

NB: Unofficial translation
Prime Minister's Office, Finland

Government Act

(175/2003; amendments up to 970/2007 included))

Chapter 1 - **Government organisation and mandates**

Section 1 - *Government organisation*

(1) The Government comprises the following ministries:

- 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;
- 8) Ministry of Agriculture and Forestry;
- 9) Ministry of Transport and Communications;
- 10) Ministry of Employment and the Economy;
- 11) Ministry of Social Affairs and Health;
- 12) Ministry of the Environment (970/2007).

(2) Provisions on the Office of the Chancellor of Justice operating in conjunction with the Government are laid down separately.

Section 2 - *The mandates of the ministries*

Provisions on the mandates of the ministries and the division of duties between them shall be issued by act or Government decree.

Section 3 - *Prime Minister*

- (1) Provisions on the duties of the Prime Minister in directing the Government are laid down in the Constitution.
- (2) The Prime Minister monitors the implementation of the Government Programme and chairs the cabinet committees referred to in section 23(1).
- (3) The Prime Minister coordinates the Government's preparation and consideration of matters to be decided by the European Union.

Section 4 - *Ministers*

- (1) A minister acts as head of a ministry or handles matters falling within the mandates of the ministries.
- (2) The Government decides on the division of duties among the ministers at a ministry.
- (3) Each minister has a title based on his/her duties and confirmed at the time of appointment to office.

Section 5 - *Ministerial deputies*

- (1) The Government determines the members of Government who will stand in for the Prime Minister and for other ministers when they are temporarily prevented from attending to their duties. What is provided in the Constitution otherwise applies to the minister deputising for the Prime Minister.

- (2) The Government may issue separate provisions concerning ministerial deputies in cabinet committees.

Section 6 - *State Secretary*

A State Secretary may be appointed for the Prime Minister's term of office to assist the Prime Minister. The Prime Minister may require the State Secretary to stand in for him/her in duties related to the preparation of matters.

A State Secretary may be appointed also for any Minister to assist the Minister during his/her term of office. The Minister may require the State Secretary to stand in for him/her in duties related to the preparation of national and international matters (1187/2004).

Section 7 - *Ministry's organisation*

- (1) Ministries are divided into departments and as necessary into other operating units in order to attend to the ministry's duties in an appropriate manner.
- (2) Provisions concerning the organisational structure of ministries and the general arrangement of their operations are issued by Government decree. Further provisions may be given in ministries' rules of procedures issued in the form of ministries' decrees.

Section 8 - *Mandates in international issues*

- (1) Treaties and other international obligations are handled by the ministry within whose mandate the

treaty or obligation falls on the basis of its content.

- (2) The Ministry for Foreign Affairs additionally deals with treaties and other international obligations involving key foreign and security policy issues. The Ministry for Foreign Affairs and the Prime Minister's Office deal together with matters related to amendments to the basic treaties of the European Union.
- (3) The Ministry for Foreign Affairs assists in the coordination of international matters referred to in subsection 1. However, the Prime Minister's Office coordinates matters related to amendments to the basic treaties of the European Union and matters related to treaties and other international obligations dealt with by the European Union as provided in section 9(2).

Section 9 - Mandates in issues decided by the European Union

- (1) Matters decided by the European Union shall be considered by the ministry within whose mandate the matter falls on the basis of its content.
- (2) The Prime Minister's Office coordinates the preparation and consideration of matters decided by the European Union unless otherwise provided by Government decree for certain groups of issues.

Section 10 - Decisions on jurisdiction

- (1) Based on the proposal of the Prime Minister, the Government resolves disagreements concerning the mandates of individual ministries in particular matters.

- (2) The Government may also decide which ministry is to consider a matter that falls within the mandate of more than one ministry that is far-reaching or of major importance as a matter of principle.

Section 11 - *Impact of sectoral adjustments in the mandates*

- (1) Sectoral adjustments to the ministries' mandates will involve the transfer of agencies, public and other bodies, and companies falling within one ministry's administrative sector to the administrative sector of another ministry as indicated by the adjusted mandates. Similarly, matters pending and agreements and other commitments made by a ministry, including the rights and obligations arising from them, will be transferred to the ministry indicated by the new mandates.
- (2) The Government may transfer a public office established in a ministry to another ministry in accordance with the adjusted mandates. Similarly, a civil servant appointed for a fixed period as referred to in section 9(1) of the State Civil Servants' Act (750/1994) may be transferred to another ministry until the termination of the fixed period. Public offices and civil servants may be transferred without the civil servant's approval only if the transfer does not affect his/her freedom to choose a place of residence.
- (3) Provisions concerning transfer of appropriations, when sectoral adjustments are made in the mandates between ministries, are issued in the State Budget Act (423/1988).

Chapter 2 - **Decisions on matters by the Government**

Section 12 - *Decision-making by the Government*

- (1) Decisions concerning matters falling within the purview of the Government are taken by Government plenary sessions or the ministries.
- (2) The plenary sessions take decisions on proposals to be submitted to the President of the Republic, Government decrees and Government statements, reports and communications to Parliament as well as such matters to be dealt with by the European Union and other matters whose public policy or financial importance calls for such decision-making. Provisions concerning matters to be decided in plenary sessions are also laid down in the Constitution, other acts and Government decrees.
- (3) Decisions concerning issues other than those referred to in subsection 2 which fall within the purview of the Government are taken by the ministries.

Section 13 - *Power of appointment*

- (1) The Government makes appointments to public offices in ministries unless they are specified in the Constitution or other law as the duty of the President of the Republic. Provisions concerning division of the power of appointment between the Government plenary session and the ministries are issued by Government decree.
- (2) If provisions are laid down in acts or decrees to the effect that it is the Government's duty to appoint or transfer a public servant to a public office, or to designate a public servant for a duty,

decisions on such matters are taken by the Government plenary session.

Section 14 - *Referral of matters to the Government plenary session*

- (1) In individual cases, matters for the decision of a ministry must be referred to the Government plenary session if they are considered to be sufficiently far-reaching or sufficiently important as matters of principle. Referral decisions are taken by the plenary session on the proposal of the Prime Minister or the relevant minister.
- (2) Appeals or referred cases must not be submitted to the plenary session, however.

Section 15 - *Decisions on matters by ministries*

- (1) Ministers take decisions on matters falling within their mandate and direct the operations of the ministry in accordance with the division of duties.
- (2) Decisions on issues other than those of public policy or financial importance to be taken by ministries may be referred to public servants acting as rapporteurs for the ministries. Ministers take decisions on decrees to be issued by the ministry. Provisions concerning grounds for transfer of the discretionary power are issued by Government decree. Further provisions may be issued by ministries' rules of procedures.

Section 16 - *Retaining the discretionary power in ministries*

- (1) Ministers may retain the discretionary power in matters referred to public servants for decision.
- (2) If a public servant is of the opinion that a matter for his/her decision is of public policy or financial importance in an individual case, the relevant minister must be informed of such a matter before a decision is taken.
- (3) Provisions concerning the right of ministries' public servants to retain the discretionary power in matters on which a subordinate could otherwise take a decision are issued by Government decree.

Chapter 3 - **Decision-making procedure**

Section 17 - *Decision-making procedure in the Government plenary session*

- (1) The Government plenary session takes decisions on matters presented by Government rapporteurs.
- (2) The minister in whose mandate the matter in hand falls shall be the first to express an opinion in the plenary session. In the event of disagreement, the matter will be decided by vote, following the same procedure as in a collegial court.
- (3) If the rapporteur's opinion differs from the decision taken, it must be recorded in the minutes of the Government plenary session on the rapporteur's request.

Section 18 - *Postponement of consideration*

- (1) The Government may postpone consideration of a matter in a plenary session.

- (2) Provisions concerning the right of members of the Government to postpone decision-making to allow time for familiarisation with the matter shall be issued by Government decree.

Section 19 - *Presidential session*

- (1) Issues prescribed for decision by the President of the Republic are presented to the President at Government sessions. When issues are presented to the President at these sessions, a minimum of five ministers must take part in the consideration of matters. The sessions are chaired by the President.
- (2) The President takes decisions at Government sessions on the presentation of the minister within whose mandate the matter falls. Matters to be decided by the President on the proposal of the Government are presented to the President by the relevant minister in accordance with the Government's proposed decision.
- (3) The President takes decisions on matters of military command, military appointments and matters related to the Office of the President of the Republic as provided separately.
- (4) Provisions concerning the return of matters for preparation by the Government are laid down in the Constitution.

Section 20 - *Decisions taken by the President of the Republic without preparatory consideration in the Government plenary session*

The Government plenary session does not carry out preparatory consideration of matters on which the President of the Republic under the Constitution or

other legislation takes decisions without receiving a proposal from the Government.

Section 21 - *Government rapporteurs*

- (1) Public servants of ministries appointed by the President of the Republic and by the Government plenary session, and rapporteurs designated by the Government act as rapporteurs in Government plenary sessions.
- (2) Provisions concerning the required qualification of rapporteurs designated by the Government may be issued by Government decree.

Section 22 - *Presentations*

- (1) The Prime Minister determines the dates and order of presentation for Government plenary sessions.
- (2) The Prime Minister may determine the date by which a matter to be considered by the Government plenary session must be presented at the plenary session.
- (3) The Prime Minister's Office, in cooperation with the Office of the President of the Republic, confirms the dates for presenting matters to the President of the Republic at presidential sessions.
- (4) The Prime Minister may issue general provisions concerning the attendance of public servants at Government plenary sessions and in presidential sessions.

Section 23 - *Cabinet committees*

- (1) The Government has cabinet committees for the preparation of foreign and security policy, European

Union affairs, finances and economic policy. The members of these cabinet committees must be members of the Government. Further provisions concerning the duties and composition of the committees shall be issued by Government decree.

- (2) The Government may establish other cabinet committees as necessary.

Section 24 - Meeting of the Cabinet Committee on Foreign and Security Policy and the President of the Republic

The Cabinet Committee on Foreign and Security Policy may meet with the President of the Republic.

Section 25 - Decision-making procedure in the ministries

- (1) In the ministries, decisions on matters are taken following presentation of the matter in hand, unless otherwise provided by Government decree for a specific reason.
- (2) If the rapporteur's opinion differs from the decision taken, this must be recorded, at the rapporteur's request, on the filed copy of the document containing a decision.

Section 26 - Obstacle preventing the President of the Republic from attending to his/her duties

- (1) Any obstacle preventing the President of the Republic from attending to his/her duties shall be noted by the Government plenary session. Provisions concerning the President's duties when the President is prevented from attending to them are laid down in the Constitution. The Ministry of Justice is responsible for presenting to the plenary session

matters concerning such obstacles that prevent the President from attending to his/her duties.

- (2) A permanent obstacle preventing the President from attending to his/her duties is published in the Statute Book of Finland in the form of Government announcement.

Chapter 4 - **Miscellaneous provisions**

Section 27 - *Government Rules of Procedure*

Further provisions concerning Government functions and organisational structure and the required qualification of public servants in the ministries are laid down in the Government Rules of Procedure issued as a Government decree.

Section 28 - *Entry into force*

- (1) This Act enters into force on 1 April 2003. Section 5 will not apply, however, until the date on which the Government is appointed for the first time after the entry into force of the Act.
- (2) This Act repeals the Government Act issued on 30 March 1922 (78/1922) as amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

(970/2007)

This Act enters into force on 1 January 2008.

- (1) On entry into force of this Act, personnel employed on contractual and public-service employment relationship, and the corresponding public offices, in the Ministry of Trade and Industry, Ministry of Labour and Ministry of the Interior attending to duties transferred to the new Ministry of Employment and the Economy will be transferred to the new Ministry of Employment and the Economy.
- (2) The personnel to be transferred will retain the rights and obligations related to the terms of their employment relationship as defined on the date of transfer. If the duties attached to the public office are changed essentially and a new office is established in its place, the new office can be filled without public announcement. A public announcement is, however, required to fill a new office as defined in section 4(2) of the Public Servants Act (750/1994).
- (3) Any pending matters, concluded agreements and commitments, and the ensuing rights and obligations, relating to the sectors that are currently dealt with in the Ministry of Trade and Industry, Ministry of Labour and Ministry of the Interior but which will fall within the mandate of the new Ministry of Employment and the Economy will be transferred to the new ministry. The same applies to the agencies, public bodies, institutions and companies under the ministries' mandate.
- (4) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.