

**Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Prime Minister's Office, Finland**

**Act on the European Centre of Excellence for Countering Hybrid Threats**

*(XXX/XXXX)*

By decision of Parliament, the following is enacted:

**Section 1**

**European Centre of Excellence for Countering Hybrid Threats**

This Act contains provisions on the European Centre of Excellence for Countering Hybrid Threats (the Centre). The participants in the activities of the Centre are the governments that signed the Memorandum of Understanding on the European Centre of Excellence for Countering Hybrid Threats, done on 11 April 2017, or have later been invited to join in the activities of the Centre.

The task of the Centre is to support the participating governments' efforts to enhance their preparedness, civil-military capabilities and resilience to counter hybrid threats, with a special focus on European security.

**Section 2**

**Legal status**

The Centre is a public legal person. It has the legal capacity to perform its functions and meet its purpose in Finland. The Centre is subject to Finnish legislation, unless otherwise provided below.

The Centre may acquire, hold and dispose of immovable and movable property, enter into contracts and be party to legal proceedings. The Director of the Centre exercises the Centre's right to be heard in Finland.

The domicile of the Centre is in Helsinki.

### **Section 3**

#### **Organs and personnel of the Centre**

The Centre has a Steering Board, which comprises one member from each participant to the Memorandum of Understanding referred to in section 1, subsection 1.

The Centre has a Director, who leads the Centre in a capacity subordinate to the Steering Board, and the necessary number of other personnel.

### **Section 4**

#### **Duties of the Steering Board**

The duties of the Steering Board of the Centre are

- 1) to direct and supervise the activities of the Centre;
- 2) to appoint and discharge the Director of the Centre;
- 3) to select the Chair of the Steering Board, who presides at its meetings, for a term of three years;
- 4) to set the policies and approve the work programme of the Centre;
- 5) to approve the annual participation fees;
- 6) to approve the annual budget and annual accounts of the Centre on the basis of the Director's proposal;
- 7) to ensure that supervision of the financial administration and accounting of the Centre is appropriately organised;
- 8) to approve the annual report of the Centre;
- 9) to approve the rules of procedure of the Centre, to take other necessary decisions and to issue instructions for securing the activities of the Centre.

### **Section 5**

#### **Jurisdictional immunity of the Centre**

The Centre has jurisdictional immunity in Finland, unless in an individual case it has expressly waived such immunity. Waiving immunity does not mean that consent is given for measures to enforce a judgment. A judgment may only be enforced by specific consent.

The facilities and property of the Centre, regardless of their location and holder, are exempt from coercive measures in Finland, unless in an individual case the Centre has expressly waived such exemption.

## **Section 6**

### **Facilities of the Centre**

The facilities of the Centre are inviolable and subject to direct supervision by the Director.

The Director is responsible for the security of the Centre within its facilities. A public servant or another person exercising public powers in Finland has access to the facilities of the Centre for performing his or her official duties only with the express consent of the Director or a person designated by the Director.

However, in case of a fire or other emergency endangering the safety of the Centre's personnel or its facilities and requiring immediate response, the competent authorities have the right to take reasonable measures to protect the Centre's personnel and facilities.

The competent authorities in Finland also have the right to take reasonable measures to protect the facilities of the Centre against intrusion or damage and to prevent any disruption at the Centre or any violation of its status. The Centre and the competent authorities in Finland co-operate appropriately with each other on matters concerning the security of the Centre.

## **Section 7**

### **Inviolability of archives**

The archives of the Centre are inviolable. The archives consist of all information, in any form, belonging to the Centre or held by it in the territory of Finland.

## **Section 8**

### **Communications**

No official messages addressed to the Centre or its personnel or sent by the Centre or its personnel may be censored in advance, nor may their privacy be violated by monitoring or other measures.

## **Section 9**

### **Tax exemption**

The Centre is exempt from all direct taxes.

However, the Centre is obliged to pay all tax-like charges that are actual payments for public services rendered to the Centre, provided that these services are subject to fixed-rate charges based on the amount of the services and can be precisely itemised and determined.

## **Section 10**

### **Social security**

If the Director or any of the personnel of the Centre are covered by the social security system of their sending state or organisation, they will not be covered by the Finnish residence-based or employment-based social security benefits.

If the Director or any of the personnel of the Centre are subject to Finnish legislation at the time of taking up employment at the Centre, they will also be covered by the Finnish social security system during their employment at the Centre.

If the Director or any of the personnel are not covered by any social security system, the Centre and the sending state or organisation shall agree on social security arrangements for them.

## **Section 11**

### **Jurisdictional immunity of Steering Board members and personnel**

The members of the Steering Board, the Director and the personnel of the Centre enjoy jurisdictional immunity in Finland in respect of spoken and written statements made by them in the exercise of their functions and in respect of acts performed by them in the exercise of their functions. Furthermore, those members of the Centre's personnel who are not citizens of Finland or do not reside in Finland are exempt from all national public service obligations in Finland.

The immunity referred to in subsection 1 does not apply, however, where a person referred to in the stated subsection has committed a traffic offence or where a motor vehicle owned or driven by such a person has caused damage.

The privileges and immunities under this Act are granted in the interests of the Centre and not for the personal benefit of the persons concerned. Each government represented by a Steering Board member has the right to waive the member's jurisdictional immunity if it considers that such immunity would impede the course of justice and can be waived without prejudice to the interests of the Centre. Similarly, the Chair of the Steering Board has the right to waive the immunity of the Director, and the Director has the right to waive the immunity of personnel.

The waiving of immunity referred to in subsection 3 does not mean that consent is given for the enforcement of a judgment. A judgment may only be enforced by specific consent.

## **Section 12**

### **Financing of the activities**

The activities of the Centre are financed by the participating states in the form of annual participation fees approved by the Steering Board and voluntary financial contributions.

The Government of Finland, within the limits of an annual appropriation allocated in the Budget, pays the Centre the participation fee and a contribution covering the Centre's necessary property occupancy costs and related maintenance costs as a separately defined item.

## **Section 13**

### **Accounting and annual accounts**

The Centre is obliged to keep accounting records. The provisions of the Accounting Act (1336/1997) on accounting and annual accounts apply to the accounting and annual accounts of the Centre.

The financial year of the Centre is the calendar year. For each financial year the Centre shall prepare annual accounts by the end of March. The Steering Board and the Director of the Centre shall sign the annual accounts.

## **Section 14**

### **Audit**

The auditor of the Centre shall be a KHT auditor or a KHT audit firm where the key audit partner is a KHT auditor as referred to in the Auditing Act (1141/2015).

## **Section 15**

### **Entry into force**

This Act enters into force on XX Xxxxx 2017.