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

# Act on European Production Orders and European Preservation Orders for Electronic Evidence in Criminal Proceedings

(436/2026)

By decision of Parliament, the following is enacted:

## Chapter 1
## Issuing a European Production Order and a European Preservation Order in Finland

### Section 1
### Authorities competent to issue a European Production Order

Under Article 4(1)(b) of Regulation (EU) 2023/1543 of the European Parliament and of the Council on European Production Orders and European Preservation Orders for electronic evidence in criminal proceedings and for the execution of custodial sentences following criminal proceedings, hereinafter *the Regulation*, a European Production Order may be issued by a public official with the power of arrest and the powers of head of investigation in the police, Finnish Customs or the Finnish Border Guard. In this case, the European Production Order shall be validated by a prosecutor. A court may also validate the order.

Under Article 4(1)(a) of the Regulation, a European Production Order referred to in subsection 1 may also be issued by a prosecutor.

Under Article 4(2)(b) of the Regulation, a European Production Order may be issued by a prosecutor or another public official with the power of arrest and the powers of head of investigation in the police, Finnish Customs or the Finnish Border Guard. In this case, the European Production Order shall be validated by a court.

Under Article 4(1)(a) and Article 4(2)(a) of the Regulation, a European Production Order referred to in subsections 1–3 may also be issued by a district court, a court of appeal and the Supreme Court.

**Section 2**
**Issuing a European Production Order**

Under Article 5 of the Regulation, a European Production Order may be issued in a criminal matter the consideration of which falls within the competence of the authority specified in section 1.

If issuing a European Production Order requires a court decision in corresponding circumstances in Finland, such a decision shall be obtained as the basis for the order. In connection with such a decision, a decision about validation in accordance with Article 4(1)(b) and Article 4(2)(b) of the Regulation, referred to in section 1, may also be made.

**Section 3**
**Authorities competent to issue a European Preservation Order**

Under Article 4(3)(b) of the Regulation, a European Preservation Order may be issued in Finland by a public official with the power of arrest and the powers of head of investigation in the police, Finnish Customs or the Finnish Border Guard. In this case, the European Preservation Order shall be validated by a prosecutor. A court may also validate the order.

Under Article 4(3)(a) of the Regulation, a European Preservation Order referred to in subsection 1 may also be issued by a prosecutor.

**Section 4**
**Issuing a European Preservation Order**

Under Article 6 of the Regulation, a European Preservation Order may be issued in a criminal matter the consideration of which falls within the competence of the authority referred to in section 3.

**Section 5**
**Obligation to inform the user and deviating from this obligation**

The authority issuing a production order shall provide the user with the information referred to in Article 13(1) of the Regulation by entering the details of the production order used in a criminal investigation in the criminal investigation record or in another appropriate manner, unless the case concerns a production order of which the user does not need to be informed under another provision.

In accordance with Article 13(2) of the Regulation, the authority issuing a production order may delay or partially restrict informing the user or omit to inform the user altogether, if this, considering the rights of the data subject, is proportionate and essential in order to:

1) avoid detriment to the prevention, detection, investigation or prosecution of criminal offences or the enforcement of criminal sanctions;

2) safeguard official or legal inquiries, investigations or procedures of authorities;

3) protect public security;

4) protect national security; or

5) protect the rights of other persons.

In accordance with Article 13(2) of the Regulation, the authority issuing a production order shall indicate the reasons for the delay, partial restriction or omission to inform in the case file concerning the production order. The authority shall also add a short justification for the delay, partial restriction or omission in the European Production Order Certificate (EPOC).

If informing the person concerned has been delayed or partially restricted, the provisions of section 29 of the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018) apply to the exercise of the rights of the data subject through the Data Protection Ombudsman. A request for the exercise of rights shall be made to the Data Protection Ombudsman or the issuing authority by means of a document signed personally or in an equivalent verified manner or in person

before the issuing authority. A request made to the issuing authority shall be referred to the Data Protection Ombudsman without delay.

If informing the person concerned has been restricted only partially in accordance with subsection 2, the issuing authority shall without delay inform the person of the production of data in other respects in accordance with Article 13(1) of the Regulation.

If the identity of a user referred to in Article 13(1) of the Regulation is not known when a decision to deviate from the obligation to inform the user is made, the user shall be informed of the European Production Order without undue delay once the identity has been established, unless otherwise provided in subsection 2.

**Section 6**
**Decision to deviate from the obligation to inform the user**

A decision on a delay or restriction referred to in section 5, subsection 2 is made by the issuing authority. A court decides on an omission to inform referred to in section 5, subsection 2 at the request of the issuing authority. The provisions on the consideration of a remand matter laid down in chapter 3, sections 1, 3 and 8 and section 10, subsection 1 of the Coercive Measures Act (806/2011) apply, as appropriate, to the consideration and decision of the matter in court.

In addition to what is provided in section 5, the right of a party to a proper defence or to otherwise safeguard their rights in an appropriate manner in judicial proceedings shall also be taken into account when deciding on a delay, restriction or omission to inform.

A request concerning an omission to inform referred to in subsection 1 shall be taken up for consideration by a court without delay in the presence of the public official who made the request or a public official designated by that official who is familiar with the matter. The matter shall be decided urgently. Video conference or another suitable technical means of communication where the participants have an audio and visual connection with each other may be used in the consideration of a matter concerning an omission to inform. The matter may be decided without hearing the person whose data were requested via the production order.

No judicial review may be requested by way of appeal in respect of a decision on a matter concerning a delay or restriction of informing or an omission to inform. A complaint may be filed against the decision without a time limit. The complaint shall be considered urgently.

**Section 7**
**Review procedure in the event of conflicting obligations**

When Finland is the issuing State, the issuing authority is responsible for reviewing a European Production Order in accordance with Article 17 of the Regulation. If the issuing authority intends to uphold the production order, it shall refer the order for review to the court that is competent to hear charges. If the production order has required validation by a court in accordance with section 1, the court that validated the order is also competent to review it in accordance with Article 17 of the Regulation at the request of the issuing authority.

The provisions of chapter 3, sections 1, 3, 8 and 10 of the Coercive Measures Act on the consideration of a remand matter shall be observed, as appropriate, in the review of a European Production Order in accordance with Article 17. A matter concerning review shall be taken up for consideration by a court without delay, and it shall be decided urgently. The matter may be decided in the court office without holding a hearing, if the court deems this appropriate.

The prosecutor shall participate in the consideration in court of the review procedure referred to in subsections 1 and 2 to ensure that the matter is examined in an appropriate manner, unless the court deems that hearing the prosecutor in the matter is unnecessary.

Video conference or another suitable technical means of communication where the participants have an audio and visual connection with each other may be used in the consideration of the matter.

No judicial review may be requested by way of appeal in respect of a court decision issued in the review procedure.

**Section 8**
**Registration of a decision on review**

The court responsible for a review shall register the decision on the review.

**Section 9**
**Request for review of a European Production Order**

At the request of the person whom a European Production Order issued or validated by a prosecutor concerns, a district court shall examine whether the conditions for issuing the production order exist. The provisions of chapter 3, section 1 of the Coercive Measures Act on the consideration of a remand matter apply to the consideration of the request. The request shall be made in writing within 60 days of the date on which the person is deemed to have been served with the production order. The matter may also be decided in the court office without holding a hearing, if the district court deems this appropriate.

A complaint may be filed against a European Production Order issued or validated by a district court, a European Production Order issued by a court of appeal, or a district court decision referred to in subsection 1. The complaint shall be filed within 60 days of the date on which the person is deemed to have been served with the production order or, in a situation referred to in the said subsection, within 60 days of the date on which the district court decision was issued.

In situations referred to in subsections 1 and 2, the issuing authority and the prosecutor who validated the order shall be given an opportunity to be heard.

A request for a review referred to in this section does not preclude the recognition and enforcement of a production order in another Member State, unless otherwise ordered by the court considering the matter of review.

**Section 10**
**Language and translation of European Production and Preservation Orders**

A European Production Order and a European Preservation Order intended for an addressee referred to in Article 7 of the Regulation shall be drawn up in a language specified by the

addressee or in another language accepted by them, or it shall be translated into one of these languages.

The issuing authority is responsible for the translation of a European Production Order and a European Preservation Order into a language referred to in subsection 1. The issuing authority is also responsible for the translation of a European Production Order to the enforcing authority in accordance with Article 9(4) of the Regulation.

## Chapter 2
## Recognition and enforcement of a European Production Order and a European Preservation Order in Finland

### Section 11
### Execution of a European Production Order Certificate

The Helsinki District Court is the enforcing authority referred to in Articles 8, 10 and 12 of the Regulation. In considering and deciding a matter, the provisions on the consideration of a remand matter laid down in chapter 3, sections 1 and 8 and section 10, subsection 1 of the Coercive Measures Act shall be observed, as appropriate.

A matter referred to in Article 12 of the Regulation shall be taken up for consideration by a court without delay, and it shall be decided urgently at the latest within ten days following receipt of a notification referred to in Article 8. The matter may also be decided in the court office without holding a hearing. In an emergency case referred to in Article 10(4) of the Regulation, a matter shall be decided at the latest within 96 hours following receipt of a notification referred to in Article 8.

No judicial review may be requested by way of appeal in respect of a decision in the matter.

The enforcing authority referred to in subsection 1 shall, in accordance with Article 10(2) and Article 12(3) of the Regulation, make a decision without delay if no grounds for refusal are raised in accordance with Article 12.

The enforcing authority referred to in subsection 1 may, in accordance with Article 12(4) of the Regulation, impose a condition under which the issuing authority shall, where applicable,

comply with the provisions of chapter 7, section 3 and chapter 10, sections 52 and 55 of the Coercive Measures Act as well as the provisions of section 56 of the same Act concerning cases in which surplus information may be used. In addition, the enforcing authority shall impose other conditions that are necessary for the legal protection of the person subject to the measure.

**Section 12**
**Registration of a decision on the execution of a European Production Order Certificate**

In a matter referred to in section 11, the court shall register the decision on the execution of a European Production Order Certificate.

**Section 13**
**Enforcing authority for a European Production Order and a European Preservation Order**

The police is the enforcing authority referred to in Articles 10(5), 11(4), 16 and 17 of the Regulation.

**Section 14**
**Procedure for enforcement**

In accordance with Article 16 of the Regulation, the enforcing authority referred to in section 13 shall either recognise a European Production Order or a European Preservation Order or decide not to recognise the order.

The enforcing authority referred to in subsection 1 may refer a decision refusing recognition to the prosecutor for confirmation. If a matter referred to in Article 16 of the Regulation involves judicial consideration related to paragraph 4, point (f) or (g) or paragraph 5, point (e) or (f) of the said Article, the prosecutor shall decide on the recognition or refusal of recognition on presentation by the enforcing authority referred to in subsection 1.

If a matter referred to in Article 16 of the Regulation falls within the scope of application of Article 8 of the Regulation, the Helsinki District Court decides on the recognition or refusal of recognition at the request of the enforcing authority referred to in subsection 1.

The authorities referred to in subsections 1–3 are competent in respect of all orders referred to in the Regulation even if, in an equivalent domestic case, obtaining data or ordering data to be preserved would not be possible under Finnish legislation.

In considering and deciding a matter in court in accordance with subsection 3, the provisions on the consideration of a remand matter laid down in chapter 3, sections 1, 3 and 8 and section 10, subsection 1 of the Coercive Measures Act shall be observed, as appropriate. The matter shall be taken up for consideration by a court without delay. The matter shall be decided urgently and no later than five working days after the receipt of the order if the case concerns a decision referred to in Article 16(2) of the Regulation. The matter shall be decided urgently if the case concerns a decision referred to in paragraph 6 of the said Article. The matter may also be decided in the court office without holding a hearing.

The enforcing authority that made the request shall be given an opportunity to be heard in a matter referred to in subsection 3. The prosecutor shall also participate in the consideration of a matter referred to in subsection 3 in court to ensure that the matter is examined in an appropriate manner, unless the court deems that hearing the prosecutor in the matter is unnecessary.

Video conference or another suitable technical means of communication where the participants have an audio and visual connection with each other may be used in the consideration of the matter.

No judicial review may be requested by way of appeal in respect of the decision in the matter.

**Section 15**
**Registration of a decision on the procedure for enforcement**

The enforcing authority shall register a decision on recognition.

**Section 16**
**Language of European Production and Preservation Orders to be transmitted to Finland**

A European Production Order Certificate (EPOC) and a European Preservation Order Certificate (EPOC-PR) to be transmitted to Finland shall be drawn up in Finnish, Swedish or English, or a translation into one of these languages shall be appended to the certificate. The enforcing authority may also accept a certificate in some other language, if there is no other impediment to accepting it.

## Chapter 3
## Penalty payment

**Section 17**
**Collegial body for sanctions**

There is a collegial body for sanctions in conjunction with the National Police Board. The collegial body is responsible for imposing sanctions under this Act. The provisions of section 4, subsection 4 of the Act on Police Administration (110/1992) do not apply to the activities of the collegial body.

The National Police Board appoints three members to the collegial body, of whom one to chair the body. A deputy member shall be appointed for each member. The term of office of the collegial body is five years.

The members and deputy members of the collegial body for sanctions shall be experienced public officials within the police administration who are well-versed in the Regulation and its contents. The chairperson and deputy chairperson of the collegial body shall also have adequate legal expertise required for the task. A member of the collegial body shall act in an independent and impartial manner when performing their duties.

Decisions of the collegial body are made upon presentation. A competent public official of the enforcing authority referred to in section 13 acts as the presenting official.

The collegial body has a quorum with three members present. One of the members present shall be the chairperson or the vice-chairperson. Decisions are based on the opinion seconded by the majority.

Notwithstanding non-disclosure provisions, the collegial body for sanctions has the right to obtain, free of charge, any information essential for the performance of its duties.

**Section 18**
**Penalty payment for breaching or neglecting obligations laid down in the Regulation**

The collegial body for sanctions may impose a penalty payment on an addressee who intentionally or through negligence breaches or neglects:

1) the obligation laid down in Article 10 of the Regulation to preserve or transmit data or to inform the authorities in the execution of an EPOC;

2) the obligation laid down in Article 11 of the Regulation to preserve data or to inform the authorities in the execution of an EPOC-PR;

3) the obligations laid down in Article 13(4) of the Regulation to ensure the confidentiality, secrecy and integrity of the EPOC or the EPOC-PR and of the data produced or preserved.

The amount of the penalty payment to be imposed on a legal person is a minimum of EUR 1,000 and a maximum of two per cent of the total worldwide annual turnover of the service provider’s preceding financial year. The amount of the penalty payment to be imposed on a natural person is a minimum of EUR 500 and a maximum of EUR 10,000.

The amount of the penalty payment is based on an overall assessment. When assessing the amount of the penalty payment, consideration shall be given to the nature, gravity, recurrence and duration of the breach or neglect, whether the breach or neglect was committed intentionally or through negligence, the extent and nature of the service provider's activities, and the financial capacity of the service provider.

**Section 19**
**Waiving of a penalty payment**

A penalty payment shall be waived if:

1) the addressee has undertaken adequate action on its own initiative to remedy the breach or neglect referred to in section 18 immediately upon detecting it and has reported it to the enforcing authority 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 paragraphs 1 and 2.

No penalty payment may be imposed on a person who is suspected of the same act in a criminal matter that is being dealt with in a criminal investigation, consideration of charges or court proceedings. Nor may a penalty payment be imposed on anyone with a final judgment for the same act.

No penalty payment may be imposed on an authority.

**Section 20**
**Limitation of the right to impose a penalty payment**

A penalty payment shall be waived if it has not been imposed within five years of the date on which the breach or neglect occurred or, in the case of a continued breach or neglect, within five years of the date on which the breach or neglect ended.

**Section 21**
**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 22**
**Request for review of a penalty payment**

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

**Chapter 4**
**Miscellaneous provisions**

**Section 23**
**Non-disclosure, obligation to remain silent and restrictions on the use of data**

A European Production Order or a European Preservation Order transmitted to Finland by a competent authority of another Member State of the European Union and their enforcement in Finland are subject to the provisions laid down on non-disclosure, the obligation to remain silent and the right of access to information in an equivalent matter in Finland.

The consideration in court of a European Production Order or a European Preservation Order issued by a competent Finnish authority and the evidence, documents and data transmitted to Finland under a European Production Order issued by a competent Finnish authority are in Finland subject to the provisions laid down on non-disclosure, the obligation to remain silent and the right of access to information in an equivalent matter in Finland.

In addition to the provisions of subsections 1 and 2, the conditions and procedures imposed by the authority of another Member State of the European Union on non-disclosure, the obligation to remain silent and restrictions on the use of data shall be observed.

**Section 24**
**Entry into force**

This Act enters into force on 1 June 2026.