

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish
Ministry of Transport and Communications of Finland

Act on the State Television and Radio Fund (745/1998; amendments up to 1069/2007 included)

Chapter 1 **General provisions**

Section 1 *Objective of the Act*

The objective of this Act is to organise the funding of the activities of the Finnish Broadcasting Company Ltd and the management of the State Television and Radio Fund as well as also otherwise promote television and radio activities.

Section 2 *Definitions*

For the purposes of this Act:

- 1) a *television set* means equipment or an equipment combination intended for the receipt and following of television programmes; and
- 2) *use of television* means the receipt of television programmes by a television set or the keeping or storing of a television set so that, at any time, with minor measures, it can be used to receive television programmes.

Chapter 2 **State Television and Radio Fund**

Section 3 (395/2003) *State Television and Radio Fund and the fees to be collected thereto*

(1) For the purpose provided in section 1, there shall be an extra-budgetary State Television and Radio Fund managed by the Finnish Communications Regulatory Authority¹.

(2) The fees for the use of a television set, retrospective television fees, payments for delay, inspection fees, and compensations for charges arising from the collection of fees shall be collected into the State Television and Radio Fund (1069/2007).

Section 4 (395/2003) *Accounting, financial statement and auditors*

¹ Former Telecommunications Administration Centre

(1) The Act on the State Budget (423/1988) and the provisions issued thereunder shall be complied with in regard to the accounting and financial statement of the Fund. The financial statement calculations of the Fund shall also include a realisation calculation of the utilisation plan of the Fund. The financial statement of the Fund shall be approved and signed by the Finnish Communications Regulatory Authority, which shall deliver it for confirmation to the Ministry of Transport and Communications.

(2) The Ministry of Transport and Communications shall annually appoint two auditors to audit the administration, finance and accounts of the Fund. One of the auditors shall be either a chartered auditor or association of public administration and finance (JHHT) referred to in the Act on chartered public finance auditors (467/1999), and the other a chartered auditor or association of public administration and finance (JHHT) or an auditor or association approved by the Central Chamber of Commerce (KHT) as referred to in the accounting Act (936/1994). The auditors shall file an audit report of each accounting period.

Section 5

Use of the assets of the State Television and Radio Fund

(1) The assets of the State Television and Radio Fund shall be used to finance the activities of the Finnish Broadcasting Company Ltd as well as to cover the costs incurred through the collection of fees to be collected to the Fund. The assets of the Fund may also be used otherwise to promote television and radio operations. (1069/2007)

(2) The assets of the Fund shall consist of the fees to be collected and the surpluses accumulated from the previous financial periods, which shall be kept in a joint account of the Fund in the central State accounting.

(3) The Government shall decide on the distribution of the assets of the Fund for different purposes in the utilisation plan by calendar years. For a special reason, the utilisation plan may be amended also during a calendar year.

(4) Assets from the Fund shall be paid to the Finnish Broadcasting Company Ltd in instalments and at times approved by the Government in accordance with the utilisation plan and the financing needs of the company.

(5) Provisions of the State Aid Act (688/2001) also apply to subsidies granted from the State Television and Radio Fund to the promotion of television and radio operations.

Chapter 3

Determination of the television fee and its payment obligation

Section 6

Determination of the amount of the television fee

A television fee shall be payable for the use of a television set, the amount of which shall be determined by the Government. When determining the fee, inter alia the possibility of the Finnish Broadcasting Company Ltd to fulfil its statutory functions relating to public service, the competition situation in the field as well as the general financial development shall be taken into account.

Section 7

Obligation to pay the television fee

(1) The television fee shall be paid for each television set in use. A person in a public institution need, however, not pay a television fee for a television set in his use.

(2) However, only one television fee per each permanent place of use shall be paid for television sets in the use of a family. In this Act, a family shall refer to persons living alone and to persons living in a joint household in the same residence in marriage or in circumstances resembling a marriage as well as to their relatives or children living permanently with them, including adopted children as well as children placed in the family. A relative shall refer to a person who under the Code of Inheritance (1965/40) is entitled to an inheritance.

(3) A private entrepreneur or an organisation or foundation shall pay one television fee per each place of business for the television sets used there. An entrepreneur or an organisation or foundation operating a boarding-house or accommodation activity shall, however, pay one television fee for a full or partial lot of four television sets in the accommodation rooms.

(4) A place of business referred to in this Act shall mean every permanent place of business of an entrepreneur or an organisation or foundation which has a different street address than the other permanent places of business of the entrepreneur or organisation or foundation. Municipal administrative entities and their different units as well as State authorities, institutions, business enterprises and funds shall each be treated as a separate organisation.

Section 8

Commencement and termination of the payment obligation

The payment obligation shall commence when a television set is taken into use. The payment obligation shall terminate when the Finnish Communications Regulatory Authority has received notice of the termination of the use of a television set. The shortest payment-obligation period shall, however, be one month.

Section 9

Duty to notify

(1) Every user of a television set subject to the payment obligation under the provisions of this Act shall submit a notification for the collection of the television fee to the Finnish Communications Regulatory Authority on the taking into use of a television set subject to the television fee. The use of a television set shall not be permitted until the neglected television fee has been paid.

(2) The Finnish Communications Regulatory Authority shall be notified before a television set is taken into use. The notification shall enter into force on the day it reaches the Finnish Communications Regulatory Authority or on a later date informed by the television set user. (395/2003)

(3) The notification on the taking into use shall indicate the information to be recorded in the user register of television fees in accordance with section 18 of this Act.

(4) If the user of a television set, in spite of a request for payment, fails to pay the television fee for a period of at least six months, the user of the television set shall be deemed to have cancelled the notification referred to in subsection 1. The Finnish Communications Regulatory Authority shall decide on the matter.

Section 10 *Inspectors*

(1) The Finnish Communications Regulatory Authority shall supervise compliance with the duty to notify referred to in section 9. The Finnish Communications Regulatory Authority may order special inspectors to perform this duty.

(2) When performing an inspection, the inspector shall present proof of the order issued by the Finnish Communications Regulatory Authority referred to in subsection 1.

(3) In connection with the performance of the inspection, the inspector shall, on request, be presented with information on the user of a television set, the number and location(s) of television sets in use, the time of use of the television sets and other issues necessary for the collection of the television fee. A penalty for providing the inspector with false identity information shall be imposed in compliance with chapter 16 (5) of the Penal Code (39/1889), unless a stricter penalty is provided in law. (395/2003)

Section 11 *Collection of the television fee*

(1) After receiving the notification on the use of a television set referred to in section 9, the Finnish Communications Regulatory Authority shall collect the television fee from the natural or legal person notified as the user of the television set without making a separate decision on the payment obligation.

(2) The provisions of the State Payment Basis Act (1992/150) shall be applied to the collection of the fee unless otherwise provided for in this Act.

(3) The provisions of the Act on Administrative Procedure (1982/598) shall be applied to the correction of a factual or typing error in the collection of a television fee.

Section 12 *Decision on the payment obligation*

The Finnish Communications Regulatory Authority shall make a separate decision on the payment obligation and the time of its commencement upon the request of the user of a television set or if an inspection has revealed that someone is using a television set for which no notification in accordance with section 9 has been submitted.

Section 13 (395/2003) *Payment for delay*

(1) If the television fee has not been paid at the latest on the due date notified, the Finnish Communications Regulatory Authority shall, in addition to the television fee, collect a payment for delay of 5 euros. The payment for delay shall be collected for each delayed television fee.

(2) If a delayed television fee, retrospective television fee, or an inspection fee has not been paid, despite a request for payment, the Finnish Communications Regulatory Authority shall collect the fee and charge for its collection in compliance with section 10 of the Act on collection of receivables (513/1999). However, a charge for the collection of the fee is allowed only if the payment is collected for the first time.

(3) The payment for delay or charges for its collection shall, however, not be collected if no measures have been taken for the collection of the delayed fee prior to its payment.

Section 14 (395/2003)
Retrospective television fee

The Finnish Communications Regulatory Authority shall collect from anyone using a television set without submitting the notification referred to in section 9 a double television fee for a maximum period of one such year during which the television set has been used. In such a case, the fee to be collected shall, however, be at least 60 euros.

Section 15 (395/2003)
Execution of fees

A television fee, a retrospective television fee, a payment for delay, an inspection fee and charges for the collection of fees may be collected without a judgment or decision as provided for in the Act on the Collection of Taxes and Fees through Execution (367/1961).

Section 16
Interruption of collecting

If a user of a television set has failed to pay the television fee in spite of reminders and if it has not been possible to collect the fee in question through execution or in another way and if it is evident that expenses contrary to the purpose of the Act shall be incurred from the continuation of the collection, the Finnish Communications Regulatory Authority shall have the right to interrupt the collection.

Section 17 (395/2003)
Refund of a television fee

The portion of a paid television fee that has not been used shall be refunded or compensated starting from the time when the termination of the use of the television set has come to the knowledge of the Finnish Communications Regulatory Authority. A refund payment of 5 euros shall be deducted from the amount. If the amount to be refunded after the deduction of the refund payment is less than 5 euros, the amount shall not be refunded.

Chapter 4
Keeping a register of television users

Section 18
Register on television users

(1) For the collection of television fees and the supervision of compliance with this Act, the Finnish Communications Regulatory Authority shall keep a user register on those who

have submitted the notification referred to in section 9 and on those who have been found to have neglected the duty to notify provided for in section 9 as well as on the collection and payment transactions of fees to be collected on the use of a television set.

(2) The name of a natural person, the number of television sets in his use, his personal identity number, address, municipality of residence and native language as well as other information on a natural person necessary for the attendance to the collection and supervision function may be entered in the register. The corresponding information necessary for the keeping of the register, including the company code may be entered in the register on a legal person.

(3) The Finnish Communications Regulatory Authority may use the register in attending to the functions relating to television fees entrusted to it in an Act or a Decree.

Section 19 (395/2003)
Right to obtain and record information

The Finnish Communications Regulatory Authority shall have the right to obtain and record the following information for the collection of television fees and the supervision of compliance with this Act:

- 1) information on the name, address, mother tongue, personal identity number and a change therein as well as on the death of natural persons from the population information system;
- 2) upon an agreement, information on the address of a natural and legal person from the address information system of Finland Post Ltd; as well as
- 3) upon an agreement, information on the telephone number and other corresponding contact information of a natural and legal person from the customer register of telecommunications operators.

Section 20
Combining the registers

The Finnish Communications Regulatory Authority shall have the right to combine the information in the register on television users and the information referred to in section 19 as well as thus to form registers necessary for the supervision of compliance with this Act.

Section 21
Submission of information

(1) For the supervision of compliance with this Act, information from the register on television users may be submitted to:

- 1) the police;
- 2) the prosecuting authorities; as well as to
- 3) courts.

(2) In addition, information that may be submitted from the register on television users shall be:

- 1) information to an execution authority for the collection of payments and fees referred to in this Act;
- 2) information to Statistics Finland for the compilation of statistics; as well as
- 3) statistical data.

(3) In cases other than those referred to in subsections 1 and 2, the provisions on the submission of personal data from the registers of the authorities shall be applied to the submission of information from the register on television users.

Section 22 *Removal of information*

(1) Information on those who have submitted the notification referred to in section 9 shall be removed from the register on television users ten years from the end of the calendar year during which the notification on the termination of the use of a television set has reached the Finnish Communications Regulatory Authority.

(2) Information on those who have been found to have neglected the duty to notify provided for in section 9 shall be removed from the register on television users ten years from the end of the calendar year during which the decision on the neglect detected became final.

(3) Information on the collection and payment transactions of fees collected on the use of a television set shall be removed from the register on television users ten years from the end of the calendar year during which the task was performed.

(4) The registers formed through combination referred to in section 20 shall be destroyed as soon as their use has ended, however, at the latest six months from their formation.

Chapter 5 **Licence fee**

(Chapter 5, as amended, has been repealed by the Act of 19 August 2005 (636/2005), which will enter into force on 1 April 2008. The wording of the repealed chapter is as follows:)

Section 23 *Obligation to pay the licence fee*

(1) A licensee who has been granted a licence to carry on television or radio operations under section 7 of the Act on Television and Radio Operations (744/1998) shall be under the obligation to pay a licence fee to the State Television and Radio Fund. The licence fee shall be paid separately for each licence. A licensee who has been granted a licence to carry on television and radio operations by using a digital signal shall not, however, be under obligation to pay a licence fee before 1 September 2010.

(2) If the licensee belongs to a group referred to in chapter 1, section 6 of the Accounting Act (1997/1336) or if it is a joint-venture company referred to in chapter 1, section 7 or an affiliate company referred to in section 8 of the Accounting Act, and if a company belonging to the same group of companies formed by the companies referred to above has turnover referred to in section 24 and relating to the licence and forming the basis of the licence fee, the licence fee shall be determined on the basis of the joint turnover of the companies forming the basis of the licence fee. This shall also apply to cases in which the parent company or a shareholder is not Finnish. The licence holder shall be under an obligation to pay the full licence fee thus determined.

(3) The payment obligation of a licence fee shall begin on the date of entry into force of the licence and terminate on its last date of validity.

Section 24

Turnover forming the basis of the licence fee

(1) The turnover forming the basis of the licence fee shall include all advertising and sponsorship income relating to television broadcasts taking place under the licence and intended to be received in Finland as well as other income accruing from the broadcasting operations in accordance with the licence. The turnover forming the basis of the licence fee shall refer to the joint turnover referred to above of the companies referred to in section 23(2), deducted with the corresponding mutual turnover between the companies.

(2) If sale of advertising time or space is carried on together with another business operation requiring a licence or with other business operations, the share of the operations subject to the licence shall be deemed as the part of the total remuneration collected calculated in relation to the current values of the operations.

(3) A licensee who has been granted a licence to carry on television and radio operations using both analogue and digital signals shall separate in its invoicing and accounting the turnovers accrued by virtue of different licences so that the turnover from analogue operations can be considered as a basis for setting the licence fee. If the same programmes are sent through both an analogue and a digital signal so that separate invoicing cannot be reliably ascertained, the Finnish Communications Regulatory Authority shall ascertain the sum that is deemed to have accrued from digital broadcasts. When the Finnish Communications Regulatory Authority ascertains the sum, it shall take into account the coverage area of the digital signal at the given time and the number of digital receivers.

(4) The value of advertising time or space conveyed without consideration or against consideration that is essentially lower than the prevailing price shall be deemed to be the current value of corresponding advertising time or space. If advertising time or space is conveyed without consideration for a non-profit purpose, the Finnish Communications Regulatory Authority shall have the right, upon application, to grant an exemption from including it in the turnover forming the basis of the licence fee. The permission shall be applied for prior to the conveyance of the advertising time or space.

Section 25

Amount of the licence fee

(1) The licence fee shall be payable for the turnover referred to in section 24 from the operations in accordance with the licence and determined by the calendar year on the

basis of the schedules in subsection 2. If the licence period is not the calendar year, the fee shall be determined on the basis of the turnover referred to in section 24 from operations during the operating months.

(2) The progressive licence fee schedule for television operations shall be as follows:

Turnover	Licence fee at the lower limit	Licence fee for the part of turnover exceeding the lower limit
1,000 euros	1,000 euros	%
3,400-5,000	0	5.00
5,000-6,700	84	7.50
6,700-10,100	210	10.00
10,100-	547	12.25

(3) The lowest licence fee shall be 500 euros.

Section 26 *Payment of the licence fee*

(1) The licence fee shall be paid monthly on the 15th day of the second month following a calendar month.

(2) The licence fee shall be paid monthly on the basis of an estimated average payment percentage for the whole year determined by the Finnish Communications Regulatory Authority in advance for each licence holder and on the basis of the actual turnover forming the basis of the licence fee. The estimated annual average payment percentage of a licence holder shall be determined so that it corresponds as closely as possible to the licence fee in accordance with the provisions of section 25.

(3) Income from the sale and other conveyance of advertising time shall be allocated to the months in which the advertising spot is shown.

Section 27 *Review of the licence fee during the calendar year*

The payment percentage estimated payable in accordance with section 26(2-3) may, by a decision of the Finnish Communications Regulatory Authority, be reviewed after the end of each quarter year if, on the basis of the actual turnover forming the basis of the fee and accrued by that time and on the basis of other information available, it can be deemed evident that the estimated annual payment percentage will deviate from the final annual average payment percentage. The review may be made upon the initiative of either the licence holder or the Finnish Communications Regulatory Authority.

Section 28

Review of the licence fee after the end of the calendar year

- (1) The annual total amount of the licence fee shall be reviewed on the basis of the actual turnover forming the basis of the licence fee by the end of the March following each calendar year. At this time, the licence holder shall pay the unpaid amount or the Finnish Communications Regulatory Authority shall refund the excess amount paid.
- (2) For the review of the licence fee, the licence holder shall annually by 15 March submit the information on the monthly accrual of the turnover forming the basis of the licence based on the accounting of the licence holder and audited by his approved auditor.

Section 29

Evasion of the licence fee

- (1) If a circumstance or measure has been given a form which does not correspond to the nature or purpose of the matter, the licence fee shall be determined as if the right form had been used in the matter.
- (2) If the sales price or consideration of advertising time or space has been determined so that it does not correspond to what would have been agreed between independent parties, the payment shall, nevertheless, be determined with the basis of what would have been agreed between independent parties.
- (3) If the above arrangements have been undertaken solely or mainly to evade the licence fee, the licence fee may be raised, however, at the most two-fold.

Section 30

Interest on arrears

- (1) If a payment is delayed or if the turnover forming the basis of the payment has been allocated for an incorrect period, interest on arrears shall be collected on the amount delayed in accordance with the Interest Act (1982/633).
- (2) No interest shall be collected or paid on the amount to be collected or refunded in connection in connection with the review of the annual payment.

Section 31

Authorisation provision

- (1) The Finnish Communications Regulatory Authority shall have the right to issue further provisions of technical nature on matters relating to the payment of the licence fee and the submission of the information relating to the invoicing that forms the basis of the fee and to the supervision of the payment of the fees. (395/2003)
- (2) Upon the request of the party under the obligation to pay, the supervisory authority shall give an advance decision on issues relating to the basis and payment of the licence fee. The advance decision is not subject to appeal.

Section 32

Right to obtain information and confidentiality

(1) The Ministry and the Finnish Communications Regulatory Authority shall have the right to obtain from television and radio operations as well as from the other organisations referred to in section 23(2), information necessary for the attendance to the functions referred to in this Act, including information on the operators and their operations that is normally confidential. The authorities shall also have the right to audit the accounts of the companies and organisations referred to above to the extent that this is necessary for the determination of the licence fee and the establishment of facts affecting the matter.

(2) An authority may not disclose to a third party a fact which has come to its knowledge under this Act and which is to be deemed a business secret.

Chapter 6

Enforcement, sanctions, appeal

Section 33 (395/2003)

Conditional imposition of a fine

(1) If a licence holder referred to in section 23 violates this Act, the Finnish Communications Regulatory Authority may oblige him or her to remedy his or her mistake or neglect.

(2) The Finnish Communications Regulatory Authority may enforce its decision referred to in subsection 1 through the imposition of a conditional fine upon the licence holder in the manner provided in the Act on the Conditional Imposition of a Fine (1113/1990).

Section 34

Revocation of a licence

(1) If a licence holder referred to in section 23 fails to comply with this Act or with provisions or orders issued thereunder and fails, despite an exhortation, to remedy his procedure within a reasonable time set, the Government may revoke all or part of the licence.

(2) The State shall not be liable to compensate if a licence is revoked under subsection 1.

Section 35 (395/2003)

Inspection fee

(1) An inspection fee of 100 euros shall be collected from anyone who uses a television set without submitting the notification provided for in section 9.

(2) An order for the payment of the inspection fee shall be made by the Finnish Communications Regulatory Authority. An order for the payment need not be made if the use of the television set is to be deemed temporally insignificant or if the ordering for the payment is otherwise deemed unreasonable. However, without special reasons, temporal insignificance is not a due cause not to make an order for the payment of the inspection fee, if the user of the television set has earlier been proved to use a television set without submitting the notification provided in section 9.

Section 35 a (395/2003)

Notification

A decision referred to in this Act on a revocation of a notice concerning the taking into use of a television set, or on a retrospective television fee or an inspection fee may be sent by post for information to the party involved. If not otherwise proved, the party is deemed to have been informed of the decision on the seventh day after the decision has been posted. In other respects, provisions on notification in the Act on administrative matters (232/1966) shall be observed.

Section 36

Appeal

(1) Provisions on appeal rights concerning a decision referred to in this Act are laid down in the Administrative Judicial Procedure Act (586/1996). The licence fee shall be paid on the due date notwithstanding appeal.

(2) However, rectification of a decision of the Finnish Communications Regulatory Authority on the obligation to pay a retrospective television fee shall first be demanded from the Finnish Communications Regulatory Authority within 30 days of the serving of notice of the decision. The provisions of subsection 1 shall apply to appeal against a decision made on the rectification demand.

(3) A decision issued by an Administrative Court by virtue of this Act concerning a retrospective television fee or inspection fee may be appealed to the Supreme Administrative Court, if the Supreme Administrative Court grants a leave of appeal. (713/2005)

Chapter 7

Miscellaneous provisions

Section 37 (395/2003)

Executive assistance

The Finnish Communications Regulatory Authority shall have the right to obtain executive assistance from the police for the implementation of this Act and provisions and orders issued thereunder.

Section 38

Further provisions

Further provisions on the implementation of this Act shall, where necessary, be issued by Decree.

Chapter 8
Transitional provisions and entry into force

Section 39
Entry into force

- (1) This Act enters into force on 1 January 1999.
- (2) Measures necessary for the implementation of this Act may be taken prior to its entry into force.

Section 40
Transitional provisions

- (1) Anyone who, upon the entry into force of this Act, has a valid television licence shall be deemed to have made the notification referred to in section 9. The Finnish Communications Regulatory Authority shall have the right to order the beginning of the first invoicing period of the television fee in respect of each television licence granted prior to the entry into force of this Act.
- (2) If a fee on public service has been required to be paid in a valid licence for carrying on television or radio operations over the air or if the terms of the licence are otherwise inconsistent with this Act, the provisions of this Act shall be complied with instead of the terms of the licence. Also when a valid licence does not include a term on the payment obligation, the provisions of this Act shall be complied with.
- (3) The licence fee shall, however, be applied to radio broadcasting from 1 January 2004.

Transitional provisions and entry into force

491/2002:

This Act enters into force on 1 July 2002.

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

The licence fee for 2002 is determined by calculating it separately for 1 January through 30 June 2002 (hereafter the first half of the year) and for 1 July through 31 December 2002 (hereafter the second half of the year). For establishing both parts of the fee, two separate fees are specified: on the basis of calendar year turnover referred to in section 24 of this Act such a fee is determined that would be set, if the provisions in force at the time of the entry into force of this Act would be applied for the whole year; and another fee is determined that would be set, if the licence fee schedule referred to in section 25 of this Act would be applied for the whole year. On these grounds the fee percentage for the first half of the year is calculated according to provisions in force at the time of the entry into force of this Act, and the fee percentage for the second half of the year according to licence fee schedule referred to in section 25 of this Act. The licence fee for 2002 is determined by multiplying the turnover of the first half of the year by the fee percentage of

the first half of the year. Correspondingly, the part of the fee for the second of the year is determined by multiplying the turnover of the second half of the year by the fee percentage of the second half of the year. These sums for the first and second halves of the year are added up.

Licence fees that have been collected in accordance with the Act on State Television and Radio Fund for digital television operations before the entry into force of this Act are refunded to licensees in three months after this Act's entry into force.

395/2003:

This Act enters into force on 25 July 2003.

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

An administrative matter pending at the time of the entry into force of this Act will be dealt with in accordance with provisions in force at the time of the Act's entry into force. If a decision of the Finnish Communications Regulatory Authority on a revocation of a notice concerning the taking into use of a television set, or on a retrospective television fee or an inspection fee is due to a failure to comply with the notification obligation referred to in section 9, which has been shown before the entry into force of this Act, or to other matters taking place before the Act's entry into force and requiring a legal decision, the decision of the Finnish Communications Regulatory Authority may, however, be sent for information to the liable user of a television set in compliance with the procedure referred to in section 35 a of this Act after the Act's entry into force.

636/2005:

This Act enters into force on 1 April 2008.

713/2005:

This Act enters into force on 1 April 2005.

With regard to appeal, the provisions of law in force at the time of the entry into force of this Act will continue to apply to decisions of administrative authorities issued before the entry into force of this Act.

1069/2007:

This Act enters into force on 1 January 2008.