting

To ensure the quality of legislative drafting and of legislation itself, instructions have been issued for use by the officials responsible for drafting. These instructions can be found on the website of the Ministry of Justice.⁷

The division of legislative powers between the State and Åland is discussed in section 9.2, and the status of Åland in EU affairs and in the conclusion of international treaties and agreements in section 9.3.

For finance and expenditure acts, see 7.3.4.

7.3 Management of public finances

7.3.1 Fiscal policy objectives

The European Union's Budgetary Framework Directive (2011/85/EU), adopted in 2011, provides that a realistic and independent forecast must be produced to underpin fiscal policy preparation. Budgetary planning must be based on this most likely macrofiscal scenario. If it is not, then the Directive requires budgetary planning to be based on a more prudent scenario. The setting of medium-term budgetary objectives is laid down in the Act on the Implementation of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union and on Multi-annual Budgetary Frameworks (the so-called Fiscal Policy Act).

The aim of the preventive arm of the EU's Stability and Growth Pact is to ensure fiscal balance, and compliance with its rules should prevent the emergence of excessive deficit and debt. At the core is the medium-term objective, or MTO, of each Member State, expressed as the structural balance target level where cyclical fluctuation and one-off measures have been removed. The criteria are whether the objective has been reached and whether the economy has moved towards the target balance. Compliance with the rules is evaluated in the spring following the year being assessed.

7 <https://oikeusministerio.fi/en/bill-drafting-instructions>

The medium-term objective for the structural deficit in public finances in each Member State is set every three years in a way that provides a sufficient safety margin against the three per cent reference value for the nominal deficit, and ensures the sustainability of the debt trajectory. The euro countries also have to fulfil the criterion of a maximum deficit of one per cent of gross domestic product (GDP).

Following an amendment to the Fiscal Policy Act, section 2a of the Act provides that the head of the Ministry of Finance's Economics Department, which is responsible for forecasting, shall decide independently, upon presentation, matters relating to the macroeconomic forecasts which underlie the central government budget proposal and fiscal planning.

Section 3 of the Government Decree on the General Government Fiscal Plan, adopted pursuant to the Fiscal Policy Act, requires that budgetary objectives be set in a way which ensures at least the achievement of the objective set for the structural balance of general government finances, taking into account the Ministry of Finance's forecast. The Decree provides that this may be derogated from when certain exceptional circumstances prevail in Finland.

Each year, the Economics Department of the Ministry of Finance issues four economic forecasts (macroeconomic forecasts) prepared independently by its experts: in March–April, June, September and December. The March and September forecasts also include a medium-term analysis. Since 2016, the Ministry of Finance has published a forecasting accuracy report each spring. The report examines forecasts for the previous year made during the preceding autumn. The report examines key variables of the forecast, such as GDP growth, general government finances (general government revenue and expenditure, and net lending at general government and subsector levels), employment, unemployment, inflation, and demand items affecting economic activity. The Ministry of Finance's proposed General Government Fiscal Plan and draft budget proposal, which are based on the draft forecasts of the Ministry's Economics Department, are discussed at informal government meetings (the General Government Fiscal Plan session in the spring and the government budget session in the autumn). The forecasts are updated after these sessions and published as part of the budget proposal and the proposed General Government Fiscal Plan.

In autumn 2016, a plenary session of the Government confirmed that Finland's mid-term objective was to achieve a general government structural balance of -0.5 per cent of GDP, which is the minimum level. The mid-term objective will next be reviewed in 2019.

In the first General Government Fiscal Plan of the current government term, the Government will lay down, in autumn 2019, concrete measures based on the fiscal policy line agreed in its Government Programme. The so-called technical General Government Fiscal Plan published in spring 2019 and the General Government Fiscal Plan for 2020–2023 prepared by the Government in summer 2019 for submission to Parliament as a report in autumn 2019 are therefore based on the short-term macroeconomic forecasts of the Economics Department of the Ministry of Finance and on the mid-term economic forecasts derived from these. The General Government Fiscal Plan is submitted to the EU as Finland's Stability Programme, on the basis of which the EU assesses the state of Finland's public finances. The Stability Programme contains a separate assessment of the trajectory for general government finances, with a target path for the nominal fiscal position.

7.3.2 Planning and managing general government finances

The General Government Fiscal Plan provides a coordinated forum for decision-making on public finances. It allows the Government to examine the economy as a whole and to define policies and make choices on a realistic economic basis, creating a strong foundation for the later drafting of legislation and preparation of the central government budget. The Plan also supports adherence to the medium-term objective set for the structural balance of general government finances.

The General Government Fiscal Plan covers public finances as a whole, with sections on central government finances, local government finances, and statutory earnings-related pension funds and other social security funds. The Government prepares the General Government Fiscal Plan for the parliamentary term and revises it by the end of April each year for the subsequent four-year period. In the first Plan, the Government sets the budgetary objectives for general government finances as a whole and for the separate subsectors, and proposes the individual measures necessary for achieving these objectives. The General Government Fiscal Plan serves as Finland's Stability Programme for submission to the EU. The deficit

(structural and nominal) and the objectives for debt and taxes (tax ratio objectives) specified in the Government Programme and in the first General Government Fiscal Plan of the parliamentary term usually form a package.

Structural decisions and measures are also considered in connection with the General Government Fiscal Plan. In the Government Programme, the Government commits to complying with a spending limits rule that covers some three quarters of central government budget expenditure during the parliamentary term. The Government Programme determines which expenditure items are included in the scope of the spending limits and which are not. The spending limit principles should remain unchanged during a parliamentary term. The National Audit Office monitors compliance with the central government spending limits and also monitors spending limit adjustments (structural adjustments).

The General Government Fiscal Plan includes the spending limits decision for central government finances. The spending limits system is based on a real, binding overall expenditure ceiling set for the duration of the parliamentary term, to which only the required price and cost-level adjustments and structural corrections are made annually. The system is based on ex ante examination, restricting the level of expenditure set out in the Budget. The spending limits procedure sets a ceiling on approximately 80 per cent of central government budget expenditure. Expenditure that remains outside the central government spending limits includes the following: expenditure that changes according to cyclical conditions and in line with automatic stabilisers; interest expenditure on central government debt; financial investments; and so-called suspense account items (such as revenue from the EU).

The spending limits decision sets the spending limits for each ministry together with the rest of its branch of government. It also includes statements on key policies, on productivity and other objectives, and, if necessary, on any significant legislative amendment proposals and development projects. If appropriate, it also includes the spending limits for programmes or policy packages of particular social and economic significance and for individual appropriations and authorisations of major importance.

In spending limits decisions, each ministry together with its branch of government is allocated spending limits, but only the overall spending limit for the

parliamentary term is binding. Reallocations may be made between these branches of government. Between the parliamentary term spending limit and the branch-specific spending limits there is the so-called supplementary budget reserve and an unallocated reserve. Because they remain unallocated, these reserves provide a margin of manoeuvre for the spending limits. Earlier spending limits periods have shown that unexpected and mandatory needs for expenditure increases, as well as political needs for additional expenditure, can arise during a spending limits period, necessitating a margin for manoeuvre.

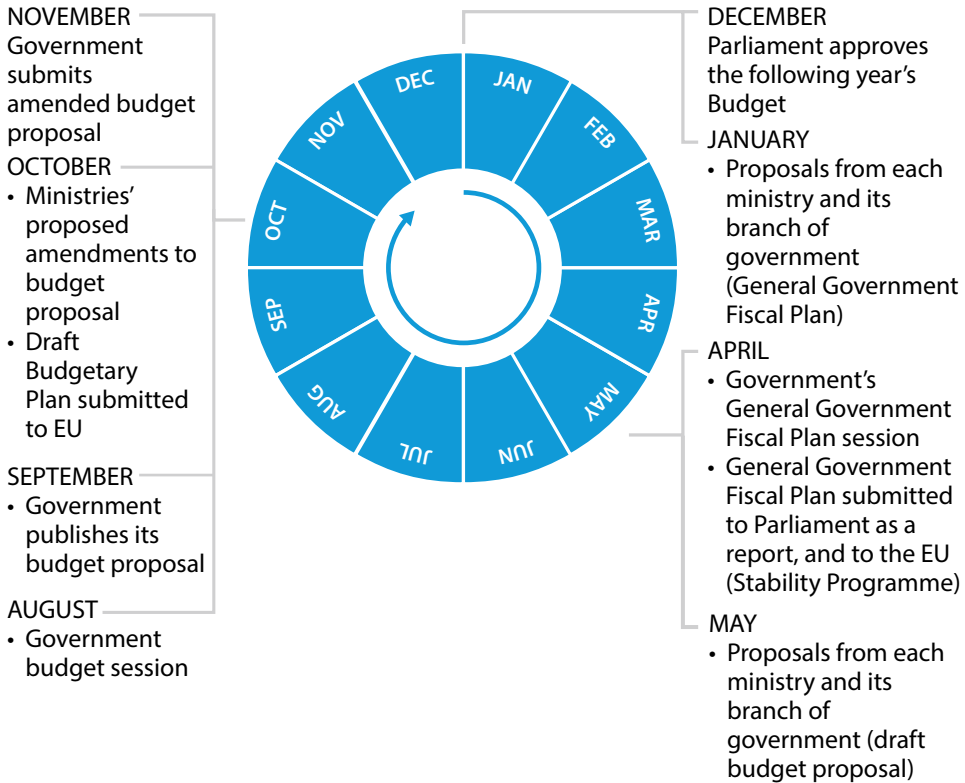
The ministries prepare their spending limit proposals in accordance with the drafting regulations in force and using the macroeconomic forecasts and assumptions provided.

The General Government Fiscal Plan is decided annually in March–April, with the exception of the first such Plan of the parliamentary term.

A plenary session of the Government decides on the General Government Fiscal Plan (including the central government spending limits decision), supported by the Ministerial Finance Committee. The Plan is submitted to Parliament as a government report. It is also submitted to the EU as Finland's Stability Programme.

The local government finances section of the General Government Fiscal Plan strives to ensure the balanced long-term development of local government finances as a whole. The Plan sets a cap on the amount by which local government expenditure can change as a result of central government measures. This spending growth cap is set to be consistent with the local government budgetary objective.

For the preparation of the General Government Fiscal Plan, the ministries must provide the Ministry of Finance with information on any changes in municipalities' duties and obligations, the impact on local government revenue and expenditure of proposals within the ministries' respective branches of government, and any new structural measures that affect local government finances. This includes, for instance, investment projects and projects not receiving government aid.

Figure 7. Annual process for the General Government Fiscal Plan and the Budget

7.3.3 Operating and financial plans and the ministries' spending proposals for the General Government Fiscal Plan

The purpose of the operating and financial plan for each ministry and its respective branch of government is to produce information for ascertaining and monitoring the extent to which the Government's economic policy is being implemented. The operating and financial plans provide a clear link between the policies set by the Government and the ministries' operating policies and spheres of authority.

The ministries must ensure that the Government's policy positions and those incorporated in the General Government Fiscal Plan are taken into account in the planning of operations and finances within their respective branch of government, including in the plans drawn up for each field of competence and each agency and body. Each ministry is tasked with providing the necessary instructions on the

planning procedure and timetable to be followed within its respective branch of government.

Each ministry submits its spending proposals to the Ministry of Finance at the end of December or at the beginning of January. These proposals are based on the operating and financial plan of the ministry and its respective branch of government. In their spending proposals, the ministries must observe the Government Programme and the General Government Fiscal Plan.

Each ministry's spending proposals will contain the following items:

1. the operating policies, priorities and goals of the ministry and its branch of government for a four-year period;
2. the ministry's baseline scenario prepared in accordance with the existing spending limits, and a baseline calculation for each budget item based on the Government's budget proposal and taking into account the changes made to it by Parliament that are intended to be permanent, and the Government Programme and the Government's decisions, agreements and binding positions;
3. the ministry's spending proposal, based on the previous spending limits decision, taking into account any technical changes to the structure of the Budget that may affect comparability;
4. an assessment of the appropriations not included in the spending limits, by item;
5. a calculation of revenues for the ministry and its branch of government, by item;
6. for preparation of the General Government Fiscal Plan, proposals for government positions on key priorities, on policy packages of particular social and economic significance, and on individual appropriations and authorisations of major importance. When preparing the proposals, particular attention should be paid to policy packages affecting two or more ministries and their respective branches of government and/or the local government sector.

The Ministry of Finance issues more detailed regulations and instructions on how to prepare the proposals.

On the basis of the ministries' spending proposals and in consultation with the relevant ministries, the Ministry of Finance then prepares a General Government Fiscal Plan proposal, including the central government spending limits decision, for consideration by the Government. A draft prepared by the Ministry of Finance is considered at the Government's informal meeting on the General Government Fiscal Plan in advance of the actual decision-making. Following this meeting, the Ministry of Finance finalises the General Government Fiscal Plan and the related presentation files for consideration by the Ministerial Finance Committee and a government plenary session.

7.3.4 Budget proposal and supplementary budget proposal

7.3.4.1 Preparation of a budget proposal

Submitting its budget proposal to Parliament is one of the Government's most important political actions. This is integral to parliamentary responsibility but is also set within a legislative framework at the constitutional level. The Budget is a tool for the management of central government finances. The principles of the budgetary process are laid down in the Constitution of Finland (sections 83–86), the Budget Act and Decree, government regulations, and regulations and instructions issued by the Ministry of Finance. The Government's budget proposal and related government proposals (proposals for finance and expenditure acts) are considered by a government plenary session. These government proposals are submitted to Parliament, which in Finland has the power to decide on the Budget (section 3, subsection 1 of the Constitution). The budgetary principles stated in the Constitution refer to the inclusion of all revenue and expenditure (principle of unity), the principle of annuality, the gross budget principle, the requirement of covering appropriations (principle of equilibrium), and the prohibition of transfers from one section of the Budget to another. Other budgetary principles also exist.

Besides budgetary power, Parliament's fiscal powers include the power to decide on: taxes; criteria governing various charges levied; government borrowing; collateral security; central government guarantees; general operating principles of unincorporated government enterprises; state assets; and extra-budgetary funds (sections 81 and 82, section 84, subsection 4, and sections 92 and 87 of the Constitution). In a wider sense, fiscal power also covers the supervision of central government finances as well as reports submitted to Parliament and decisions

related to these reports (section 90, subsection 1 of the Constitution). Fiscal power overlaps with Parliament's legislative powers with regard to proposals for finance and expenditure acts. These legislative proposals must be passed by Parliament in connection with the approval of the Budget. In addition to constitutional provisions, Parliament's fiscal power is limited by EU-related considerations, i.e. the free trade and customs union arrangements, Economic and Monetary Union, and the European System of Central Banks, as well as Finland's financial contribution to the EU and the sanctioned supervision of Member States' budget deficits by the EU.

In election years, the General Government Fiscal Plan (including spending limits) for the full parliamentary term (four years) is prepared in the autumn simultaneously with the budget proposal for the following year. The annual General Government Fiscal Plans drawn up subsequently during the course of the parliamentary term are then revisions of the entire term's Plan. In non-election years, the preparation of the budget proposal starts after the approval of the four-year General Government Fiscal Plan in the spring. The ministries allocate the spending limits to the government agencies and public bodies within their respective branches of government and issue the necessary instructions. The agencies and bodies prepare their draft budgets in the course of the spring. Based on these, each ministry prepares a draft budget for its branch of government, which is then submitted to the Ministry of Finance in May by the deadline designated by it.

The ministries' draft budgets are drawn up in compliance with the Government Programme, the General Government Fiscal Plan and other government regulations as well as further regulations issued by the Ministry of Finance. The draft budgets must include information on any finance and expenditure act proposals to be submitted.

The ministries' draft budgets are reviewed by the Ministry of Finance in the course of the spring and summer. The Ministry of Finance compiles a full draft budget for the following year and, in late July or early August, publishes this as its first official position on the following year's budget. It submits this, signed by the Minister of Finance, to the ministries, Parliament and the Office of the President of the Republic.

Based on the Ministry of Finance's position, a negotiation round led by the Minister of Finance is conducted with the ministries to resolve any differences of opinion.

After the negotiation round, at present usually towards the end of August, the entire Government convenes in a government budget session to review the draft budget proposal prepared by the Ministry of Finance.

Based on the results of the government budget session, the Ministry of Finance then finalises the draft budget to become the Government's budget proposal. Following this, in September, the budget proposal is considered by the Ministerial Finance Committee, presented to a government plenary session and submitted to Parliament.

In Parliament, the budget proposal is considered by the parliamentary Finance Committee after a referral debate. On the basis of the Finance Committee's report, Parliament decides on the Budget's content and date of entry into force in a single reading. The Budget, as approved by Parliament, is published in the Statute Book of Finland.

Proposals for finance and expenditure acts (section 83, subsection 2 of the Constitution) are legislative proposals that have an immediate link with a budgetary decision, i.e. a decision on central government finances made in connection with the Budget or a supplementary budget. Budgetary decisions include decisions relating to revenue or expenditure or to justifications in the budget proposal, such as justifications for a change in the purpose of an appropriation in the decisions made on a class or item. Legislative proposals causing only minor changes in the operating costs of a ministry, agency or body have not been considered proposals for finance and expenditure acts.

In order to comply with the Budget's principle of unity and to ensure the appropriate handling of the proposal's consideration in Parliament, the rationale text of a legislative proposal must clearly state that it is a proposal for a finance and expenditure act to be considered before the final consideration and approval of the Budget or supplementary budget, for example in the following way: "This proposal concerns the 2016 budget proposal and is intended for consideration in connection with it." In addition, there must be an explanation of how the legislative proposal relates to the budget proposal.

7.3.4.2 Structure of a budget proposal

The central government budget proposal is divided into the General Strategy and Outlook, numerical tables, the Budget Statement, and appendices. The General Strategy and Outlook includes the economic and fiscal policy outlines of the Government's budget proposal, an explanation of how the budget proposal implements the Government Programme, and summaries of the appropriations, significant reforms and changes included in the budget proposal. The numerical tables present all revenue and expenditure elements in the proposed budget, i.e. revenue items with their headings and estimated revenues, and expenditure items with their headings, appropriation types and appropriations. The Budget Statement will be binding.

The revenue side of the budget proposal is divided into main titles and further into classes and items. The items include revenue estimates. The expenditure side is divided into main titles and arranged according to ministries together with their branches of government, and the main titles are further divided into classes and items. The main title justifications of each ministry include a description of the effectiveness targets and operating performance targets for its respective branch of government in the budget year.

Item-specific justifications consist of the item decisions, which are binding, and the explanation and context justifying the decisions. Parliament decides only on the item decisions, which consist of the amount of the appropriation granted, any budget authority given, and the purpose of the appropriation. The decisions for an item may also include a budget allocation table showing how the appropriation under the item will be distributed between the different purposes.

Appended to the budget proposal will be a survey of the economy and possibly other documents.

7.3.4.3 Preparation of a supplementary budget proposal

The Government submits a supplementary budget proposal to Parliament if there is a justified reason for making changes to the Budget (section 86 of the Constitution). The procedures for preparing and implementing a supplementary budget proposal are essentially the same as for the budget proposal itself.

7.3.4.4 Amending a budget proposal or supplementary budget proposal

A budget proposal or a supplementary budget proposal may be amended by submitting an amendment proposal. In recent years it has been usual for budget proposals to be amended. An amendment proposal can no longer be submitted once Parliament's Finance Committee has issued its report on the budget proposal or the supplementary budget proposal.

The ministries forward proposed amendments to the Ministry of Finance in accordance with a timetable it has set. At the Ministry of Finance, the procedure for an amendment proposal is almost the same as for the budget proposal itself.

7.3.4.5 Implementing the Budget

The basic principles to be followed when implementing the Budget include those listed below.

- The appropriation under an item may not be used for any other purpose than the one stated in the justifications.
- The appropriation under an item may not be exceeded unless the appropriation has been entered as a variable annual appropriation. A variable annual appropriation may be exceeded on the grounds stated in the Budget Act, and the procedure concerning permission to exceed such an appropriation must be complied with.
- The appropriation under an item may not be transferred from one budgetary year to another, unless the appropriation has been entered as a two-, three- or five-year deferrable appropriation.
- The purposes stated in the budget allocation table are binding, but funds may be transferred from one purpose to another within the appropriation of an item, unless Parliament has expressly decided otherwise with regard to that purpose (e.g. the "maximum" amount allocated for a certain purpose may not be exceeded even within the appropriation for an item).
- Key regulations for implementing the Budget include not only the general rules set out in the Budget Statement, but also the government regulation on handling of matters in the Ministerial Finance Committee, and general regulations concerning the Budget's implementation adopted by the Government. Matters of the greatest

financial significance considered by the Government and matters of financial significance coming under the authority of a ministry have to be submitted to the Ministerial Finance Committee before a decision is made.

For implementing the Budget within their respective branches of government, the ministries must approve the breakdown of budgetary accounts and approve and publish the performance targets of their branch and the government agencies and public bodies within it.

7.4 Government Annual Report

7.4.1 Legal basis and content

The Government must submit to Parliament an annual report on governmental activities and on the measures undertaken in response to parliamentary decisions, as well as an annual report on central government finances and adherence to the Budget (section 46 of the Constitution of Finland).

The purpose of the Government Annual Report is to provide Parliament with comprehensive information in a single report about the current state and trajectory of, and risks surrounding, central government finances and the public sector as a whole, about the policies and practices pursued, and about the effectiveness of the Government's actions across society at large. The Annual Report includes the Government's replies to resolutions and positions adopted by Parliament.

The proposal for the final central government accounts is incorporated into the Government Annual Report. The State Treasury's proposal includes a statement on assessment and assurance by its management regarding the appropriateness and adequacy of internal control in the consolidated accounting, in the compilation of the year-end accounts and their appendices, and in the procedures related to these. The Government approves the final accounts as part of the Annual Report.

The competent ministries' replies to resolutions and positions adopted by Parliament are also appended to the Report. Parliament's resolutions and positions are declarations of intent and are addressed to the Government. These resolutions

and positions can be found in reports and statements that parliamentary committees have issued on, for instance, government proposals and reports and the Budget. Parliament's plenary session adopts them at the same time as it adopts the relevant parliamentary reply or communication. The resolution procedure is an important tool for parliamentary control and oversight. The role of the Audit Committee of Parliament and the National Audit Office in the management of central government finances and budgetary compliance is specifically referred to in the Constitution. In its replies, the Government attempts to provide Parliament with information that is as up-to-date and accurate as possible on the implementation of Parliament's resolutions and positions.

7.4.2 Drawing up the Report

The draft texts for the Government Annual Report are prepared at the ministries. The Government has set the timetable for drawing up the Annual Report in a way that allows Parliament to consider the Report during its spring session. All ministries participate in putting together the Government Annual Report. The ministers are responsible for the accounts and texts produced at their respective ministries. The coordination of the Annual Report is ensured by an editorial board appointed by the Prime Minister's Office. The editorial board works closely with the Prime Minister's Office and the Ministry of Finance.

The State Treasury drafts a proposal for the final central government accounts, incorporating appendices, and submits this to the Ministry of Finance. It is the duty of the Government Financial Controller's Function to ensure, as part of the preparation of the Annual Report for submission to the Government, that the Report provides true and fair information as laid down in section 18 of the Budget Act, and also to ensure that information on central government finances and performance is available.

The Prime Minister's Office is responsible for submitting the Annual Report to Parliament for publication as a final decision in the parliamentary documents series, and for presenting it at a government plenary session. The Ministry of Finance is responsible for assembling the material referred to in the Budget Act and Decree and for making it available for the preparation of the Government Annual Report.

7.5 Information and knowledge in support of government decision-making

The Government has an integrated strategy management process that is underpinned by information and knowledge. The aim is to enable the Government to use timely information in strategic decision-making by ensuring a comprehensive overview and effective practices that take a more cross-governmental approach.

As a whole, knowledge-based management within the Government refers to identifying interlinkages and integrating this insight into the decision-making of the Government and of the different ministries and their respective branches of government. The knowledge and information needed to form an overview is increasingly horizontal and multidisciplinary in nature and includes situational awareness information, indicator and statistical data, evaluation data, and foresight information. It is produced using the ministries' own and the Government's joint appropriations allocated for analysis, assessment and research activities.

A strategic research funding instrument produces information and knowledge to support longer-term strategic decision-making.

Ministries' analysis, assessment and research activities

Ministries have varying amounts of non-earmarked R&D funds at their disposal to be used for analysis, assessment and research projects supporting decision-making within their respective branches of government. In addition, some ministries are responsible for the performance management of research institutions and agencies that produce evidence-based information in support of decision-making. Ministries also make extensive use of other available research material, such as basic research by universities and research with general funding by the Academy of Finland.

Government's joint analysis, assessment and research activities

Every year, the Government adopts a Plan for Analysis, Assessment and Research to support its decision-making. The Plan directs these activities towards specific priority areas selected by the Government as being relevant to its work and to that of the ministries. The aim of the Plan is to create a basis for systematic and broad-based use of research data in decision-making by the Government and the ministries, to strengthen the knowledge base used by the Government

and the ministries in decision-making, and to reinforce evidence-based policy and overall strategic insight. The Plan is formulated under the leadership of the Prime Minister's Office by the government working group for the coordination of research, foresight and assessment activities, which includes experts from all ministries' branches of government. The Plan addresses the priority areas and topics of analysis, assessment and research activities and includes cost estimates and relevant responsibilities for preparation and guidance. The studies and research projects to be financed are selected on the basis of an open call for proposals (see <https://tietokayttoon.fi/en/>). Part of the appropriations is reserved for later allocation to urgent analysis, assessment and research needs in support of future decision-making.

The resources available for implementing the Plan for Analysis, Assessment and Research amount to approximately EUR 10 million. The appropriations are for purposes such as assessments, analyses, foresight reports, impact comparisons of various policy instruments, and situation picture evaluations, which support decision-making and are for the joint use of all the ministries and their branches of government. The duration of analysis, research and assessment projects can span from a few months to three years. The projects are expected to be transparent and the outcomes to be as widely applicable as possible.

Strategic research

The Strategic Research Council, operating under the Academy of Finland, is independently responsible for a range of research programmes launched in selected thematic fields and for project selection. The thematic areas and priorities for strategic research are decided annually by the Government on the basis of a proposal by the Strategic Research Council. Through strategic research, the Government directs high-quality and long-term research towards solving the most important challenges for society. Neither the Government nor individual ministries take part in project selection.

Strategic research refers to long-term, result-oriented research of a high scientific standard that aims at finding solutions to major challenges and problems faced by society. The aim is to serve public policy needs and the development and renewal of activities in society. Strategic research contributes to the knowledge base underpinning the Government's management and leadership. It is used in planning and public policy and in building situation awareness in connection with,

for instance, preparing and updating the Government Programme and the related Government Action Plan.

Most research programmes span several years. The themes relate to challenges that concern many sectors of society.

8 GOVERNMENT AND PARLIAMENT

8.1 Participation of ministers in parliamentary work

All members of the Government have the right to attend the plenary sessions of Parliament and participate in their debates. However, ministers may not serve as members of parliamentary committees and may only attend a parliamentary committee meeting if called to do so (section 48 of the Constitution of Finland).

The successful discharge of ministerial duties requires active participation in the work of Parliament. In particular, ministers should follow Parliament's consideration of matters that fall within the sphere of their own ministry and branch of government, and attend plenary sessions on such occasions. If ministers are unable to attend, they should see to it that the matters in question are followed by their deputy.

In referral debates on key government proposals, the relevant minister should deliver a presentation speech. The same applies as necessary to the first reading of a bill in a plenary session of Parliament. The minister should also participate in the debate on the proposals in question.

8.2 Parliament's right to information

Under section 47 of the Constitution of Finland, Parliament has the right to information from the Government that it needs in the consideration of matters. This includes the Government's obligation to provide on its own initiative the information Parliament needs and to provide the information requested by Parliament. When acting on its own initiative, the Government itself assesses whether there is cause for providing the information in question.

The appropriate minister must ensure that the committee or other parliamentary body in question receives without delay the documents and other information held

by the authorities that it needs. The right to information also concerns information that is to be kept secret.

A parliamentary committee has the right to receive clarificatory information from the Government or the appropriate ministry on a matter within the committee's areas of responsibility. The committee may issue a statement to the Government or the ministry on the basis of the information received.

Members of Parliament are entitled to obtain, upon request, information which is in the possession of public authorities and which is necessary for the performance of their duties as MPs. However, the right does not apply to information that is to be kept secret or pertains to a budget proposal under preparation.

Parliament's extensive right to information is of great significance especially for parliamentary oversight of the Government. It should also be noted that the statutory right to information is complemented by numerous other procedures that provide Parliament and individual MPs considerable scope for acquiring and receiving information from the Government. Examples are the provisions on questions, communications, reports, Prime Minister's announcements, and reports submitted to Parliament.

In EU and international affairs, Parliament's right to information is exercised mainly through Europe communications and Foreign and Security Policy communications, both of which are discussed below. In the case of EU matters that fall within Parliament's competence, the Government submits these to Parliament as Union communications.

8.3 Government proposals and the legislative plan

Legislative power is exercised by Parliament (section 3 of the Constitution of Finland). The process of enacting an act commences in Parliament with a government proposal submitted by a plenary session of the Government or with a legislative motion submitted by a Member of Parliament. Legislative motions can be submitted when Parliament is in session (section 70 of the Constitution). The process can also be commenced on the basis of a citizens' initiative (section 53 of the Constitution). Acts of Parliament are among the most important instruments

of governance. Government proposals submitted to Parliament are therefore a fundamental tool for influencing the way society operates and its future course. Legislative drafting is one of the Government's tasks, and the Government also has the power to initiate legislative drafting projects. The Government has discretionary powers as to the substance of the legislation to be drafted and enacted, and as to the timing of the submission of proposals to Parliament.

The Government has the power to decide which bills are submitted to Parliament. In addition, section 83 of the Constitution requires the Government to submit the budget proposal and proposals related to it to Parliament in the form of government proposals. Moreover, under section 94 of the Constitution, treaties and other international obligations fall within Parliament's competence. Under section 95 of the Constitution, the provisions of treaties and of other international obligations, in so far as they are of a legislative nature, are brought into force by Acts of Parliament.

To coordinate the timetables of the Government and Parliament and to plan their work, the Prime Minister's Office draws up, at the beginning of each parliamentary session, a list of government proposals to be submitted to Parliament in the course of that session (see 7.2.1 Legislative plan). The implementation of the list is monitored weekly. Experience shows that matters often accumulate towards the end of the parliamentary session. To ensure the appropriate handling of proposals and to facilitate work planning, proposals should be submitted to Parliament in a timely manner, preferably at the beginning of parliamentary sessions. At each ministry, it is the minister's duty to direct legislative drafting and the planning of government proposal submissions in a way which ensures that the timetables and practical preparations take into account all elements of drafting, including translation and legislative editing.

A government proposal consists of one or more bills and the rationale for them. In Parliament, government proposals serve as the basis for the preparatory work undertaken by Parliament, while parliamentary decision-making itself is based on the parliamentary committee report on the proposal. The government proposal also serves as the basis for wider public debate on the bill and later on as the basis for the interpretation of Acts of Parliament, and for research.

A government proposal may be amended or added to through a supplementary government proposal or it may be withdrawn. A supplementary government proposal may only be submitted while the matter is pending in a parliamentary committee. It cannot be submitted once the committee preparing the matter has issued its report (section 71 of the Constitution). A supplementary government proposal does not have to include all elements of a government proposal, but it must have a clear link in substance with the original proposal.

A government proposal is withdrawn by means of a government communication. When a government proposal is withdrawn, its consideration in Parliament ceases immediately at the stage it has reached. The procedures and order are the same for withdrawal as for the submission to Parliament of the government proposal in question. For example, if a government proposal was discussed in the Ministerial Finance Committee prior to a government plenary session, its withdrawal also requires consideration by that Committee.

8.4 Government reports and government statements

The Government may present a government report or a government statement to Parliament on a matter relating to governance of the country or international relations. Government reports and statements enable the Government to initiate a debate on a topical matter, since, as a rule, debates in a plenary session of Parliament are strictly limited to matters on the session's agenda. If a vote on a resolution of no confidence in the Government or a minister has been proposed during consideration of a government statement, a vote on confidence in the Government or minister is taken at the conclusion of discussion on the statement. No decision on confidence in the Government or a minister can be made in the consideration of a government report.

The decision on presenting a government report or a government statement is made by a plenary session of the Government, and the report or statement is presented by the ministry in charge of the matter. Government reports and statements are submitted to Parliament in Finnish and Swedish by means of a letter signed by the Prime Minister. The appointment of a new Government is always followed by consideration of the Government Programme in Parliament in a government statement procedure.

8.5 Interpellation procedure

An interpellation is a question posed by at least twenty Members of Parliament to the Government or a minister concerning a matter falling within the Government's or the minister's areas of responsibility. Interpellations are submitted to the Central Office of Parliament, presented in a parliamentary plenary session and then despatched for consideration by the Government. A member of the Government must reply to an interpellation within 15 days of the Government being informed of it. The day of the reply must be agreed with the Speaker.

The content of the reply to an interpellation is determined by the Government, which also decides whether the reply will be given by the relevant minister or by the Prime Minister.

A vote on confidence in the Government or the minister is taken at the end of the consideration of the interpellation, provided that a vote on a resolution of no confidence in the Government or the minister was proposed during the debate.

8.6 Written questions

Members of Parliament may put a written question to a minister on a matter falling within the minister's areas of responsibility. The questions are submitted to the Speaker and then sent electronically by the Documents Office at the Central Office of Parliament to the Prime Minister's Office, which then forwards them to the appropriate minister.

The reply must reach Parliament within 21 days of the Prime Minister's Office having received the question. The minister signs the written reply and no presentation is required. The ministry must ensure that the deadline is complied with. The written reply, in Finnish and Swedish, is delivered directly from the ministry to Parliament's Documents Office and to the Member of Parliament who submitted the question.

A written question can be put and a reply given also during an adjournment of the parliamentary session, such as the summer recess. If the minister in question is unable to reply, his or her deputy may provide the reply.

8.7 Question time

Parliamentary question time is normally held on Thursdays at 16.00 in connection with a plenary session of Parliament. Question time is televised. By 12 noon on the Tuesday preceding question time, the Prime Minister's Office informs Parliament about which members of the Government will be present during question time.

At question time, ministers give unrehearsed answers to the questions put to them. The replies may not last longer than one minute. If so decided by the Speaker's Council, question time may be devoted to a specific theme or to matters pertaining to a specific ministry and its branch of government.

8.8 Topical debates

While Parliament is in session, a Member of Parliament may propose that a topical debate be held on a particular matter during a plenary session (motion for debate). The Speaker's Council decides whether to hold the debate and on the procedure to be followed in the debate. The date and time of the debate and the participation of ministers are agreed with the ministers in question.

8.9 Prime Minister's announcements

At a time agreed with the Speaker, the Prime Minister may deliver a verbal announcement to Parliament on a topical aspect of government business. The announcement may also be delivered by another member of the Government designated by the Prime Minister. Prime Minister's announcements are delivered orally.

No decision is taken by Parliament on a Prime Minister's announcement. However, the Speaker decides whether to allow debate on the announcement. The Speaker gives the floor at his or her discretion and closes the debate when she or he deems that there has been sufficient discussion.

8.10 Briefings on meetings of the European Council and the Council of the EU

The Prime Minister is responsible for providing Parliament or a parliamentary committee with information on matters dealt with in European Council meetings or in other meetings of the heads of the Member States (section 97 of the Constitution of Finland). In practice, the Prime Minister briefs the Grand Committee before and immediately after such meetings. When the European Council deals with issues related to the EU's Common Foreign and Security Policy, the Prime Minister informs Parliament's Foreign Affairs Committee in accordance with the established division of duties between parliamentary committees. The Prime Minister also informs Parliament of any negotiations to amend the EU Treaties. The Prime Minister's responsibilities are laid down in the Constitution.

Ministers attending meetings of the Council of the European Union give the Grand Committee an oral report on the matters on the agenda before and after the meeting. The Grand Committee is usually briefed by the minister in the week preceding the meeting. For these briefings, the ministry compiles a meeting memorandum containing background material and notes concerning the matters on the agenda. After the meeting, the Grand Committee is provided with a report in electronic form to be used as a basis for the Committee's next briefing with the minister. Briefings about meetings of the EU's Foreign Affairs Council are given to Parliament's Foreign Affairs Committee by the minister.

Oral reports complement written reports and allow ministers and Members of Parliament to conduct a direct dialogue. Attending these briefings is one of the official duties of ministers. If, exceptionally, a minister is not able to attend, somebody else will deputise for the minister, such as a State Secretary or other senior official, as separately agreed with the committee.

Upon reasoned request by the Government, Parliament may agree not to divulge information revealed in the consideration of a written or oral report. The request must refer to the specific subject in question.

8.11 Union communications and Europe communications

The Government submits matters relating to EU affairs to Parliament for its consideration, and does this by means of Union communications and Europe communications (sections 96 and 97 of the Constitution of Finland).⁸

A Union communication, also referred to as a government communication on a European Union matter, concerns EU proposals for legal acts, agreements or other measures to be decided by the European Union which would otherwise fall within the competence of Parliament were Finland not a member of the EU. Under the Constitution, the Government is required to submit such proposals to Parliament without delay (section 96 of the Constitution). Normally, a Union communication should be forwarded to Parliament within a few weeks of receiving the proposal. The issue of what constitutes a proposal to be decided in the European Union has been interpreted broadly. What is decisive is whether the matter falls within the competence of Parliament in the manner referred to in section 96 of the Constitution. Matters coming under this provision cover at least those of a legislative nature and matters concerning Parliament's budgetary power or its competence regarding international treaties.

A Union communication is drawn up by the ministry within whose sphere of authority the content of the matter falls, though in cooperation with other ministries if necessary. Positions included in Union communications are coordinated within the coordination system for Finland's EU affairs, which means in the sub-committees of the Committee for EU Affairs, and, if necessary, in the Ministerial Committee on European Union Affairs. The submission of a Union communication is decided at a government plenary session after presentation by the competent ministry. Union communications are prepared in Finnish and Swedish.

The Grand Committee serves as Parliament's European affairs committee. It handles Union communications with the exception of matters related to Common Foreign

⁸ See separate publication setting out procedures and processes by which Parliament and the Government cooperate in dealing with European Union matters at national level: <http://urn.fi/URN:ISBN:978-952-259-169-2>

and Security Policy, which are considered by the Foreign Affairs Committee. The Grand Committee determines its position on matters based on the work of Parliament's special committees. Parliament's final position on a matter is given by the Grand Committee on the basis of statements from the special committees. The Grand Committee's position usually takes the form of a resolution entered in the minutes or, in matters of greater significance, a statement. The Grand Committee's position serves as a guideline and starting point for the Government when the matter is considered in the EU. Any deviation from the position must be justified.

As the matter moves forward in the EU, the parliamentary committees are informed of the subsequent stages, particularly if the proposal is altered in a way that affects the implementation of Finland's positions discussed in Parliament. In this case, a follow-up Union communication is drawn up by the competent ministry. Follow-up communications are not considered at government plenary sessions, but they must be prepared and coordinated in the same way as Union communications.

A Europe communication, also known as a government report on an EU matter, is submitted in other situations, where there is a need to inform Parliament of EU action. Europe communications are used particularly for EU matters that are significant for reasons of principle or politically important, or that have major economic implications. The Grand Committee and the Foreign Affairs Committee may also request the Government to submit a report on any EU-related matters that fall within their responsibilities. It is also the duty and the right of the Government to provide the committees with information on its own initiative regarding EU matters that do not fall within the competence of Parliament. In practice, more Europe communications are submitted to Parliament than Union communications. Europe communications can be used, for instance, when a final legislative proposal does not yet exist or, exceptionally, when the EU procedure advances so quickly that submission of a Union communication to Parliament before the decisive stage in the EU would either not be feasible or would leave Parliament with too little time to adopt a position. In such situations Parliament's committee counsels must be contacted without delay. Submitting a Europe communication does not, however, remove the obligation to submit a Union communication to Parliament at a later stage. This should be done as soon as possible.

Europe communications are also drawn up by the ministry within whose sphere of authority the substance of a matter falls. This is done in cooperation with the

other ministries and coordinating appropriately with the coordination system for Finland's EU affairs, which means the sub-committees of the Committee for EU Affairs, and, if necessary, the Ministerial Committee on European Union Affairs. Europe communications are not considered at a government plenary session but are submitted directly by the competent ministry. They are usually not translated into Swedish.

In Parliament, the Grand Committee decides which special committees a Europe communication will be referred to. Normally, the Government is simply notified of any statements or other positions of the special committees. The Grand Committee may, however, issue a statement or a resolution on matters that are significant politically or in terms of principles. Europe communications may also give rise to follow-up communications containing further information for Parliament.

8.12 Foreign and Security Policy communications

Under section 97, subsection 1 of the Constitution of Finland, the Foreign Affairs Committee of Parliament has the right to receive from the Government, upon request and when otherwise necessary, reports of matters pertaining to foreign and security policy. Such matters reported to Parliament may include: counter-terrorism activities; sanctions; military and civilian crisis management operations; disarmament; the development and funding of the EU's Common Security and Defence Policy; and Common Foreign and Security Policy strategies, projects and priorities. Foreign and Security Policy communications concerning EU affairs are harmonised with the coordination system for Finland's EU affairs.

9 ÅLAND

Under section 120 of the Constitution of Finland, the Province of Åland enjoys self-government as specified in the Act on the Autonomy of Åland. This Act is a constitutional-level statute. In legislative drafting by the Government and in its preparatory work on EU-related issues, and also when international treaties and agreements are negotiated and brought into force in Finland, it is necessary to establish whether the matter relates in any way to the self-governing status of Åland. The Act on the Autonomy of Åland also contains provisions on how to resolve possible conflicts of authority in administrative affairs and governance between the State and the autonomous province.

Effective contact and dialogue in Swedish (the majority language of Åland) is the cornerstone of cooperation between central government and the self-governing authorities in Åland. More detailed instructions on issues involving Åland and on the working language to be used in Åland-related matters can be found in guidelines published by the Ministry of Justice on the position of Åland in legislative drafting and in EU affairs (OMSO 8/2012).

See 'The position of Åland in legislative drafting and in EU affairs: Guidelines for law drafters in the ministries.'⁹

9.1 Role of the Finnish Government and the President of the Republic

In the Government's legislative drafting and in its preparatory work on EU affairs and international treaties and agreements, the primary responsibility for taking Åland into account lies with the competent ministry. Collaboration within the

9 <http://urn.fi/URN:ISBN:978-952-466-977-1>

Government on Åland affairs is the responsibility of the Ministry of Justice, which presents to the Government all matters concerning the self-governing status of Åland, with the exception of those relating to the Åland economy, which must be presented by the Ministry of Finance (section 34, subsection 2 of the Act on the Autonomy of Åland). As part of its coordinating role in EU-related issues, the Government EU Affairs Department in the Prime Minister's Office ensures that the opportunities for Åland to make its views known are taken into account in the coordination system for Finland's EU affairs. The Ministry for Foreign Affairs, in turn, has a key role in EU litigation and infringement procedures and in coordinating Finland's international obligations.

Matters referred to in section 58, subsection 3, paragraph 4 of the Constitution are presented to the President of the Republic by the Ministry of Justice without a proposed decision from the Government. These may include matters relating to legislative oversight of acts passed by the Åland Parliament (section 19 of the Act on the Autonomy of Åland); the issuing of consentaneous decrees (section 32 of the Act on the Autonomy of Åland); or seeking Åland's consent for a statute implementing an international treaty that includes provisions falling within the legislative powers of the province or conflicting with the Act on the Autonomy of Åland (section 59 of the Act on the Autonomy of Åland).

9.2 Division of legislative powers between the State and Åland

Under the Act on the Autonomy of Åland, legislative powers in matters concerning the Province of Åland are divided between the State and Åland. This division of legislative powers is unconditional in the sense that the Finnish Parliament is not entitled to legislate on matters that fall within the competence of Åland. In a similar manner, the provisions of Åland's legislation cannot extend to matters that are within the legislative powers of the State. Even in the event that the Åland Parliament has not legislated on a matter within its powers, an act passed in the Finnish Parliament will not apply to the province on a subsidiary basis, and the matter in question should be regarded as unregulated in Åland. Conversely, when a matter in Åland falls within the legislative powers of the State, the relevant acts passed in the Finnish Parliament will automatically enter into force in Åland, too.

In the case of an act of special significance to Åland, the opinion of Åland must be obtained before the legislation is enacted (section 28, subsection 2 of the Act on the Autonomy of Åland). An opinion must also be obtained when passing subordinate statutes that only concern Åland or are otherwise especially significant to it (section 33 of the Act on the Autonomy of Åland). The requests for opinions must be written in Swedish (section 38 of the Act on the Autonomy of Åland).

9.3 Status of Åland in EU affairs and in the conclusion of international treaties and agreements

As a consequence of Finland's membership of the European Union, part of the competence that would otherwise be vested in Åland under the Act on the Autonomy of Åland is exercised by the EU institutions. The Government of Åland participates in the preparatory work on EU affairs at national level in cases where the matter under preparation would, in the absence of EU membership, fall within Åland's competence or if it otherwise has special significance for the province. Provisions on the status of Åland in the preparatory work on EU affairs and on the opportunities for Åland to make its views known in these matters can be found in chapter 9a of the Act on the Autonomy of Åland. A government resolution on this has been applied since 2009 by virtue of a decision taken to that effect by successive Finnish Governments. The competent ministry must keep the Government of Åland duly informed of national preparatory work on EU affairs and ensure respect for the rights of participation of the autonomous province. As part of its coordinating role in the management of Finland's EU affairs, the Government EU Affairs Department in the Prime Minister's Office ensures that the opportunities for Åland to make its views known are duly observed. Åland has a representative on the Committee for EU Affairs and on its sub-committees. The head, or Premier, of the Government of Åland has the right to present Åland's views in the Ministerial Committee on European Union Affairs whenever a matter is within the competence of Åland or is otherwise of special significance to the province. The key goal is to reconcile the positions of Åland and the State so that Finland has a single position. Åland ensures, and is responsible for, the implementation of EU directives to the extent that the national measures required fall within its competence. The

coordination system for Finland's EU affairs, managed in the Prime Minister's Office, is described in 10.2.10 below.

The role of the Province of Åland in EU litigation and infringement procedures is laid down in section 59c of the Act on the Autonomy of Åland. In EU infringement procedures, Finland's positions are prepared by the national authorities jointly with the Government of Åland wherever the obligation fulfilment matter falls within the competence of Åland. If the Court of Justice of the European Union has ordered Finland to pay fixed compensation, a conditional fine or some other comparable pecuniary sanction, the liability for this shall rest with Åland as against the State in so far as it is based on an act or omission on the part of Åland (section 59d of the Act on the Autonomy of Åland). Under the same provision, the State and Åland may seek a settlement regarding the amount of the liability. EU litigation and infringement procedures are described in more detail in 10.2.11 below.

The Government of Åland must be informed of negotiations on treaties or other international obligations if this concerns a matter that falls within the competence of Åland. It must be informed of such negotiations in due time for it to have a realistic opportunity to influence the course of the talks and to bring up, at the earliest possible stage, the need for any special arrangements concerning the province. Moreover, before any treaty containing provisions that fall within Åland's competence can be signed, the Government of Åland must be given an opportunity to express its views. If the negotiations relate to matters that may otherwise be of special significance to Åland, the Government of Åland should be informed of them, if this can be appropriately arranged. The Government of Åland should, moreover, be reserved the opportunity to participate in the negotiations on such international obligations whenever there is a particular reason for it. (Section 58 of the Act on the Autonomy of Åland)

The consent of the Åland Parliament is required for the entry into force in Åland of any treaty that deals with matters within the competence of Åland or contains a provision that is contrary to the Act on the Autonomy of Åland (section 59 of the Act on the Autonomy of Åland). Treaties and other international obligations are described in more detail in 10.4.1 below.

10 EUROPEAN UNION AND INTERNATIONAL AFFAIRS

10.1 Competence in international relations

The fundamental provision on the competence of the highest government bodies regarding the management of foreign affairs is found in section 93 of the Constitution of Finland, where subsection 1 states that the foreign policy of Finland is directed by the President of the Republic in cooperation with the Government. However, Parliament's approval is required for Finland's entry into or withdrawal from international obligations, and Parliament decides on the bringing into force of international obligations, in so far as provided in chapter 8 of the Constitution. Matters of war and peace are decided by the President with the authorisation of Parliament.

Under section 93, subsection 2 of the Constitution, the Government is responsible for the preparatory work at national level concerning decisions that are to be made by the European Union, and decides on the concomitant Finnish measures, unless the decision requires the approval of Parliament. Parliament's participation in the national preparatory work concerning decisions to be made by the EU is as provided in the Constitution.

All significant decisions by the President of the Republic in the area of foreign policy are taken together with the Government and with reference to the preparatory work of the Government. The President decides on the outlines of Finland's foreign policy, on foreign policy initiatives and on directives for Finland's representatives abroad in all matters of principle or otherwise of significance. Consequently, the matters decided by the President at a presidential session of the Government include: the recognition of foreign states; entering into or breaking off diplomatic relations; diplomatic missions; membership of international organisations; assigning delegations to international negotiations; and the signing, ratification and enforcement of international instruments (beyond statutory provisions). In the assignment of delegations, a delegation is assigned by the Government alone if the

matter concerns more than one ministry and it does not fall within the competence of the President of the Republic.

The President appoints the heads (ambassadors) of Finland's diplomatic missions abroad. Diplomatic representatives of other countries who have been accredited to Finland present their credentials to the President.

The communication of important foreign policy positions to foreign states and international organisations is the responsibility of the minister whose competence includes foreign affairs.

Under section 66 of the Constitution, the Prime Minister leads the work of the Government, represents Finland in the European Council, and coordinates the preparation and consideration of matters that fall within the authority of the Government. The competence conferred on the Government by section 93, subsection 2 of the Constitution covers the entire sphere of the European Union's activities, with no category excluded. It therefore also includes matters concerning the EU's Common Foreign and Security Policy. Also within the competence of the Government are measures that are comparable in content and effect to matters decided by the European Union. Policy guidelines on Finland's stance in matters concerning the EU, including the Common Foreign and Security Policy and EU internal security matters, are discussed in the Ministerial Committee on European Union Affairs. The submission of Union communications to Parliament is decided by a government plenary session. When Finland's position on significant EU-related foreign and security policy issues is formulated, the Government must act in close coordination with the President of the Republic. The joint meeting of the President and the Ministerial Committee on Foreign and Security Policy is the key forum for foreign policy cooperation in Finland. Other forms of cooperation include meetings of the President with the Prime Minister, the Minister for Foreign Affairs and other ministers, and exchanges of information between public officials.

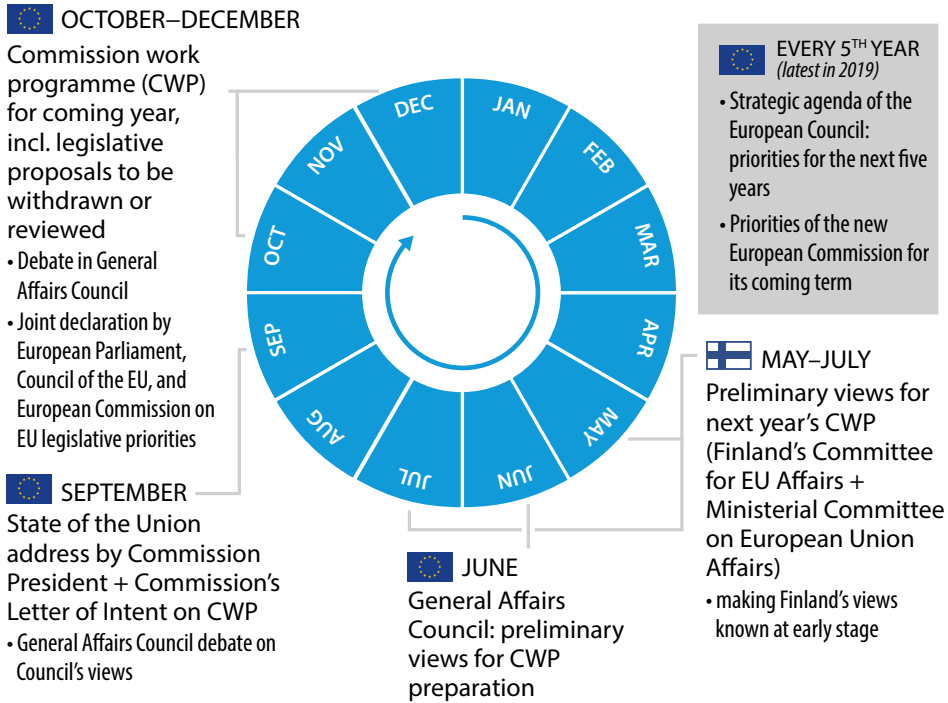
The respective spheres of authority of different ministries in regard to international issues are set out in the Government Act and the Government Rules of Procedure. Treaties and other international obligations are considered by the ministry within whose responsibilities the matter falls on account of its content. Additionally, the Ministry for Foreign Affairs deals with treaties and other international obligations that involve key foreign and security policy aspects.

10.2 European Union

The functioning of the European Union is based on the EU Treaties, which set out the EU's objectives, principles, competences, institutions and decision-making procedures. The EU Treaties and any changes to them must be adopted by the unanimous decision of all Member States. All amendments need to be ratified in national parliaments.

The Treaties provide that the EU may only act within the limits of the competences conferred upon it by the Member States. There are three main types of EU competence: exclusive competences, competence shared with the Member States (shared competences), and competence to carry out actions to support, coordinate or supplement the actions of the Member States (supporting competences). In exercising its competences, the EU must ensure its actions do not go beyond what is necessary to achieve the objectives of the Treaties (proportionality principle). In shared competences, the EU may act only to the extent that the objectives can best be achieved through measures at EU level (subsidiarity principle).

Figure 8. Programme planning and the political cycle



The number of EU matters to be addressed varies from one ministry to another. For most ministries, the management of EU affairs is a major and central part of their work. For individual ministers, the practical workload in EU-related matters depends on the duties of their portfolio.

The following are referred to as the EU institutions: the European Council, the European Commission, the Council of the European Union (also known as the Council of Ministers), the European Parliament, the Court of Justice of the European Union, the European Court of Auditors, and the European Central Bank. Their work is supported by five bodies: the European Committee of the Regions and the European Economic and Social Committee, both with an advisory function, the European Investment Bank, the European Ombudsman and the European Data Protection Supervisor. In addition, the EU has various decentralised agencies operating in different Member States.

10.2.1 European Council

The members of the European Council are the Heads of State or Government of the EU Member States, the President of the European Council and the President of the European Commission. The High Representative of the Union for Foreign Affairs and Security Policy also takes part in European Council meetings. The term of the President of the European Council is two and a half years, renewable once.

Under Finland's Constitution, the country is represented in the European Council by the Prime Minister. The European Council can decide that meetings may also be attended by ministers in an assistive capacity, but no such decisions have been taken thus far. If this were to happen, however, a government plenary session would decide on the participation of an assisting minister.

The European Council sets the EU's policy agenda by determining the general political direction and priorities, among other things. It adopts broad economic policy guidelines, determines the EU's strategic interests and objectives in the field of Common Foreign and Security Policy, and defines strategic guidelines for the area of freedom, security and justice. It also has a formal role in the annual economic and budgetary policy coordination process known as the European Semester. The European Council is not one of the EU's legislating bodies.

At its meetings, the European Council adopts conclusions by consensus on specific issues of concern to the EU. The conclusions set out guidelines on the goals to reach, actions to take and timescales to follow. Matters routinely referred to the European Council include key issues relating to the Economic and Monetary Union (EMU), migration, climate policy and foreign and security policy. In June 2019, the European Council is due to agree a new strategic agenda that sets out the priority areas for EU action in 2019–2024.

The European Council has formal powers in certain appointment procedures for high-profile EU roles and in other high-level matters. It makes its decisions either by unanimous vote or qualified majority voting, depending on the relevant Treaty provision. The rules on quorums and qualified majority are the same as for the Council of the European Union.

The European Council convenes on a regular basis, twice every six months. In the past few years, however, it has been necessary to meet more often. In addition, the EU Heads of State or Government meet informally.

Euro Summit meetings, which bring together the Heads of State or Government of euro area Member States and the President of the European Commission, are held whenever needed. The summit statements provide strategic guidelines for euro area economic policies. The Euro Summit has a President, whose term of office is two and a half years. The Eurogroup, made up of the Member States' finance ministers, is responsible for the preparation and follow-up of Euro Summit meetings.

See European Council and Council of the European Union.¹⁰

See also Rules of Procedure of European Council and Rules for the Organisation of the Proceedings of the Euro Summits.¹¹

10.2.2 Council of the EU and preparatory bodies for euro-related matters

10.2.2.1 Council of the European Union

The Council of the European Union, also known as the Council of Ministers, represents Member States' governments. The Council meets in different configurations, and for every meeting each Member State sends its minister responsible for the particular policy area of the configuration. While countries can have more than one minister as a member of a given configuration, each Member State may be represented in the meeting room by only one minister at a time. Council meetings are chaired by the relevant minister of the Member State holding the six-month presidency of the Council of the EU. That minister, on behalf of the presidency, also represents the Council in its relations with the other EU institutions and communicates the Council's objectives. The only exception is the EU's Common Foreign and Security Policy, in which the key role is played by the

¹⁰ <https://www.consilium.europa.eu/en/european-council/>

¹¹ <https://www.consilium.europa.eu/en/documents-publications/publications/council-rules-procedure-comments/>

High Representative of the Union for Foreign Affairs and Security Policy and not by the presidency. The High Representative chairs the meetings of the Foreign Affairs Council and represents the EU in its relations with third countries and international organisations. However, when the Foreign Affairs Council meets in its trade ministers configuration, it is chaired by the relevant minister from the presidency. If the High Representative is unable to attend, the presidency's foreign minister will deputise for him or her.

The Council of the EU negotiates and adopts new EU legislation, in most cases together with the European Parliament. The Council is also responsible for coordinating Member States' policies in specific fields, such as economic and fiscal policies, employment policy, and education, culture, youth and sport. Furthermore, the Council develops the EU's Common Foreign and Security Policy, concludes international agreements, and adopts the EU budget together with the European Parliament.

The Council of the EU meets in ten configurations, depending on the policy area being discussed:

- General affairs
- Foreign affairs
- Economic and financial affairs
- Justice and home affairs
- Employment, social policy, health and consumer affairs
- Competitiveness (internal market, industry, research and space)
- Transport, telecommunications and energy
- Agriculture and fisheries
- Environment
- Education, youth, culture and sport

When the Council acts as legislator, and in certain other cases, its deliberations are open to the public. Besides formal Council meetings, there are informal meetings of ministers, where no decisions are taken.

Council meetings are prepared by the Committee of Permanent Representatives of the Governments of the Member States, or Coreper for short. It meets in two configurations: Coreper II is composed of the heads of Member States' missions to

the EU, i.e. their Permanent Representatives, and Coreper I consists of the Deputy Permanent Representatives. Coreper seeks to resolve differences of opinion between the Member States, referring to the ministers' level only the most difficult issues of a political nature. There are also a number of committees that work in parallel with Coreper and to some extent report directly to the Council. These include the Political and Security Committee, the Special Committee on Agriculture, and the Economic and Financial Committee. The bulk of preparatory work is done in working parties and committees that are subordinate to Coreper.

The agenda for meetings of the Council of the EU is divided into two sections, one for A items and the other for B items. If Coreper has been able to finalise discussions on a proposal, it will be entered on the Council's agenda as an A item, to be adopted without further debate. However, this does not preclude the possibility for statements to be entered in the minutes. An A item must be withdrawn from the agenda if further discussion is necessary or if so requested by any member of the Council or by the European Commission. All A items are adopted at the beginning of a Council meeting. As a rule, about two thirds of items on a Council agenda are adopted through this procedure. As the Council is a single entity, any one of its ten configurations is competent to adopt, as A items, matters that fall under the remit of another configuration. All B items on a Council agenda are subject to discussion. They may involve matters on which no agreement was reached in Coreper or at working party level, matters that are politically too sensitive to be settled at a lower level, or matters left over from previous Council meetings. The purpose of the discussion may be to feed into subsequent preparatory work or make progress in individual issues of concern.

The Council takes a significant proportion of its decisions by qualified majority. Decision-making follows a 'double majority' rule whereby a qualified majority is reached if a minimum number of Member States are in favour and these collectively represent a certain proportion of the total EU population. When euro area matters are discussed in the Economic and Financial Affairs (Ecofin) Council configuration, made up of the economics and finance ministers of Member States, only the representatives of euro countries may vote. When a vote is taken in any Council configuration, half of its members must be present in order for there to be a quorum. The quorum rule is related to the principle that in the voting each Council member can also represent one other Member State. This means that up to half

of all Member States can be represented through the representative of another Member State. Formal votes rarely take place in the Council.

Should a Finnish minister be unable to attend a Council meeting, Finland will be represented by another member of the Government. There have been cases where participation by a minister has not been possible, and Finland has then been represented by a State Secretary, the Head of Finland's Mission to the European Union (the Permanent Representative), or the latter's deputy. It must be noted that these other forms of Member State representation are a separate matter from voting. Formal exercise of voting rights requires the presence of a ministerial-level representative with authority to commit the government of his or her country. If a delegation is not represented by a government minister, its voting rights will be formally exercised by another member of the Council. The voting rights are deemed to be transferred to that Council member automatically and in accordance with the position expressed by the delegation in question. In practice, however, the Member State's position will be expressed by its delegation representative.

10.2.2.2 Finland's Presidency of the Council of the European Union

Finland will hold the presidency of the Council of the European Union from 1 July to 31 December 2019. Finland's Presidency coincides with a major institutional transition within the EU: a new European Parliament was elected in May; the European Council adopted a new five-year strategic agenda for the EU in June; and a new European Commission is due to begin its work in November. In addition, a new President of the European Council will take office at the beginning of December.

The institutional transition will mean an interruption to the regular legislative work within the EU. Under the Finnish Presidency, the Council will deal with a number of wide-ranging and challenging issues: the multiannual financial framework (MFF), arrangements relating to the withdrawal of the United Kingdom from the EU, climate issues, migration, the rule of law, and further development of the Economic and Monetary Union (EMU).

The task of Finland's Presidency will be to move the Council's deliberations forward on these in an efficient and even-handed way. When seeking compromises that could gain broad approval, the Presidency will need to listen to the positions

of all parties involved and identify particular national sensitivities and take due account of them. Finland will improve the Council's procedures in particular by strengthening the transparency of its work, by highlighting the importance of adopting the principles of better regulation and by promoting the take-up of new technologies. As the Presidency, Finland will represent the Council in relations with the other EU institutions and will communicate the Council's objectives. Close ties and constructive practices with the European Commission and the Parliament will make for good cooperation, which will endure beyond Finland's Presidency.

Finland intends to present its Presidency plans and priorities to the other Member States at meetings of the various Council configurations either at the last meeting under Romania's Presidency or – for Council configurations scheduled to meet at the beginning of the Presidency – at the first meeting under Finland's Presidency.

Specific instructions have been drawn up for Finnish ministers on their duties and practices in connection with Finland's Presidency.

10.2.3 Preparatory bodies for euro-related matters

The finance ministers of the euro area constitute the Eurogroup, which meets informally about once a month, usually on the eve of an Economic and Financial Affairs (Ecofin) Council meeting. Eurogroup meetings are also attended by the European Commissioner for Economic and Monetary Affairs and the President of the European Central Bank. The Managing Director of the European Stability Mechanism also participates in these meetings on a regular basis. The main function of the Eurogroup is to coordinate economic policies among the euro area Member States in order to promote financial stability and growth. It also makes political decisions on measures needed for stability management in the event of a crisis. Eurogroup meetings are prepared by the Eurogroup Working Group, a preparatory body in which the euro area Member States are represented by senior national officials. In matters concerning the future development of the Economic and Monetary Union (EMU), the Eurogroup has also met in an extended composition.

Finland's positions are formulated through the coordination system for Finland's EU affairs. Initiative, constructiveness, anticipation and consistency are all essential if

a Member State is to take advantage of the opportunities for influencing decision-making in the EU. Member States should start to influence views and build coalitions with other Member States at a sufficiently early stage. Good working relations with the General Secretariat of the Council are also essential. To ensure no opportunity is missed for influencing policymaking, and to fully exercise political responsibility, it is very important for Council meetings to be attended by a minister.

See European Council, and Council of the European Union.¹²

See also the Rules of Procedure of the Council of the European Union.¹³

10.2.4 European Commission

The European Commission promotes the general interest of the European Union. It is composed of a team of Commissioners, one from each Member State. After the UK's withdrawal from the EU, these will number 27. A candidate for President of the Commission is nominated by the European Council, and needs to be approved by the European Parliament. Nominations for Commissioners are also subject to approval by the European Parliament. As well as denoting the team or 'College' of Commissioners, the term European Commission also refers to the entire institution and its staff.

An autonomous and capable European Commission independent of national governments provides the basis for effective EU action. In the EU's legislative process, the Commission has the right of legislative initiative, i.e. the right to propose new laws. It also oversees the application of the EU Treaties and measures adopted under them. The Commission, moreover, has important responsibilities in the enforcement and practical implementation of EU policies and in EU spending. It also manages the EU budget and EU programmes. In the latter, it is assisted by the EU's executive agencies. In addition, the Commission has duties in the area of external relations, and it also represents the EU internationally. It is politically accountable to the European Parliament.

¹² <https://www.consilium.europa.eu/en/european-council/>

¹³ <https://www.consilium.europa.eu/en/documents-publications/publications/council-rules-procedure-comments/>

In all its activities, the Commission is guided by its annual Work Programme. It strives to ensure that these programmes are better targeted, more strategic and increasingly concrete. The Commission has also reformed its organisation to be better able to perform its tasks. It has several Vice-Presidents, each responsible for managing and coordinating the work of a particular group of Commissioners.

To improve the extent to which Finland influences outcomes at EU level, it is particularly important to focus on engaging with the Commission at an early stage. Finland has the opportunity to influence the Commission's Work Programme and individual projects and programmes. The first contact should be made as soon as the ministry concerned learns that a new EU initiative is under preparation, or otherwise at the earliest stage of discussions. It is essential to promote Finland's views at different levels simultaneously. This should ideally be planned and coordinated in collaboration with the Government EU Affairs Department and Finland's Permanent Representation to the EU. Close coordination is particularly important in contacts with the Commission's President, its Vice-Presidents and its Secretariat-General.

See European Commission.¹⁴

See European Commission Representation in Finland.¹⁵

10.2.5 European Parliament

Following Brexit, the European Parliament will have 705 members, 14 of them elected from Finland. The Members of the European Parliament (MEPs) are elected by direct universal suffrage, i.e. by direct vote, for a term of five years. Inside the Parliament, the MEPs are organised by political affiliation, sitting in political groups. The plenary sessions of the Parliament are held in Strasbourg, while its extraordinary plenary sessions take place in Brussels.

14 <http://ec.europa.eu/>

15 https://ec.europa.eu/finland/home_fi

The European Parliament has gained more powers as a result of amendments made to the EU Treaties over the years. It now acts as co-legislator on an equal footing with the Council of the European Union in most policy areas covered by the EU. It may also call upon the European Commission to prepare a legislative proposal. The European Parliament adopts the EU budget together with the Council. The consent of the European Parliament is also needed for concluding certain types of international agreements, and for the accession of new Member States to the EU. In addition, the Parliament's views are important in the case of certain appointments: it elects the President of the European Commission based on a nomination by the European Council and it approves the Commission as a body. The European Parliament also has the right to vote on a motion of censure against the Commission.

Ensuring that Finland's views are conveyed to the European Parliament is a key part of Finland's policy on EU affairs. It is the duty of the competent minister and the ministry concerned to monitor parliamentary progress with EU projects within their remit and to ensure Finland's positions are promoted within the Parliament. Ideally this should be pursued at different levels simultaneously. Visits to Strasbourg plenaries are particularly useful for these purposes in regard to key projects: ministerial visits are likely to receive visibility in the margins of plenary sessions, and they will be seen as a show of appreciation and interest. Efforts to engage and influence should ideally be planned and coordinated in collaboration with the Government EU Affairs Department and Finland's Permanent Representation to the EU.

See European Parliament.¹⁶

See European Parliament Information Office Finland.¹⁷

16 <http://www.europarl.europa.eu/portal/en>

17 <http://www.europarl.europa.eu/finland/fi/home.html>

10.2.6 European External Action Service

The European External Action Service (EEAS) was established in 2011. Its task is to make EU foreign policy more coherent and effective, making full use of the wide range of instruments available to the EU. The EEAS is led by the High Representative of the Union for Foreign Affairs and Security Policy, who is also Commission Vice-President in charge of coordinating the external action of the EU. The High Representative chairs the Foreign Affairs Council and is involved in the work of the European Council. The EEAS operates on an independent basis and has its headquarters in Brussels. It runs about 140 EU Delegations and Offices around the world. One third of its staff come from the Member States.

The EU's external action covers not only the Common Foreign and Security Policy (including Common Security and Defence Policy) and trade and development policies, but also the external dimensions of the EU's internal policies, including justice and home affairs, the internal market, environmental and energy policy, and economic and monetary policy. The need for the EU's external action to be consistent and comprehensive is particularly important in the most pressing foreign policy issues, such as sustainable development, climate policy and poverty reduction.

See European Union External Action.¹⁸

10.2.7 Other EU institutions

The European Court of Auditors audits EU revenue and expenditure. One of its main duties is to submit an annual report on the previous financial year to the European Parliament and the Council of the European Union. This is connected with the annual discharge procedure in which the Parliament decides whether to approve the Commission's handling of the previous year's EU budget. The European Court of Auditors performs spot checks in the other EU institutions, in Member States and in countries that receive EU aid.

18 https://eeas.europa.eu/headquarters/headquarters-homepage_en

The European Central Bank manages the EU's common currency, the euro, and conducts common monetary policy in the euro area. It aims to keep prices stable and has a central supervisory role in the EU's banking union. The European Central Bank works with the national central banks of all EU countries.

See European Court of Auditors.¹⁹

See also European Central Bank.²⁰

10.2.8 EU budget

The annual budgets of the European Union are based on the EU's long-term budget, the multiannual financial framework (MFF). The MFF is adopted every seven years by the Council of the EU after being approved by the European Parliament. The current MFF covers the period 2014–2020, and negotiations on the next long-term budget are ongoing. The spending limits set in the MFF are binding on the EU institutions. During the annual budget procedure, estimated spending limits are confirmed, budget appropriations are divided into budget headings, and the estimate of budgetary revenue is confirmed. EU revenue, also called its own resources, is chiefly made up of duties and levies collected by the Member States, plus national contributions calculated on the basis of the Member States' value-added tax base and gross national income. The annual budget is adopted jointly by the European Parliament and the Council of the EU based on a proposal from the European Commission.

The EU budget represents around one per cent of the annual gross national income of all EU countries combined. Agricultural subsidies and regional and structural policy funding are the biggest expenditure items in the EU budget.

Finland is a net contributor to the EU budget. The cash flows between Finland and the EU contain both payments and receipts (e.g. research funding) that do not show in its national budget. The net balances, as calculated by the Commission, are

19 <https://www.eca.europa.eu/en/Pages/ecadefault.aspx>

20 <https://www.ecb.europa.eu/home/html/index.en.html>

comparable between the Member States. Finland's latest net balance confirmed by the Commission refers to 2017, when it was EUR -275 million. During the EU funding period 2014–2017, Finland's average annual net balance was EUR -506 million).

10.2.9 EU legislative procedure

The EU institutions are entitled to adopt legal acts that are binding on Member States, national authorities and private parties. Such acts must have a legal basis, which means they must be based on provisions of the EU Treaties. The legal basis determines the scope of EU competence, the form of the measures and the decision-making procedure to be followed. Disagreements between the institutions and the Member States over the choice of legal basis are not uncommon. Among the legal acts, EU regulations are directly applicable in all Member States, whereas directives are binding as to the result to be achieved, but leave to national authorities the choice of form and method. Decisions are either generally binding or may specify to whom they are addressed. Instruments that are not legally binding include statements, recommendations and conclusions.

The bulk of EU legislation is adopted in what is known as the ordinary legislative procedure (OLP), in which the Council of the EU and the European Parliament act as co-legislators on an equal footing, and the Council takes its decisions by qualified majority. The OLP is triggered by the Commission presenting a proposal. First, the Council and the Parliament examine the proposal simultaneously. Where they have differing positions, the Council and the Parliament engage in interinstitutional negotiations with the Commission in what are known as informal 'trilogues', or tripartite meetings. In the Council, any amendments to the Commission proposal and the mandate given for the Council presidency to open the trilogue are normally adopted as a 'general approach' of the Council. The number of readings of a legislative proposal must not exceed three. Thanks to the informal trilogues, the majority of EU legislative acts are today adopted at the first reading, which has no time limits, or at the early stage of the second reading. The ordinary legislative procedure formally ends when the Council and the Parliament either approve or reject the Commission proposal. It is today quite common for the Commission to withdraw its proposal if it becomes clear that it will not gain support from the Council and the Parliament. The efficiency of the legislative procedure

relies on constructive interinstitutional collaboration and joint planning of the legislative work.

The EU legislator – i.e. the Council and the Parliament as co-legislators – regularly grants delegated powers to the European Commission through legal acts. Under certain conditions, the EU legislator may empower the Commission to adopt measures of a legislative nature, called delegated acts. The aim of this is to achieve greater efficiency and speed. While the responsibility for implementing EU law rests with the Member States, the legislator may confer implementing powers on the Commission to ensure that EU laws are applied uniformly across the Member States. How the exercise of such delegated powers is monitored depends on the type of competence that has been delegated. The EU legislator oversees the exercise of legislative powers, but it is the Member States who control the use of implementing powers, under a practice known as the comitology procedure. However, the line between legislative and implementing powers is not always clear and frequently gives cause for disagreement over competences among the EU institutions, and also among the Member States. Whenever there is scope for interpretation, the different parties tend to advocate solutions which maximise their own influence. The comitology procedure affords Member States greater scope for influencing the Commission's actions than when the Commission submits proposals for delegated acts. In borderline cases, the European Parliament – not represented on the comitology committees – and the Commission favour the delegation of legislative powers. This has had the effect of further complicating the negotiations on EU legal acts.

10.2.10 National preparatory work and coordination

The handling of EU affairs at national level in Finland is based on the Constitution and subordinate statutes laying down further details on its provisions. The Government is responsible for the preparatory work at national level for decisions to be made by the European Union and decides on measures taken by Finland that relate to these decisions, unless this has to be approved by Parliament. To promote Finland's interests and achieve results it is important that procedures are efficient and appropriate. Systematic preparatory work by the ministries, a well-functioning coordination system and strong political involvement are essential. Crucial for political decision-making at national level are the policy guidelines set by the

Government's Ministerial Committee on European Union Affairs backed up by close collaboration with Parliament.

Individual ministries, within their respective spheres of authority, are responsible for following EU affairs, carrying out the necessary preparatory work, influencing opinions at EU level and ensuring implementation of relevant EU legislation. When a matter falls within the authority of several ministries, they will need to work together in these areas.

The Government's coordination system for Finland's EU affairs, which involves the Ministerial Committee on European Union Affairs and the Committee for EU Affairs together with its sub-committees, helps to ensure that Finland can present a coordinated position in line with its general EU policy on any matter under consideration in the EU, and at any stage of consideration. This allows all the parties concerned to participate in the formulation of Finland's policies, enabling it to operate in the EU coherently and consistently.

The participation of the Finnish Parliament in the national policy preparation on EU affairs is enshrined in the Constitution. The aim is to ensure that Parliament is always consulted when government representatives make decisions that would have fallen within the competence of Parliament prior to Finland's EU membership, and to keep Parliament informed on important EU matters. These constitutional provisions, moreover, apply to other forms of decision-making comparable to EU-level policymaking.

Parliamentary involvement in the formulation of policies is an asset that enables Finland to maintain firm positions at EU-level negotiations, while securing broad-based political support at home. It is therefore particularly important to protect Parliament's rights of participation and ensure its timely access to information. While a position adopted by Parliament is not legally binding on the Government, it is established practice that Parliament's position serves as an indicative basis for views expressed by Finland's representatives at EU level. Should the Government decide to deviate from Parliament's position, it must justify its decision. As the Government is politically accountable to Parliament, such a difference of views would ultimately be resolved through a vote of confidence.

In Finland, EU affairs are mostly coordinated in preparatory sub-committees that report to the competent ministries. The public officials on these sub-committees must make sure that the views they express are in line with those of the entire ministry they represent. They also have to inform their respective ministries of the policy guidelines adopted at sub-committee level. The sub-committees dealing with EU affairs convene either in a restricted composition of public officials only, or, where appropriate, in an extended format that also includes stakeholders.

The Committee for EU Affairs deals with broader sets of issues, including the national strategy for influencing EU policymaking and Finland's approach to shaping the European Commission's Work Programme. It also decides on Finland's national experts to be seconded to EU institutions. The Committee for EU Affairs is chaired by the State Secretary for EU Affairs in the Prime Minister's Office. The Committee has representatives from all ministries and from the Office of the President of the Republic, the Office of the Chancellor of Justice, the Bank of Finland and the Government of Åland. Although the Committee's members include Permanent Secretaries and State Secretaries from the ministries, it often meets in a format that includes their personal deputies.

All EU matters that are politically, economically, legally or otherwise important are referred to the Ministerial Committee on European Union Affairs. This also concerns preparatory work in regard to the EU's foreign and security policy issues and Finland's efforts to influence this policy area. When Finland's position on significant EU foreign and security policy issues is formulated, the Government works in close coordination with the President of the Republic.

Serving as the EU secretariat for the Prime Minister's Office, the Government EU Affairs Department is in charge of coordinating the preparation and consideration of EU matters. It also provides instructions to Finland's Permanent Representation to the EU in matters under discussion in Coreper at any given time. Supporting the work of the Prime Minister, who is in charge of Finland's EU policy, has become one of the main tasks of the Government EU Affairs Department. It is also responsible for preparing matters to be raised on the agenda of meetings of the European Council and of any other meetings of Member States' Heads of State or Government. The Government EU Affairs Department, moreover, provides the secretariat for the Ministerial Committee on European Union Affairs. Other important duties of the Department include coordinating matters related to any amendments to the EU

Treaties, and managing horizontal and institutional matters of key importance to the further development of the EU, as well as certain appointments to EU institutions. Additionally, it discusses with the Ministry for Foreign Affairs all matters pertaining to changes to the EU Treaties.

Finland's Permanent Representation to the EU, which represents the entire Government, is also closely involved in the preparatory work on EU matters and in making Finland's influence felt within the EU.

An important aspect in the implementation of Finland's EU policy is to ensure the participation of Åland in Finland's consideration of EU matters and to take account of the opportunities for Åland to make its views known. As part of its task of coordinating Finland's EU affairs, the Government EU Affairs Department is responsible for ensuring Åland is provided with opportunities to make its views known in these processes. For more details on the status of Åland in the preparatory work at national level on EU matters, see 9.3 above.

To ensure that Finland's preparatory work on EU affairs is proactive and effective, it is important that government ministers contribute to the discussions in the Ministerial Committee on European Union Affairs and in the Council of the European Union. Full commitment of the senior ministerial officials is also required, and stakeholders and civil society should be consulted. The broad-based coordination system for Finland's EU affairs is an asset for the country, and all participants are expected to make use of it from the earliest stage.

10.2.11 EU litigation and infringement procedures

The mission of the Court of Justice of the European Union (CJEU), also known as the EU Court of Justice, is to ensure that the law is observed in the interpretation and application of the EU Treaties. It makes sure that EU law is interpreted and applied in the same way in all EU countries. The case-law of the EU Court of Justice has had a major effect on how EU law has evolved. Located in Luxembourg, the EU Court of Justice consists of the Court of Justice proper and the General Court.

'EU litigation procedure' refers to cases processed by the EU Court of Justice. For the Member States, the main category of such cases, in terms of volume, consists

of the requests for a preliminary ruling that national courts submit to the EU Court of Justice. Member States may take part in the proceedings. They may also appear before the Court as defendants in the event that the Commission brings an action against them for an alleged infringement of their obligations under EU law. An individual Member State may, moreover, bring an action against an EU institution, or appeal against decisions of the General Court. Furthermore, Member States have the right to intervene in all actions and appeals pending before the EU Court of Justice. Finland has been relatively active in EU litigation: in 2017, for example, it participated in 48 written and 12 oral procedures in the EU Court of Justice.

'EU infringement procedure' refers to a procedure launched by the European Commission against a Member State for breaching its membership obligations. The purpose of the infringement procedure is to investigate the matter and reach an agreement between the Member State and the Commission without needing to bring the case before the EU Court of Justice. The Commission first sends a letter of formal notice to the Member State concerned. If the Commission is dissatisfied with the reply given, it sends a reasoned opinion to that Member State. As the next step, the Commission can bring a case before the EU Court of Justice for an infringement of obligations. If the action concerns delayed national implementation of an EU directive, the Commission may directly ask the EU Court of Justice to impose financial penalties on that Member State. The level of such penalties may be considerable. A substantive breach of EU law, in turn, triggers a more involved sanctioning procedure.

Representing Finland in EU litigation and infringement procedures falls within the responsibilities of the Ministry for Foreign Affairs. Finland is represented before the EU Court of Justice by the Agent of the Finnish Government, who is the Head of the Unit for EU Litigation at the Ministry for Foreign Affairs, and his or her deputy.

The Government's views are formulated in working groups which operate under the direction of the Ministry for Foreign Affairs and are composed of members from different ministries. The grounds that serve as the basis for a formal notice are first discussed in the sub-committee for legal matters that reports to the Committee for EU Affairs. Important matters of principle will be referred to the Ministerial Committee on European Union Affairs.

The status of the Province of Åland in EU litigation and infringement procedures is laid down in section 59c of Act on the Autonomy of Åland. Finland's positions in cases concerning an alleged breach of EU membership obligations are prepared by the State jointly with the Government of Åland to the extent that the fulfilment of the membership obligations in question falls within the competence of Åland. If the EU Court of Justice has ordered Finland to pay a fixed compensation, a conditional fine or some other comparable pecuniary sanction, the liability for this shall rest with Åland as against the State in so far as it is based on an act or omission on the part of Åland (section 59d of the Act on the Autonomy of Åland). The status of the Province of Åland in EU litigation and infringement procedures is explained in more detail in section 9.3 above.

See Court of Justice of the European Union.²¹

10.2.12 Representing Finland at high-level EU meetings

Besides representing Finland in European Council meetings and informal meetings of EU Heads of State or Government, the Prime Minister also represents the country in other activities of the EU requiring participation at the highest level, unless the Government exceptionally decides otherwise. Although it is not possible to give an exhaustive list of all EU gatherings that necessitate participation at the highest national level, they typically include Euro Summits, EU–Third country meetings (where the EU and its Member States meet at Heads of State or Government level with representatives of non-EU countries or groups of countries) and summits involving the EU leadership, Member States' leaders and the leaders of, for example, one or more superpowers. If Finland is to be represented in the EU by someone other than the Prime Minister or his or her deputy, the decision must, as a rule, be made at a government plenary session. However, in other cases, whenever ministers participate as members of Finland's national delegation in EU activities requiring national representation at the highest level, such participation is part of their ministerial duties and no specific decision is needed. Finland's national preparations for EU–Third country meetings are coordinated by the Government EU Affairs Department.

21 <https://curia.europa.eu/jcms/jcms/index.html>

10.2.13 Stability in the euro area

EU legislation lays down three fiscal rules for the management of general government finances. The general government deficit must not exceed three per cent of gross domestic product (GDP), and general government debt must not exceed 60 per cent of GDP. In addition, a medium-term objective (MTO) is set for the structural balance in general government finances, the lowest limit of which is determined by country-specific conditions.²²

The European Commission evaluates Finland's compliance with the Stability and Growth Pact (SGP) in connection with the annual assessment of the country's Stability Programme in June. Like all other EU Member States, Finland draws up an annual National Reform Programme.

The Stability and Growth Pact has two arms: the preventive and the corrective arm. Achieving compliance with the preventive arm is based on three elements:

1. reaching the medium-term objective, or heading towards it at a sufficient pace;
2. complying with the expenditure benchmark;
3. overall assessment of compliance with points 1 and 2 above.

The corrective arm of the SGP is where the European Commission considers launching an Excessive Deficit Procedure against a Member State whose general government deficit exceeds three per cent of GDP, or whose general government debt exceeds 60 per cent of GDP and the debt ratio is not heading towards the 60 per cent threshold at a sufficient pace. However, the Excessive Deficit Procedure is not launched automatically; instead, the Commission first assesses the severity of such an infringement in a report.

The relevant Finnish legislation consists of the Act on the Implementation of Legislative Provisions under the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, on the Application of the

²² The spring 2013 Stability Programme set a medium-term objective of -0.5 per cent of GDP, which is currently also the lowest permitted target for Finland.

Treaty and on the Requirements concerning General Government Multi-annual Budgetary Frameworks.

10.3 Nordic cooperation

The Nordic countries engage in extensive cooperation, both through informal consultation and within a more formal framework. The Government's Nordic cooperation duties are assumed by the minister to whom the duties were assigned in the decision on ministers' portfolio responsibilities. The role of Nordic cooperation ministers is laid down in the Treaty of Cooperation between Denmark, Finland, Iceland, Norway and Sweden, known as the Helsinki Treaty (Finnish Treaty Series 28/1962, Article 61).

The main body for interparliamentary cooperation is the Nordic Council, founded in 1952, and for intergovernmental cooperation, the Nordic Council of Ministers, set up in 1971. Efforts have since been made to enhance the Nordic Council's parliamentary nature and improve the Nordic Council of Ministers' democratic accountability to national parliaments.

Formal Nordic cooperation under the Helsinki Treaty also involves the autonomous territories of Åland (Åland Parliament, Government of Åland), Greenland and the Faroe Islands.

Nordic cooperation is rooted in the Helsinki Treaty (1962), which has been amended several times, most recently in September 1995. Other joint Nordic agreements number about sixty. They include the Protocol Concerning the Exemption of Nationals of the Nordic Countries from the Obligation to Have a Passport (1954); the Agreement on Cultural Cooperation (1971); the Nordic Environmental Protection Convention (1974); the Agreement on Municipal Cross-border Cooperation (1977); the Nordic Language Convention (1987); the Agreement Concerning a Common Nordic Labour Market (1982); the Agreement on Social Security (renewed in 2003); the Nordic Convention on Social Assistance and Social Services (1994); and the Agreement on Admission to Higher Education (1996). The relationship between Nordic agreements and EU law is not always clear-cut. The network of Nordic agreements is extensive, having served as an advanced example of greater regional integration, but its position today is affected by the application of EU law.

10.3.1 Nordic Council

The Nordic Council has altogether 87 members, nominated by the Nordic countries' national parliaments. They are organised into five party groups without regard to national borders: Conservative Group (incl. from Finland: National Coalition Party); Social Democrat Group (incl. from Finland: Finnish Social Democratic Party); Centre Group (incl. from Finland: Centre Party of Finland, Swedish People's Party of Finland, and Christian Democrats); Nordic Freedom (incl. from Finland: Finns Party); and Nordic Green Left (incl. from Finland: Left Alliance). The Council also has some members who belong to unaffiliated political parties (incl. from Finland: Blue Reform).

The political leadership of the Nordic Council, the Presidium, includes the Council's President, Vice-President and a maximum of 15 elected members. All member countries and party groups have to be represented on the Presidium. The President is elected from the country whose turn it is to host the Ordinary Session during that calendar year (in 2019, Sweden). The Presidium has played a particularly important role in overall foreign and security policy matters and EU-related issues.

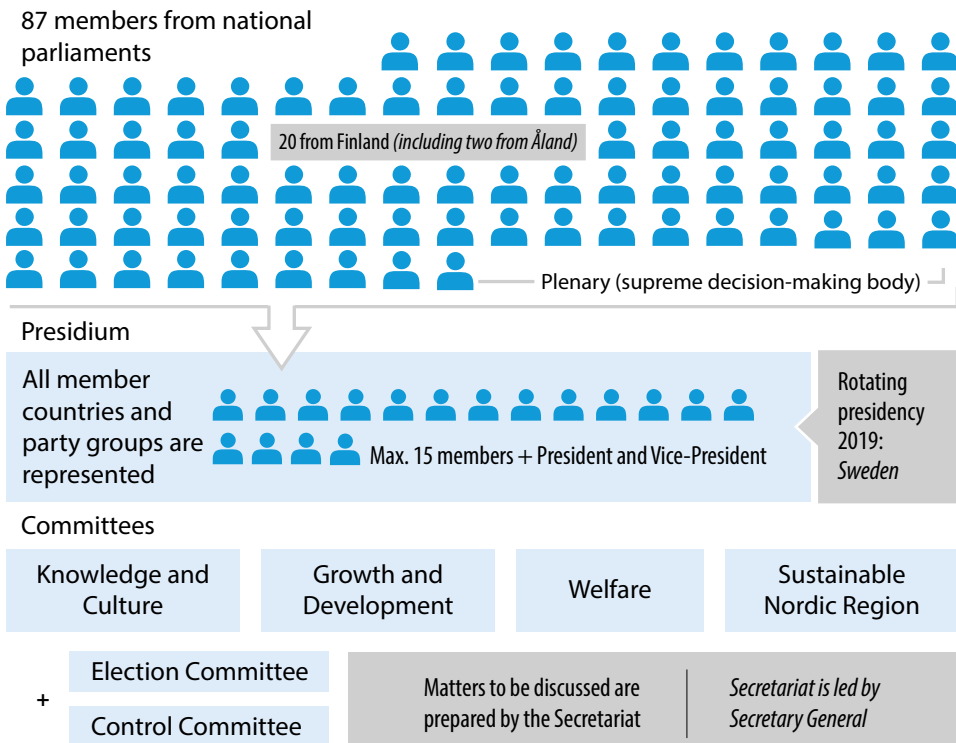
Commonly held in late October or early November, the Ordinary Sessions of the Nordic Council provide a unique forum for debate between governments and parliamentary members. The sessions are normally attended by a large number of ministers, though this will depend on the issues to be discussed. Following established practice, at least the countries' Prime Ministers and Nordic cooperation, foreign and defence ministers are expected to address the Ordinary Session. During the session, the Prime Ministers and parliamentary members engage in discussion on a specific theme, and there are also question times for the different ministers.

The Nordic Council presents initiatives on cooperation and makes recommendations to the Nordic Council of Ministers. In addition, the committees and the Presidium can decide to conduct studies and other work of their own. The Nordic Council, its committees and individual members are entitled to submit written questions to the Council of Ministers and the governments of the Nordic countries. The committees conduct an oral dialogue with the Nordic ministers, who are represented by the presidency, on all initiatives on which the national governments' responses have not been accepted.

The Nordic Council has four specialist committees: Committee for Knowledge and Culture in the Nordic Region; Committee for Growth and Development in the Nordic Region; Committee for Welfare in the Nordic Region; and Committee for a Sustainable Nordic Region. There is also the Election Committee and the Control Committee.

The languages of the Nordic countries have equal status in the Nordic Council meetings. While Danish, Norwegian and Swedish are the working languages, members may also submit initiatives in Finnish. An interpretation service is offered between the working languages and Finnish and Icelandic, and all important documents are translated.

Figure 9. Nordic Council



10.3.2 Nordic Council of Ministers

The highest political leadership in Nordic cooperation is vested in the Nordic countries' Prime Ministers, in accordance with an amendment to the Helsinki Treaty in 1993. Each of them is assisted in this by a member of their government appointed as Nordic cooperation minister, and by officials who are members on the Nordic Committee for Cooperation. The role of the Nordic cooperation ministers is laid down in the Helsinki Treaty. The Finnish Government's Nordic cooperation duties are assumed by the minister to whom the duties were assigned in the decision on ministers' portfolio responsibilities.

The Ministry for Foreign Affairs has its own Secretariat for Nordic Cooperation, which operates in the Ministry's Department for Europe. The Secretariat assists the Prime Minister and the Minister for Nordic Cooperation in leading the Finnish Government's activities in the Nordic Council of Ministers, and also coordinates Nordic cooperation within central government. The Chief of the Secretariat represents Finland on the Nordic Committee for Cooperation.

In the other ministries, ministers are assisted by officials responsible for matters of Nordic cooperation.

The Nordic Council of Ministers currently convenes in 11 ministerial councils, and it also has one ad hoc council dealing with digitalisation matters. The Nordic Prime Ministers and the ministers for foreign affairs, foreign trade, development and defence do not meet as the Council of Ministers but in ministerial meetings. Certain other ministers outside the formal structures of the Council of Ministers, notably the ministers for transport, home affairs and local government, also meet on a regular basis.

Nordic intergovernmental cooperation has a rotating presidency that lasts a full calendar year (in 2019, Iceland). Finland's next presidency of the Nordic Council is scheduled for 2021. Under the Helsinki Treaty, the presidency is responsible for

leading Nordic cooperation. In the past few years, it has been customary for each Nordic country to draw up a presidency programme.

The Nordic Council of Ministers has a quorum when all the member countries are represented and when a majority (i.e. three or more) of the national ministers concerned are present. Apart from procedural issues, all decisions require unanimity. The decisions of the Council of Ministers are binding on the Nordic governments. All Nordic agreements are subject to national ratification.

The work of the Nordic Council of Ministers is prepared in permanent committees of senior officials representing ministries, with the assistance of the Nordic Council of Ministers' Secretariat. There are also advisory committees and groups of experts.

The preparatory work and decision-making on all matters before the Nordic Council of Ministers must be in Norwegian, Swedish or Danish. Interpretation into Finnish and Icelandic is provided on request. English is used on a limited basis in some informal contexts, provided there are good grounds for this.

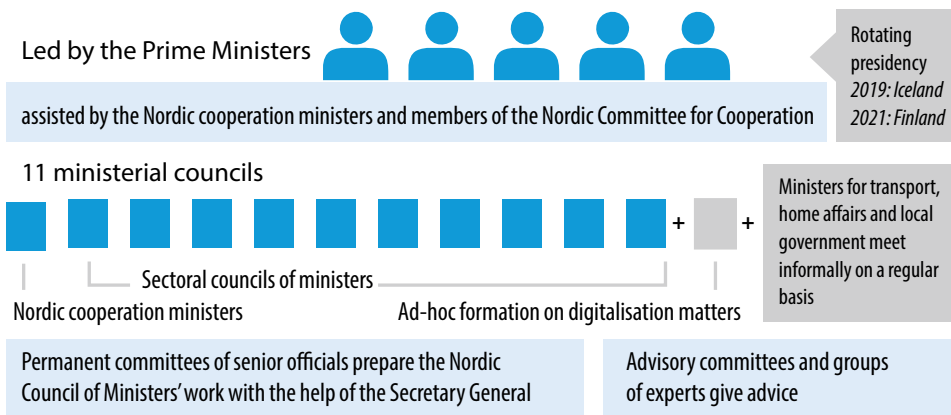
The Secretariats of the Nordic Council and the Nordic Council of Ministers are located in Copenhagen. They have the status of international secretariats, enjoying certain privileges and immunities. They have a joint information and communications department and maintain joint online communications channels.

Joint Nordic institutions are another essential element of Nordic cooperation. These number about 20 across the Nordic countries. Located in Finland are the Nordic Investment Bank (NIB), the Nordic Environment Finance Corporation (NEFCO), the Nordic Development Fund (NDF), the Nordic Culture Point, the Nordic Institute for Advanced Training in Occupational Health (NIVA), and the Finnish branch office of the Nordic Centre for Welfare and Social Issues (NVC). The Nordic Investment Bank was established by the Nordic Council of Ministers, and its membership has been extended to include Estonia, Latvia and Lithuania.

The national Nordic Associations and local sub-associations are the main Nordic forum for civil society cooperation. An information service for the public is provided by the Info Norden network (Info Pohjola in Finland).

The 2019 budget of the Nordic Council of Ministers totalled 951 million Danish kroner (EUR 127 million). Each national ministry meets its own expenses, including travel costs. National ministries, moreover, cover the cost of Nordic cooperation within their respective spheres in so far as this is not covered by appropriations in the budget of the Nordic Council of Ministers.

Figure 10. Nordic Council of Ministers



10.3.3 Nordic cooperation in foreign and security policy (Nordic Five, N5)

When Finland assumes its next presidency of the Nordic Council of Ministers in 2021, it will also be in charge of cooperation in foreign and security policy. The Nordic foreign ministers meet three times a year: in the spring, in September (during the United Nations General Assembly in New York) and in late October or early November (at the Nordic Council). At the Nordic Council session, the foreign minister of the presidency presents a report on Nordic foreign and security policy cooperation.

Nordic emergency management cooperation at ministerial level, known as Haga cooperation, also has a rotating presidency. This will next be assumed by Finland (Ministry of the Interior) in 2021.

The most important meetings at the level of public officials are the Nordic Five (N5) meetings involving state secretaries and political directors.

The presidency of the Nordic Council of Ministers prepares meeting agendas, chairs the meetings, and drafts and coordinates any joint statements and articles. In 2021, Finland will also be in charge of promoting and coordinating cooperation among the Nordic countries' diplomatic missions in a number of capital cities and international organisations.

In recent years, Nordic cooperation in foreign and security policy has increasingly been extended to cover collaboration between the Nordic countries and the three Baltic States (Nordic-Baltic Eight, NB8).

Since 2011, Nordic cooperation has chiefly been enhanced through ministerial declarations, particularly in the field of foreign and security policy. These include the Nordic declaration of solidarity in 2011, adopted by the foreign ministers; the 2014 declaration on cooperation adopted by the development and Nordic cooperation ministers at the negotiations on the UN sustainable development goals; and the 2014 declaration on defence cooperation, adopted by the defence ministers.

10.3.4 Nordic region and Europe

In matters of policy towards Europe, the guiding principle in Nordic cooperation and in Nordic-Baltic cooperation has been consultation and cooperation, particularly in EU and European Economic Area (EEA) issues involving common interests and values and where there is a desire to influence Europe's agenda. Depending on the matters in hand, such cooperation may include informal exchanges of information or coordinated statements and initiatives. Nordic collaboration in European affairs is based on Article 33 of the Helsinki Treaty.

EU/EEA-related business is also regularly discussed in meetings of the five Nordic countries' Prime Ministers, meetings of other Nordic ministers and public officials, and meetings of the Nordic Council of Ministers in nearly all its formats and in its subordinate committees of senior officials.

See Ministry for Foreign Affairs,²³ Nordic cooperation.²⁴

10.4 International relations

10.4.1 Treaties and other international obligations

The term ‘treaty’ is defined in the Vienna Convention on the Law of Treaties (Finnish Treaty Series 32/1980 and 33/1980). The definition embodies the principle that a treaty creates rights and obligations that are governed by international law and bind the parties as subjects of such law. However, there is no definition of treaties or other international obligations in Finland’s Constitution or elsewhere in its national legislation. When engaging in international negotiations, Finland therefore has to decide whether the instrument under negotiation is actually a treaty or some other document that is not legally binding. This determines the national decision-making process to be followed.

The different stages of concluding a treaty are governed by international law. National law, however, determines which organ of state take decisions at the various stages of treaty negotiation and the internal procedure for bringing treaties into force. In Finland, provisions concerning treaties are contained in chapter 8 of the Constitution. This includes competence in foreign policy issues (section 93); accepting and withdrawing from international obligations (section 94); bringing international obligations into force (section 95); participation of Parliament in the preparatory work at national level on European Union matters (section 96); and the parliamentary right to receive information on international affairs (section 97).

Under the Act on the Autonomy of Åland, the Government of Åland must be informed of treaty negotiations if the negotiations concern a matter within the competence of the province or which is otherwise of special significance to it. The consent of the Åland Parliament is required for the entry into force in Åland of a treaty that deals with matters within the competence of Åland or is in conflict

23 <https://um.fi/frontpage>

24 <https://www.norden.org/en>

with the Act on the Autonomy of Åland. The role of Åland in the negotiations on treaties and in bringing them into force is discussed in more detail in 9.3 above.

The Ministry for Foreign Affairs assists in the coordination of treaties and other international obligations.

See the guide on concluding treaties.²⁵

10.4.2 Finland and human rights in international judicial and investigative bodies

The European Court of Human Rights (ECHR) is a permanent and independent international court. Applications can be lodged by individuals, civil society organisations or groups of individuals alleging that a contracting state has violated their rights under the European Convention on Human Rights ('individual complaints'). Such complaints typically concern the decisions or practices of national courts, administrative authorities or other bodies exercising public authority that allegedly constitute a violation of the applicant's human rights. Complaints by companies are also admissible. Prior to such a complaint, however, all effective national judicial remedies must have been exhausted. An application can, moreover, be lodged by any contracting state which finds that another contracting state has violated the provisions of the European Convention on Human Rights ('inter-state complaints'). Such complaints are, however, rare. The final judgements of the European Court of Human Rights are binding on the respondent state under international law. The national enforcement of these judgements is overseen by the Committee of Ministers of the Council of Europe. The ECHR sits in Strasbourg.

Compliance with the European Social Charter is monitored by the European Committee of Social Rights through a periodic reporting system and through collective complaints. National and international employer and employee organisations and certain non-governmental organisations (NGOs) may submit collective complaints to the Committee on alleged violations of their rights

25 <https://um.fi/valtiosopimusopas>

enshrined in the Charter. Finland is to date the only contracting state to have granted all NGOs the right to lodge an appeal or a complaint. The European Committee of Social Rights does not accept complaints by individuals. Its decisions are not legally binding. They are endorsed by the Committee of Ministers of the Council of Europe, which also monitors their national implementation. The Committee of Social Rights meets in Strasbourg.

The implementation of other key human rights instruments adopted within the framework of the Council of Europe (CoE) is monitored through periodic reports submitted by the states parties. The protection of national minorities and minority languages, action against human trafficking, and the prevention of violence against women are the subjects on which Finland reports periodically to the independent and impartial treaty monitoring bodies that oversee the implementation of the relevant instruments. The protection of children against sexual exploitation and sexual abuse is, in turn, monitored through peer reviews in the Lanzarote Committee. The treaty monitoring bodies of the Council of Europe convene in Strasbourg.

Within the United Nations' human rights treaty system, implementation of the key human rights instruments is monitored by ten independent and impartial treaty bodies. Finland submits periodic reports on the implementation of human rights treaties to seven of the bodies: Human Rights Committee (monitors implementation of the International Covenant on Civil and Political Rights, CCPR); Committee on Economic, Social and Cultural Rights (CESCR); Committee on the Elimination of Racial Discrimination (CERD); Committee on the Elimination of Discrimination against Women (CEDAW); Committee against Torture (CAT); Committee on the Rights of the Child (CRC); and Committee on the Rights of Persons with Disabilities (CRPD). Monitoring by the Subcommittee on Prevention of Torture (SPT) is based on visits to places where persons deprived of their liberty are detained in a party's territory.

Implementation of the UN human rights treaties is monitored through individual complaints and, though more rarely, inter-state complaints. Accepting the complaints mechanism is not mandatory; the states parties may choose whether to recognise the competence of a monitoring body to consider complaints. Finland has acknowledged the competence of all the above committees to consider individual and inter-state complaints about alleged human rights violations. It has,

moreover, recognised the competence of these committees to conduct, on their own initiative, investigations into alleged serious, grave or systematic violations of the conventions in a state party. The concluding observations of the United Nations' treaty bodies are not binding under international law in the same way as the judgements of the European Court of Human Rights. Finland has nevertheless sought wherever possible to implement the recommendations addressed to it whenever a violation has been established in a complaints procedure. The UN treaty bodies convene in Geneva.

Human rights complaints concerning Finland can also be considered in the UNESCO Committee on Conventions and Recommendations and under the complaint procedure of the United Nations Human Rights Council (HRC).

It is the State that always acts as the respondent in the above complaint procedures, even where it is an act or omission of an authority or other body vested with public powers that has caused the alleged violation of human rights, as this can be imputed to the State. Representing Finland on international judicial and investigative bodies that address human rights issues falls within the responsibilities of the Ministry for Foreign Affairs. The Director of the Unit for Human Rights Courts and Conventions at the Ministry for Foreign Affairs acts as the agent for the Finnish Government in these issues.

10.4.3 Missions and representations

10.4.3.1 Foreign missions and representations in Finland

Helsinki hosts the embassies of around 60 foreign states. Additionally, almost 100 embassies based in other countries are concurrently accredited to the Finnish capital. Finland is also home to three consulates headed by career consuls, and seven representations or offices of international organisations. Key institutions of the European Union are also represented in Helsinki.

There are some 200 foreign honorary consulates in Finland, over 50 of them operating in the Greater Helsinki area.

The Ministry for Foreign Affairs publishes an online list²⁶ (Helsinki Diplomatic List) of the diplomatic and consular missions, international organisations and diplomatic corps members accredited to Finland.

10.4.3.2 Finnish missions and representations in other countries

Finland's Foreign Service is represented abroad through a network of diplomatic and consular missions. Diplomatic missions refer to Finnish embassies and their separate offices in countries around the world, and also liaison offices, as well as Finland's permanent missions, permanent representations and special missions to international organisations and collaborative bodies. Consular missions include consulates general, consulates, and offices under the administration of a consulate general, all headed by a career official, and honorary consulates that are headed by an honorary consul. The entire network of Finnish missions abroad consists of about 90 offices. Finland also has several roving ambassadors, who are based at the Ministry for Foreign Affairs in Helsinki, and about 400 honorary consuls around the world.

Finland's diplomatic missions handle general political tasks and official duties. As a rule, all missions have the same core tasks. These are defined in the Act and Decree on the Foreign Service, the Consular Services Act, the Vienna Convention on Diplomatic Relations, and the Vienna Convention on Consular Relations. Traditions and established practice also play a role. The emphasis given to different tasks ultimately depends on local needs. Many Finnish missions handle not only Finland's relations with the host country but also with countries in the neighbouring area where Finland is not otherwise represented. These are countries of concurrent accreditation and are a normal part of the network of diplomatic missions, enabling Finland to maintain relations even with countries in which it has no mission of its own.

Finland's diplomatic missions in third countries and in international organisations engage closely with the EU Delegations and Offices. EU Delegations and Offices are also referred to in 10.2.6 above.

26 <https://um.fi/diplomatic>

The presence of the entire Government is not automatically required on the occasion of state visits and other official visits from abroad hosted by the President of the Republic. The reception ceremonies in front of the Presidential Palace will be attended by the Minister for Foreign Affairs and another member of the Ministerial Committee on Foreign and Security Policy or member of the Government. In the case of a state visit, ministers taking part in the scheduled talks between the delegations will also be invited to the reception ceremony. Upon arrival of the official guest at the airport, one of the ministers will, if necessary, take part in receiving the guest there. A decision to this effect will be taken case by case before each visit. Ministers will receive official invitations to attend formal meals held during the visit.

10.4.4.2 Visits abroad by members of the Government

Ministers' visits to other countries and the invitations they extend to their foreign counterparts are an integral part of Finland's foreign policy. It is therefore important that such visits conform in both substance and timing to Finland's foreign policy positions, and are appropriate in relation to the Government's overall schedule for exchanges of visits.

The plans of Finnish ministers to visit other countries and any intentions they have of inviting their foreign counterparts to Finland must be communicated to the Ministry for Foreign Affairs to enable the Ministry to have an overall picture of visits at government level.

Information about ministerial visits abroad must be submitted to the particular unit in the Ministry for Foreign Affairs that is responsible for the country or international organisation concerned. The information must also be sent centrally to the Ministry for the purposes of its electronic record of visits. Extracts of the information entered in that record can be shared with other ministries on demand.

For each visit, the following information should be provided: the visitor's first and last names, position and/or title; date and nature of visit (official visit, working visit, participation in a meeting, trade promotion visit, etc.); and the destination and key themes of the visit. Conference travel, Nordic meetings and informal trips are not recorded in the register.

Following a change of Government, any invitations issued and received by members of the previous Government for visits that have not yet taken place are not automatically valid but will need to be processed again.

Messages to Finnish diplomatic missions abroad concerning exchanges of visits at government level must be channelled through the relevant unit at the Ministry for Foreign Affairs, unless otherwise agreed.

For reasons of international protocol, and in keeping with the respect to be shown to the members of Finland's Government, official visits and other visits of an official nature to other countries should take place upon invitation by a member of the host country's Government. Even in the case of more informal visits (attending exhibitions, for instance), some countries require invitations to be sent and hosting arrangements to be agreed beforehand. Such matters should be settled with the Ministry for Foreign Affairs as early as possible.

10.4.4.3 Prime ministerial and other high-level visits to Finland

The Prime Minister's Office and the Ministry for Foreign Affairs have agreed on the procedures for visits to Finland, with the Finnish premier as host, by other countries' Prime Ministers and the heads of international organisations (e.g. UN, OECD). The Ministry for Foreign Affairs is in charge of drawing up the programmes for these visits. It also sees to the practical arrangements, including those for prime ministerial delegations, and takes care of all other activities related to such visits. The costs of these visits are met by the Ministry for Foreign Affairs. The contact person in the Prime Minister's Office will either be one of the Special Advisers to the Prime Minister or one of their secretaries.

When a Finnish minister is to meet European Commission members, European Parliament representatives or other high-level EU representatives, the arrangements must be coordinated with Finland's Permanent Representation

to the EU in Brussels and the Government EU Affairs Department of the Prime Minister's Office. The names of official guests invited to Finland should be notified at the earliest opportunity to the other competent Finnish ministries, the European Commission Representation in Finland and the European Parliament Information Office in Finland. This will allow the benefits of these visits to be utilised as broadly as possible in Finland's efforts to influence EU policy.

10.4.5 Matters of protocol

10.4.5.1 National day receptions and other occasions

Members of the Finnish Government frequently receive invitations to national day receptions at foreign embassies based in Helsinki. The secretary of the minister concerned will inform the embassy in question of whether the minister is able to attend or not.

No general recommendations can be issued regarding ministers' acceptance of other invitations from foreign Ambassadors. Any inquiries should be addressed to Protocol Services at the Ministry for Foreign Affairs.

10.4.5.2 Other protocol-related issues

Observing protocol is essential in, for example, meeting arrangements, seating plans, forms of address, dress code, correspondence and awarding of decorations. The ministries are welcome to consult Protocol Services at the Ministry for Foreign Affairs on these issues. Instructions for security arrangements are given by the Preparedness Unit in the Prime Minister's Office.

Direct correspondence between members of the governments of different countries should observe particular conventions in accordance with established international practice. These include forms of address and salutation, and courtesy phrases. Further information can be obtained from Protocol Services at the Ministry for Foreign Affairs. It is common practice that members of the Government only correspond with their foreign counterparts. Note that in some countries, deputy ministers are not always full members of the country's government. The correct Finnish counterpart for correspondence with such deputy ministers is the Permanent Secretary of the ministry concerned or the State

Secretary to the minister. The Ministry for Foreign Affairs can be consulted in cases which are unclear.

Congratulatory letters, letters of condolence and letters of thanks addressed to high-level representatives of foreign states by the President of the Republic, the Prime Minister or the Minister for Foreign Affairs are sent by the Ministry for Foreign Affairs. Letters of a similar kind from other ministers are sent by the respective ministry.

10.4.6 Policy regarding petitions on international issues

The Ministerial Committee on Foreign and Security Policy has issued a recommendation stating that members of the Government should refrain from supporting and signing petitions or similar initiatives by civil society organisations or other groups that relate to international affairs or foreign policy. Should a member of the Government consider it justifiable to deviate from this rule, she or he must discuss the matter with the Minister for Foreign Affairs or refer it to the Ministerial Committee on Foreign and Security Policy.

10.5 Promoting exports and foreign investment

Promoting Finnish exports and the internationalisation of Finnish businesses and attracting foreign investment to Finland are areas that require close collaboration between the ministries and other state-funded participants. The Team Finland network, launched in 2012, provides a platform for such collaboration. It brings together all the principal state-funded organisations in this field, notably the ministries, Finland's missions abroad, Business Finland, Finnvera, Tesi (Finnish Industry Investment Ltd), Finnfund, the Centres for Economic Development, Transport and the Environment (ELY Centres), and Finnish Cultural and Academic Institutes.

The Team Finland network aims to ensure that the services provided for companies are effective, efficient, compatible and mutually complementary. Its activities are guided by an executive group with members from the key ministries or their respective branches of government, Team Finland organisations, and bodies

representing business interests. It sets annual targets for the network and adopts a strategy for its activities. The communications and operations of Team Finland are coordinated by the Business Finland innovation and promotion service.

Visits abroad by Finnish delegations to promote exports and internationalisation are at the core of Team Finland's service package. Trade delegations may be headed by senior public officials, members of the Government, the Prime Minister or the President of the Republic. Every year, Team Finland draws up a plan for export promotion visits on the basis of information gathered by its member organisations on business opportunities in foreign markets and the scope for Finnish companies to take advantage of these opportunities. Business Finland and the Ministry for Foreign Affairs' unit coordinating Team Finland visits are jointly responsible for synchronising the planning and schedules of such visits. A separate handbook explaining the goals and practical arrangements of Team Finland visits is also at the disposal of ministers.

11 PUBLIC GOVERNANCE REGULATIONS AND PRINCIPLES

11.1 Principles of good governance

The ultimate goal of better government is to achieve standards of good governance that serve the needs of all members of society: individuals, communities and businesses alike. Finland boasts a strong tradition in this field. Everyone's right to good governance is enshrined as a fundamental right in the country's Constitution and similarly in the EU Charter of Fundamental Rights. Good governance reinforces people's confidence in the functioning of government and public administration, and in the rule of law, and improves the legal protection of citizens. The way government and public administration works and is organised influences the extent to which good governance prevails.

In the literature and debate on justice and public governance, reference is often made to various legal principles and to the principles of good governance. These are binding principles and should be followed in the actions of government and public administration and when legislating on matters of public governance.

In Finland, the principles of good governance have their origin in the Constitution, and the implementation of many of these principles should, under the Constitution, be actively furthered through legislation. These principles are similarly set out in the international human rights agreements²⁷ that are binding on Finland and which are closely reflected in the contents of its fundamental rights system. They are also enshrined in the EU Charter of Fundamental Rights.

27 Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights; Finnish Treaty Series 18/1990); International Covenant on Civil and Political Rights (Finnish Treaty Series 8/1976); Revised European Social Charter (Finnish Treaty Series 80/2002); and International Covenant on Economic, Social and Cultural Rights (Finnish Treaty Series 6/1976).

11.1.1 Rule of law and conformity with the law

The exercise of public powers must be based on the law, and the law must be strictly observed in all aspects of public governance. Hence, the rule of law and the inherently related principle of conformity with the law in public governance are referred to in the Constitution (section 2, subsection 3).

Compliance with the rule of law presupposes that the grounds for the competence of an entity which exercises public powers must always be ultimately traceable to an Act of Parliament. It follows that a public authority cannot possess competence that amounts to the exercise of public powers unless that competence finds express support in the law.

11.1.2 Guarantees of good governance

In Finland, the concept of good governance derives from section 21 of the Constitution and from other legislative provisions that support implementation of the requirements set out in that section. Good governance refers not only to the right of everyone to have their case dealt with appropriately and without undue delay (subsection 1 of the above-mentioned section 21), but also to the following elements listed in subsection 2 of the same section:

- publicly accessible processes (part of the principle of openness);
- right to be heard;
- right to receive a reasoned decision; and
- right to request a review.

This list is not intended to be exhaustive. The requirement for impartiality in official actions (sometimes the principle of objectivity), for example, and similarly the service principle and the disqualification provisions (see 4.2 above) set out in the Administrative Procedure Act, can be associated with the requirement for appropriate exercise of public authority referred to in section 21, subsection 1 of the Constitution.

Section 21, subsection 2 of the Constitution requires that the guarantees of good governance be laid down by law. The precise nature of good governance is

determined on the basis of the fundamental rights provision, together with all the legislation passed under it.

The principle of openness derives its constitutional content from section 12 of the Constitution and is further elaborated in the Act on the Openness of Government Activities. Under the openness principle, everyone has the right to receive information on government activities even in matters which do not directly concern them. The Act on the Openness of Government Activities also sets out the duty of public authorities to promote access to information and good practice in information management.

11.1.3 Foundations of good administration

The Administrative Procedure Act contributes to fulfilling the constitutional requirement of guaranteeing good governance by law. It is a general piece of legislation and its objective is to implement and promote good administration and protection under the law in administrative matters, and also to enhance the quality and performance of administrative services.

The foundations of good administration are set out in chapter 2 of the same Act.

Legal principles of administration

The Administrative Procedure Act provides that an authority should treat equally everyone who seeks administrative services (principle of equality) and exercise its competence only for purposes that are acceptable under the law (principle of intended purpose). The actions of an authority must, furthermore, be impartial (principle of equality, and prohibition of discrimination) and proportionate to the objectives sought (principle of proportionality, and requirement for proportionate measures). By their actions, public authorities must, moreover, protect expectations that are legitimate by law (protection of trust, and principle of protection of legitimate expectations). This principle implies that private citizens must be able to have confidence in the accuracy and correctness of the actions of public authorities and in the permanence of administrative decisions.

Service principle and appropriateness of services

The principle of public services and their appropriateness as the grounds for good administration are also set out in the Administrative Procedure Act. An authority must seek to arrange the use of its services and its handling of matters in such a way that those to whom it is providing services in administrative matters receive administrative services appropriately and the authority can perform its duties effectively.

Furthermore, public authorities must publish information on their activities and services and on the rights and obligations of individuals and corporate entities in matters that fall within the authority's sphere of operation. More detailed provisions are contained in the Act on the Openness of Government Activities.

Advice

Public authorities should, within their competence, provide customers, as necessary, with advice on dealing with administrative matters and respond to questions and enquiries concerning the use of their services.

If a matter does not fall within the competence of a given authority, that authority should seek to refer the customer to the competent authority for the matter.

Requirement of appropriate language

Public authorities must use appropriate, clear and comprehensible language. They must also ensure the accessibility of their online services. Regulations on the languages used are given in the Language Act and the Saami Language Act.

Cooperation between authorities

A public authority must, within its competence and to the extent required by the matter, assist another authority, if so requested, in performing an administrative duty and must also otherwise seek to promote cooperation between authorities.

Handling of administrative matters

The Administrative Procedure Act sets out provisions on the handling of administrative matters without delay; the disqualification of public officials; hearing the views of parties; stating the reasons for a decision; the contents of a decision; administrative complaints; and the procedure for requesting an administrative review. The right of appeal is stipulated in the Administrative Judicial Procedure

Act.²⁸ All these rights constitute elements of good administration, and therefore of good governance, and the relevant provisions also contribute to ensuring protection under the law in accordance with section 21 of the Constitution. See 4.2 above for more information on disqualification in the preparation of matters and in the making of governmental and administrative decisions.

11.2 Openness and document handling

11.2.1 Public access to sessions and meetings

Government plenary sessions, Ministerial Committee meetings, ministerial working group meetings and other government meetings are not open to the public. This allows matters to be discussed and prepared, and information exchanged, in a confidential way. As a rule, no information is made public on the discussions held at these sessions and meetings – not even when the deliberations on matters have been completed. Due to the confidentiality of these sessions and meetings, no information acquired during the discussions or concerning documents related to matters not yet concluded should be given to third parties.

Certain parts of a session or meeting may, however, be declared public. This could involve opening the session or meeting to the general public or, alternatively, to invited persons, such as media representatives. It has, for example, been customary to invite the media to a government plenary session whenever a minister, upon taking office, takes an oath of office or makes an affirmation of office.

11.2.2 Official documents and public access to them

An official document is a document prepared by a public authority, or a document delivered to a public authority for the consideration of a matter or otherwise in connection with a matter within the authority's competence or duties, which is in the possession of or otherwise under the control of the authority. Documents not

²⁸ The government proposal to Parliament for an administrative judicial procedure act and for certain related acts (HE29/2018) was adopted by Parliament in amended form on 19 February 2019.

considered official documents are listed in section 5 of the Act on the Openness of Government Activities.

Electronic documents and other records also have the status of documents. A document whose preparation is commissioned by a public authority is also deemed to be an official document. Under the Act on the Openness of Government Activities, bodies that undertake preparatory work on matters independently, such as committees and boards, are also considered to be public authorities.

Documents and other records relating to the activities of a government minister as a member of a political party, or to his or her private life, are not official documents and therefore not in the public domain.

Public access to government documents and the secrecy of such documents are governed by the provisions of the Act on the Openness of Government Activities.

Official documents can be grouped in terms of the extent to which they are publicly accessible, disclosable and subject to secrecy, as follows:

1. public documents (sections 1 and 9 of the Act on the Openness of Government Activities) whose contents must always be publicly accessible;
2. documents not yet complete or processed (sections 6 and 7 of the Act on the Openness of Government Activities) whose contents may be made publicly accessible at the discretion of a public authority (documents made publicly accessible on a discretionary basis);
3. non-disclosable documents (sections 22 and 24 of the Act on the Openness of Government Activities) whose contents must not be released if this would reveal information that is to be kept secret;
4. documents whose contents may be disclosed for specified purposes only (limited purpose documents).

The above classification affects the disclosure and handling of information and documents.

11.2.2.1 Public documents

Official documents are in the public domain, unless otherwise provided by law. All non-disclosable documents (see sections 22–24 of the Act on the Openness of Government Activities) and documents under preparation (sections 6 and 7 of the same Act) remain outside the scope of the unconditional right to information. If a document is publicly accessible, i.e. in the public domain, it means everyone has the right of access to it and a public authority must, upon request, provide a copy or an extract of it or give it to the requester to be studied or copied in the authority's offices.

When an official document is delivered directly to a person employed by a public authority, it becomes a public document as soon as it is received. An electronic document enters the public domain once it becomes available to a public authority. For example, an email message that has arrived at the email address of a public authority enters the public domain once that authority has been able to establish the nature of its contents.

The work undertaken in preparation for the Act on the Openness of Government Activities indicates that those documents which fall outside the scope of the Act because they are unrelated to the responsibilities and duties of a public authority include the following: private correspondence and private electronic messages received by a public official; documents that relate to tasks of a public official outside his or her official post; and, in the case of a government minister, letters from voters and materials received as a member of a decision-making body in a political party.

In the context of their party political duties, ministers and their Special Advisers receive documents that have no relation to the responsibilities and duties of the ministries they work for. The extent to which a letter or other document sent to a minister falls within the scope of the Act on the Openness of Government Activities is governed by the same conditions that apply to a document sent directly to a public official. If such a document pertains to matters within the competence of the ministry in question, it automatically comes within the scope of application of the Act.

When a document is in the public domain, a public authority must, upon request, provide a copy of it or allow the requester to study the document. Should an

authority refuse to grant such access to a public document, the requester has the right to request a review of the decision by way of appeal. Appeals against the decisions of a ministry are made to an administrative court.

11.2.2.2 Documents made publicly accessible on a discretionary basis

The Act on the Openness of Government Activities contains provisions referring to the points at which particular documents normally become public. If access to a document is requested before that stage, providing access to it is at the discretion of the public authority concerned. Due consideration should be given to the interpretative provisions of the Act, which highlight the function and primacy of the openness principle and a narrow interpretation of the restrictions on access to information.

11.2.2.3 Non-disclosable documents

Provisions on non-disclosable documents (the term used here for 'salassa pidettävä asiakirja') can be found in sections 22 and 24 of the Act on the Openness of Government Activities. A non-disclosable official document or a copy of it may not be shown or given to third parties. The obligation to keep a document secret ceases to apply when the provision of access to it would no longer cause the detriment referred to in the specific secrecy provision of the Act, or when the applicable secrecy period has expired or the authority which ordered the document to be kept secret has revoked that order. Provisions on granting access to secret information can be found in sections 26–30 of the Act on the Openness of Government Activities and in specific legislation in different fields. When only a part of a document is secret, access should be granted to the part of the document that is publicly accessible if this is possible without disclosing the part that is secret.

The Act on the Openness of Government Activities contains provisions on a non-disclosure obligation and prohibition of use (section 23). These prohibit the disclosure of secret information contained in a document to a third party and the use of such information for personal gain or to the detriment of another. These obligations apply to everyone in the service of a public authority, and they remain valid even after the employment has ended, unless the obligation to keep certain information secret has expired.

Classification and markings of non-disclosable documents

At the time of writing, the government proposal to Parliament for an act on information management in public administration and certain related acts (HE 284/2018 vp) has been passed by Parliament with amendments. The bill and the date of its entry into force now await presidential approval. The bill introduces changes to the classification and markings of non-disclosable documents. The description below reflects the situation both at the time of writing and after the amendment.

Situation in spring 2019

Under the Act on the Openness of Government Activities (section 25, subsection 3) and the Government Decree on Information Security in Central Government, non-disclosable documents or information contained in them may be classified on the basis of the particular information security requirements to be complied with in handling them.

If a non-disclosable document is not a security classifiable document (specified under section 24, subsection 1, paragraphs 2 and 7–10 of the Act on the Openness of Government Activities), it will be marked in accordance with protection levels I–IV. If a non-disclosable document is security classified, this protection level marking may be supplemented or replaced with a specific security classification marking as follows:

1. 'ERITTÄIN SALAINEN' (top secret) marking for documents at protection level I;
2. 'SALAINEN' (secret) marking for documents at protection level II;
3. 'LUOTTAMUKSELLINEN' (confidential) marking for documents at protection level III;
4. 'KÄYTTÖ RAJOITETTU' (restricted) marking for documents at protection level IV.

Situation after entry into force of new information management legislation

The above two-part classification system of protection levels and security classifications will be abandoned with the entry into force of the Act on Information Management in Public Administration ('Information Management Act') and the Government Decree on Security Classification of Documents in Central Government

issued under it. Under the new Information Management Act, documents will no longer be classified at protection levels and marked with them.

Non-disclosable documents will be marked 'SALASSA PIDETTÄVÄ' (non-disclosable) in line with the Act on the Openness of Government Activities. In addition, by virtue of section 18 of the Information Management Act, authorities at central government level will also have to apply a security classification marking ('ERITTÄIN SALAINEN' (top secret), 'SALAINEN' (secret), 'LUOTTAMUKSELLINEN' (confidential) or 'KÄYTTÖ RAJOITETTU' (restricted)) to non-disclosable documents if the document itself or the information contained therein is to be kept secret under section 24, subsection 1, paragraphs 2, 5 or 7–11 of the Act on the Openness of Government Activities and if unauthorised disclosure or unauthorised use of the information in the document could be detrimental to Finland's defence, preparedness for emergencies, international relations, crime prevention, public safety and security, the functioning of central government finances or the functioning of the national economy, or to the country's security in some other comparable manner. Provisions on the security classification markings and the information security measures for handling classifiable documents will be laid down in the Government Decree on Security Classification of Documents in Central Government to be issued under the new Information Management Act.

International information security obligations and information resources subject to special protection

Obligations on secrecy, on document marking and on the processing of documents and the information they contain may also derive directly from Finland's international information security commitments. Such information, referred to in the Act on International Information Security Obligations as "information resources subject to special protection", must be handled in line with international information security obligations.²⁹

²⁹ Finland's National Security Authority (the Ministry for Foreign Affairs) has published [instructions on handling international security classified information resources](#) (updated 16 March 2016).

Equivalences of security classifications in Finland, the EU and NATO

Finland	ERITTÄIN SALAINEN (top secret)	SALAINEN (secret)	LUOTTAMUKSELLINEN (confidential)	KÄYTTÖ RAJOITETTU (restricted)
EU	TRES SECRET UE/ EU TOP SECRET	SECRET UE/ EU SECRET	CONFIDENTIEL UE/ EU CONFIDENTIAL	RESTREINT UE/ EU RESTRICTED
NATO	COSMIC TOP SECRET	NATO SECRET	NATO CONFIDENTIAL	NATO RESTRICTED

Obligations on secrecy and the processing of information may also derive directly from Finland's international information security commitments.

11.2.2.4 Concerned parties' right to information

The parties to an administrative matter enjoy more extensive rights of access to documents held by public authorities than the public in general. A party to an administrative matter refers to a petitioner or an appellant or any other person whose right, interest or obligation is otherwise at stake. The party concerned has a right of access even to the contents of a non-disclosable document if the document may influence or may have influenced the consideration of his or her matter.

A party to a matter concluded by the Government has the right to receive a copy or an extract of the relevant memorandum and of the actual decision, including the parts that contain secret information.

11.2.2.5 Public access to EU documents

Documents relating to EU action that are held by the Finnish authorities are subject to the national provisions on openness.³⁰ Assessing the extent to which such documents are publicly accessible must take into account the EU's regulations on openness and data security. The key legal act on the openness of documents

³⁰ The Ministry of Justice has issued guidelines on the openness of documents related to EU action (21 August 2014).

produced by EU institutions is the Openness Regulation, which is applicable to documents held by the European Parliament, the Council of the EU and the European Commission (including documents received from the Member States). While such documents are, as a rule, accessible to the public, several grounds for exceptions are laid down in the Openness Regulation.

The security rules of the EU institutions describe how EU classified information should be protected to guarantee the security of information. Classified EU documents contain information whose unauthorised disclosure could prejudice the interests of the European Union or those of one or more of its Member States. The security classifications and their abbreviations are: TRÈS SECRET UE/EU TOP SECRET (TS-UE/EU-TS); SECRET UE/EU SECRET (S-UE/EU-S); CONFIDENTIEL UE/EU CONFIDENTIAL (C-EU/EU-C); and RESTREINT UE/EU RESTRICTED (R-UE/EU-R). The Member States must observe the security rules of the Council of the EU, which concern, among other things, the handling of documents that carry the above security markings. This is important as it affects the way work is undertaken in the Council.

The Finnish Parliament is informed of EU-related matters by the Government both in writing and orally, but only exceptionally is it supplied with documents discussed by the Council of the EU. Documents supplied to Parliament become public unless their disclosure is restricted on justifiable grounds. If requested by the Government, Parliament may agree not to divulge certain information in its consideration of a matter. The Government must justify its request and carefully consider the restrictions involved. Parliament must be informed when this requirement no longer needs to be observed.

11.2.2.6 Public access to budgetary documents

Under section 6, subsection 1, paragraph 4 of the Act on the Openness of Government Activities (621/1999), the draft budgets of the different ministries (and of the government agencies and public bodies within their respective branches of government) enter the public domain once the Ministry of Finance has signed its first position on a draft central government budget, normally in August, unless the same Act or another act lays down provisions otherwise on their disclosure or secrecy or on other restrictions on access to information. The draft budget

proposed by the Ministry of Finance and the individual draft budgets of the ministries are published online.

After the Government's submission of its budget proposal to Parliament, the ministries' proposals submitted to the Ministry of Finance and the other proposals drafted for and included in the Government's budget proposal enter the public domain under section 6, subsection 1, paragraph 4 of the Act on the Openness of Government Activities.

11.2.2.7 Public access to documents of Ministerial Committees, ministerial working groups, government evening sessions and informal government meetings

Documents of Ministerial Committees

Ministerial Committees are bodies set up to undertake preparatory work within the Government. Matters addressed by these Committees normally become public once they have been resolved either at a government plenary session or in the ministry concerned. The only exceptions to this general rule are the minutes of the Ministerial Finance Committee and the Ministerial Committee on European Union Affairs in matters that are not referred to a government plenary session.

The minutes of the Ministerial Finance Committee in matters within the competence of the Ministry of Finance are made public once they have been examined and signed or confirmed in a comparable manner, subject to the provisions on secrecy. In other matters, the minutes of the Ministerial Finance Committee become public once a matter addressed by the Committee has been fully dealt with by the Government.

The minutes of the Ministerial Committee on European Union Affairs become public once they have been signed or confirmed in a comparable manner. It may sometimes be necessary to draw up a separate, non-public minuted record on a secret item or a matter being referred to a government plenary session. In the latter case, the minutes will be made public no later than when the matter has been fully dealt with by the Government.

The documents of the Ministerial Committee on Foreign and Security Policy are secret, unless otherwise decided by the Committee itself (section 24, subsection 1, paragraph 1 of the Act on the Openness of Government Activities).

The minutes of the Ministerial Committee on Economic Policy and of extraordinary ministerial committees become public, with the exception of any secret information, no later than when the matter has been fully dealt with by the ministry or, if the matter falls within the Government's competence, by the Government.

A memorandum or other document prepared for a Ministerial Committee by a public official in his or her capacity as an expert, will be attached to the preparatory documents on the matter at the ministry. Public access to such documents is determined in the normal way on the basis of the Act on the Openness of Government Activities.

Documents of ministerial working groups, government evening sessions and informal government meetings

Ministerial working groups, government evening sessions and informal government meetings operate as preparatory bodies of the Government with a political mandate. Their minutes are therefore not considered to be official documents. Neither is there any direct requirement under the archives legislation to enter the minutes of these meetings in ministerial archives. For each government term, the Prime Minister's Office issues instructions on the handling and archiving of governmental materials.

The minutes of government evening sessions and informal government meetings nevertheless have relevance for the continuity of the Government's work and for historical research. Under the information management plan for government documents, these minutes should be transferred to the central government archives no later than when the Government departs from office.

Memorandums or other documents prepared by public officials, in their capacity as experts, for a ministerial working group, a government evening session or an informal government meeting are attached to the preparatory documents on the matter at the ministry. After a decision on the matter has been taken, such memorandums or other documents are made public along with any other documents drawn up during the preparatory work. The secretary to the ministerial

working group is responsible for transferring the meeting documents to the central government archives no later than when the Government departs from office.

11.2.3 Handling documents

11.2.3.1 Information security in document handling

During their membership of the Government, ministers gain knowledge of security-classified or other non-disclosable documents and information, and receive these in printed and electronic form and on other data media. Such documents must be handled using information systems and terminals that conform to the appropriate security level. As explained above, documents can be either non-disclosable or in the public domain. Documents classified as secret (protection levels I and II) or confidential (protection level III) must not be sent by email or handled on ordinary computers, tablets or mobile phones. See 11.2.2.3 above.

International data security obligations must be observed when handling international security-classified information (e.g. EU or NATO materials). Documents in electronic form may only be handled and transferred using specifically approved devices and information systems reserved for this purpose.

EU security-classified information must not be handled or transferred by ordinary email. Electronic documents may only be handled and transferred using devices and information systems specifically approved for each security level. Official documents of the Council of the EU marked RESTREINT UE/EU RESTRICTED, and also COREU documents, should, as a rule, be handled through the Doreu electronic distribution solution for EU-R documents. Printed copies must be stored in a locked cupboard, and their disposal is by shredding. Receipt of copies of documents classified as CONFIDENTIEL UE/EU CONFIDENTIAL and SECRET UE/EU SECRET must always be acknowledged and any additional copies must be requested directly from the sender. All copies must be returned for centralised disposal when no longer needed. Documents of this category must be kept in a safe. Outside the workplace, care should be taken to ensure that such documents do not end up in the hands of third parties. EU documents may also carry the distribution marking 'LIMITÉ', indicating that the document is intended for internal distribution to the EU institutions and Member States. The secrecy of any document should be assessed

case by case on the basis of its contents and in accordance with the requirements set out in the Act on the Openness of Government Activities.³¹

Mobile terminals, such as mobile phones and tablets, are normally not counted as reliable communications devices. A standard mobile phone must not be used for handling any information that exceeds the lowest security level (protection level IV/restricted). Mobile terminal equipment must not be taken into premises where top secret or secret information is to be discussed.

Information systems and data may become subject to surveillance by various entities. In connection with travel needs, the Preparedness Unit in the Prime Minister's Office issues travel-related data security instructions on a case by case basis as necessary. The Unit familiarises new ministers with the applicable information security procedures and updates these practices as necessary.

All official duties must be performed using terminals (mobile phones, computers, tablets) and information systems provided by the Prime Minister's Office. Use of private terminals and use of any ICT gifts received (e.g. memory sticks, mobile phones) is not permitted in the performance of official duties.

Data security must also be observed when storing information resources in office premises. A clear desk and screen policy should be followed at all ministries: when you leave your workspace, you must lock your work station and take all sensitive documents either to a safe or a locked cupboard, depending on their security classification.

All ministries are obliged to comply with the general information security instructions of the Government.

11.2.3.2 Handling documents containing personal data

The handling of documents that contain personal data is also subject to data security provisions. Personal data means any information relating to an identified or identifiable natural person (such as name, personal identity code, photo, and

31 <https://um.fi/turvallisuusluokitellun-tiedon-kasittelyohje>

location data). The handling of personal data concerns the entire life cycle of such data, from collection to disposal. Provisions on the protection of personal data are laid down in the General Data Protection Regulation (GDPR) of the European Union, and in the national Data Protection Act and special acts. Personal data must be processed lawfully and fairly, and in a transparent manner in regard to the data subject. It must be:

- collected and processed for specified, explicit and legitimate purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ('data minimisation');
- accurate and, where necessary, kept up to date; personal data which is inaccurate or incorrect with regard to the purposes of the processing must be erased or rectified without delay;
- processed with due regard to its security and confidentiality;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data is processed.

Data subjects enjoy rights related to the processing of their personal data: the right to consult their own personal data, request rectification of inaccurate data, and ask for a restriction on the processing of their personal data. Data subjects must be informed of the processing of their personal data.

The requirements for the openness of government activities on the one hand and the protection of personal data on the other are reconciled in the Act on the Openness of Government Activities. It stipulates that personal data contained in official documents and data files is public if it is not subject to any of the grounds of secrecy laid down in the Act. The right to access personal data upon request always applies, unless the personal data is subject to secrecy. However, providing personal data as a copy or printout or in electronic form from a personal data file kept by a public authority is regulated by specific provisions. Secret personal data should be processed in the same manner as any other secret information. For example, letters from citizens may include personal data to be kept secret relating to such factors as a private person's health status, ethnic origin or religious convictions.

11.2.3.3 Archiving government documents

Government documents

Each Government acts as a records creator, forming its own archive. When a Government departs from office, a dedicated archive related to that Government is created, composed of the documents referred to in the archiving plan. This archive is then transferred to the National Archives of Finland in due course.

The archive of each Government is composed of documents produced and received by ministers and by their Special Advisers and State Secretaries in the course of their respective duties. Other documents accumulated by ministers, for example in their capacity as private persons, as party leaders or as Members of Parliament, are not entered in the archive.

Other documents to be held in the archive include the meeting documents of ministerial working groups and other government meetings. The secretary of the ministerial working group, who is in charge of taking minutes, forwards the documents for archiving purposes to the Prime Minister's Office.

The minutes of plenary and presidential sessions of the Government, and documents on the monitoring of the Government Programme are not stored in the archive for that Government. They are instead archived in the electronic document management system of the Prime Minister's Office or, in printed form, in its official records.

Duty to organise documents and transfer them for archiving

Archivable documents should either be saved in the Government's common document management system or transferred to the central government archives immediately following a change of government. Documents can even be submitted in the middle of a Government's term of office, which is particularly advisable when a minister, his or her Special Adviser or a State Secretary resigns mid-term.

If materials accumulated by an outgoing Government are still likely to be actively needed in a ministry, they can be transferred to the archive in the Prime Minister's Office later on. In the event that a matter considered by the previous Government is passed on to the incoming Government, the related documents need not be archived when the change of Government occurs. Instead, they will be entered in the next Government's archive. If a change of minister takes place mid-term and, for

example, the duty of responding to a letter from a citizen is passed on to the new minister, the letter originally received and the reply given are archived among the papers of the minister who answered the letter.

Organising and saving documents and transferring them to the Prime Minister's Office is the responsibility of the ministry concerned. The secretaries to individual ministers and to State Secretaries, the Special Advisers to ministers and the secretaries of ministerial working groups are, within their respective spheres, responsible for saving documents in the document management system or transferring them to the government archives.

Organising documents and archiving them

Documents to be preserved permanently in the archive of a particular Government must be archived either in electronic or printed form. The categories of archivable documents and their retention periods are given in the information management plan attached to the order issued by the Prime Minister's Office on processing and archiving government materials, in the case of electronic files, and in the archiving plan, in the case of printed materials.

- For documents accumulated by the ministers' Special Advisers and State Secretaries, the information management plan or the archiving plan should be followed in the same manner as with ministers' documents. They should be grouped together in categories equivalent to those applied to the documents of ministers.
- The categories set out in the information management plan and the printed archive series do not automatically contain documents from every ministry. This is because the documents of an informal government meeting, for example, are saved or forwarded to the archives by the keeper of the minutes. Many of the documents accumulated by ministers in meetings are copies, and these do not need to be kept.
- Letters from citizens that do not require action receive no reply and should be destroyed within two years of the end of the government term. Such letters to which no reply is given need not be saved electronically. Documents to be preserved for a prescribed period should not be delivered to the Prime Minister's Office, but, rather, each

ministry must keep them for the specified period before disposing of them in an appropriate manner.

- The retention time for petitions and mass mailings in electronic or printed form is two years. Should a minister receive hundreds or even thousands of petitions on one and the same topic, most of them can be immediately disposed of, keeping just a small sample.
- Other documents arranged by subject matter include sets of documents with uniform contents that do not fit the other categories of the information management plan or the archiving plan series. Such series or files may cover topics treated as priorities during a given government term. The precondition for permanent preservation is that the documents are originals with unique content. Documents such as background materials gathered for a minister on a topical issue therefore need not be permanently preserved.

Use of government documents

The archiving plan indicates which government documents are publicly accessible. If letters from citizens contain information that falls within the provisions on the protection of privacy, they must not be disclosed for 100 years.

Access to government documents held by the Prime Minister's Office is subject to a research permit. This can be obtained for the purposes defined in the Act on the Openness of Government Activities. A written application should be addressed to the Prime Minister's Office, stating the specific research purpose. A research permit obliges the researcher to abide by the Act on the Openness of Government Activities and the Data Protection Act. Researchers must agree not to use such information for a harmful or defamatory purpose. A research permit is valid for five years from date it is granted.

11.2.4 Language versions and translation

Under the Constitution of Finland and the Language Act, all Acts of Parliament must be enacted and published in Finnish and Swedish. Before the decision-making stage, the Government's finalised legislative proposals and decrees are translated at the Prime Minister's Office. Legislation is also translated into Saami and foreign languages if required. Legislative proposals in Swedish undergo legal

revision in the Legislative Editing Unit at the Ministry of Justice. The time needed for the translation and revision of legislative texts must be taken into account in the timetabling of a legislative project and in the preparatory work.

Legislative proposals and related reports emanating from ministries or from government committees, commissions, working groups or corresponding bodies are published in Finnish. These must include a Swedish summary and also the Swedish text of the legislative proposals. If the ministry in question deems the report to be of considerable significance to the Swedish-speaking population of the country, the report will be published in Swedish in full. Similarly, a legislative proposal or report that only deals with the Province of Åland or is of particularly great significance to Åland must be published in Swedish in full.

Union communications submitted to Parliament by the Government concerning EU proposals should be prepared both in Finnish and Swedish. The Government's Europe communications are, in turn, translated into Swedish only if the matter has particular relevance for the Province of Åland or the wider Swedish-speaking population in Finland. Replies given in Finnish to written questions addressed to ministers by Members of Parliament must be translated into Swedish.

11.3 Position of public officials in political decision-making processes

11.3.1 Status of public officials

The Constitution of Finland and the 1994 Act on Public Officials in Central Government form the basis of the legislation on public officials in central government in Finland. Under the Constitution, appointments to central government posts are made by the Government, unless the appointment has been designated as a prerogative of the President of the Republic, a ministry or other public authority.

A public official is appointed to a public post or public-service employment relationship by means of an official decision following prior consent by the prospective appointee. A vacant public post must normally be publicly advertised,

and the applicant appointed must be the one who is the most qualified and best suited for the post, based on the grounds for appointment laid down in the Constitution.

Under the Constitution, the general qualifications for a public post are skill, ability and proven civic merit. The prospective appointee should also fulfil the statutory requirements for the vacancy. As a rule, the requirements for public posts in central government include a minimum age of 18 years and skills in the national languages as set out by law. Special requirements are normally also laid down by law for top posts and for posts requiring a specific degree or a degree of a certain level.

A public-service employment relationship in central government is an employment relationship under public law in which the State is the employer and the public official the employee. Public-service employment relationships are characterised by specified duties and liability for acts in office.

11.3.2 General official duties

The Act on Public Officials in Central Government is a general act with provisions on the general duties of public officials. The most important obligation of public officials is to perform their duties in an appropriate and timely manner. Public officials must comply with management and supervision obligations and conduct themselves in a manner befitting their status and duties.

The duties of an individual public official are dictated by the responsibilities of the ministry, government agency or public body she or he serves, as specified in the relevant legislation and rules of procedure concerning the ministry, agency or body. Within the framework of such provisions and regulations, the public official's manager or supervisor may determine his or her specific duties.

Public officials have certain obligations that derive from the responsibilities of central government. Public officials must not request, accept or receive a financial or other benefit that might compromise trust in them or in the public authority they are serving. Public officials must also observe the obligation of non-disclosure in all matters prescribed by law as secret. This non-disclosure obligation continues even after the public-service employment relationship ends. Furthermore,

public officials must not accept or have a secondary occupation that requires them to perform tasks of that occupation during official working hours, unless express permission has been given by the authority concerned upon application. A secondary occupation must not render a public official disqualified in his or her post. Nor must a secondary occupation compromise the official's impartiality in attending to the duties of the post or otherwise hamper the proper performance of those duties, or, as a competing activity, cause detriment to the employer.

11.3.3 Position and duties of Permanent Secretaries and other senior officials

The highest ranking public officials in central government are, in the ministries, at the level of Directors General and above, such as Permanent Secretaries, and, in the government agencies and public bodies within each ministry's branch of government, the heads of agencies and bodies as laid down in the respective government decrees.

Permanent Secretaries and other top officials at the ministries are appointed by the Government, apart from certain officials at the Ministry of Defence and the Ministry of the Interior. Provisions on the powers of appointment exercised by government plenary sessions and the ministries are contained in the Government Rules of Procedure.

Specific qualification requirements for the most senior posts are laid down in the Act on Public Officials in Central Government. These include a Master's degree, wide-ranging experience required for the position, and proven managerial skills and management experience.

Before appointment to the most senior posts, the proposed candidates must disclose their financial and other private interests that may affect their ability to perform the duties of the post. The purpose of this procedure is to increase transparency and public trust in public officials and also to avoid a situation where an official is permanently disqualified from performing her or his official duties. Subject to secrecy provisions, these interests may also be disclosed through a public data network.

11.3.4 Liability for official acts

The legal liability of a public official for acts in office is more extensive and rigorous than the general legal responsibility of citizens, and the threshold for enforcing liability for acts in office is in some respects lower. Public officials can be held liable if they fail to observe the law or if they neglect their other official duties. Liability for acts in office consists of criminal liability and liability for damages, and also administrative liability. Public officials, moreover, bear de facto responsibility for their official acts.

The criminal liability of public officials is based on specific legal provisions on offences in office.

Private citizens are entitled to claim compensation for damage resulting from an act by a public official, either from the public authority concerned or directly from the public official responsible. As a rule, it is the public authority that must compensate for damage caused by an error or omission on the part of an official in its service. Where the damage was caused in the exercise of public powers, liability for it will nevertheless only arise if the requirements reasonably imposed for discharging the official duty have not been met. The precondition for compensating for damage caused by a decision of the Government or a ministry is that the decision has been amended or repealed or the official committing the error has been found guilty of an offence in office or been required to pay damages. A public official is, as a rule, liable for any damages caused by an error or omission in the discharge of his or her official duties. She or he may consequently be obliged to repay in part or in full the damages paid by the authority.

The liability of public officials while in office also applies to administrative procedures. An authority may give a warning to an official who acts in violation of his or her duties or neglects them. An official may, moreover, be dismissed for violating or neglecting his or her duties if there are very serious grounds for doing so. When assessing whether there is sufficient reason for termination, the position and duties of the official concerned should be taken into consideration. A public-service employment relationship may also be terminated without notice if an official grossly violates or neglects his or her official duties. Additionally, under section 26 of the Act on Public Officials in Central Government, the most senior officials may be given notice if there are acceptable and justifiable reasons for this, bearing in mind the nature of their post.

The de facto liability of public officials for acts in office covers, for instance, observance of the requirements inherent in good governance and public service ethics. Such requirements are overseen by management and by the general overseers of legality and, in the case of national financial administration, by the National Audit Office of Finland. There are no legally defined sanctions or consequences attached to the de facto liability for acts in office. Breach of this liability may lead, for example, to the official concerned being given a formal reprimand.

11.3.5 Offences in office

The criminal liability of public officials is based on specific legal provisions on offences in office. A punishment can be imposed for an offence in office if the punishable act has been committed when performing official duties. Offences in office include acceptance of a bribe, abuse of public office, breach of official secrecy, or other violation of official duty. In addition to the prosecutor's right to bring charges, every citizen has the right to demand that charges be brought against a public official in court on the grounds of an unlawful act or omission.

Under the provisions on bribery violations, it is, for example, prohibited to ask for, accept or agree to a gift or other unlawful benefit or agree to a promise or offer of such a gift or other benefit for oneself or for another for actions in an employment relationship. The Criminal Code of Finland has specific provisions on the acceptance of a bribe as a Member of Parliament. Members of the Government are subject to the stricter general provisions on bribery violations, however. Guidelines on hospitality, benefits and gifts have been issued by the HR department of the Ministry of Finance.

Among the grounds for convicting a public official for breach of official secrecy is that she or he, while in service or thereafter, has unlawfully made known a document or information which should be kept secret or which, by law, should not be divulged, or has made use of the document or information for his or her personal gain or to the detriment of another.

If, while exercising public powers, a public official, for his or her personal gain or for that of another, or in order to cause detriment or loss to another, violates an official

duty that is based on the provisions or regulations to be followed in official actions, she or he will be sentenced for abuse of public office.

Violation of an official duty is covered by a general legal provision applicable to actions other than those described above. A public official who, when discharging his or her duties in a manner other than that mentioned above, violates an official duty that is based on the provisions or regulations to be followed in official actions, will be sentenced for violation of an official duty.

12 PERFORMING THE DUTIES OF MINISTER

12.1 Remuneration

The Act on Ministers' Pay and Allowances provides for the determination and payment of remuneration to ministers and for the cessation of entitlement to remuneration. In accordance with section 1 of the Act, ministers are remunerated for the proper performance of their duties. The remuneration is equal to the sum payable to the Deputy Speaker of Parliament under the Act on Pay to Members of Parliament. However, the salary paid to the Prime Minister equals that paid to the Speaker of Parliament.³² A minister receives a salary as of the day upon which ministerial responsibilities are assumed, and the right to remuneration ceases upon acceptance of the minister's resignation or when the minister is considered to have stood down from his or her ministerial duties.

If, in addition to ministerial pay, a minister is simultaneously entitled to a per diem allowance on the basis of sick leave or on comparable grounds, that allowance will be credited to the Prime Minister's Office.

The remuneration is paid per calendar month, on the 15th day of each month. The Prime Minister's Office transfers the sum in question to the bank account indicated by the minister. Members of Parliament who are appointed as members of the Government forfeit half of the salary and expense allowance they receive from Parliament.

The application of the Act on Ministers' Pay and Allowances is guided by a decision made by the Prime Minister's Office (VNK/643/40/2017; 7 April 2017) concerning ministers' remuneration and paid leave.

32 The salaries, in euros, are published on the Government website: government.fi.

12.2 Costs incurred in the performance of ministerial duties

Under the Act on Ministers' Pay and Allowances, ministers can, by decision of the Prime Minister's Office, be reimbursed for reasonable extra costs associated with the performance of their ministerial duties. Ministers must make a submission to the Prime Minister's Office for the reimbursement of such costs. Decisions are taken case by case. These costs may be for security and travel, for instance. As a rule, such costs – mostly considered minor – are subject to the applicable parts of any existing provisions and agreements on similar costs incurred by public officials and on reimbursement for these (section 7 of the Act on Ministers' Pay and Allowances). The Government Administration Department should be contacted in these matters.

The Prime Minister is provided with accommodation in a state-owned property, and the State is responsible for the costs incurred in its maintenance, heating, lighting and furnishing, plus the necessary staff. This housing privilege enjoyed by the Prime Minister is not taxable income (section 70 of the Income Tax Act).

Travel expenses of minister's partner

If a minister's partner has been specifically invited on a ministerial visit abroad and is expected to attend alongside the minister, the travel expenses of the partner can be reimbursed (without a per diem allowance). These travel expenses are paid from the appropriations of the ministry in which the minister serves.

If the presence of a minister's partner is required at official occasions in Finland and she or he is obliged to travel to that venue from the place of residence, the travel expenses are reimbursed from the appropriations of the ministry in question (without a per diem allowance).

Travel authorisations are issued by the individual ministries.

Compensation for occupational accidents

Ministers are covered by statutory occupational accidents insurance.

When assessing whether an accident occurred during work or in work-related circumstances, the same compensation practices apply in the case of a minister as with occupational accidents in general.

If a minister is involved in an occupational accident, she or he should contact the HR Unit of the Government Administration Department. Occupational accident compensation issues are dealt with by the occupational accidents unit at the State Treasury.

The State does not provide non-occupational accident insurance.

12.3 Leave comparable to annual leave and other forms of paid leave

Under the Act on Ministers' Pay and Allowances, a minister is entitled to 30 days of paid leave corresponding to annual leave. The dates of this are determined by a government plenary session. The Act is interpreted as meaning that the entitlement to 30 days of paid leave is effective either from the beginning of the calendar year or from the minister's day of appointment, and that any paid leave not used by the end of the calendar year remains usable until the end of April the following year, at which point entitlement to it automatically expires. When a minister is no longer a member of the Government, she or he receives monetary compensation in lieu of leave for any outstanding paid leave due for the current year.

The Government Session Unit in the Prime Minister's Office keeps a list of ministers' annual leave on the basis of the ministers' submissions. The dates of ministers' annual leave are confirmed at a plenary session of the Government.

The Prime Minister's Office has issued a communication concerning the confirmation of ministers' leave comparable to annual leave by a government plenary session (Vnk 49/41/2015; 13 January 2015). It states that all leave of ministers must be submitted to a government plenary session for confirmation. However, this does not apply to a minister's cancellation of leave, which should instead be notified directly to the Government Session Unit in the Prime Minister's Office (istuntoasiat@vnk.fi).

Ministers do not have fixed working hours, and combining ministerial duties with certain other responsibilities is therefore possible. While working as members of the

Government, most ministers also serve as Members of Parliament, and some may serve as local councillors or, for instance, as party leaders. Ministers are allowed to manage their schedules freely, provided that their other tasks do not keep them from attending fully to their ministerial duties.

The Government assigns a deputy to each minister from among its other members for occasions where a minister is temporarily prevented from attending to his or her duties. This deputising arrangement is provided under section 5 of the Government Act and is intended for short-term situations only. There are no provisions determining the duration of such situations, and the temporary nature of an impediment is usually evaluated case by case. The established interpretation is that an impediment is considered temporary if a minister is unable to attend to his or her duties for up to about 30 days.

Maternity or paternity is not considered a sufficient reason for a minister to be temporarily released from her or his duties. The applicability of parental leave to ministers was discussed in a government proposal for acts amending the Government Act and certain related acts (137/2011 vp). Under a new provision that was proposed for the Government Act, the Government would have been able to give its approval for a minister other than the Prime Minister to take a temporary break from her or his duties for a well-justified reason advanced by the minister himself or herself. In the rationale, it was further specified that an absence on the grounds of, for instance, maternity leave, paternity leave or parental leave would be acceptable as a well-justified reason referred to in the draft provision. The inclusion of the proposed provision in the Government Act did not gain the approval of Parliament, however, and in keeping with the position of Parliament's Constitutional Law Committee (PeVM 1/2012 vp), the draft provision was removed from the bill. Nevertheless, ministers naturally have the opportunity to take the leave that is available to them under the Act on Ministers' Pay and Allowances also when a child is born, and in such cases the minister may declare herself or himself to be "on parental leave".

Deputising arrangements when ministers are on leave

As explained in 1.4.3 above, the deputies for the members of the Government are determined at a government plenary session upon presentation by the Prime Minister. Such deputising, laid down in section 5 of the Government Act, generally

concerns decision-making and other administrative matters (for instance, who may sign a decision on behalf of a minister who is unable to do so).

Wherever possible, a minister temporarily unable to carry out ministerial duties is asked when she or he would be in a position to attend to upcoming matters already scheduled, and these arrangements are made case by case. In the event of illness, the minister would normally be consulted directly about his or her situation and ability to attend to government matters. The minister might feel able, for example, to answer the phone and carry out routine duties from home, but unable to give a speech or perform some similar activity. Deputies are determined case by case and with due consideration of the circumstances.

Tasks other than decision-making or administrative matters can either be dealt with under the above deputising system or through some other arrangement. As the deputising ministers' own schedules normally do not allow for additional attendance at events or meetings or speech giving or trips abroad, it might be possible, for example, to reschedule events or to get someone else to attend.

12.4 Official journeys and other trips

Under the Act on Ministers' Pay and Allowances, the reimbursement of ministers' expenses incurred in making official journeys follows the agreed principles for reimbursing the travel costs of public officials in central government, to the extent applicable.³³ Also applicable to ministers' official journeys are the travel instructions issued by the Government, any similar instructions issued by individual ministries, and the government travel strategy.

When a minister travels in the capacity of party leader or otherwise as the representative of a political party, the travel costs are covered by the party. When a minister who is also a Member of Parliament travels to his or her place of residence, the costs are reimbursed by Parliament. Use of the government vehicle service for ministers, other transport and security arrangements, and other

³³ Under section 70, subsection 3 of the Income Tax Act, the benefit composed of the right to travel free of charge in the capacity of MP or member of the Government is not taxable income.

reimbursement of expenses related to ministerial office are determined by decision of the Prime Minister's Office. Travel authorisations for official journeys are issued by the individual ministries.

12.5 Government vehicles and contracted taxi services

Rules on transporting ministers

Ministers should use government vehicles when attending to their duties as ministers. The vehicle service may also be used for ministers' homebound journeys, which include journeys to a secondary residence. To ensure the safety and security of transport arrangements, ministers should use government vehicles when travelling to preannounced public events. The same also applies to events held during a minister's periods of confirmed leave or as part of an election campaign. It is important for security reasons that ministers make use of government vehicles and other official travel arrangements. The government vehicle service is not, however, to be used in connection with ministers' personal hobbies or recreation activities, or family occasions.

The benefit obtained by a minister from the use of the government vehicle or taxi service, as approved by the Prime Minister's Office, is not treated as taxable income, as provided in section 70 of the Income Tax Act. Trips made in government vehicles or using the contracted transport or taxi services are recorded as official journeys if they fulfil the criteria set out by the Prime Minister's Office. The costs of the government vehicle service and the contracted transport service are covered by the Prime Minister's Office.

More detailed instructions on the use of government vehicles and the contracted transport and taxi services can be found in the government regulation on official transportation services.

Government vehicle service

The official government vehicles are reserved for use by members of the Government, the Chancellor of Justice, the Deputy Chancellor of Justice and the most senior officials only. The vehicles cannot be assigned for use by family members of these individuals or by anyone else. The government vehicles

and contracted taxis should primarily be used for the purpose of performing official duties.

Contracted transport service

There are not enough government vehicles to cover all the transportation needs of ministers, and using such vehicles is, in any case, not always expedient and efficient. The Prime Minister's Office therefore has a tendering arrangement for a contracted transport service to back up the government vehicle service. The external transport service should be used in particular at weekends and also on weekdays at 22.00–6.00 (i.e. outside the government chauffeurs' normal schedules). The costs are borne by the Prime Minister's Office. The use of the contracted transport service, as well as the government vehicle service, is guided by the government regulation on official transportation services.

Contracted taxis

For visits to regions and ministers' residences outside the Greater Helsinki area, contracted taxis should be used if transportation by a government vehicle cannot be provided because of the statutory rest periods or duration of the drive, as stipulated in the Working Hours Act. The aim is to link up the legs of a journey in a way that allows efficient use of working hours. The costs of using contracted taxis are covered by the ministry in which the minister serves.

Trips outside the Greater Helsinki area

When arranging transport services, the aim is also to take into account ministers' needs for official transportation outside the Greater Helsinki area. On such extended journeys, it is important that the driver's working hours are used effectively during the trip and that the length of his or her working day remains within the statutory limits. The need to make effective use of drivers' working hours, the requirement to keep within limits on overtime, and the provisions of the collective agreement on working hours and the Working Hours Act restrict the extent to which vehicles may be driven empty between different locations.

Orders for travel outside the Greater Helsinki area should be placed as early as possible, normally no later than the previous day, stating the estimated duration of the trip as a whole.

12.6 Ministers' diplomatic passports

All members of the Government are entitled to a diplomatic passport, issued by the Ministry for Foreign Affairs. Such a passport is only valid during their tenure as ministers.

Under section 4, subsection 1, paragraph 3 of the Passport Act, a diplomatic passport can be issued to a person who has formerly held a particularly important government position.

A former minister can be issued a diplomatic passport if she or he has served a full government term of four years since the entry into force of the current Passport Act on 21 August 2006.

The Prime Minister and the ministers at the Ministry for Foreign Affairs are entitled to a lifelong diplomatic passport. Their spouses also have the right to a diplomatic passport, provided that they were spouses at the time the ministerial post was held. A fee is charged for these passports.

12.7 Personnel Security Clearance Certificate

Ministers and their aides and advisers, whose duties require access to security-classified information of another state or an international organisation (e.g. EU or NATO), are issued with a Personnel Security Clearance Certificate (PSC Certificate, or PSCC), as required by international information security obligations. In Finland, PSC Certificates are issued by the National Security Authority, a separate unit of the Ministry for Foreign Affairs. A PSC Certificate is usually required to gain access to security-classified information of another state or an international organisation at the CONFIDENTIAL level and above. The process for gaining the necessary security clearances is initiated by the Prime Minister's Office. For those in senior political positions and their aides and advisers, clearances are sought to the extent required by the duties in question.

12.8 VIP services at Helsinki Airport

When a member of the Government leaves for an official visit abroad or receives ministers from other countries, the Congress VIP premises at Helsinki Airport can be reserved for the departure and welcoming ceremonies. Reservations are made and costs met by the ministry in which the minister serves.

12.9 Hospitality provision and government reception rooms and banqueting premises

The provision of hospitality can easily attract public criticism and can affect the confidence citizens have in those who are in positions of power. The constitutional principle of equality and the principle of objectivity, under which confidence in the impartiality of public authorities must be upheld, constitute the general parameters for planning and designing different hospitality events and arrangements.

Under the general implementing provisions concerning the Budget, the use of public funds for hospitality purposes is only permitted for displaying customary cordiality and courtesy to parties operating within the sphere of authority of a ministry, government agency or public body and, under certain conditions, to the personnel. Appropriations not assigned for the ordinary operations of a ministry, agency or public body may only be used for hospitality purposes if specifically permitted under the spending criteria for those appropriations, or if the intended purpose of the appropriations (e.g. allocated for international cooperation) otherwise requires the organisation of hospitality events.

When public funds or property, such as government premises, are used for hospitality purposes, the latter must relate to government activities and to the sphere of authority of the ministry concerned, and serve the associated duties and objectives. When hospitality expenses are incurred, a receipt approved by a public official with the appropriate responsibility must always be presented.

The main provisions and principles on government hospitality expenses are listed in a letter addressed to the members of the Government by the National Audit Office of Finland (reg. no. 263/50/2011).

The main government reception rooms and banqueting premises are managed by the Prime Minister's Office. The Kesäranta villa serves as the Prime Minister's official residence. Use of the House of the Estates, the Government Banquet Hall, the Government Guest House and Königstedt Manor is primarily reserved for ministers, the Chancellor of Justice and certain other categories of users defined in the instructions for these premises. Reservations are made centrally through the joint sales service for government reception rooms and banqueting premises.

12.10 Receiving hospitality, benefits and gifts

As a rule, restraint should be shown towards receiving hospitality, benefits and gifts, and ministers should always take care to ensure that confidence in the appropriateness of their conduct will not be undermined on such occasions. Confidence in public affairs is upheld not only by the disqualification provisions but also by provisions contained in chapter 40 of the Criminal Code: penal provisions on accepting bribes and on bribery violations, and other provisions on offences in office. Besides public officials, the above provisions also apply to members of the Government.

The Ministry of Finance has issued guidelines on the conduct of public officials in regard to accepting hospitality, benefits and gifts (VM/1592/00.00.00/2010; 23 August 2010). The guidelines state that factors which may undermine confidence rarely arise in connection with customary benefits offered during cooperation between a ministry, government agency or public body and European Union institutions or authorities. But only low-value advertising gifts or other low-value gifts should generally be accepted from private persons or individual companies. Commemorative items commonly received as business gifts are primarily intended for the ministry, agency or body concerned.

All ministries have been advised that when making arrangements for ministers' visits or meetings, they should anticipate whether a gift or other courtesy is likely to be offered during the visit or meeting (Letter to the ministries from the Prime Minister's Office, VNK/1959/45/2015). When ministry officials agree the arrangements with the other party, they should try to find out the estimated value and nature of any such gift or other courtesy that might be offered to the minister

concerned. At the same time, the host should be informed of the limitations applying to Finnish ministers in regard to receiving hospitality, benefits and gifts.

12.11 Security arrangements

Under section 1, paragraph 23 of the Government Decree on the Prime Minister's Office, it is the duty of the Prime Minister's Office to direct and coordinate the joint security management of the Government and all ministries and to provide security services. The Prime Minister's Office issues security orders and instructions which concern all the ministries and which set the minimum security level to be observed. Individual ministries may, however, also issue more detailed security instructions in support of their own activities.

Security services for the Government and its ministers are arranged by the Preparedness Unit in the Prime Minister's Office in cooperation with the police and other relevant authorities. The transport services provided for ministers are also part of the security arrangements. The Preparedness Unit is in charge of the security systems required for ministers' private residences.

Observance of security procedures enhances the safety and security of ministers and improves the security culture at their respective ministries. The Preparedness Unit familiarises all new ministers with government security procedures and agrees the necessary arrangements if the security situation changes. The contact details of the Preparedness Unit and the security staff are given out to each minister, and the information is also available from the secretary to the minister.

The Government Security Control is located in the Government Palace. It works as a 24/7 alert and service centre, and forwards contact requests if necessary.

The ministries are obliged to inform the Preparedness Unit of the public appearances of their ministers to the extent necessary, and the Unit assesses the need for security measures in consultation with the police every week. The measures to be taken are notified to the ministers' secretaries.

The ministries have centralised access control systems, and the rooms used by ministers offer a higher level of protection than the rest of the ministry premises.

The Government Administration Department provides ministers with a badge that gives access to the different premises in the Government Palace.

12.12 Mobile phones and other communication devices

Ministers receive smartphones and other communication devices from the Prime Minister's Office, together with instructions on their use.

Mobile phones must not be brought into any room where a formal session of the Government is being held or to meetings of Ministerial Committees, or into any other rooms where discussions on non-disclosable matters are being held.

The Government uses mobile terminal services that are intended for handling public information and also has a special, more secure SUPI phone service (protection level III). The mobile terminal services for handling public information should not be used for sharing information that is confidential. In the Government's SUPI phone service, communications are encrypted using a separate application to ensure a higher degree of information security.

Smartphones typically carry a lot of information, such as contact lists, text messages, notepads, calendar details and emails. If they end up in the hands of outsiders, data security can be compromised. Particular care should always be taken when using smartphones. The keys should be locked and protection codes used as explained in the instructions issued. For information security reasons, all mobile terminal devices are serviced only at the Government ICT Centre (Valtori).

The most serious security risk, however, is in normal conversations with other people. When discussing confidential matters, you should always make sure that outsiders cannot overhear the conversation. If a phone is lost or stolen, it is possible to erase the phone's stored data remotely via the mobile device management service. You should contact Government Security Control if your phone or other communication device is lost or stolen.

The Prime Minister's Office provides all ministries with workstation services, including computers and mobile terminal devices, as well as client support for

these. Laptops come with a screen shield that limits visibility to others. Secret official information must not be handled on anybody's private computer.

The use of government information systems requires reliable, user-specific identification and verification. Passwords are personal and must not be disclosed to other people, not even to the IT support staff (they can carry out their work without needing your passwords).

Information at protection level IV may be handled within the government information network. Emails to recipients beyond the government network are sent out in a non-encrypted form by default. Therefore, all secret information to be sent over the public network needs to be encrypted. For internal government emails, messages can be encrypted by adding '.s' to the end of the recipient's email address.

Work-related emails may only be handled using the government email system; they should not be forwarded to or handled in personal email systems.

To safeguard the integrity of information, data should not be saved on a computer's hard disks, as these are not backed up. The Government's common document management system, the joint workspaces (Kampus and Tiimeri) and the network drives are primarily the locations that should be used for saving information. More detailed instructions are issued by the document management personnel.

Only brand-new, government-purchased memory sticks may be connected to ministry workstations. Memory sticks from other organisations or used memory sticks must not be used. Mass storage devices received as gifts must not be connected to these computers either.

Ministers may use the email, calendar and intranet services provided by Parliament on their government-supplied workstation. In remote working, extra attention should be paid to data security. More details can be found in the data security instructions for remote use.

12.13 Travel insurance

Insurance cover for foreign travel by members of the Government for the purpose of attending to their duties is provided by the state travel protection scheme. The travel protection scheme also covers any trips made by a minister to locations outside the actual destination country. The coverage is valid without territorial restrictions for the entire duration of the journey. The coverage includes costs due to travel accidents and travel illnesses, and compensation for permanent disability, loss of life, travel liability and legal costs. The compensation for sudden and unexpected damage to baggage is a maximum of EUR 3,000. If baggage is delayed or lost, up to EUR 800 can be claimed for the purchase of necessities.

If a minister requires further information on the insurance terms and conditions, this can be obtained from the ministry in which she or he serves.

The minister and, where applicable, his or her partner will receive a travel insurance card from the ministry, and this should be taken along on any travel abroad.

The travel insurance cover for trips abroad is arranged by the State Treasury. The costs of insurance acquired in any other way will not be covered.

12.14 Minister's pension

Provisions on the pension security of Members of Parliament, members of the Government and Members of the European Parliament are laid down in the Act on the Pensions of Members of Parliament. This covers old-age pension, disability pension, and survivors' pension. The purpose is to provide income security for old age or in the event of incapacity for work or long-term unemployment, calculated on the basis of the length of the individual's political career and the annual earnings from it. In the event of death, the surviving partner and any children aged under 18 are entitled to a survivors' pension if they meet the qualification criteria. An old-age pension can also take the form of an adjustment pension, which is payable – regardless of age – to someone who has formerly served as an MP, minister or MEP for at least seven years (in practice two parliamentary terms), provided that she or he is no longer in paid employment or engaged in entrepreneurial activity that creates new entitlement to pension security.

Pension security is arranged by the public-sector pension provider Keva. If a person receiving pension based on his or her earlier position as a government minister is appointed once again as a minister, the pension will be suspended during the new term of office as minister.

12.15 Communicating as a minister

Freedom of expression is every person's fundamental right. It entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. However, the position of ministers – like that of public officials – restricts their freedom of expression in the sense that they must not, in the name of freedom of expression, take advantage of their position for purposes beyond their official duties. Nor may a minister disclose information or documents which are subject to a statutory non-disclosure or secrecy obligation.

In the context of a minister's duties, freedom of expression should be used in an appropriate and relevant manner, meeting the general requirements of propriety. Care should be taken not to present information that is incorrect, significantly incomplete or intentionally one-sided. Expressing views that clearly contradict the law is not justifiable by freedom of expression. In regard to a minister's freedom of expression, in any given situation it must be established whether the minister is acting in his or her official capacity or possibly in some other role, such as that of Member of Parliament.

Social media

In today's communications environment, social media can be an excellent tool for ministers, too. In social media, however, it is impossible in practice to separate the personal communications of a minister from those in his or her role as minister. It is therefore recommended that ministers and their aides and advisers use their own names when messaging about work-related matters online. In social media discussions, the same good practices and appropriate behaviour should be observed as in public discussions in general. Communication should be to the point and reliable. The accuracy of the information to be shared should always be verified, and provocative language must be avoided.

Due to the partial overlap between the role as minister and other political roles, the boundaries between these roles may be ambiguous. Even when someone is already an adept social media user, that role necessarily changes after appointment as minister, and communicating requires more discretion.

Secret matters should not be discussed in social media, as all information posted on such platforms is public. The Government Communications Department and the communications units at the individual ministries can assist ministers in social media matters, information security and any problem situations.

The Twitter accounts of all ministers are verified in collaboration with Twitter. A small blue symbol, the 'verified' badge, will appear next to the account name. This is to prevent the creation of fake accounts under a minister's name or title. Ministers' email addresses given in their Twitter profiles must be either their ministerial or parliamentary email address. Twitter also requires the profile to include at least the title of the position held, and requires that the account should be linked to the relevant ministry website. The verification process will be seen to by the ministries' communications personnel.

Instant messaging (WhatsApp, Signal)

Instant messaging applications are only appropriate for handling public information. Using such applications requires special care because they are based on cloud services, and the level of information security and data protection of these services may be uncertain.

12.16 Standing as a candidate in elections

The existing statutory provisions on election campaigns apply only to campaign funding. The Act on a Candidate's Election Funding includes a definition (section 2) indicating that an election campaign is a period that starts no earlier than six months before and ends no later than two weeks after election day.

Due to the wide-ranging nature of a minister's political activities, it is almost impossible to give an exhaustive definition of the costs that can strictly be attributed to an election campaign. Ministers' official duties involve a lot of high-visibility tasks that are not part of any election campaign. They engage in their

capacity as ministers in many activities that are unrelated to elections, even though the activity may take place during a campaign period. In the rationale for the Act on a Candidate's Election Funding it is stated that activities not directly linked to an individual's own candidacy should not be regarded as personal election campaigning in the meaning of the Act.

Election campaign financing is overseen by the National Audit Office of Finland. Relevant information and instructions on campaign funding are given on the vaalirahoitusvalvonta.fi website maintained by the National Audit Office.

A minister must ensure that his or her election campaign is kept separate as clearly as possible from the office of minister and from the related official duties, as well as from his or her ministry and its responsibilities.

It is recommended that, wherever possible, on the key campaigning days ministers take paid leave under the Act on Ministers' Pay and Allowances, subject to confirmation at a government plenary session. In any event, a period of leave during the most intensive campaigning days just before election day might well be justified. State Secretaries and Special Advisers should similarly take annual leave or a leave of absence for the purpose of joining their ministers' election campaigns.

The actual purpose of a minister's trip or other activity during the campaigning period will determine whether that activity is part of his or her duties as minister. A minister's brief participation in an occasion which is related to his or her official duties during a trip that was actually planned for election campaigning purposes will not be sufficient for the trip to gain the status of an official journey or other official activity that could be carried out at the expense of the state.

Considerations relating to security and safety and the ability to be contacted deserve particular attention. As a rule, a minister is obliged to be contactable because the Government must be able to convene with a quorum at all times. For security reasons, ministers should make use of government vehicles and other special travel arrangements. Due to their special status, ministers are not freely able to choose how they might wish to travel from one particular place to another.

Within the ministries, a line has traditionally been drawn between official communications on the one hand and party political and campaign-related

political communications on the other. Making this distinction may, however, be challenging in individual cases. The key principle is that announcements concerning ministers' party political and campaign-related opinions, positions, speeches and trips are dealt with by the communications personnel of the political parties and campaign organisations and not by the ministries. Nor are ministries responsible for organising election campaign events for ministers, State Secretaries, Special Advisers or political parties, or for managing their media relations.

The Prime Minister's Office has issued a communication to enhance the transparency of election campaigning and funding and to clarify the position of ministers during election campaigns (VNK/1827/40/2014).

12.17 Aides and advisers to ministers

A politically appointed State Secretary may be designated to assist the Prime Minister or any other minister for the duration of the minister's term, and the State Secretary must enjoy the confidence of the minister concerned. The State Secretary's duties and public-service employment relationship are linked to the minister's term. Instead of being appointed for an individual minister, a State Secretary can alternatively be appointed for a ministerial group.

The Prime Minister and other ministers are assisted by Special Advisers hired under fixed-term public-service employment relationships.

The Working Hours Act applies to all government employees with the exception of certain categories of work and staff that have explicitly been excluded from the scope of the Act. The latter includes the senior management of ministries, government agencies and public bodies, who are usually in public-service employment relationships. State Secretaries and Special Advisers are not tied to the regular office hours (8.00–16.21), but spend time on their official duties as necessary and in accordance with the wishes of the minister they serve.

12.17.1 State Secretaries

12.17.1.1 Appointment and remuneration

State Secretaries are appointed by a plenary session of the Government. A proposal for the appointment of a State Secretary is submitted to the Prime Minister's Office by the minister concerned.

The Prime Minister's Office does the work to prepare the appointments and also requests security clearance for the prospective appointee in accordance with the Security Clearance Act (as a rule, comprehensive security clearance is required). It also ascertains the prospective appointee's private interests under the Act on Public Officials in Central Government.

Under section 8a of the Act, a declaration of private interests must include at least an account of all such business activities, duties not associated with the post, secondary occupations and other private interests that may be of significance when assessing the capacity of the person to discharge the duties of a post at the highest management level in government.

The Prime Minister's Office also concludes a non-compete agreement with each incoming State Secretary, as referred to in section 44a of the Act on Public Officials in Central Government.

A non-compete agreement is an agreement on a specified period that follows the end of a government employment relationship, whereby, during the specified period, the government authorities are able to restrict a public official's right to take up other employment or another position outside central government or to engage in business or self-employment or other activities that are comparable to gainful employment.

Such a temporary restriction on taking up other employment enters into force if the government authorities consider that the public official, upon leaving government employment and taking up other duties, will be able to use to his or her benefit information that is protected under the non-compete agreement. The pay of a State Secretary is determined by the Ministry of Finance on the basis of section 26 of the Act on Public Officials in Central Government and section 5 of the Act on Collective Agreements for Public Officials in Central Government.

12.17.1.2 Oath or affirmation

On assuming office, a new State Secretary must take an oath of office or make an affirmation of office. This is performed at a government plenary session. It is usually done at the first such session scheduled after the appointment has taken effect.

12.17.1.3 Responsibilities and status

State Secretaries are political appointees and are appointed by the Government in accordance with the choice made by the ministers concerned. State Secretaries are appointed to assist individual ministers rather than to serve a specific ministry.

The responsibilities of a State Secretary are directly linked to those of the minister concerned. When a minister, in accordance with the portfolio responsibilities allotted to members of the Government, is assigned duties that fall within the sphere of another ministry, the State Secretary to the minister will also have corresponding responsibilities in that ministry. In cases where a State Secretary is appointed to assist a ministerial group for the term of several ministers, she or he operates within the areas of responsibility of all those ministers.

State Secretaries are public officials under the Act on Public Officials in Central Government and are therefore legally liable for acts in office. Under section 118 of the Constitution, public officials are responsible for the lawfulness of their official actions. As the role of a State Secretary is also politically tied to the minister she or he serves, and to the confidence enjoyed by the minister in Parliament, each minister bears political responsibility for the acts of his or her State Secretary. Loss of the minister's confidence consequently constitutes grounds for giving notice to the State Secretary.

State Secretaries act as presenting officials for the Government and for the ministry concerned. They have no formal power of decision. Neither do they, with the exception of the State Secretary to the Prime Minister, have the right to reserve the power of decision vested in a subordinate public official.

12.17.1.4 Duties

The duties of State Secretaries are set out in section 44 of the Government Rules of Procedure. In practical terms, a State Secretary acts as the minister's closest

aide in matters concerning political coordination and direction and preparatory work on political issues. State Secretaries also assist their ministers in other duties, including: formulating policy principles, interministerial coordination, harmonising policy positions, implementation of the Government Programme within the areas of responsibility of their respective ministers, and handling EU-related and other international tasks.

A minister may designate the State Secretary to act as his or her deputy in the preparatory work on different matters. The State Secretary may also represent the minister in national and international gatherings and events which do not call for the minister's presence, and deputise for the minister in the Government's ministerial working groups that have a preparatory role.

Although a member of the ministry's senior management, the State Secretary does not have line management duties. State Secretaries may, however, be assigned management duties in various preparatory projects. The Permanent Secretary of a ministry is not subordinate to a State Secretary. The main duty of a Permanent Secretary is to ensure that the tasks within the ministry's responsibilities are discharged effectively. The division of responsibilities between a State Secretary and a Permanent Secretary is set out in the Government Rules of Procedure. It is the minister's duty to oversee the tasks of the State Secretary and the ministry's Permanent Secretary and to monitor the division of responsibilities between them.

State Secretaries may not serve as members of Ministerial Committees. Nor can they deputise for a minister at plenary or presidential sessions of the Government, or at plenary sessions of Parliament or parliamentary question time. A State Secretary is allowed to deputise for his or her minister in parliamentary committees, except for occasions on which the committee wishes to hear from the minister in person.

A State Secretary may participate in ministerial working groups and Ministerial Committees that are engaged in preparatory work, as follows:

1. she or he may represent the minister in informal government meetings, including budget sessions, General Government Fiscal Plan sessions, evening sessions, strategy sessions and other similar meetings involving the entire Government;

2. she or he may represent the minister in a meeting of a ministerial working group of the Government that is engaged in preparatory work; if the minister concerned is the elected chair of that working group, the meeting will be chaired by the vice chair if the elected chair is unable to attend;
3. a State Secretary may be invited as an expert to the meeting of a Ministerial Committee.

12.17.1.5 Public disclosure of private interests and updating this information

Prior to being appointed as State Secretary, the prospective appointee must make a declaration, in the manner outlined above, of his or her private interests under the Act on Public Officials in Central Government. Under section 8d of the Act, the private interest declarations of a ministry's senior management and the permits and declarations regarding any secondary occupations they have may be published by government authorities in a public data network, subject to the provisions on secrecy.

Following his or her appointment, a State Secretary must report any changes to the above information and any deficiencies detected in the information. To ensure that the declaration of private interests stays up to date, the Ministry of Finance recommends that it should be updated annually at least in respect of the information published in a public data network.

12.17.1.6 State Secretaries and the Council of the EU

Should a Finnish minister be unable to attend a meeting of the Council of the European Union (also known as the Council of Ministers), Finland will be represented by another member of the Government. There have been cases where participation at ministerial level has not been possible, and Finland has then been represented by either a State Secretary, the Head of Finland's Mission to the European Union (the Permanent Representative), or the latter's deputy. The formal exercise of voting rights, however, requires the presence of a ministerial-level representative with authority to commit the Government. If a delegation is not represented by a government minister, its voting rights will formally be exercised by another member of the Council of the EU. The voting rights are deemed to

be transferred to that Council member automatically. In practice, however, the Member State's position will be expressed by its delegation representative.

12.17.1.7 Travel

The travel procedures of the ministries enable travel to be cost-effective, safe, convenient and environmentally friendly. Travel procurement takes place under framework agreements, and travel services are purchased through contracted travel agents or contracted service providers. Tickets are booked well ahead and in the price category that is best suited for the purpose and the most advantageous economically.

Official journeys by State Secretaries in Finland and abroad are covered from the appropriations of the ministry in which the State Secretary serves. Their travel authorisations are issued by the individual ministries. All customer loyalty benefits accrued from official journeys, such as bonuses and other benefits (including free trips) from airlines, shipping companies and hotels, must be used for official journeys. Using them for private travel is forbidden.

A State Secretary receives a charge card and a travel insurance card from the ministry in which she or he serves. When a State Secretary travels as a representative for his or her own political party, all travel and other expenses are covered by that party. Public funds must not be used for private purposes or for the benefit of political parties.

Specific instructions have been issued on the transport services (official vehicles) provided for members of the Government and for the ministries' most senior management.

12.17.2 Special Advisers to ministers

12.17.2.1 Appointment and remuneration

An appointment as Special Adviser to a minister is a public-service employment relationship for a fixed term that expires no later than the end of the minister's term of office. The position is not formally declared open or the vacancy advertised.

Special Advisers are appointed to their fixed-term positions by the Prime Minister on the proposal of the minister in question. Proposals should be submitted to the HR Unit at the Prime Minister's Office. In terms of the legislation on public officials, Special Advisers have an employment relationship with the Prime Minister's Office, but in practice they are based at the same ministry as the minister they serve.

When preparing the appointments, the Prime Minister's Office requests security clearance for the prospective appointees in accordance with the Security Clearance Act (in this case, concise security clearance). It also signs a non-compete agreement with each prospective appointee in accordance with section 44a of the Act on Public Officials in Central Government. The appointment cannot take effect before these two requirements have been met.

The remuneration of Special Advisers to ministers is confirmed and disbursed by the Prime Minister's Office. The remuneration of all Special Advisers is determined according to the same criteria, primarily education and previous work experience. No personal performance-based or other supplements will be paid.

12.17.2.2 Responsibilities, duties and status

The job descriptions of Special Advisers vary by minister and by ministry. As a rule, they assist ministers in international and EU affairs, financial policy issues, press relations, and relations with different ministries and Parliament. The working hours of a Special Adviser are largely dictated by the individual minister's requirements.

Under section 45a of the Government Rules of Procedure, a Special Adviser to a minister attends to duties assigned to him or her by the minister but does not function as the ministry's presenting official. Special Advisers must be given all the information necessary for performance of the assigned duties. Special Advisers, in turn, must provide public officials with all the information they need to attend to their duties. Special Advisers also have the right to attend the meetings of the ministry's senior management group and other meetings relating to the planning and preparation of matters. The rules of procedure of individual ministries may contain further provisions on Special Advisers.

Special Advisers have access to the same services as all public officials, including travel, occupational health and training services. They also receive orientation

training in the activities of the ministry in which they serve. The Government Administration Department in the Prime Minister's Office is chiefly in charge of producing such services for all ministries.

As Special Advisers are in public-service employment relationships, they are largely subject to the legislation governing public officials in central government. Special Advisers therefore have the same rights and obligations as other public officials. They must conduct themselves in a manner befitting their status and duties, so as not to compromise public trust in the actions of officials.

Under section 15 of the Act on Public Officials in Central Government, public officials must not request, accept or receive a benefit that might compromise trust in them or in the authority in question. However, distinguishing between a benefit that is acceptable and one that is unacceptable is not straightforward.

Many public officials, including Special Advisers, have a lot of daily contacts and occasions that involve discussions with other parties on matters of a political nature within the scope of their duties. Receiving customary and reasonable hospitality is not generally considered to endanger trust in the proper performance of official duties. Contacts between public officials and society at large are, after all, important, and frequently contribute to the successful performance of official duties.

More detailed rules on the conduct of public officials, their secondary occupations and the principles for accepting different types of benefits can be found in the Act on Public Officials in Central Government.

A Special Adviser to a minister may be given notice if there are acceptable and justified reasons for it, bearing in mind the nature of his or her office. Furthermore, a Special Adviser may be dismissed if she or he ceases to enjoy the confidence of the minister for whose term she or he was appointed.

12.17.2.3 Travel

Special Advisers' official journeys in Finland and abroad are subject to the following: the State Travel Regulations that apply to public officials in central government; the travel instructions issued by the Government; any similar instructions issued by

the individual ministries; and the government travel strategy. The principles listed under 12.13 above regarding travel insurance for members of the Government also apply to their aides and advisers.

The official journeys of Special Advisers in Finland and abroad are paid for from the appropriations of the ministry in which they serve. Travel authorisations are issued by the individual ministries. A Special Adviser receives a charge card and a travel insurance card from the ministry in which she or he serves.

A distinction should always be made between an official journey and a trip that has another purpose, such as one related to the activities of a political party. This distinction is important in the reimbursement of travel costs, as public funds may only be used for official journeys. When a Special Adviser travels as a representative for his or her party, all travel and other expenses must be met by that political party.

12.17.3 Participation of aides and advisers in election campaigns

12.17.3.1 Using aides and advisers in an election campaign

It is essential that a clear separation is made between ministries and election campaigns, and, similarly, between official duties and campaigning activities.

While it is the duty of State Secretaries and Special Advisers to assist their respective ministers in coordinating and directing matters of policymaking, they are, at the same time, public officials subject to liability for acts in office. They operate subject to enjoying the confidence of the minister they serve.

As a minister's aide and representative, it is the duty of a State Secretary to advance and monitor the implementation of the Government Programme in respect of the areas within the minister's responsibility, to guide the preparation on matters within the minister's authority in the capacity of aide to the minister, and to ensure, together with the Permanent Secretary, cooperation within the ministry and with other ministries and their respective branches of government. A State Secretary also assists the minister in preparatory work on matters concerning international duties and particularly EU affairs, represents the minister in duties assigned to him or her by the minister, and attends to other duties allotted by the minister.

A Special Adviser attends to duties assigned by the minister but does not act as a presenting official for the ministry. The duties of Special Advisers are largely related to those of the minister and are described in detail above. Special Advisers use the services of the ministry in which they work. As Special Advisers have public-service employment relationships, the legislation governing public officials in central government also applies to them. Special Advisers consequently have the same rights and obligations as other public officials.

Managing an election campaign is not a task to be carried out by State Secretaries or Special Advisers as part of their official duties connected with the duties of a minister. Neither should other public officials have any involvement in election campaigns as part of their official duties. The post of secretary to a minister, however, involves managing the minister's diary, and this is also done during an election campaign.

State Secretaries, Special Advisers and other public officials are entitled to request paid annual leave, holiday pay leave and leave of absence for the purpose of supporting their candidate's campaigning.

The official journeys of State Secretaries and Special Advisers in Finland and abroad are paid from the appropriations of the ministry in which they serve. The decisions on their travel authorisations are made in accordance with the respective ministry's decree on the matter and its rules of procedure. When a State Secretary or a Special Adviser travels in the capacity of representative for his or her party or for election campaigning purposes, all travel and other expenses of the journey must be met by an entity other than the ministry, for example by the political party or the individual concerned. If, during a campaign trip, a public official participates briefly in an occasion which is related to his or her official duties, that trip will not be considered an official journey.

The Prime Minister's Office has issued a separate communication to enhance the transparency of election campaigning and funding and to clarify the position of ministers during election campaigns (VNK/1827/40/2014). It provides a more detailed description of the role of aides and advisers in elections.

12.17.3.2 Personal election campaign of an aide or adviser

State Secretaries and Special Advisers are public officials and are subject to the Act on Public Officials in Central Government. Like all other public officials, they are allowed to stand as candidates in elections and campaign for themselves. For this purpose, they can use paid annual leave, holiday pay leave or leave of absence.

State Secretaries, Special Advisers and other public officials may publicly express their own opinions, based on the freedom of expression. They may also be members of associations, including political parties, under the freedom of association. By the nature of their office, State Secretaries and Special Advisers normally have connections with the party of the minister they serve.

However, when exercising public powers, public authorities, individual ministries, government agencies, public bodies and public officials are responsible for observing the requirements of impartiality, neutrality and objectivity. Being in a public-service employment relationship, public officials have a responsibility towards the general public to uphold the values and principles associated with their position.

As explained in 12.7 above, State Secretaries and Special Advisers are not tied to regular office hours; their working hours depend on the needs of their official duties and the wishes of the minister they serve. It may sometimes prove challenging to draw a clear line between their official duties and election campaigning.

As time allocated to official duties must not be spent on campaigning, any public official wishing to engage in the latter should take annual leave or a leave of absence for their election campaigning. This is particularly important in the case of public officials whose actual working hours are not determined on the basis of regular office hours alone. For each day used for election campaigning, it must be clearly documented that the candidate was not, in any respect, acting in his or her capacity as a public official and that the campaigning was not part of his or her official duties. No public funds, in whatever form, may be used to pay for a candidate's election campaign or even to indirectly support it.

Because of their position, public officials should conduct themselves appropriately and correctly and observe the general requirements of propriety, even outside their official duties. When campaigning, public officials must take particular care

to ensure that there are no private interests or conflicts of interest that would undermine confidence in the objectivity of public officials or in the actions of public authorities in general, or be contrary to the conduct required of public officials. The State and the Government must be kept strictly separate from all personal election campaigning so as not to give rise to any suspicion of actions that might compromise credibility and impartiality.

Just as ministers do, State Secretaries, Special Advisers and other public officials should consider in each case whether there is reason to clarify the capacity or role in which they speak or act in a particular situation, to avoid any confusion as to whether they are acting as election candidates or in some other role. The principle that no election-related expenses, whether travel or other costs, are to be reimbursed by the ministries, as set out in the relevant communication, also applies to these public officials.

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