COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

TC-CP(2026)04

04/09/2026

Council of Europe Convention on Access to Official Documents (CETS No.205)

Consultation of the Parties

Conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents in respect of Finland and conclusions on its implementation of recommendations adopted by the Consultation of Parties

The Consultation of the Parties to the Council of Europe Convention on Access to Official Documents (CETS No. 205) (hereinafter referred to as "the Convention"), acting under the terms of Article 12, paragraph 2, sub-paragraphs a and b, of the Convention;

Bearing in mind the provisions of Article 11, paragraph 1, of the Convention concerning the role of the Council of Europe Access Info Group (AIG) in monitoring the implementation of the Convention;

Bearing in mind the overarching obligation under Article 2, paragraph 2, of the Convention on each Party to take the necessary measures in its domestic law to give effect to the provisions for access to official documents set out in this Convention;

Having regard to the Rules of Procedure of the Consultation of the Parties;

Having regard to the baseline evaluation report concerning the implementation of the Convention by Finland adopted by the AIG at its 6th meeting (29-31 May 2024) which focuses on the Act on the Openness of Government Activities (hereinafter "the Act");

Having regard to the fact that at the time of the adoption of the baseline evaluation report the AIG had reserved its position on the interpretation of the notion of "drawn-up" in Article 1, paragraph 2, sub-paragraph b, of the Convention and that the AIG has published on 5 November 2025 its opinion on the definition of "official documents" according to the Convention, which includes the notion of "drawn-up" (AIG(2025)07REV2);

Having examined the updates that the AIG has made to the baseline evaluation report to reflect its opinion on the definition of "official documents" according to the Convention (AIG(2024)05REV4) which were published on 9 July 2026;

Recalling its conclusions and recommendations on the implementation of the Council of Europe Convention on Access to Official Documents by Finland (TC-CP(2024)03) published on 3 October 2024, hereinafter referred to as "the 2024 recommendations";

Having examined the information provided by the government of Finland on the recommendations of the Consultation of the Parties (TC-CP(2025)14) and the subsequent AIG's comments on that information (AIG(2026)04REV2), makes the following conclusions and recommendations:

1. In respect of the updates that the AIG made to the baseline evaluation report:

   1.1. welcomes the additional information provided by the Party on the qualification "for the consideration of a matter or otherwise in connection with a matter within the competence or duties of the authority" contained in the definition of official documents set out in §5(2) of the Act, and considers this provision to be compatible with Article 1, paragraph 2, sub-paragraph b, of the Convention (see paragraphs 11 and 64 of document AIG(2024)05REV4);

   1.2. recommends that Finland takes the necessary measures to review the following provisions of the Act: §5(3), sub-section (4), §6(1) sub-sections (4), (8) concerning memoranda, minutes and other supporting documents, as well as sub-section (9) concerning documents whose entry into the public domain is not specifically regulated, to ensure that the right of access applies to documents which must be considered as drawn up in the meaning of Article 1, paragraph 2, sub-paragraph b, of the Convention (see paragraphs 12-19 and 64 of document AIG(2024)05REV4);

2. In respect of its 2024 recommendation to stipulate the overriding public interest principle of Article 3, paragraph 2, of the Convention in its legislation, takes note of the information

provided by the government of Finland regarding the ongoing reform process of the Act and welcomes its willingness to take into consideration its 2024 recommendation;

3. Invites the government of Finland to provide the Consultation of the Parties with information on the measures taken to implement the present conclusions and recommendations within one year of their transmission.