

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Finance, Finland

Act on Controls of Cash Entering or Leaving the European Community

(653/2007; amendments up to 307/2016 included)

By decision of Parliament, the following is enacted:

Section 1

Scope of application

This Act lays down supplementary provisions on the application in Finland of Regulation (EC) No 1889/2005 of the European Parliament and of the Council on controls of cash entering or leaving the Community.

Section 2 (644/2015)

Competent authority

Finnish Customs is the competent authority referred to in Article 2 of the Regulation. The Police of Finland and the Finnish Border Guard are also competent authorities when they are performing customs duties.

Section 3

Declaration

Declarations under Article 3 of the Regulation that concern the conveyance of cash referred to in Article 2 of the Regulation of a value of EUR 10,000 or more into or from the Community are submitted to the competent authority referred to in section 2. The declaration shall be made in writing.

Finnish Customs may issue further regulations on the form of the declaration, the place to which the declaration is submitted and other declaration procedures. (644/2015)

Section 4 (307/2016)

Currency conversion rates

When cash entering or leaving Finland in foreign currency is converted into euros, conversion rates published in accordance with Article 53(1) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code shall be used.

Section 5

Right to carry out inspections

For inspecting compliance with the obligation to declare laid down in Article 3 of the Regulation the competent authority has the right to stop anyone and inspect their outer garments and luggage upon arrival in or departure from the Community, and to stop and inspect vehicles.

For inspecting compliance with the obligation to declare laid down in Article 3 of the Regulation referred to in section 1 above the competent authority also has the right to undertake a non-intimate body search other than that referred to in subsection 1 if there are probable grounds to suspect that the person has failed to comply with the obligation to declare laid down in Article 3 of the Regulation. The decision on this action is taken by a customs officer who has the right to decide on a non-intimate body search referred to in section 18, subsection 3 of the Customs Act (304/2016), or by a commanding police officer, a Finnish Border Guard official with the power of arrest or a border guard of at least the rank of major. The provisions on non-intimate body searches laid down in the Coercive Measures Act (806/2011) shall otherwise be complied with. (307/2016)

Section 6 (1441/2009)

Right of seizure

The competent authority has the right to detain and seize cash entering or leaving the European Union if the obligation to declare laid down in Article 3 of the Regulation referred to in section 1 above has not been fulfilled and the action is necessary in order to ascertain whether there are grounds for intervening in the cash movement by virtue of other legislation. The decision on this action is taken by a customs officer who has the right to decide on a non-intimate body search referred to in section 18, subsection 3 of the Customs Act, or by a commanding police officer, a Finnish Border Guard official with the power of arrest or a border guard of at least the rank of major. (307/2016)

The party from whom the cash is seized shall be given an attestation of the matter. The competent authority shall keep a record of cash seized. Unless otherwise provided by law, the cash shall

be made available to the party or returned to the party as separately agreed between the person concerned and the competent authority, no later than five weekdays after the seizure. The competent authority may deposit cash with a Regional State Administrative Agency as provided in the Act on the Deposit of Cash, Book Entries, Securities or Instruments in Payment of Debts or for Release from Other Liabilities (281/1931). The deposit is made with the respective Regional State Administrative Agency for the region in which the cash was seized.

Section 7 (644/2015)

Registration and openness of information

The information referred to in Article 5 of the Regulation is recorded in a customs enforcement information system referred to in section 5 of the Act on the Processing of Personal Data by Customs (639/2015) as laid down in the stated Article.

Unless otherwise provided in the Regulation referred to in section 1 or in this or another act, the Personal Data Act (523/1999) and the Act on the Openness of Government Activities (621/1999) shall apply to the information referred to in this Act.

Section 8 (644/2015)

Disclosure of data

Notwithstanding secrecy provisions, Finnish Customs shall disclose the information referred to in section 7, subsection 1 to the Financial Intelligence Unit in accordance with Article 5 of the Regulation, and decide on its disclosure under Articles 6 and 7 of the Regulation to the competent authorities of other Member States, the European Commission and third countries. The information may also be disclosed with the aid of a technical interface. Before disclosing data with the aid of a technical interface, the party requesting the data shall present an account of data security in the manner referred to in section 32, subsection 1 of the Personal Data Act.

Section 9

Cash declaration violation

Anyone who deliberately or through negligence neglects the obligation to declare laid down in Article 3 of the Regulation or submits an incomplete or incorrect declaration shall be sentenced to a fine for a *cash declaration violation*, unless a more severe punishment for the act is provided elsewhere. Chapter 16, section 8 of the Criminal Code of Finland (39/1889) does not apply to the submission of a deliberately incomplete or incorrect declaration.

Section 10

Entry into force

This Act enters into force on 15 June 2007.