

No. 879
Act
on the Supervision Fees of the Financial Supervisory Authority

Amendments up to 30.12.2010/1361 included

Adopted in Helsinki on 19 December 2008

Pursuant to the decision of Parliament, the following is enacted:

Section 1 *Fee-paying entities*

Those liable to pay the supervision fees determined by the Financial Supervisory Authority shall be:

1) supervised entities as referred to in section 4, subsection 1, branches of foreign supervised entities and foreign clearing corporations as referred to in subsection 5 and pension funds and pension institutions as referred to in subsection 6 of the Act on the Financial Supervisory Authority (878/2008) (15.1.2010/11);

2) limited liability companies and cooperatives that carry on limited credit-institution activity as referred to in section 5 of the Credit Institutions Act (121/2007);

2 a) service providers as referred to in section 7 of the Payment Institutions Act (297/2010) (30.4.2010/302);

3) issuers of securities admitted to public trading upon application as referred to in chapter 1, section 3 of the Securities Markets Act (495/1989);

4) Finnish companies that have had issued securities admitted, upon application, to trading equivalent to public trading, as referred to in chapter 1, section 3 of the Securities Markets Act, within the European Economic Area, but solely in EEA member states other than Finland;

5) clearing parties as referred to in chapter 1, section 4, subsection 2, paragraph 2 of the Securities Markets Act;

6) book-entry registrars as referred to in section 2b of the Act on the Book-Entry System (826/1991);

7) issuers of securities admitted to multilateral trading on a broker's list as referred to in chapter 1, section 3a of the Securities Markets Act;

8) real estate funds as referred to in the Real Estate Funds Act (1173/1997);

9) the Federation of Accident Insurance Institutions referred to in the Employment Accidents Insurance Act (608/1948);

10) the Finnish Motor Insurers' Centre referred to in the Motor Liability Insurance Act (279/1959) and the Traffic Accident Board referred to in the Act on the Traffic Accident Board (441/2002);

11) the Finnish Patient Insurance Centre and the Patient Injury Board referred to in the

Patient Injury Act (585/1986);

12) the Finnish Centre for Pensions referred to in the Act on the Finnish Centre for Pensions (397/2006);

13) the Environmental Insurance Centre referred to in the Environmental Damage Insurance Act (81/1998);

14) the Education Fund referred to in the Education Fund Act (1306/2002);

15) insurance brokers as referred to in the Insurance Mediation Act (570/2005);

16) insurance brokers as referred to in the Insurance Mediation Act, registered in an EEA member state other than Finland and having a branch in Finland;

17) foreign EEA supplementary pension institutions with a branch in Finland, as referred to in the Pension Funds Act (1774/1995) and in the Employee Benefits Funds Act (1164/1992);

18) representative offices of foreign credit institutions, foreign investment firms and foreign fund management companies.

Collection of the supervision fees shall be the responsibility of the Financial Supervisory Authority. The supervision fees shall be payable to the Bank of Finland.

The Financial Supervisory Authority shall collect processing fees as provided in the Act on the Financial Supervisory Authority.

Section 2 *Supervision fees*

Supervision fees shall be determined by calendar year as a basic fee, a proportional fee or a combination thereof, as provided in this Act.

The basic fee shall be a fixed euro-denominated amount.

The proportional fee shall be calculated on the basis of the balance sheet total, total assets of managed mutual funds and turnover or membership fee income of the fee-paying entity according to the last adopted financial statements, as provided in this Act. Turnover of an investment firm shall be deemed to consist of total income according to the profit and loss account, including net income from securities trading and foreign exchange operations. If such net income is negative, it shall be entered as zero. The provisions of this Act on fund management companies and the total assets of mutual funds managed by them shall also apply to real estate funds and their total assets. The relevant turnover of a payment institution conducting other business as referred to in section 9, subsection 2 of the Payment Institutions Act is determined according to the contribution made by payment services to the company's total turnover. (30.4.2010/302)

Where the obligation to pay is based on more than one of the criteria provided in this Act, the fee shall be collected, unless otherwise provided below, only once and determined by the criterion leading to the highest fee.

Section 3 *Effects of corporate restructuring on calculation of proportional fee*

Where, since the close of the preceding accounting period, a fee-paying entity has through merger acquired another company, the proportional fee of the fee-paying entity for the calendar months partly or wholly falling within the period between registration of the merger and the close of the calendar year shall be determined by taking into account the balance sheet total, turnover or membership fee income of the merged company.

Where, since the close of the preceding accounting period, a fee-paying entity has acquired

the insurance portfolio, pension liabilities or other business operations of another company or branch, the proportional fee of the acquiring fee-paying entity for the calendar months partly or wholly falling within the period between acquisition of the business operations and close of the calendar year shall be determined by taking into account the balance sheet total or turnover of the company or branch that transferred its business operations. Where the fee-paying entity has acquired only part of the business operations of another company or branch, the balance sheet total or turnover of the company or branch that transferred part of its business operations shall be taken into account when determining the proportional fee of the fee-paying entity only in the same proportion as the transferred part of the business operations compare to the total business operations of the company or branch that transferred its business operations. Correspondingly, when determining the proportional fee for the period referred to in this subsection of a company or branch that transferred its business operations in whole or in part, the business operations transferred in whole or in part shall not be taken into consideration.

Where, since the close of the preceding calendar year, a mutual fund managed by a fund management company as referred to in the Mutual Funds Act (48/1999) has through merger acquired a mutual fund managed by another fund management company, as provided in chapter 16 of the Mutual Funds Act, the total assets of the merged mutual fund shall be taken into account when determining the proportional fee of the first-mentioned fund management company for the calendar months falling partly or wholly within the period between notification of implementation of the merger as provided in section 110, subsection 2 of the Mutual Funds Act and the close of the calendar year. Correspondingly, the total assets of the merged mutual fund shall not be taken into consideration when determining, for the period referred to in this subsection, the proportional fee of the fund management company that managed the merged mutual fund prior to the merger.

Where, since the close of the preceding calendar year, a fund management company has had transferred to it the management of a mutual fund managed by another fund management company, in the manner provided in chapter 15 of the Mutual Funds Act, the total assets of the transferred mutual fund shall be taken into consideration when determining the proportional fee of the first-mentioned fund management company for the calendar months falling partly or wholly within the period between implementation of the transfer of management and the close of the calendar year. Correspondingly, the assets of the transferred mutual fund shall not be taken into consideration when determining for the period referred to in this subsection the proportional fee of the fund management company whose mutual fund was transferred.

Where, since the close of the preceding accounting period, a company has been split into two or more companies and at least one of the acquiring companies is a fee-paying entity, the proportional share of the balance sheet total or turnover of the demerged company that equals the ratio of acquired net assets to the total net assets of the demerged company prior to demerger shall be used as the basis for determining each acquiring fee-paying entity's proportional fee for the calendar months falling partly or wholly within the period between registration of the demerger and the close of the calendar year. Where the demerged company is a fee-paying entity and does not dissolve in connection with the demerger, the proportional share of the balance sheet total or turnover of the demerged company that equals the ratio of transferred net assets to the total net assets of the demerged company prior to demerger shall not be considered when determining the proportional fee of the demerged company for the calendar months falling partly or wholly within the period between registration of the demerger and the close of the calendar year.

The provisions of this Act concerning companies shall apply equally to other legal persons.

Section 4 Proportional supervision fee

The basis of payment of proportional supervision fees, the amount of the fee as a percentage of the basis of payment, and the fee-paying entities shall be determined as follows:

Fee-paying entity	Basis of payment	Fee in % of the basis of payment
a deposit bank as referred to in the Credit Institutions Act	balance sheet total	0.00284
a credit society or an electronic money institution as referred to in the Credit Institutions Act (30.4.2010/302)	balance sheet total	0.00284
a payment institution as referred to in the Payment Institutions Act (30.4.2010/302)	turnover	0,25
an indemnity insurance company as referred to in the Insurance Companies Act (521/2008)	balance sheet total x 4	0.00284
a life insurance company as referred to in the Insurance Companies Act	balance sheet total	0.00284
an employee pension insurance company as referred to in the Employee Pension Insurance Companies Act (354/1997)	balance sheet total	0.00284
an insurance association as referred to in the Local Mutual Insurance Associations Act (1250/1987)	balance sheet total x 4	0.00284
a company pension fund as referred to in the Pension Funds Act	balance sheet total	0.00284
a pension fund as referred to in the Employee Benefits Funds Act	balance sheet total	0.00284
a sickness fund as referred to in the Employee Benefits Funds Act	balance sheet total x 4	0.00284
an insurance fund as referred to in the Employee Benefits Funds Act other than a pension fund or a sickness fund	balance sheet total	0.00284

the Farmers' Pension Institution referred to in the Farmers' Pensions Act (1280/2006)	balance sheet total	0.00284
the Seamen's Pension Fund as referred to in the Seamen's Pensions Act (1290/2006)	balance sheet total x 0.4	0.00284
an unemployment insurance fund as referred to in the Act on Financing Unemployment Benefits (555/1998) and the Education Fund	balance sheet total	0.00284
the Federation of Accident Insurance Institutions, Finnish Motor Insurers' Centre, Finnish Patient Insurance Centre, Environmental Insurance Centre and the auxiliary fund of unemployment funds as referred to in the Unemployment Funds Act (603/1984)	balance sheet total x 4	0.00284
the State Pension Fund referred to in the State Pension Fund Act (1297/2006), the Local Government Pensions Institution referred to in the Local Government Pensions Act (549/2003) and the pension fund of the Church Central Fund referred to in the Church Act (1054/1993)	balance sheet total x 0.4	0.00284
a branch of a foreign credit institution with home country in the EEA (30.12.2010/1316)	balance sheet total	0.00095
a branch of a foreign credit institution with home country outside the EEA (30.12.2010/1316)	balance sheet total	0.00284
a branch of a foreign payment institution with home country in the EEA (30.4.2010/302)	turnover	0,11
a fund management company as referred to in the Mutual Funds Act	total assets of investment funds managed by the fund management company	0.0022

additional fee collected from fund management companies providing asset management or investment advice	turnover of asset management and investment advice operations	0.34
a stock exchange or a clearing corporation other than a central securities depository as referred to in the Securities Markets Act or an options corporation as referred to in the Act on Trading in Standardised Options and Futures (772/1988)	turnover	1.30%, subject to a minimum fee of EUR 50,000
an investment firm as referred to in the Investment Firms Act (922/2007) other than an investment firm as referred to in section 45, subsections 3–5 of said Act	turnover	0.34
an investment firm as referred to in section 45, subsections 3–5 of the Investment Firms Act	turnover	0.11
an unemployment fund as referred to in the Unemployment Funds Act	membership fee income	0.66
a branch of a foreign investment firm with home country in the EEA	turnover	0.15
a branch of a foreign investment firm with home country outside the EEA	turnover	0.34
a branch of a foreign fund management company with home country in the EEA	turnover	0.15
a branch of a foreign fund management company with home country outside the EEA	turnover	0.34
a branch of a foreign insurance company with home country outside the EEA	insurance premium income	0.03

A proportional fee shall be charged from a supervised entity until the end of the calendar year during which authorisation granted to the supervised entity was cancelled or the right to conduct business otherwise expired. However, insurance and pension institutions shall be required to pay a proportional fee until the end of the calendar month in which the institution's entire insurance portfolio or pension liabilities were transferred to another insurance or pension institution or the liabilities from the insurance operations of the institution were verifiably settled otherwise.

Section 5 Basic fee of an entity paying a proportional fee

The euro amount of the basic fee, payable in addition to the proportional supervision fee referred to in section 4 above, and the fee-paying entities shall be determined as follows:

Fee-paying entity	Basic fee in EUR
a commercial bank as referred to in the Act on Commercial Banks and Other Credit Institutions in the Form of a Limited Company (1501/2001), a savings bank in the form of a limited company as referred to in the Savings Bank Act (1502/2001) or a cooperative bank in the form of a limited company as referred to in the Act on Cooperative Banks and Other Credit Institutions in the Form of a Cooperative (1504/2001)	6,000
other credit institution	2,000
additional fee collected from a credit institution with a fee income higher than net income from financial operations	9,000
a payment institution (30.4.2010/302)	2,000
an insurance company	6,000
an insurance association	1,000
a pension fund	1,200
an insurance fund other than a pension fund	800
an unemployment fund	6,000
the Farmers' Pension Institution, the Seamen's Pension Fund, an unemployment insurance fund or the Education Fund	6,000

the Federation of Accident Insurance Institutions, Finnish Motor Insurers' Centre, Finnish Patient Insurance Centre, Environmental Insurance Centre or the auxiliary fund of unemployment funds	1,200
the State Pension Fund, Local Government Pensions Institution or the pension fund of the Church Central Fund	15,000
a branch of a foreign credit institution with home country outside the EEA (30.12.2010/1316)	3,000
a branch of a foreign credit institution with home country in the EEA (30.12.2010/1316)	2,000
a fund management company	4,000
an investment firm other than an investment firm as referred to in section 45, subsections 3–5 of the Investment Firms Act	6,000
an investment firm as referred to in section 45, subsections 3–5 of the Investment Firms Act	1,000
a branch of a foreign investment firm with country state in the EEA	2,000
a branch of a foreign investment firm with home country outside the EEA	3,000
a branch of a foreign payment institution with home country in the EEA (30.4.2010/302)	1,000
a branch of a foreign fund management company firm with home country in the EEA	2,000
a branch of a foreign fund management company with home country outside the EEA	3,000
a branch of a foreign insurance company with home country outside the EEA	3,000

No basic fee shall be levied on a stock exchange, a clearing corporation or an options corporation.

Section 6 *Basic fee applicable to other fee-paying entities*

The euro amount of the basic fee of a fee-paying entity other than those referred to in section 4 above and the fee-paying entities shall be determined as follows:

Fee-paying entity	Basic fee in EUR
a central securities depository as referred to in the Act on the Book-Entry System	260,000
a deposit guarantee fund as referred to in the Credit Institutions Act	12,000
a guarantee fund as referred to in the Credit Institutions Act	2,000
a limited liability company or cooperative carrying on limited credit institution activity, as referred to in section 5 of the Credit Institutions Act	1,000
a legal person as referred to in section 7 of the Payment Institutions Act (30.4.2010/302)	1,000
a natural person as referred to in section 7 of the Payment Institutions Act (30.4.2010/302)	200
an investor compensation fund as referred to in the Investment Firms Act	3,000
a depository as referred to in the Mutual Funds Act	3,000
a central body of a consolidation of deposit banks as referred to in the Act on a consolidation of deposit banks (599/2010) (16.7.2010/2010)	6,000
a holding company of a credit institution or insurance company, or a holding company of a conglomerate as referred to in the Act on the Supervision of Financial and Insurance Conglomerates (699/2004)	10,000
a holding company with a controlling interest in a stock exchange, a central securities depository, an options corporation or a clearing corporation in the manner referred to in chapter 1, section 5 of the Securities Markets Act	10,000
a holding company of an investment firm or insurance association	1,000
an insurance broker as referred to in the Insurance Mediation Act	1,000 The basic fee shall be raised by EUR 180 per registered insurance broker employed by an insurance broker firm or a private entrepreneur.

a book-entry registrar as referred to in the Act on the Book-Entry System	6,000 If the book-entry registrar has one or more agents as referred to in section 7a of the Act on the Book-Entry System, the basic fee of the book-entry registrar shall be raised by EUR 3,000 per agent.
a foreign clearing corporation as referred to in chapter 1, section 4, subsection 2, paragraph 3 of the Securities Markets Act (15.1.2010/11)	25,000
a Finnish clearing party as referred to in chapter 4a, section 8, subsection 2 of the Securities Markets Act, or a foreign clearing party with a permanent place of business in Finland	12,000
a registration fund as referred to in the Act on the Book-Entry System, or a clearing fund as referred to in the Securities Markets Act	2,000
an issuer of a share admitted to public trading as referred to in chapter 1, section 3 of the Securities Markets Act	15,500 The basic fee shall be raised by EUR 16,000, if there are liquid markets as referred to in chapter 4, section 10, of the Securities Markets Act for the security.
a Finnish company that has issued a share admitted, upon application, to trading equivalent to public trading, as referred to in chapter 1, section 3 of the Securities Markets Act, in an EEA member state other than Finland	12,500
an issuer of a share admitted to public trading as referred to in chapter 1, section 3 of the Securities Markets Act, if the entity in question is a fee-paying entity as referred to in section 4 above or if the issuer's registered office is not in Finland	10,500
an issuer of securities admitted to public trading other than shares	3,000
a Finnish company that has issued a security admitted, upon application, to trading equivalent to public trading other than a share, as referred to in chapter 1, section 3 of the Securities Markets Act, in an EEA member state other than Finland	3,000
an issuer of a share admitted to multilateral trading on a broker's list, as referred to in chapter 1, section 3a of the Securities Markets Act	4,000

an issuer of a security other than a share admitted to multilateral trading on a broker's list	1,000
the Finnish Centre for Pensions	10,000
the Traffic Accident Board or Patient Injury Board	1,000
a branch of a foreign EEA insurance company as referred to in the Act on Foreign Insurance Companies	1,000
a foreign EEA supplementary pensions institution with a branch in Finland, as referred to in the Pension Funds Act and in the Employee Benefits Funds Act	1,000
a representative office of a foreign credit institution, an investment firm or a fund management company	1,000
an insurance broker, as referred to in the Insurance Mediation Act, registered in an EEA member state other than Finland and having a branch in Finland	300

Where a holding company is simultaneously a subsidiary of another group, its parent company shall not be liable to pay a fee under the same criteria. Where a holding company is simultaneously an issuer of securities, it shall be liable to pay a fee under both criteria.

The fee referred to in this section shall also apply to fee-paying entities as referred to in section 4. Where an issuer of shares has also issued other securities referred to in this section, the fee-paying entity shall be liable to pay a fee under both criteria.

Section 7 Lowering of the supervision fee

If the amount to be collected as supervision fees, together with other income of the Financial Supervisory Authority, were likely to exceed 95 per cent of the expenses contained in the approved budget of the Financial Supervisory Authority (*excess*), the Financial Supervisory Authority shall, where necessary, reduce the supervision fee referred to in section 8 so as to restrict the likely excess to five per cent or less of the said expenses.

In application of subsection 1 above, any excess created in previous calendar years shall be taken into account as an income increase, and any amount by which the collected supervision fee amount, together with other income of the Financial Supervisory Authority, has fallen below 95 per cent of the expenses contained in the approved budget of the Financial Supervisory Authority shall be taken into account as an income deduction.

The Financial Supervisory Authority shall lower the supervision fee of each fee-paying entity by an equal proportional amount.

Section 8 Imposition of the supervision fee

The supervision fee shall be imposed by the Financial Supervisory Authority and shall fall due for payment on a day determined by the Authority, but at the earliest on the last day of June in any calendar year. The Financial Supervisory Authority shall send its decision on imposition of a fee to the fee-paying entity 30 days prior to the first due date for payment at the latest.

The first supervision fee to be collected from an entity that becomes a fee-paying entity during a calendar year shall be determined by multiplying one-twelfth of the supervision fee for the full calendar year by the number of calendar months falling in whole or in part within the period between commencement of the obligation to pay and the close of the first calendar year. The first supervision fee referred to in this subsection shall fall due for payment on the last day of the first full calendar month following commencement of the obligation to pay, but not prior to the day referred to in subsection 1.

If the obligation to pay terminates during a calendar year, the fee-paying entity shall be refunded with as many one-twelfths of the supervision fee collected as there are full calendar months between termination of

the obligation to pay and the close of the calendar year.

The amount of the supervision fee payable by a fee-paying entity shall be public information.

The Financial Supervisory Authority may issue more detailed regulations concerning procedures for payment, payment arrangements in more than one instalment and methods of supplying information necessary for determination of supervision fees.

Section 9 Appeal

Amendment of a decision issued by the Financial Supervisory Authority under this Act on levying a supervision fee may be requested by filing a claim for correction in writing with the Authority within 14 days from the service of notice of said decision. Decisions of the Financial Supervisory Authority on levying supervision fees shall not be subject to appeal.

Decisions of the Financial Supervisory Authority in response to claims for correction may be appealed to the Helsinki Administrative Court in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996).

Decisions of the Helsinki Administrative Court may be appealed to the Supreme Administrative Court, provided that the Supreme Administrative Court grants leave to appeal.

Section 10 Penal interest on arrears and collection by execution

If payment of a supervision fee is delayed, it shall be subject to penal interest in accordance with section 4, subsection 1 of the Interest Act (633/1982).

A supervision fee payable under this Act, with accrued interest, may be collected without any court judgement or decision in the order provided in the Act on Enforcement of Taxes and Fees (706/2007).

Section 11 Right of the Financial Supervisory Authority to obtain information

Confidentiality provisions notwithstanding, the Financial Supervisory Authority shall have the right to obtain the information necessary for determining the supervision fees of fee-paying entities as referred to in section 1. The provisions of section 24 of the Act on the Financial Supervisory Authority shall apply to the Financial Supervisory Authority's right to inspect the authenticity of information provided.

Section 12 Provisions on entry into force and transitional provisions

This Act shall enter into force on 1 January 2009.

This Act shall repeal the Act on the Supervision Fees of the Financial Supervision Authority of 30 December 2004 (1294/2004) and the Act on the Covering of the Expenses of the Insurance Inspection Authority of 14 July 1944 (479/1944) with subsequent amendments.

The provisions in force at the time of entry into force of this Act shall apply to supervision fees based on criteria that existed prior to the Act's entry into force. However, any decision shall be appealable as provided in this Act.

Measures necessary for implementation of this Act may be undertaken prior to the Act's entry into force.

Entry into force and application of the amended provisions:

15.1.2010/11:

This Act will take effect on 1 February 2010.

30.4.2010/302:

This Act will take effect on 1 May 2010.

24.6.2010/605:

This Act will take effect on 1 July 2010.

30.12.2010/1361:

This Act will take effect on 31 December 2010.