

Act on the Foreign Service

(204/2000; amendments up to 258/2015 included)

Chapter 1 – General provisions

Section 1 – Scope of application

- (1) This Act lays down provisions on the organisation of the Finnish Foreign Service, the duties and actions of the missions and the status of the public servants and other personnel working in the Foreign Service.
- (2) In addition, provisions elsewhere in the law pertaining to the public-service employment relationships in central government apply to public servants working in the Foreign Service. If another act adopted before the entry into force of this Act or a decree contains provisions that deviate from this Act, the provisions of this Act shall apply.
- (3) Only the provisions of sections 1–5, 7, 11(2) and 12(2) and (3) shall apply to the actions of honorary consulates.

Section 2 – Foreign Service

- (1) The Foreign Service comprises the Ministry for Foreign Affairs and the missions that constitute Finland's representation abroad.
- (2) The general guidance and oversight of the missions is the responsibility of the Ministry for Foreign Affairs.
- (3) Provisions on the administrative relationships between missions may be laid down by Government decree.

Section 3 – Operational management (541/2000)

- (1) The Ministry for Foreign Affairs may, in matters that fall within its sphere of responsibility, issue regulations and guidelines concerning the actions of a mission in individual cases.
- (2) In individual matters concerning the European Union, the Prime Minister's Office may notify Finland's Permanent Representation to the European Union about the national point of view or about some other instruction. The Ministry for Foreign Affairs is responsible for notifying views that are significant for foreign policy.
- (3) The powers referred to in this section do not apply to individual administrative decisions that fall within the authority of a mission.

Section 3a – Authority to approve certain agreements concerning use of development cooperation appropriations (258/2015)

- (1) The Ministry for Foreign Affairs may, on behalf of the Finnish Government, conclude agreements of a technical nature that concern implementation of the use of development cooperation appropriations in the Budget within the administrative branch of the Ministry for Foreign Affairs with those States

and intergovernmental organisations for which development assistance given can, under the decision of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, be statistically recorded in full or in part as official development assistance.

- (2) Agreements can include provisions on the parties' funding contributions, details of the implementation of cooperation between the parties, monitoring of the progress with cooperation and the use of funding, and other comparable matters of a technical nature concerning the execution and implementation of development cooperation project and programme funding and other funding given to the recipient.
- (3) The agreements shall be brought into force by a decree of the Ministry for Foreign Affairs.

Section 4 – *International conventions concerning missions*

In addition to what is provided in this Act, the establishment, closure, duties and status of missions, the personnel of missions and other matters concerning the actions of missions abroad are subject to the provisions of the Vienna Convention on Diplomatic Relations (Finnish Treaty Series 4/1970) and the Vienna Convention on Consular Relations (Finnish Treaty Series 50/1980).

Chapter 2 – **Finland's representation abroad**

Section 5 – *Missions*

- (1) Finland's representation abroad consists of diplomatic missions and consular missions.
- (2) Consular missions are consulates headed by a seconded public servant or honorary consulates led by an honorary consul.

Section 6 – *Diplomatic missions and consulates*

- (1) Diplomatic missions comprise embassies and legations in different States and permanent representations and special missions in international organisations and cooperation bodies.
- (2) In addition to the missions provided in subsection 1, Finland may, in accordance with treaties or international practice, also have other diplomatic missions.
- (3) Consulates headed by a seconded public servant comprise consulates general, consulates, vice consulates and consular agencies.

Section 7 – *Honorary consulates*

- (1) Honorary consulates comprise honorary consulates general, honorary consulates and honorary vice consulates led by an honorary consul general, honorary consul or honorary vice consul, and honorary consular agencies led by a consular agent.
- (2) Honorary consulates are not State administrative authorities and an honorary consulate cannot serve as the place of employment for a public servant.

Section 8 – *Dual accreditation*

The President of the Republic may authorise the head of an embassy or legation to serve as a diplomatic agent in another State in addition to the receiving State (*dual accreditation*), in which case the dual-accredited head will also act as the head of the embassy or legation that may be in that State.

Section 9 – *Roving ambassadors*

- (1) A roving ambassador is based at the Ministry for Foreign Affairs and serves as a diplomatic agent for the States in which he or she has been granted authorisation to serve by the President of the Republic.
- (2) A roving ambassador serves as the head of any embassy or legation that may be within his or her territory of operation, and he or she shall, in these duties, be subject to the provisions concerning dual-accredited heads, as applicable.

Section 10 – *Designating representatives to international organisations in certain circumstances*

- (1) The President of the Republic may designate the head of a diplomatic mission to serve, alongside this position, in the duties of head of a permanent representation or special mission.
- (2) The President of the Republic may authorise the head of a diplomatic mission or other public servant of the Foreign Service to serve as Finland's representative in an international organisation or cooperation body in which Finland does not have a mission.

Section 11 – *Mission locations*

- (1) Provisions on the locations of diplomatic missions, consulates headed by a seconded public servant and separate operating units belonging to these, including missions referred to in section 6(2), shall be laid down by a Decree of the President of the Republic.
- (2) The Ministry for Foreign Affairs shall decide on Finland's honorary consulates as laid down in further provisions issued by Government decree.

Section 12 – *Duties of missions*

- (1) In addition to what is provided elsewhere in the law, it is the duty of a diplomatic mission and consulate to:
 - 1) represent the State of Finland and oversee Finland's political, economic and cultural interests;
 - 2) further the knowledge and understanding of Finland abroad;
 - 3) inform the Ministry for Foreign Affairs about matters of significance to Finland; and
 - 4) undertake other duties assigned by the Ministry for Foreign Affairs.
- (2) Provisions on the consular duties of missions shall be laid down separately.
- (3) Further provisions on the duties of missions may be issued by Government decree.

Section 13 – *Executive assistance by missions*

A mission may provide executive assistance to other public authorities if this is justified in view of the mission's duties, available resources, possibilities for providing executive assistance and the local circumstances, or in accordance with what is laid down separately on the provision of executive assistance.

Chapter 3 – **Public servants of the Foreign Service**

Section 14 – *Public posts of the Foreign Service*

- (1) The public posts of the Foreign Service are shared posts of the administrative branch. Service in a public post of the Foreign Service can be performed in different duties and places of employment within the Foreign Service organisation, as provided in this Act.
- (2) The posts of counsellor of foreign affairs, counsellor, first secretary, second secretary, attaché, administrative affairs attaché, departmental secretary, chancery secretary, chancery officer, chief office caretaker and office caretaker are general public posts. Public posts other than general public posts are special public posts. (258/2015)
- (3) Provisions on the eligibility requirements for public posts of the Foreign Service shall be laid down by Government decree as necessary.

Section 15 – *Appointments to public posts (258/2015)*

- (1) Appointments to public posts of the Foreign Service are made by the Government or the Ministry for Foreign Affairs as provided by Government decree.
- (2) The general public posts of the Foreign Service may be filled without declaring them available for application.

Section 16 – (258/2015)

Section 16 was repealed by Act 258/2015.

Section 17 – *General public servants' assignment to duties and transfer to other place of employment*

- (1) Counsellors of foreign affairs, counsellors, first secretaries, second secretaries, attachés and administrative affairs attachés are, if so assigned, obliged to transfer within their post to other duties and to another place of employment within the Foreign Service organisation.
- (2) Other public servants in general public posts (*general public servants*) are, if so assigned, obliged to transfer within their post from a mission to the Ministry for Foreign Affairs and from one set of duties to another within the Ministry for Foreign Affairs.
- (3) In cases other than those referred to in subsections 1 and 2, general public servants may, within their posts, be assigned to duties and transferred to another place of employment within the Foreign Service organisation, provided that the public servant assents to this.

Section 18 – *Special public servants' assignment to duties and transfer to other place of employment*

- (1) Public servants who are in special public posts (*special public servants*) may, within their posts, be assigned to duties and transferred for a fixed term from the Ministry for Foreign Affairs to a mission, provided that the public servant assents to this. The fixed term may be extended with the assent of the public servant.
- (2) A special public servant may be transferred from a mission to the Ministry for Foreign Affairs irrespective of the fixed term referred to in subsection 1, provided that the public servant assents to this or if there are important reasons for this.
- (3) A special public servant transferring from a mission to the Ministry for Foreign Affairs in cases referred to in subsections 1 and 2 is, if so assigned, obliged to transfer to duties that correspond to his or her public post.

Subsection 4 was repealed by Act 258/2015.

Section 19 – *Public authority assigning duties*

- (1) Heads of missions and roving ambassadors are assigned to duties by the President of the Republic. (89/2012)
- (2) A secretary of state serving as permanent secretary is assigned to duties by the Government. Assignments to other Foreign Service duties are made by the Government or the Ministry for Foreign Affairs as provided by Government decree. (258/2015)
- (3) Public servants referred to in subsection 1 may not be assigned to other duties by another public authority until the President of the Republic has prescribed the termination of duties.

Section 20 – *Temporary assignment to duties*

- (1) To arrange for a temporary post or an open vacancy to be filled on a temporary basis or for some other special reason, a public servant of the Foreign Service may be assigned to duties temporarily for a fixed term or otherwise for a limited period, at most one year. However, assignment to the duties of head of a mission cannot be made temporarily.

- (2) The decision to assign someone to duties temporarily is made by the Ministry for Foreign Affairs. A public servant who does not meet the eligibility requirements for the duties may be assigned temporarily to the duties on special grounds.
- (3) A public servant may be assigned to duties temporarily or assigned to other duties in the middle of a fixed term referred to in subsection 1 under the limitations provided in sections 17 and 18.

Section 21 – *Termination of duties and authorisations*

- (1) The duties of a public servant that apply when assigned to duties and the authorisations referred to in sections 8–10 shall terminate
 - 1) on the basis of assignment to other duties;
 - 2) upon the expiry of a fixed term if the duties are for a fixed term; or
 - 3) by decision of the public authority that assigned the person to the duties or decided on the authorisation.

Subsection 2 was repealed by Act 258/2015.

- (2) After the termination of fixed term duties, the public servant shall return to his or her earlier duties, unless assigned to other duties.

Section 22 – *Assignment to place of employment*

- (1) The place of employment of public servants in the Foreign Service shall be determined in the decision concerning appointment to the public post or assignment to duties, or designated by separate decision. In cases referred to in section 10(1) above, a public servant's place of employment shall be determined on the basis of the duties first assigned, unless the President of the Republic decides otherwise.
- (2) In the case of a separate decision designating a place of employment, this shall be made by the Ministry for Foreign Affairs. However, with respect to a public servant in duties assigned by the President of the Republic, a decision cannot be made about the place of employment until the President of the Republic has prescribed the termination of duties. Otherwise the place of employment may be decided under the limitations provided in sections 7(2), 17 and 18.
- (3) If the place of employment has not been decided under subsections 1 and 2, the place of employment shall be the Ministry for Foreign Affairs.

Section 23 – *Decision to request agrément*

The President of the Republic shall decide on requesting agrément from the receiving State for a public servant whom it is intended to designate as head of a diplomatic mission, to give dual accreditation to or to authorise to serve as a roving ambassador.

Section 24 – *Place of jurisdiction*

Subsection 1 was repealed by Act 962/2000.

A public servant in the Foreign Service who is serving in Finland's missions abroad shall, in a civil case concerning him or her personally and also in a criminal case if the crime was committed abroad, and if the law does not require the matter to be dealt with by a higher court, respond in the Helsinki District Court.

Chapter 4 – **Specific provisions**

Section 25 – Military attachés and other persons in missions in employment relationships with Finnish Defence Forces

- (1) Personnel who are public servants of the Finnish Defence Forces in the duties of military, naval and air attachés and in the duties of military representative, and personnel in employment relationships with the Finnish Defence Forces who are assisting these persons, may serve in a mission.
- (2) In duties pertaining to the defence administration's sphere of responsibility, the persons referred to in subsection 1 shall serve under the guidance and oversight of the public authorities of the stated administrative branch. Otherwise persons referred to here shall be subordinate to the head of the mission and serve under the guidance and oversight of the Ministry for Foreign Affairs in accordance with sections 2(2) and 3 of this Act.
- (3) Provisions shall be laid down separately on the appointment of persons referred to in this section and on their assignment to duties, on the subordination to military authority and on guidance and oversight within the defence administration's sphere of responsibility.

Section 26 – Persons in missions in employment relationships with certain public authorities (763/2002)

- (1) Public servants in an employment relationship with public authorities of different administrative branches and other persons engaged in duties of the public authority that are duties connected with the actions of Finland's missions abroad may serve as members of a mission's personnel with the consent of the Ministry for Foreign Affairs. Further provisions on the personnel and duties referred to above shall be laid down by Government decree. The personnel of the Parliamentary Office may also serve as members of a mission's personnel under the same requirements.
- (2) The persons referred to in subsection 1 above shall be subordinate to the head of the mission in matters concerning general relations between Finland and a foreign State or international organisation and in matters concerning the mission's internal administration and order. The Ministry for Foreign Affairs may remove a person referred to here from the mission's personnel if there are important reasons for this.
- (3) In other respects the actions of persons referred to in this section shall be subject to the provisions concerning the public authority in question.

Section 27 – Membership of mission's personnel in certain cases (763/2002)

- (1) A person who is not in an employment relationship with an entity that is subject to public law may serve as a member of a mission's personnel if there are special reasons for this and the person's duties are connected with the actions of Finland's missions abroad. Persons referred to here are obliged to act in cooperation with the mission and to comply with the regulations and guidelines concerning the mission's internal administration and order.
- (2) The Ministry for Foreign Affairs shall decide on approving a person referred to in subsection 1 as a member of a mission's seconded personnel for a fixed term or, if there is a special reason, until further notice. The Ministry for Foreign Affairs may, if there is justified cause, remove a person from the mission's personnel.
- (3) Further provisions on this section may be issued by Government decree.

Section 28 – Honorary titles and official ranks

- (1) The President of the Republic may grant a public servant in the Foreign Service an honorary title, without any associated public post or duties, for use during the period when the public servant is in the employment of the Foreign Service.
- (2) Provisions on the honorary titles used in the Foreign Service in cases other than those referred to in subsection 1 and on official ranks shall be laid down by Government decree.

Section 29 – *Decision-making by the President of the Republic without a proposed decision from the Government (177/2003)*

The President of the Republic shall decide on the granting of honorary titles referred to in section 28(1) and on an agrément requested by another State, without a proposed decision from the Government.

Section 30 – *Appeal*

- (1) No appeal may be lodged against a decision on assignment to duties or on the termination of duties if the decision was made with the assent of the public servant and the place of employment does not change as a result of the decision. Neither can an appeal be made against a decision that concerns membership of a mission's personnel or an official rank.
- (2) Provisions on appeals against decisions referred to in this Act in cases other than that referred to in subsection 1 are laid down in the Administrative Judicial Procedure Act (586/1996).
- (3) A decision on a place of employment, assignment to duties or termination of duties may be implemented before it gains legal force.

Section 31 – *Further provisions*

Further provisions on the implementation of this Act may be issued by Government decree.

Chapter 5 – **Provisions on entry into force**

Section 32 – *Entry into force*

- (1) This Act enters into force on 1 March 2000.
- (2) This Act repeals:
 - 1) the Act on the Foreign Service (1164/1987), adopted on 23 December 1987; and
 - 2) section 3 of the Consular Services Act (498/1999), adopted on 22 April 1999.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 33 – *Transitional provision*

- (1) A public servant whose place of employment upon the Act's entry into force is an honorary consulate may, notwithstanding section 7(2) of this Act, serve at the honorary consulate until 31 December 2001, unless otherwise provided or unless otherwise decided by virtue of this Act.
- (2) A public servant who, upon the entry into force of this Act, has a narrower transfer obligation by virtue of an earlier act than would be the case under this Act, shall be subject to the provisions on the transfer obligation that apply when this Act enters into force for as long as he or she remains in the same public post that he or she occupies when this Act enters into force.
- (3) A person who, upon the entry into force of this Act, is a member of a mission's personnel but not in the employment of the Foreign Service and who, under this Act, may not become a member of a mission's personnel, may be regarded as a member until 31 December 2001, unless otherwise provided or unless otherwise decided by virtue of this Act.