23 March 2021

COUNTRY VISIT OF FINLAND 15 MARCH 2021

The Commission sent additional questions prior to the country visit of Finland regarding the meeting with the Ministries and the meeting with the National Bureau of Investigation and the Financial Intelligence Unit. The country visit of Finland took place on 15 March 2021. Some of the Finnish experts were not able to join the Commission's meeting with the Ministries due to technical problems. Therefore, some of the questions were agreed to be answered in writing. Please find answers to these questions below.

As regards some of the topics discussed in the meeting, the Finnish experts stated that they would provide additional information after the meeting. There are also some topics, where we would like to send further clarifications based on the discussions during the meeting. Please find additional information and clarifications below and attached to this document. Please find below also information on the additional material discussed in the meeting with the National Bureau of Investigation and the Financial Intelligence Unit.

Discussion with the Ministries on anti-corruption framework

Legislative measures introducing the transparency register and implementation thereof

Could you please elaborate on the legislative measures introducing the transparency register and implementation thereof?

On 12 March 2020, the Government appointed a parliamentary steering group and an expert working group under its authority to prepare a proposal on transparency register regulation (lobbying register). The working group will give its proposal by 30 June 2021.

The purpose of the Act is to impose a registration obligation on organisations and individuals engaged in lobbying. The objective of the Act is to improve the transparency of decision-making, especially regarding informal contacts, thereby combating inappropriate influence and strengthening citizens' trust.

The drafting procedure of the transparency register has been carried out as openly and transparently as possible. Stakeholders have been able to monitor the progress of the project via the project website, to which all the preparatory materials (including meeting materials) have been exported. They have also been able to participate in the workshops discussing the proposals by the working group, before they have been submitted to the steering group.

Basic principles of the register, which the steering group has already outlined in the past, and on the basis of which further proposals have been prepared are the following:

- In the initial phase, the regulation only focuses on lobbying aimed at influencing the preparation and decision-making at the state level (i.e. the local level is not involved).
- The regulation covers influencing all actors within the scope of the regulation, regardless of their status.
- The starting point is that all operators engaged in activities classified as lobbying are regulated.
- Citizens' contacts with decision-makers must not be hampered.
- The lobbying register shall contain up-to-date information on the lobbyist, the place of lobbying, the means and resources used.
- Preparation will ensure that the administrative burden remains reasonable for those obliged to register.

The Ministry of Justice has commissioned a study on lobbying practices in Finland at the state level from the viewpoint of lobbying targets and lobbyists. The study was published in February 2021.

How is the role of whistleblowers protected or even encouraged in your respective Ministries?

Examples of reporting infringements or protection of reporting persons in Finland

The Police

In January 2019, the Police introduced a so-called ethical channel at the national level. It is a technical platform for submitting an internal report. The channel makes it easy to report illegal actions or actions contrary to values of the Police, also in situations where the notifier does not wish to appear under his or her own name.

The ethical channel is part of measures to strengthen compliance with the law and values of the Police and, on the other hand, the trust of society in the Police. The Police will actively seek to act in the manner required by the high level of trust in the Police and to lead the way to other parties planning an internal reporting channel. Before the national introduction, it was piloted in two Police units.

The ethical channel may be used by any person employed by the Police administration. The use does not require a high level of technical expertise. Access to the Police's intranet is sufficient. In practice, it is a form that appears on the front page of the intranet. The form reminds of the primacy of other forms of reporting, the processing of information provided and the rules of the channel. It also includes the most frequently asked questions.

A title can be entered in the report and the report can be targeted to concern a certain Police unit. The actual report is written in free text on the form. When a report is sent, the reporting person's identification and log data will be erased. In the model introduced by the Police, the reporting person is always anonymous by default, unless he or she decides to submit his or her personal data.

The reports are, as a rule, public. They are handled by the legality control of the Police Board or, if necessary, transferred to be processed by supervisors in the Police unit to which the reports relates.

The Defence Forces

In September 2020, the Defence Forces introduced an electronic reporting channel in which employees can report any problems of legality or unlawful practices they have encountered in the activities of the Defence Forces to the internal control of legality of the Headquarters. The reporting channel is at first piloted in certain units within the Defence Forces. After the pilot, it will be decided whether the channel will be expanded in its piloted form to all units.

The purpose of the legality control is to prevent, detect and subject remedial actions to unlawful practices. It also aims to ensure the legality of the activities and development of the Defence Forces. Through legality control, public confidence in the legality of the activities of the Defence Forces is maintained.

The aim of the establishment of the reporting channel is to provide the staff with a simple channel for highlighting possible suspected legality problems or unlawful practices at a sufficiently early stage in situations where it might otherwise be found difficult to raise the issue. The reporting channel supports the continuous building of a culture of structural trust and sustainable good governance in the Defence Forces.

The correct use of the channel is emphasised to the personnel in the relevant communications and instructions. The party handling the reports will retain discretion as to whether the report gives rise to consideration of the matter and, if so, how. Furthermore, if the report gives rise to further investigation, the legal protection requirements of the legislation concerning the further investigation will contribute to securing the status of the subject of the report.

Ministry for Foreign Affairs

Suspicions of misuse – such as bribery, embezzlement or any other procedure contrary to the terms of the grant – of development cooperation funds can be reported via the Ministry for Foreign Affairs' electronic service. All reports are handled by the Ministry for Foreign Affairs or transferred to other authorities to be processed. Finland's development cooperation is financed by public tax revenue. The Ministry for Foreign Affairs is responsible for the use of funds and their monitoring.

The reports are treated confidentially. Providing contact information speeds up the investigation of the case. The report may also be made anonymously.

Examples from other sectors

Finland has regulations on the protection of reporting persons in certain sectoral legislation, such as the Act on Credit Institution Activities (610/2014), the Securities Markets Act (746/2012), the Investment Funds Act (48/1999), the Insurance Companies Act (521/2008), the Insurance Mediation Act (570/2005), the Financial Supervisory Act (878/2008) and the Decree of the Ministry of Finance on Reception and Follow-up Measures in Financial Supervision (444/2017). In addition, the Business Confidentiality Act (595/2018) lays down the conditions for detecting misconduct, notwithstanding the protection of trade secrets. The Criminal Data Protection Act (1054/2018) contains provisions on the procedure for reporting misconduct and the protection of reporting persons. NGOs and the media currently have also means to protect the identity of the reporting person.

Under section 72 of the Act on Insurance Distribution (234/2018), a legal person engaged in insurance distribution must have a procedure by which its employees can report, within a legal person, a suspected breach of the Act on Insurance Distribution and the Market Abuse Regulation (Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC). These provisions are based on the Directive (EU) 2016/2341 of the European Parliament and of the Council on the activities and supervision of institutions for occupational retirement provision and on the Directive (EU) 2016/97 of the European Parliament and of the Council on insurance distribution (recast).

The purpose of the Act on Occupational Safety and Health Enforcement and Co-operation in Occupational Safety and Health (44/2006) is to ensure compliance with the provisions on occupational safety and health and to improve the working environment and working conditions through the supervision of occupational safety and health authorities and the co-operation of employers and employees. Section 10 of the Act provides for an employee a right to report to occupational safety and health authorities of any deficiency or defect in the safety or healthiness of the workplace or of any other suspected violation of the provisions belonging to the supervision of occupational safety and health authorities. When making such a notification, the identity of the reporting person and the fact that the supervision measure has been taken as a result of the report shall be kept secret. However, the identity of the reporting person may be expressed if it is necessary for supervision and the reporting person has consented to it.

As far as the transport sector is concerned, national legislation on the protection of reporting persons can be found in the Aviation Act (section 128), the Maritime Act (chapter 18, section 15a), the Urban Rail Traffic Act

(section 16), the Railway Act (section 82a) and the Railway Traffic Act (section 167). The contents of the regulations are largely similar. According to the provisions, the authority may not take legal action for an unplanned or involuntary infringement of which the authority becomes aware only because a report has been submitted to it under those laws, unless it is a case of gross negligence or of an action punishable by the Criminal Code. In addition, operators within the meaning of the regulation shall not discriminate against employees or other persons who report a possible dangerous situation that they are aware of.

A Government proposal (HE 249/2020 vp) to amend the Early Childhood Education Act is currently being discussed in the Parliament. A new section (54a-b) concerning the reporting obligation of an ECEC (Early Childhood Education and Care) staff member would be added to the Act. This section would lay down the obligation of the ECEC staff to report in order to inform and intervene sufficiently early on any maladministration or manifest threat of maladministration in the implementation of the child's ECEC.

As regards the Ministry of Agriculture and Forestry's field of activity, there are some provisions on the protection of reporting person, for example in the Feed Act:

> Section 65
> Protection of the identity of the reporting person
>
> If a natural person has submitted a report of a breach of the provisions referred to in Article 140 of the Control Regulation to the supervisory authority, his or her identity shall be kept secret if circumstances suggest that the disclosure of the identity could cause him or her harm.

In addition, for example, the Food Act is currently being discussed in the Parliament:

> (Proposal) Section 81
> Protection of the identity of the reporting person
>
> Where a natural person has submitted a report of a breach of the provisions referred to in Article 140 of Regulation (EU) 2017/625 of the European Parliament and of the Council to the supervisory authority, his or her identity shall be kept secret if circumstances suggest that the disclosure of the identity may cause him or her harm.

The Commission understands that a Parliamentary working group is currently examining the development of electoral and party funding legislation. Could you elaborate briefly on any challenges encountered and possible changes that might under consideration?

Under the framework of the National Democracy Programme, a parliamentary working group is reviewing the legislation concerning the party and candidate financing. The working group will have its suggestions ready during 2021.

The working group has in its preliminary findings suggested, that the Government should consider the following revisions of the legislation:

1) The name of the providers of campaign loans exceeding 800 euros in municipal elections and 1 500 euros in parliamentary elections should be published;
2) A specific campaign account should be taken in use in parliamentary, European and presidential elections;
3) A review of possibilities of introducing new measures to combat financing supporting election interference should be made;
4) The National Audit Office’s mandate to conduct ex-ante evaluations should be strengthened;

5) The National Audit Office should be given a possibility of issuing a fine, if failing to provide relevant information concerning campaign financing;
6) The National Audit Office's role in receiving help from other relevant authorities should be strengthened;
7) The technical revisions concerning the list of items considered party and campaign financing should be reviewed; and
8) Technical amendments in relation to the regulations concerning book keeping and auditing should be made.

Were there, beyond preventive measures such as the establishment of the Guide for SME's any significant new developments in addressing perceived procedural shortcomings leading to the high acquittal rate of foreign bribery cases since the adoption of the previous report?

In the meeting with the Commission on 15 March 2021, a reference was made to a project 'Analysis and international comparison of evidence requirements in connection with foreign bribery offences'. Please see a description of the project in **attachment 1**.

The COVID-19 pandemic has presented new opportunities and avenues to operate for criminals and organised criminal networks, while at the same time increasing corruption risks.

Has Finland undertaken an analysis of the pandemic-specific corruption risks? Could you provide an outline of the sectors that have been most affected by corruption, both at national and local level? What are the main offences encountered, and issues confronted when tackling alleged corruption in the public sector and the prosecution of private corruption in the context of the COVID-19 pandemic?

Can you elaborate on whether any mitigating measures have been taken to address the corruption risks in the context of the COVID-19 pandemic?

Can you outline how different authorities work together to mitigate the COVID related risks on corruption?

In the meeting with the Commission on 15 March 2021, the report on grey economy and procurement was discussed. The report was produced as part of the National Strategy and Action Plan for Tackling the Grey Economy and Economic Crime for 2016-2020.

Also, the National Public Procurement Strategy (here in Finnish) was brought up in the meeting. In the Strategy's thematic group on economic sustainability, the objectives include combating the grey economy and promoting tax liability in procurement, as well as planned and cost-effective procurement.

The National Bureau of Investigation is following and analysing the impact of the COVID-19 pandemic. At this stage, it can be noted that the cases of domestic violence and fraud are rising, but no impact to the corruption has been detected.

Discussion with the Ministry of Justice

The impact and functioning of the National Courts Administration a year after its establishment

The National Courts Administration has been in operation for 14 months. It is still in the process of developing and organizing its functions. Due to the COVID-19 pandemic, last year was in many aspects difficult also within the Finnish public administration, and it seems that the Administration as well has been under pressure.

The Parliament is expecting a report on the effects of the organizational reform by the end of 2025. So far, the Ministry of Justice has not initiated systematic follow-up.

Digitalization of the justice system: Has there been any progress in the online availability of judgements? Is the Anoppi system already being used by the Courts? Also, we understand that HAIPA and AIPA will enable producing judgements is machine-readable format, is it envisaged that judgments will be published though these systems?

Please find attached the slide presented in the meeting with the Commission on 15 March 2021 on publication of court judgments (**attachment 2**).

Could you elaborate on the reporting tool that is being developed as stated in your input, in particular on the kind of information it will collect?

The reporting tool will collect information such as case volumes (incoming cases, solved cases, pending cases), handling times, courts activities and the phase of the procedure (case being prepared, the date of oral hearing etc.). It also combines this information with financial and human resources management data, such as labour input and costs.

Such data is already being collected in the current reporting tool, but the central objective in developing the dashboards and reports is to increase the usability and comprehensibility of information, thus producing a more detailed picture.

At the moment, there is a challenge in combining data from different ICT systems.

A data-analyst of the National Courts Administration is developing together with the Ministry of Justice the reporting tool and different reports (their content for different specific needs).

Impact of the pandemic on the justice system and measures taken in the area of justice in context of the COVID-19 pandemic

The Constitutionality of Legislation

In Finland, the constitutionality of legislation is controlled in different stages during the law drafting process. The instructions for legislation drafting were recently reformed and these instructions, for instance, require that the general impact assessment of the Government proposal is included in its own section, including the possible human and fundamental rights impact assessment. The Government proposal is submitted for consultation of different parties. In addition and most importantly, the Government proposal should include its own section about the relationship of the proposal with the Constitution and international and European

human rights obligations. In this section, it must be ensured that the Government proposal is in accordance with the Constitution, applicable EU law on fundamental rights and public law generally.

The Ministry of Justice, notably its public law department but also other departments, the Chancellor of Justice and eventually and most importantly the Constitutional Law Committee of the Parliament as well as other parliamentary committees, such as the Administration Committee, all supervise that the Government proposal is in conformity with the Constitution and public law generally.

The parliamentary committees, especially the Constitutional Law Committee, hear independent constitutional and public law experts in public law issues. The position of the Constitutional Law Committee is established in section 74 of the Constitution according to which the Constitutional Law Committee supervises the constitutionality of legislative proposals and other matters brought for its consideration as well as their relation to international human rights treaties. The statement of the Constitutional Law Committee is binding on the Parliament and other committees. If it is concluded that the Government proposal is not in conformity with the Constitution, the Parliament cannot enact this law in the ordinary legislative procedure. The Constitutional Law Committee would also require that due changes are made to the Government bill, in case it is found not to be in accordance e.g. with the EU Charter of Fundamental Rights.

As a last resort, the Speaker of the Parliament must ensure that the Parliament does not adopt an act contrary to the Constitution and, if there is a danger of this, the Speaker must withdraw the legislation from the plenary session and submit it to the Constitutional Law Committee, which decides on the matter. This is the constitutional duty of the Speaker of the Parliament (Section 42 of the Constitution).

Regardless of the fact that the Finnish system is strongly based on the above-mentioned ex ante control in constitutional matters, the constitutional ex post control was strengthened in the constitutional reform in 2000. Under section 106 of the Constitution, the courts, including all courts, may disapply an act in a concrete case before them if this act is considered to be manifestly in contradiction with the Constitution. Section 107 of the Constitution enables courts and other public authorities to disapply a lower level statute than an act if it is in conflict with the Constitution.

The aforesaid summarizes the institutional procedure through with the constitutionality of ordinary legislation is monitored. Most of the restrictions imposed because of the COVID-19 pandemic have been based on ordinary legislation. The decisions made by public authorities based on ordinary legislation are subject to appeal. The Government has made amendments to ordinary legislation during the pandemic and, for instance, imposed some temporary restrictions on the Communicable Diseases Act. This legislation has been drafted following the ordinary law drafting procedure with some modifications (e.g. shorter consultation process due to the pressing situation) and it has been adopted in the ordinary legislative procedure. These temporary changes related to the COVID-19 pandemic are adopted by adhering to the normal standards for evaluating restrictions to fundamental and human rights.

The Emergency Powers Act

The Emergency Powers Act is divided into two parts. The part I includes the preconditions, which must be met, and the procedure, which must be complied with, before one may apply the emergency powers, which are listed in the part II of the Act.

Section 4 of the Act includes the prerequisites for any use of powers under the Act. Public authorities may invoke the emergency powers only if they are necessary and proportional in order to achieve the purpose of the Act and these powers must be used in a way that is both necessary and proportional in relation to the purpose to be achieved. Moreover, the emergency powers under the Act may only be exercised if the situation cannot be managed by regular competences of public authorities under ordinary legislation. Section 5

regulates that, while applying the Act, Finland's binding international law obligations and generally recognised/established rules of international law must be observed.

The application of the Emergency Powers Act requires that the Government, jointly with the President, declare the state of emergency in Finland and specifies which emergency condition laid down in section 3 of the Act exists as the emergency powers vary depending on the specific emergency condition in question. For instance, the current state of emergency condition (a very widespread infectious disease) enables only a limited set of powers under this Act. The Emergency Powers Act recognises five different emergency conditions, which correspond to the notion "public emergency" in international human rights treaties.

Sections 6-11 of the Act prescribe a two-stage procedure, which must be complied with in order to apply the emergency powers under the Act. In the first stage, the Government must submit an enforcement decree to the Parliament in which it identifies the explicit powers referred to in part II of the Act that it plans to invoke as well as specify their regional application. This decree can only be issued for a limited time period, six months at most. If this decree is issued as an urgent matter and thus directly applicable, it may be issued for three months at most. This enforcement decree is immediately submitted to the control and review of the Parliament.

If the Parliament, notably the Constitutional Law Committee, accepts either fully or in part the enforcement decree and does not repeal it, the Government will then pass another decree, namely an implementation decree, and submit it to the Parliament. The implementation decree will specify how the powers invoked in the enforcement decree will actually be applied. This decree is also controlled and reviewed by the Parliament, including the Constitutional Law Committee. The Parliament may decide whether the decree may remain in force or must be repealed fully or in part.

If the use of the emergency powers is continued, the Government shall issue a decree on continuing the use of powers under the Emergency Powers Act, which once again is submitted to the control and review of the Parliament.

The use of the Emergency Powers Act and the emergency powers thereof are subjected to preconditions, such as the necessity (in the sense of 'absolute necessity') and proportionality requirement. The Chancellor of Justice supervises the legality of the emergency legislation as a part of his or her general duty to monitor the legality of the Government's actions. They are also strictly scrutinised by the Parliament, notably the Constitutional Law Committee. All actions taken under the Emergency Powers Act and section 23 of the Constitution are reviewed and controlled by the Chancellor of Justice and the Constitutional Law Committee. This contains the proportionality and necessity analysis, including the requirement that the Emergency Powers Act can only be used if the situation cannot be managed with regular competences under ordinary legislation. Emergency powers may not be applied for longer than what is absolutely necessary, and their use must be discontinued immediately when the requirements for their use are no longer met. Section 130 of the Emergency Powers Act also regulates how the decisions made under the Act are subjected to appeal.

In 2020, 13 Decrees were issued during the emergency circumstances to establish and continue the powers of the Emergency Powers Act. Also ten related Implementing Decrees and their extension Decrees and three related Repeal Decrees were issued. This year the Government has issued two Decrees under the Emergency Powers Act. The period of validity of the emergency legislation, including the aforementioned Decrees, has been strictly limited and the maximum period of validity is always specified in the Act or the Decree. The Decrees under the Emergency Powers Act have been in force for a maximum of one and half months at a time. The restaurants were closed in spring 2020 for two months and this March for three weeks under section 23 of the Constitution. The Constitutional Law Committee has strongly emphasized that provisional exceptions to fundamental rights, based on section 23 of the Constitution, have to be strictly limited in time and, for instance, five months was held to be too long time for restrictions to be in force under section 23 of the Constitution.

Notifications under EU law relating to national COVID-19 measures were dealt with by the competent ministries.

Could you please elaborate on the activities planned under the Action Plan on Better Regulation, in particular regarding the development of transparency and stakeholder consultations in the legislative process?

The Government Programme includes a statement that a comprehensive action plan for better regulation will be made.

The quality of legislation and the development of law drafting have been for a long time a key objective in Finland. The development of law drafting and the improvement of the quality of legislation have been included in several Government Programmes over the past few decades. During several Government terms, cross-administrative development projects and working groups have been set up in order to promote the quality of law drafting in the Government and Ministries. The aim has been for the legislation to be of high quality and to implement the Government's objectives effectively.

The aim of the Government's Action Plan on Better Regulation is to improve the quality, deliberateness and transparency of the law drafting procedure through various measures. The Action Plan will develop:

- The planning and competence for law drafting;
- Interaction and communication in law drafting;
- Impact assessment of law drafting and creation of a Government-level ex post evaluation system; and
- Utilisation of technology and digitalisation in law drafting.

Cooperation with and consultation of stakeholders are an integral part of open and good law drafting and democratic decision-making. In the practice of drafting of legislation, this requires systematic and open co-operation with stakeholders, in which the views, information and experiences of stakeholders on the subject of the preparation are collected during the drafting process. Thus, many of the objectives of the Action Plan have either direct or indirect effects on improving the quality of the consultations and the transparency of the preparation.

The separate Implementation Plan, formulated to support the Action Plan, mentions the following measures that can be considered relevant in the development of the transparency of the consultation and preparation of legislation:

Indirect measures

- Development of the planning, monitoring and reporting of law drafting (e.g. joint project planning basis, The Government Project Register 'Hankeikkuna');
- Quality indicators for law drafting;
- Reform and development of legislative drafting training;
- Improving expertise in the field of fundamental and human rights; and
- Development of impact assessments and ex post evaluations of law drafting.

Direct measures

- Strengthening the process of collecting statements;
- Supporting the use of different methods for consultations; and
- Improving communications.

From the viewpoint of consultation on legislative drafting, the harmonisation and strengthening of practices is essential. At the moment, the basic consultation (collecting statements) and openness (e.g. communications) are already being carried out fairly well in the drafting of legislation. However, the initial consultations and the transparency of the preparatory process would need to be strengthened. In particular, planning and support processes (e.g. through the use of digitalisation) play an important role in ensuring that throughout the preparation process, cooperation with the stakeholders is of good quality, as well as consultations and communication are carried out in a timely manner. In addition, attention should be paid to documenting official consultations, which have an interface with the preparation of the transparency register.

Any other current or envisaged legislative measures to increase media pluralism and the protection of journalists

Please see the written input of Finland on 8 March 2021 and the answer to question 34, describing the current legislative measures.

Discussion with the National Bureau of Investigation and the Financial Intelligence Unit

Please find attached FIU disseminations to criminal investigations (**attachment 3**).

The Ethical Code of the Police will be found also in English from the website of the Police of Finland during this week.

Analysis and international comparison of evidence requirements in connection with foreign bribery offences

Maximum amount of the available appropriation: EUR 120,000
Time span: 02/2021–12/2021

Background, description and reasons for information needs:

Finland acceded to the OECD Anti-Bribery Convention in 1999. The scope of application of the Convention includes bribery offences related to international cross-border transactions. The OECD monitors the implementation of the Convention by the States Parties through regular country monitoring and issues recommendations to the States Parties on the implementation of the Convention. The OECD requires that these recommendations be fully implemented by the States Parties. The OECD has expressed its concern that the evidentiary threshold applied in cases of foreign bribery offences falling within the scope of the Convention is too high in Finland, as the charges in all such cases have been dismissed by the Finnish courts. For this reason, the OECD has issued a recommendation urging Finland to provide prosecutors and judges with training on foreign bribery cases covered by the OECD Convention, including on the application of the Convention and the evidence that should be sufficient in court proceedings in these cases.

In November 2019, the Ministerial Working Group on Internal Security and Strengthening the Rule of Law decided that preparation of an anti-corruption strategy will be launched in Finland. The Ministry of Justice has recently appointed a working group to prepare the strategy. The aforementioned recommendation issued by the OECD to Finland is one of the elements to be included in the future strategy and the separate action plan to be drawn up on the basis of it.

The results of the project will be utilised:

1) in the implementation of the anti-corruption strategy and the related action plan to be drawn up;

2) in the fulfilment of the international obligations imposed on Finland by the OECD;

3) in the development of the legislation governing bribery offences; and

4) in anti-corruption training and information to be provided for criminal investigation authorities, prosecutors and judges, as well as in the practical work related to bribery offences, i.e. in the criminal investigation and prosecution of these offences and in the related court proceedings.

Research questions:

The objective of the study is to examine:

1) the assessment of evidence by Finnish courts in foreign bribery cases under the OECD Convention (case assessment) and whether this assessment is in line with the contents and purpose of the existing provisions on bribery offences;

2) in a similar manner, the evidence requirements in domestic bribery cases;

3) what kind of evidence requirement would be appropriate;

4) evidence requirements in corresponding court proceedings in other countries, at least on a general level, from the perspective of comparative law; and

5) how the legislation in force and the related training could possibly be developed.

Link with decision-making and preparation in the Government:

Problems have been identified in the consideration of bribery offences in court, especially with regard to evidence-related questions. The evidentiary threshold is high in court proceedings and, therefore, none of the extensive and significant criminal cases has led to a conviction. The project will provide important information on the contents and possible interpretations of the legislation in force and recommendations for its development.

Criminal offences (TOP10)	2018	2019	2020	TOTAL
Aggravated fraud	86	128	186	400
Aggravated money laundering	89	96	86	271
Aggravated accounting (bookkeeping) offence	70	87	73	230
Aggravated tax fraud	61	50	56	167
Fraud	39	59	61	159
Investigation for ordering a ban on business activity	57	37	40	134
Money laundering	28	43	47	118
Aggravated narcotics offence	19	48	51	118
Aggravated debtor's fraud	29	35	44	108
Aggravated embezzlement	30	29	30	89

Criminal offences (corruption related)	2018	2019	2020	TOTAL
Aggravated acceptance of a bribe in business	4	3		7
Aggravated giving of a bribe in business	4	3		7
Acceptance of a bribe in business	2			2
Violation of official duty	1			1
Aggravated abuse of public office		1		1
Abuse of public office		1		1
Aggravated giving of a bribe	1			1

Criminal offences (money laundering)				
Negligent money laundering		1	4	5
Attempted money laundering			3	3
Attempted aggravated money laundering		1	1	2
Money laundering violation		1		1

All criminal offences in total (including those not in this table)	**453**	**559**	**661**	**1673**

Table: FIU disseminations to investigations and the criminal offences to which disseminations have been made 2018-2020. The table includes the 10 most common offences to which FIU disseminations have been made, disseminations to corruption related offences and also money laundering offences.

Publishing court judgments

- **Has there been any progress in the online availability of judgments**? Judgments are published in the oikeus.fi website and in Finlex databases.

- **Is the Anoppi system already being used by the Courts**? Anoppi pseudonymisation tool is being used in appr. one third of courts and it will be used by all courts in the Q2/2021.

- **Also, we understand that HAIPA and AIPA will enable producing judgements is machine-readable format, is it envisaged that judgments will be published though these systems?**
- The judgments are processed in AIPA and HAIPA in Word-XML format, which is machine-readable. The final version of the judgment is in PDF format. Currently there are no plans to publish judgments directly from AIPA or HAIPA. The courts make the judgments available in their own websites, located under the **oikeus.fi** website
- The judgements of the Supreme Court and Supreme Administrative Court are available as linked open data at **data.finlex.fi** website
- The judgments of the courts of appeal are made available as open data in the new Finlex website in 2022.