Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland

Act on Harmonised Rules on the Designation of Designated Establishments and the Appointment of Legal Representatives for the Purpose of Gathering Electronic Evidence in Criminal Proceedings

(437/2026)

By decision of Parliament, the following is enacted:

Section 1
Implementation of the Directive

The provisions of a legislative nature in Directive (EU) 2023/1544 of the European Parliament and of the Council laying down harmonised rules on the designation of designated establishments and the appointment of legal representatives for the purpose of gathering electronic evidence in criminal proceedings, hereinafter *the Directive*, shall have the force of law, unless otherwise provided in this Act.

Section 2
Central authority

The Finnish Transport and Communications Agency is the central authority referred to in Article 6(1) of the Directive. The Finnish Transport and Communications Agency shall ensure that the Directive is applied in a consistent and proportionate manner.

When performing its duties under this Act, the Finnish Transport and Communications Agency has the right, notwithstanding non-disclosure provisions, to obtain from service providers essential information, reports and documents related to a suspected breach of obligations under this Act. The service providers shall disclose the information without undue delay and free of charge.

The Finnish Transport and Communications Agency cooperates with the central authorities of other Member States and with the European Commission. Notwithstanding non-disclosure provisions, the Finnish Transport and Communications Agency has the right to disclose information obtained in the performance of the duties under this Act to the European Commission and to the central authority of another Member State of the European Union, if this is essential for the purpose of monitoring the Directive.

Section 3
Designated establishments and legal representatives

A service provider referred to in Article 2, point (1) of the Directive offering services in the Union and established in Finland shall designate one or more designated establishments for the territory of the European Union in accordance with Article 3(1)(a) of the Directive.

If a service provider is not established in the European Union but offers its services in Finland, the service provider shall appoint one or more legal representatives for the territory of the European Union in accordance with Article 3(1)(b) of the Directive.

If a service provider is established in a Member State not taking part in the legal instruments referred to in Article 1(2) of the Directive and offers services in Finland, the service provider shall appoint one or more legal representatives for the territory of the European Union in accordance with Article 3(1)(c) of the Directive.

A designated establishment referred to in subsections 1–3 shall be established and a legal representative shall reside in such a Member State of the European Union where services are offered and where they can be subject to enforcement procedures. The Member State chosen shall be one that takes part in the legal instruments referred to in Article 1(2) of the Directive.

A service provider established in Finland or a service provider offering services in Finland shall provide the designated establishments or legal representatives representing it with the powers and resources required for acting as the designated establishment or legal representative so that they can comply with the received decisions and orders falling within the scope laid down in Article 1(2). Furthermore, the designated establishments established in Finland or legal representatives residing in Finland shall have equivalent powers and

resources required for the task, provided by the service provider they represent, to be able to comply with decisions and orders.

The designated establishments or legal representatives and the service providers referred to in this section are jointly and severally liable for non-compliance with obligations in accordance with Article 3(5) of the Directive. The joint and several liability is independent of the lack of appropriate internal procedures between the service provider and the designated establishment or the legal representative.

Service providers referred to in this section that offer services in the European Union on 18 February 2026 shall designate the designated establishments or appoint the legal representatives on 18 August 2026 at the latest. Service providers that start offering services in the European Union after 18 February 2026 shall designate the designated establishments or appoint the legal representatives within six months of the date on which they start offering services in the European Union.

Section 4
Notifications and languages

A service provider referred to in Article 2, point (1) of the Directive established in Finland or offering services on Finnish territory shall in writing notify the central authority, as designated pursuant to Article 6 of the Directive, of the Member State where its designated establishment is established or where its legal representative resides, of the contact details for that establishment or legal representative, and of any changes to these.

The notification referred to in subsection 1 shall specify the official language or languages of the Union in which the legal representative or designated establishment can be addressed. If the service provider's designated establishment is established in Finland or its legal representative resides in Finland, these languages shall include at least Finnish or Swedish.

If a service provider designates several designated establishments or appoints several legal representatives in accordance with Article 3(1) of the Directive, the service provider shall specify, in the notification referred to in subsection 1 of this section, the precise territorial scope of the designation or appointment of those designated establishments or legal representatives. The notification shall specify the official language or languages of the Union

or Member States in which each of the designated establishments or legal representatives can be addressed.

The Finnish Transport and Communications Agency shall make the information notified to it referred to in subsections 1–3 publicly available on a dedicated web page of the European Judicial Network in criminal matters. The information shall be regularly updated.

Section 5
Penalty payment for service providers

The Finnish Transport and Communications Agency may impose a penalty payment on a service provider referred to in Article 2, point (1) of the Directive offering services in the Union that intentionally or through negligence breaches or neglects:

1) the obligation laid down in section 3, subsections 1–4 or 7 to designate a designated establishment or to appoint a legal representative for the territory of the European Union;

2) the obligation laid down in section 3, subsection 5 or 7 to provide its designated establishments and legal representatives with the powers and resources required for the task;

3) the obligation laid down in section 4, subsection 1, 2 or 3 to notify the contact details of the establishment or legal representative and any changes to them as well the official language or languages of the Union in which the legal representative or the designated establishment can be addressed.

However, no penalty payment shall be imposed for a breach or neglect of the obligation referred to in subsection 1, paragraph 2 before the service provider has, by way of a reprimand, been given an opportunity to remedy the breach or neglect.

Section 6
Amount of penalty payment and its assessment

The amount of a penalty payment is based on an overall assessment. When determining it, the following shall be taken into account:

1) the nature, gravity, recurrence and duration of the breach;

2) the extent and nature of the service provider's activities and the service provider's financial capacity;

3) whether the breach was committed intentionally or through negligence.

The amount of a penalty payment to be imposed on a service provider is a minimum of EUR 1,000 and a maximum of EUR 100,000.

Section 7
Waiving of a penalty payment

No penalty payment shall be imposed if:

1) the service provider has undertaken adequate action on its own initiative to remedy the breach or neglect referred to in section 5 immediately upon detecting it and has reported it to the Finnish Transport and Communications Agency without delay, and the breach or neglect is not grave or recurrent;

2) the breach or neglect of the obligation is to be considered minor; or

3) the imposition of a penalty payment is to be deemed manifestly unreasonable on grounds other than those referred to in paragraph 1 or 2.

No penalty payment may be imposed on an authority.

Section 8
Limitation of the right to impose a penalty payment

A penalty payment shall not be imposed if more than five years have elapsed since the breach or neglect. If the breach or neglect has been recurrent by nature, the five-year time limit is calculated from the end of the breach of neglect.

Section 9
Enforcement of a penalty payment

Provisions on the enforcement of a penalty payment imposed under this Act are laid down in the Act on the Enforcement of Fines (672/2002).

Section 10
Request for judicial review by an administrative court

Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

Section 11
Entry into force

This Act enters into force on 1 June 2026.

The provisions in force at the time of the entry into force of this Act apply to decisions and orders transmitted before the Act's entry into force.