

Penal Code 19.12.1889/39; Chapter 30 (24.8.1990/769)

Business offences

(Amendments up to 2003/61 included; amendment 2005/465 not included)

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 2 - Unfair competition offence (769/1990)

A person who in business uses a false or misleading expression concerning his/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 (515/1999)

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 14 of the Consumer Protection Act of 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 4 - Business espionage (769/1990)

A person who unjustifiably 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 unjustifiably revealing this secret or unjustifiably utilizing 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.

An attempt is punishable.

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

A person who, in order to gain financial benefit for himself/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 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)

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/her period of service has ended. (61/2003)

An attempt is punishable. (61/2003)

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

A person who unjustifiably

- (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/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 - Bribery in business (769/1990)

A person who promises, offers or gives an unlawful benefit (bribe) to

- (1) a person in the service of a businessman,
- (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, or
- (3) a person carrying out a duty on behalf of a business,

intended for the recipient or another, in order to have the bribed person, in his/her function or duties, favour the briber or another person, or to reward the bribed person for such favouring, shall be sentenced for bribery in business to a fine or to imprisonment for at most two years.

Section 8 - Acceptance of a bribe in business (604/2002)

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 or
- (3) in carrying out a duty on behalf of a business

demands, accepts or receives a bribe for himself/herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his/her function or duties, the briber or another, shall be sentenced for acceptance of a bribe in business to a fine or to imprisonment for at most two years.

Section 9 - Accounting offence (61/2003)

If a person with a legal duty to keep accounts, his/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 the requirements of legislation on accounting 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/her financial standing, he/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/she shall be sentenced for a negligent accounting 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 is defined as a business or professional secret and to other corresponding business information that a businessman keeps secret and the revelation of which would be conducive to causing financial loss to him/her or to another businessman who has entrusted him/her with the information.

Section 12 - Right to bring charges (769/1990)

Before bringing charges for a marketing offence the public prosecutor shall reserve the consumer ombudsman 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.

The public prosecutor shall not bring charges for an offence referred to in section 2 or in sections 4 - 8 unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought.

Section 13 - Corporate criminal liability (743/1995)

The provisions on corporate criminal liability apply to marketing offences, unfair competition offences, business espionage, misuse of a business secret and bribery in business.

(Transitional provisions not included)
