

CRIMINAL CODE 19.12.1889/39; Chapter 30 (24.8.1990/769)

Chapter 30 - Business offences

Section 1 - *Marketing offence* (475/1999)

A person who in the professional marketing of goods, services, real estate, the bonds and securities of a private limited-liability company or other commodities gives false or misleading information that is significant from the point of view of the group at which the marketing is directed, shall be sentenced for a *marketing offence* to a fine or to imprisonment for at most one year.

Section 1(a) – *Alcoholic beverage marketing offence* (641/2009)

A person who in violation of section 33 of the Alcohol Act or of a provision issued on its basis

- (1) directly or indirectly advertises strong alcohol drink or otherwise promotes the sale of strong alcohol drink,
- (2) directs advertisement , indirect advertisement or other sales promotion of mild alcohol drink towards minors or combines this with advertisement or other sales promotion of another product or service, or
- (3) depicts minors in the marketing of mild alcohol drink referred to in paragraph 2,

shall be sentenced for an *alcoholic beverage marketing offence* to a fine or to imprisonment for at most six months.

Section 2 - *Unfair competition offence* (769/1990)

A person who in business uses a false or misleading expression concerning his or her own business or the business of another and in this way causes loss to the business of another shall be sentenced for an *unfair competition offence* to a fine or to imprisonment for at most one year.

Section 3 - *Consumer credit offence* (750/2010)

A person who in business, for receivables based on consumer credit, takes an obligation based on a bill of exchange or other security prohibited by chapter 7, section 18 of the Consumer Protection Act or uses a draft ('tratta') in the collection of consumer debt from a consumer or a person living with the consumer in the same household, shall be sentenced for a *consumer credit offence* to a fine or to imprisonment for at most one year.

Section 3 a – *Charter trip company violation and charter trip company offence* (940/2008)

(1) A person who intentionally or through gross negligence

- (1) without having registered as a charter trip company entrepreneur in accordance with section 6 of the Charter Trip Company Act (939/2008) operates a charter trip business that does not call for security or uses the term "travel agency" or "charter trip company", or
- (2) without lodging security engages in charter trip business which according to section 9 of the Charter Trip Company Act requires security, or provides the Competition and Consumer Affairs Office with false information regarding the need for security or a

factor affecting its sufficiency or neglects to report such a factor and in this way weakens the financial security of a traveller, (683/2012)

shall be sentenced, unless a more severe penalty is provided elsewhere in the law, for a *charter trip violation* to a fine.

(2) If the action referred to in subsection 1, paragraph (2), with due consideration to the financial benefit sought and the other circumstances, is aggravated also when assessed as a whole, the perpetrator shall be sentenced, unless a more severe penalty is provided elsewhere in the law, for *charter trip company offence* to a fine or to imprisonment for at most one year.

Section 4 - Business espionage (769/1990)

(1) A person who unlawfully obtains information regarding the business secret of another

(1) by entering an area closed to unauthorised persons or accessing an information system protected against unauthorised persons,

(2) by gaining possession of or copying a document or other record, or in another comparable manner, or

(3) by using a special technical device,

with the intention of unlawfully revealing this secret or unjustifiably utilising it shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *business espionage* to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Section 5 - Violation of a business secret (769/1990)

(1) A person who, in order to obtain financial benefit for himself or herself or another, or to injure another, unlawfully discloses the business secret of another or unlawfully utilises such a business secret, having gained knowledge of the secret

(1) while in the service of another,

(2) while acting as a member of the administrative board or the board of directors, the managing director, auditor or receiver of a corporation or a foundation or in comparable duties,

(3) while performing a duty on behalf of another or otherwise in a fiduciary business relationship, or

(4) in connection with company restructuring proceedings,

shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *violation of a business secret* to a fine or to imprisonment for at most two years. (54/1993)

(2) This section does not apply to an act that a person referred to in subsection 1(1) has undertaken after two years has passed since his or her period of service has ended. (61/2003)

(3) An attempt is punishable. (61/2003)

Section 6 - Misuse of a business secret (769/1990)

A person who unlawfully

(1) uses in business a business secret that has been obtained or revealed through an act punishable under this Code or

(2) in order to obtain financial benefit for himself or herself or another reveals such a secret

shall be sentenced for *misuse of a business secret* to a fine or to imprisonment for at most two years.

Section 7 – Giving of bribe in business (637/2011) A person who promises, offers or gives an unlawful benefit (*bribe*) to

- (1) a person in the service of a business,
- (2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business,
- (3) a person carrying out a duty on behalf of a business, or
- (4) a person serving as an arbitrator and considering a dispute between businesses, between two other parties, or between a business and another party

intended for the recipient or another, in order to have the bribed person, in his or her function or duties, favour the briber or another person, or to reward the bribed person for such favouring, shall be sentenced, unless the act is punishable on the basis of chapter 16, section 13 or 14, for *giving of bribes in business* to a fine or to imprisonment for at most two years.

Section 7(a) – Aggravated giving of bribes in business (637/2011)

If in the giving of bribes in business

- (1)
the gift or benefit is intended to make the person in question serve in his or her function in a manner that results in considerable benefit to the briber or to another person, or in considerable loss or detriment to another person,
- (2)
the gift or benefit is of considerable value,

and the giving of a bribe in business is aggravated also when assessed as a whole, the offender shall be sentenced for *aggravated giving of bribes in business* to imprisonment for at least four months and at most four years.

Section 8 – Acceptance of a bribe in business (637/2011)

A person who

- (1) in the service of a business,
- (2) as a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business
- (3) in carrying out a duty on behalf of a business, or
- (4) in serving as an arbitrator considering a dispute between businesses, between two other parties, or between a business and another party

demands, accepts or receives a bribe for himself or herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his or her function or duties, the briber or another, shall be sentenced, unless the act is punishable in accordance with chapter 40, sections 1 – 3, for *acceptance of a bribe in business* to a fine or to imprisonment for at most two years.

Section 8(a) – Aggravated acceptance of a bribe in business (637/2011)

If in the giving of a bribe in business

- (1) the offender acts or the intention of the offender is to act in his or her function, due to the gift or benefit, to the considerable benefit of the briber or of another person or to the considerable loss or detriment of another person, or
- (2) the value of the gift or benefit is considerable

and the giving of a bribe in business is aggravated also when assessed as whole, the offender shall be sentenced for *aggravated giving of a bribe in business* to imprisonment for at least four months and at most four years.

Section 9 - Accounting offence (61/2003)

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

- (1) in violation of statutory accounting requirements neglects the recording of business transactions or the balancing of the accounts,
- (2) enters false or misleading data into the accounts, or
- (3) destroys, conceals or damages account documentation

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

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

If in the accounting offence

- (1) the recording of business transactions or the closing of the books is neglected in full or to an essential degree,
- (2) there is a considerable amount of false or misleading information, these pertain to large amounts or they are based on falsified certificates, or
- (3) the accounts are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree

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

Section 10 – Negligent accounting offence (61/2003)

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

- (1) neglects in full or in part the recording of business transactions or the closing of the books, or
- (2) destroys, misplaces or damages account documents

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

Section 10(a) – Auditing offence (1211/2015)

A person who violates the provision in chapter 3, section 5 of the Accounting Act (1141/2015) on the preparation of an auditor's report, shall be sentenced, unless the act is petty or if no more severe punishment is provided elsewhere in the law, for an *auditing offence* to a fine or to imprisonment for at most two years.

Section 11 - Definition (769/1990)

For the purposes of this chapter, a *business secret* refers to a business or professional secret and to other corresponding business information that an entrepreneur keeps secret and the revelation of which would be conducive to causing financial loss to him or her or to another entrepreneur who has entrusted him or her with the information.

Section 12 - Right to bring charges (441/2011)

(1) Before bringing charges for a marketing offence the public prosecutor shall reserve the consumer ombudsman an opportunity to give a statement in the case, and before bringing charges for an alcoholic beverages marketing offence the public prosecutor shall reserve the Social Welfare and Health Sector Licence and Supervision Office an opportunity to give a statement in the case. When hearing a case dealing with a marketing offence and an unfair competition offence the court shall reserve the consumer ombudsman an opportunity to be heard and when hearing a case dealing with an alcoholic beverages marketing offence the court shall reserve the Social Welfare and Health Sector Licence and Supervision an opportunity to be heard.

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

Section 13 - Corporate criminal liability (213/2017)

The provisions on corporate criminal liability apply to marketing offences, alcoholic beverages marketing offences, unfair competition offences, business espionage, misuse of a business secret, giving of a bribe in business, aggravated giving of a bribe in business, acceptance of a bribe in business, aggravated acceptance of a bribe in business and aggravated accounting offences.

Section 14 – Provision on the scope of application (637/2011)

In applying sections 7, 7a, 8 and 8a of this chapter, a domestic and foreign arbitrator who exercises functions under the national law on arbitration of another State is equated with an arbitrator.

Section 15 – Forfeiture provision (637/2011)

A gift or benefit that has been received in the manner referred to above in sections 8 and 8a or the value thereof shall be ordered forfeit to the State from the offender or the person on whose behalf or in whose benefit the offender has acted. The provisions of chapter 10 apply to the forfeiture of other property.