

INSTRUCTIONS OF THE SPEAKER'S COUNCIL ON THE DECLARATION OF PRIVATE INTERESTS BY MEMBERS OF PARLIAMENT AND OTHER CORRESPONDING PRACTICES RELATED TO THE POSITION OF MEMBERS

On 9 March 2015, the Speaker's Council has, under section 6(1)(11a) of Parliament's Rules of Procedure (40/2000), issued the following detailed instructions on the declaration of private interests by Members of Parliament in accordance with section 76a of the Rules of Procedure, and on other corresponding practices related to the position of Members.

1. PRIVATE INTERESTS OF MEMBERS OF PARLIAMENT

1.1 Declaring private interests

Since the start of the parliamentary term that began in 1995, Parliament has requested Members to provide details of their external private interests. The purpose of this has been to extend the principle of public openness to cover the financial private interests of individual Members of Parliament.

The request for information on private interests was based on a Speaker's Council decision, but compliance was voluntary. Under the amendment to Parliament's Rules of Procedure enacted on 21 January 2015, the declaration of private interests was made mandatory. The amendment enters into force on 22 April 2015. The purpose of the amendment is to increase openness and transparency regarding the private interests of Members.

The obligation to declare applies to duties and tasks of Members of Parliament that are not part of a Member's responsibilities, their business activities, holdings in companies and other significant assets, in so far as these could be of relevance in assessing the Member's actions as a Member of Parliament (section 76a(1) of Parliament's Rules of Procedure). The declaration must be submitted to Parliament within two months of the inspection of the Member's credentials. If the Member does not have any of the private interests referred to in the stated subsection of the Rules of Procedure, the declaration should state that he or she has no such private interests.

Members must also provide Parliament with details of the income received from duties and tasks that are not part of a Member's responsibilities and income from business activities, in so far as these could be of relevance in assessing his or her actions as a Member of Parliament (section 76a(2) of Parliament's Rules of Procedure). This income must be declared by the end of June of the calendar year following the year in which the income was received. This requirement does not, however, apply to income that was received before the entry into force of the amendments laid down on declaring private interests in Parliament's Rules of Procedure.

The information must be entered on the form provided for this purpose. Each Member of Parliament is responsible for the correctness of the information he or she supplies.

Members of Parliament who are ministers in the Government must provide two separate declarations of private interests: a declaration of private interests under section 63 of the Constitution, and a declaration of private interests under section 76a of Parliament's Rules of Procedure. These instructions apply to Members who are ministers only in respect of the obligation to declare under section 76a of Parliament's Rules of Procedure.

The Central Office keeps a register of the information on private interests supplied by Members of Parliament (section 76b of Parliament's Rules of Procedure). The information is publicly available and is stored in an information network that can be accessed by the public. The information on a Member of Parliament is removed from the register and from the public information network after the Member's responsibilities have ceasedⁱ.

If, despite being encouraged to do so, a Member of Parliament neglects to provide details of his or her private interests, the Speaker will give notification of this at a plenary session (section 76a(3) of Parliament's Rules of Procedure).

1.2 Declarable private interests

1.2.1 General

Members of Parliament must provide details of their private interests in so far as these could be of relevance in assessing their actions as Members of Parliament. Such private interests are as follows:

1. duties and tasks that are not part of a Member's responsibilities and the income from such duties and tasks if this exceeds EUR 5,000 in a calendar year;
2. business activities and the income from these if this exceeds EUR 5,000 in a calendar year;
3. significant holdings and other significant ownership interests acquired for business operations or investment activities; and
4. significant debts taken for business operations or investment activities as well as significant guarantees and other liabilities given for the same purpose.

Members' obligation to declare duties and tasks that are not part of a Member's responsibilities and to declare business activities is wide ranging. The obligation to declare applies to duties and tasks and business activities engaged in by Members during the period of their Member's responsibilities or which are suspended during this

ⁱ In accordance with the Archives Act and the Parliament Archive Regulations, the Secretary-General has, on 9 April 2015, decided that Members declarations of private interests as well as declarations of gifts, tickets and trips, shall be preserved permanently in Parliament Archives.

period. Duties and tasks that are not part of a Member's responsibilities and business activities are discussed below in more detail.

The obligation to declare also applies to income from duties and tasks that are not part of a Member's responsibilities and income from business activities, in so far as these could be of relevance in assessing the Member's actions. Income is significant if it has been received from duties and tasks and business activities that the Member engages in alongside his or her Member's responsibilities. Such income comprises gross income from individual sources if the amount from an individual source exceeds EUR 5,000 in a calendar year. The concept of income is broad and covers all kinds of pay, fees, benefits and compensation.

The interpretation of this may take into account the applicable provisions of section 13 of the Tax Prepayment Act, regarding pay. Income does not, however, include pensions or capital income such as rent (Part 3, Chapter 2 of the Income Tax Act). If the income exceeds the limit referred to above, the type of income and the amount must be declared.

The obligation to declare also applies to holdings in companies and other significant assets in so far as these could be of relevance in assessing the Member's actions. Such assets comprise significant holdings and other significant ownership interests acquired for business operations or investment activities as well as significant debts and other liabilities taken for the same purpose. The obligation to declare applies to assets of the Member of Parliament during the period of his or her Member's responsibilities. The limits for assets to be declared are discussed below.

The obligation to declare concerns only the Member's own private interests. The declaration of private interests applies to interests both in Finland and abroad.

The information on a Member's private interests must be submitted to Parliament within two months of the inspection of the Member's credentials. Income, however, must be declared by source by the end of June of the calendar year following the year in which it was received. The tax proposal sent to taxpayers in the spring, usually in April, can therefore be used as an aid in declaring income.

1.2.2 Duties and tasks that are not part of a Member's responsibilities and the income from these

Public posts within state, local government and other public entities

The obligation to declare applies to public posts within state, local government and other public entities. Other public entities include joint municipal authorities, the Social Insurance Institution of Finland, independent universities under public law and parishes.

A state civil servant who is elected to Parliament will be granted leave of absence directly by law for the period during which he or she is a Member of Parliament (e.g.

section 3(2) of the State Civil Servants Act). If a public servant in local government or in another public entity who is elected to Parliament wishes to have leave of absence from the public post for the period during which he or she is a Member of Parliament, he or she must apply for leave of absence (section 27(2) of the Act on Local Government Officials). Attending to the duties of Member of Parliament is considered to be a situation in which leave of absence must be granted, due to the nature of the matter (Government Proposal 196/2002).

The declaration must state the title of the public post and the public entity or public authority in which the post is located. The income received in the public post must be declared on the basis of the requirements given above.

Paid positions or administrative duties and positions of trust in private companies and entities and in public entities

Paid positions. The obligation to declare concerns all types of paid positions, including work for which the Member of Parliament has been granted leave of absence for the period of his or her Member's responsibilities or which is otherwise suspended for the period during which he or she is a Member of Parliament. The obligation to declare does not apply to voluntary work performed without pay.

Paid positions are work for which pay, fees, benefits or compensation is given. The interpretation of "pay" may, when applicable, take into account the provisions of section 13 of the Tax Prepayment Act, regarding pay.

The declaration must state the position in question and the employer's name and field of business and the income received from the position on the basis of the requirements given above.

Administrative duties and positions of trust. The obligation to declare concerns all types of administrative duties. These include memberships of, for example, management boards, administrative boards or other similar bodies, and performing the roles of chairperson, deputy chairperson or auditor.

Positions of trust refer to tasks for which a person is selected by election or similar selection method. Positions of trust that must be declared include positions as member of a council, delegation, board, body of representatives or similar body, and performing the roles of chairperson, deputy chairperson or auditor.

The obligation to declare concerns duties and tasks in private companies and private entities, such as limited liability companies, cooperatives, associations and foundations.

The obligation to declare also covers duties and tasks in national and central organisations representing professional and vocational interests, employers' interests and

business interests, and in the Association of Finnish Local and Regional Authorities. In addition, the obligation to declare covers duties and tasks in other national or otherwise significant organisations, such as non-governmental organisations and charity, cultural and sports organisations. If the duties or tasks in a regional or local level organisation could be of relevance in assessing the actions of the Member of Parliament, these should also be declared.

Duties and tasks in local government and in other public entities must also be declared. Such duties and tasks include e.g. those in a municipality, joint municipal authority, other intermunicipal cooperative body, regional council, independent university under public law or religious community (Evangelical Lutheran Church, Orthodox Church, registered religious community, parish or parish union). Declarable duties and tasks also include those in incorporated state companies, unincorporated state enterprises and municipally owned companies.

The declaration must also state the duties and tasks to which Parliament has appointed the Member of Parliament, such as parliamentary trustee or auditor of the Social Insurance Institution of Finland, member of the Yleisradio Oy (Finnish Broadcasting Company) Administrative Council or member of the Bank of Finland's Parliamentary Supervisory Council or auditor of the Bank of Finland.

The obligation to declare does not apply to administrative duties and positions of trust that are not deemed to be of relevance in assessing the person's actions as a Member of Parliament. Examples include administrative duties in entities related to the Member's personal leisure time pursuits or residence (e.g. limited liability housing companies). Neither is there a need to declare duties or tasks in private road maintenance associations or in similar local entities established for the use or management of ordinary residential property or agricultural or forestry holdings, or local entities comparable to these.

Duties and tasks in a political party do not need to be declared.

The declaration must state the administrative duties or position of trust in question and the name of the company, entity, municipality or public entity in question. The field of business of the company or entity must be declared as well. The income received in the duties or position must be declared on the basis of the requirements given above.

Other duties and tasks

Duties and tasks that are not part of a Member's responsibilities and which are clearly not included in the groups mentioned above but which could be of relevance in assessing a person's actions as a Member of Parliament must be declared along with the income received from these on the basis of the requirements given above.

1.2.3 Business activities and the income from these

The obligation to declare concerns all types of business activity that the Member is engaged in during the period of his or her Member's responsibilities. The obligation also covers business activities in which the Member's engagement is suspended during the period of his or her Member's responsibilities.

The declaration must state the occupation or business in question (e.g. entrepreneur, farm operator, doctor, consultant). The business must be declared irrespective of the form in which it is practised (e.g. self-employed person, business person, partner in a general partnership or liable partner in a limited partnership). Income received from business activities must also be declared if it exceeds the limit given above.

1.2.4 Significant holdings and other significant ownership interests acquired for business operations or investment activities

The obligation to declare concerns assets and ownership interests that have been acquired for business operations or investment activities. The obligation does not apply to assets or ownership interests that have not been acquired for this purpose. Thus, the obligation to declare does not apply, for example, to the customary home or summer residence used by the Member of Parliament of his or her family. Neither does it apply to investment assets intended for private use (e.g. a vehicle, yacht, work of art or collector's item acquired for this purpose).

A significant holding is deemed to be a holding with a market value exceeding EUR 50,000 for a single item. A significant ownership interest is deemed to be a shareholding or other holding that confers voting rights of more than 20 per cent. The obligation to declare covers both direct and indirect holdings (e.g. through an entity or partnership or a deceased's estate).

The obligation does not cover deposits or fund units.

The declaration must state the type and nature of the holding and ownership interest.

1.2.5 Significant debts taken for business operations or investment activities and significant guarantees and other liabilities given for the same purpose

The obligation to declare concerns debts, guarantees and other liabilities taken for business operations or investment activities. The obligation does not apply to debt, guarantees or other liabilities that have not been taken for this purpose. Thus, the obligation to declare does not apply, for example, to a mortgage, vehicle loan or other loan if this is not connected with business operations or investment activities.

The obligation to declare covers debts taken for the aforementioned purposes if their combined total exceeds EUR 100,000, and guarantees and other liabilities if their combined total exceeds EUR 200,000.

The declaration must state the order of magnitude and basis of the debt or other liability.

1.2.6 Other private interests

Members of Parliament may, if they wish, provide more extensive information about their private interests.

2. GIFTS, TICKETS AND TRIPS ACCEPTED BY MEMBERS OF PARLIAMENT

The following instructions concern the declaration of gifts, tickets and third-party funded trips that exceed a certain limit, as specified below, in the register maintained by the Central Office. The purpose is to increase openness and transparency in the actions of Members of Parliament.

These instructions do not apply to gifts and other benefits accepted in the course of the duties of a minister. In regard to accepting gifts and benefits, ministers are subject to the rules and legal provisions concerning state civil servants.

2.1 Declaring gifts accepted by Members of Parliament when acting as official representatives of Parliament

Items worth over EUR 400 given as gifts and accepted by Members of Parliament when acting as official representatives of Parliament shall be the property of Parliament. These items must be declared in the register maintained by the Central Office and given over to Parliament's collections, unless their retention in, for example, a committee meeting room or in a Member's office is agreed with Parliament's senior curator in charge of art, interior and museum matters. If Members wish to claim a gift for themselves, they may submit a request to the Office Commission. The Office Commission then decides whether to approve the request and will determine the price to be charged for claiming the item.

Acting as an official representative of Parliament refers to activities such as representation at meetings, on foreign visits made by Parliament's committees, and during visits to Parliament by foreign delegations.

The declaration must be made using the form provided for this purpose and then submitted to the Central Office, which keeps a register of the information submitted. The declaration must state the nature of the gift, the giver of the gift and the date on which

the gift was received. The declaration must be made by the end of the month following the month in which the gift was received.

If the Member of Parliament is uncertain of the value of the gift, he or she may forward the matter for evaluation by the gifts committee appointed by the Office Commission. The gifts committee shall convene if necessary.

Members of Parliament may, if they wish, also declare in the register any gifts that are worth less than EUR 400.

The register is publicly available. The information in the register is stored in an information network that can be accessed by the public.

2.2 Declaring gifts and tickets accepted by Members of Parliament when not acting as official representatives of Parliament

Gifts accepted by a Member of Parliament when not acting as official representative of Parliament must be declared in the register maintained by the Central Office if the value of the gifts received by the Member from the same giver during the calendar year exceeds EUR 400.

In addition to items given as gifts, Members must also declare tickets they receive while not acting as official representatives of Parliament, for example tickets for the opera, a concert or cultural, sporting or other similar event, if the value of the tickets received by the Member from the same giver during the calendar year exceeds EUR 400. This applies only to tickets meant for the Member of Parliament personally. However, tickets received by the Speaker and Deputy Speakers do not need to be declared.

Neither is it necessary to declare customary gifts marking special occasions given to Members of Parliament. Customary gifts marking special occasions refer to gifts of a value within reasonable limits that are customarily given. Such customary gifts marking special occasions can be, for example, works of art or ornaments of a reasonable value received as 50th or 60th birthday gifts. However, where gifts marking special occasions differ from those customarily given and are of considerable value, these must be declared.

Where the receipt of gifts or tickets is not related to the person's position as Member of Parliament, this does not need to be declared in the register. Typical examples may be gifts and tickets given by family members and relatives.

Neither is it necessary to declare gifts or tickets received in connection with attending to duties or tasks declared in the register of private interests.

The declaration must be made using the form provided for this purpose and then submitted to the Central Office, which keeps a register of the information submitted. In the case of gifts, the declaration must state the nature of the gift, the giver of the gift and the date on which the gift was received. In the case of tickets, the declaration must state the event to which the ticket gives entry, the giver of the ticket and the date on which the ticket was received. The declaration must be made by the end of the month following the month in which the gift exceeding the limit was received or following the date on which the ticket is to be used.

Members of Parliament may, if they wish, also declare in the register any gift of a value that does not exceed EUR 400, or gifts received during the calendar year from the same party that together do not exceed EUR 400 in value. The same applies to any ticket of a value that does not exceed the stated limit, or to tickets received during the calendar year from the same party that together do not exceed the stated value limit.

The register is publicly available. The information in the register is stored in an information network that can be accessed by the public.

2.3 Declaring third-party funded trips unrelated to parliamentary work

Members of Parliament must declare in the register maintained by the Central Office their participation in trips abroad or in Finland that are unrelated to parliamentary work if a third party pays more than EUR 400 of the costs of the Member's participation in the trip. A party deemed to be a third party is one other than Parliament, the Member's political party or parliamentary group, or family member or relative of the Member of Parliament.

Costs refer to the travel and accommodation costs arising from the Member's participation in the trip. Trips must be declared when the proportion of the trip's aforementioned total costs paid by a third party exceeds EUR 400, and also if a third party takes responsibility for paying, for example, accommodation costs of more than EUR 400.

No declaration is required for trips connected with parliamentary work. The Speaker's Council has approved a list of duties and trips that are connected with parliamentary work. On the basis of criteria approved by the Speaker's Council and specified in the list, the Speaker's Office assesses whether or not a trip is deemed comparable to parliamentary work.

No declaration is required for trips of a private nature that are not related to the position of Member of Parliament. Such trips are typically trips with family and friends.

Neither is it necessary to declare trips that are in connection with attending to duties or tasks declared in the register of private interests.

The declaration must be made using the form provided for this purpose and then submitted to the Central Office, which keeps a register of the information submitted. The declaration of a trip must state the organiser of the trip or the party paying the costs (third party), the type of costs paid and the travel destination, purpose and dates. The declaration must be made by the end of the month following the month in which the trip took place.

Members of Parliament may, if they wish, declare a trip in the register even if the costs paid by a third party do not exceed EUR 400.

The register is publicly available. The information in the register is stored in an information network that can be accessed by the public.

These instructions of the Speaker's Council enter into force on 22 April 2015.