

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish

Act on Television and Radio Operations

(744/1998; amendments up to 129/2013 included)

Chapter 1

General provisions

Section 1 (306/2010)

(Section 1 has been repealed by the Act of 30 April 2010.)

Section 2 (306/2010)

Definitions

In this Act,

- 1) *the public* refers to a group of viewers or listeners that has been composed freely or the number of whom is significant;
- 2) *audiovisual programme* refers to feature films, television programmes, events broadcast to the public, or comparable composition mainly consisting of moving images and sound;
- 3) *television broadcasting* refers to the initial and simultaneous transmission to the public of programmes consisting of audiovisual material according to a set programme schedule;
- 4) *on-demand programme service* refers to a service in which audiovisual programmes are available to users on the basis of a catalogues of programmes;
- 5) *audiovisual content services* refer to television broadcasting or on-demand services provided to the public for economic purposes;
- 6) *provider of an audiovisual content service* refers to a party who chooses and organises the content of an audiovisual content service;
- 7) *radio programme* refers to a news broadcast, talk show, musical programme or other broadcast constituting solely sound;
- 8) *programme* refers to pre-selected composition of audiovisual programmes or radio programmes;
- 9) *television broadcaster* refers to a provider of an audiovisual content service who operates television broadcasting by itself or through a third party;

10) *radio broadcasting* refers to the simultaneous transmission of radio programmes to the public according to a set programme schedule;

11) *radio broadcaster* refers to a party who has editorial responsibility for the composition of the radio programmes referred to in subparagraph 7 and who transmits radio programmes or has them transmitted by a third party;

12) *independent producer* refers to a producer of audiovisual programmes of the share capital of whom an individual provider of audiovisual content services controls at the most 25% or several providers at the most 50%, and who, during the past three years, has produced no more than 90% of its programmes for the same provider of audiovisual content services;

13) *sponsorship* refers to financing or other forms of financial support given to audiovisual content services, audiovisual programmes, or radio programmes and radio broadcasting with the purpose of promoting the commodities or the visibility of the provider of support, if the provider of support is not engaged in the production of programmes or radio programmes or in the provision of content services or in radio broadcasting;

14) *advertising* refers to notices, announcements and other forms of messages in television and radio broadcasting, usually broadcast in return for payment or for similar consideration, which do not constitute sponsorship or product placement and which seek to promote the commodities of the advertiser or the visibility of an advertiser pursuing an economic activity;

15) *teleshopping* refers to television broadcasts including buying or selling offers;

16) *commercial communication* refers to advertising, teleshopping, sponsorship, product placement or other forms of promoting the sale of goods or services or promoting the image of a natural or legal entity pursuing an economic activity.

Section 3 (306/2010)

Scope of application

This Act applies to audiovisual content services provided by a natural person or an organization or foundation established in Finland that can be received in one or more Member States of the European Economic Area or States party to the European Convention on Transfrontier Television (Finnish Treaty Series 1994/87), hereafter the European Convention on Television, as well as in cases referred to in section 38 to the retransmission of television and radio programmes.

This Act applies to radio broadcasting if a radio frequency granted by Finland or a distribution network established in Finland is used in broadcasting.

Section 4 (306/2010)

Restrictions in the scope of application

With the exceptions of sections 19 and 38, this Act does not apply to:

1) operations where audiovisual content services or radio broadcasts may be received only in an educational unit, a hospital, a hotel or a corresponding facility; or

2) temporary radio broadcasting by means of freely propagating radio waves for a maximum period of three months, if the used radio transmitter's radiation power does not exceed 50 watt.

This Act does not apply to services in which the provision of audiovisual contents is not regular and not the primary purpose of the service in light of the number of programmes or frequency of broadcasts, or to online versions of newspapers or magazines.

Sections 10, 11, 13(1–6), 14, 16 and 17 do not apply to operations referred to in section 7(2) and in section 7(3)(1–2) of this Act.

Sections 10, 11, 13 and 14 shall not apply to operations referred to in section 7(3)(3) of this Act.

Section 5 (306/2010)

Establishment

A provider of an audiovisual content service is deemed to be established in Finland if the broadcaster has its head office in Finland and if the editorial decisions about programme schedules or programme catalogues are taken in Finland.

A provider of an audiovisual content service is deemed to be established in Finland also in the following cases:

- 1) it has its head office or editorial decisions about its programme schedules or programme catalogues are taken in a State belonging to the European Economic Area or a State which is a party to the European Convention on Transfrontier Television, and if a significant part of the workforce is in Finland;
- 2) if a significant part of the workforce works in more than one State belonging to the European Economic Area or a State which is party to the European Convention on Transfrontier Television, and the television broadcaster has its head office in Finland;
- 3) if neither the part of the workforce working in a State belonging to the European Economic Area nor in a State which is party to the European Convention on Transfrontier Television is significant but the television broadcasting was first started in accordance with chapter 2 of this Act and the broadcaster has activities of economic significance in Finland; or
- 4) if the television broadcaster has its head office in a State belonging to the European Economic Area or in a State which is party to the European Convention on Transfrontier Television but the decisions on the programmes are made in a third country, or vice-versa, if a significant part of the workforce works in Finland.

Section 6 (306/2010)

Establishment in certain exceptional cases

A television broadcaster that is not established in a State belonging to the European Economic Area or a State party to the European Convention on Transfrontier Television, is deemed to be established in Finland, if it uses:

- 1) a satellite link-up situated in Finland; or

2) satellite capacity appertaining to a Finnish undertaking.

Chapter 2

Engaging in television and radio broadcasting

Section 7 (394/2003)

Right to television and radio broadcasting

A licence (*programme licence*) for television or radio broadcasting in a terrestrial mass communications network referred to in section 2 of the Communications Market Act (393/2003) shall be applied for from the Government with the exceptions referred to in subsections 2 and 3.

A licence for radio broadcasting in analogue terrestrial mass communications network referred to in section 2 of the Communications Market Act that will last no longer than three months shall be applied for from the Finnish Communications Regulatory Authority. The Finnish Communications Regulatory Authority shall grant a licence, if adequate frequencies can be assigned for the operations and there is no justified reason to suspect the applicant of violating the provisions of this Act or some other Act on television and radio broadcasting.

A licence for television or radio broadcasting operations in a digital terrestrial mass communications network referred to in section 2 of the Communications Market Act shall be applied for from the Finnish Communications Regulatory Authority, if

- 1) the operations do not last more than three months;
- 2) weekly operations do not last more than eight hours; or
- 3) operations are carried out in a digital terrestrial mass communications network that has been allocated in the utilisation plan concerning frequencies referred to in section 6 of the Act on radio frequencies and telecommunications equipment (1015/2001) to television and radio broadcasting or to services provided using DVB-H or similar standard technology.

(1251/2006)

A television or radio broadcaster holding a licence from the Government for digital broadcasting may also transmit its programming in a network referred to in subsection 3(3) without a separate licence. The programming shall be sent simultaneously and unaltered in an area referred to in the licence or in another original transmission area. The Finnish Broadcasting Company YLE may transmit the television and radio programming it provides by virtue of law in a way referred to in this subsection. (1251/2006)

The Finnish Communications Regulatory Authority shall grant a licence for the operations referred to in subsection 3, if there is no justified reason to suspect the applicant of violating the provisions of this Act or some other Act on television and radio broadcasting.

Section 7 a (337/2010)

Right of the Finnish Broadcasting Company Ltd to television and radio broadcasting

The Finnish Broadcasting Company has the right to engage in public service television and radio broadcasting as referred to in section 7 of the Act on the Finnish Broadcasting Company Ltd (1380/1993) without a licence. It is the Government's duty to oversee that the company will have access to terrestrial television and radio network capacity or radio network frequencies allocated to it in the Government Decree referred to in section 6 of the Act on Radio Frequencies and Telecommunications Equipment (1015/2001) that are necessary for the broadcasting and that the company is able to use it appropriately. Further provisions on a telecommunications operator's duty to reserve adequate capacity as mentioned above are issued in section 10(3) of the Communications Market Act.

Section 7 b (394/2003)

Notification to the Finnish Communications Regulatory Authority

A notification in accordance with section 15(1) must be submitted prior to the commencement of the operations to the Finnish Communications Regulatory Authority on television and radio broadcasting other than that referred to in sections 7 and 7a.

Section 8 (1016/2001)

(Section 8 has been repealed by the Act 1016/2001.)

Section 9 (394/2003)

Licensing authority

A licence referred to in section 7(1) is declared open for applications and granted by the Government. A licence referred to in section 7(2-3) is granted by the Finnish Communications Regulatory Authority. The Finnish Communications Regulatory Authority does not have to declare the licence open for applications.

Section 10

Conditions for granting a licence

When declaring licences open for application and granting them, the licensing authority shall, taking into consideration the television broadcasting and radio broadcasting of the area in question as a whole, aim at promoting freedom of speech as well as safeguarding the diversity of the provision of programmes as well as the needs of special groups of the public.

A licence may be granted to a natural person, an organization or a foundation that is solid and evidently has the capability to maintain regular operations in accordance with the licence.

Section 10 a (394/2003)

Application fee

An applicant is obliged to pay the State an application fee of 1,000 euros in connection with an application referred to in section 7(1).

An applicant is obliged to pay the Finnish Communications Regulatory Authority an application fee of 100 euros in connection with an application referred to in section 7(2-3).

Section 11

Licence regulations

The licensing authority has the right to attach to the licences regulations relating to the programme service that are necessary to safeguard the diversity of programmes and the needs of special groups of the public.

The licensing authority also has the right to issue regulations relating to:

- 1) the regional service area of broadcasts;
- 2) the broadcast time of the day; and
- 3) transmission technology and transfer capacity.

(394/2003)

Section 3 has been repealed by the Act 490/2002.

Section 4 has been repealed by the Act 1190/2005.

Section 11 a (1190/2005)

Amendments to the licence regulations

The licence may be amended during its period of validity on the licensee's application or by the licensee's consent. If necessary, it may also be amended due to technological development or for special reasons arising from major changes in the operating environment for licensed operations.

Section 12 (1190/2005)

Validity of a licence

A licence for television or radio broadcasting may be granted for a maximum period of ten years.

Regardless of the provisions laid down in subsection 1 a licence may be granted for broadcasting referred to above in sections 7(2) and 3(1) for a maximum period of three months. Under the provisions of this subsection no broadcaster may be granted a licence for successive three-month periods.

Regardless of the provisions laid down in subsection 1 the licence authority may grant a licence for broadcasting referred to in section 7(3)(2) for a maximum period of one year.

Section 13 (306/2010)

Assignment of a licence to another party and changes in effective control

A licence granted for television or radio broadcasting may not be assigned to another party. If the licence holder assigns the licence to another party, the licence becomes void. The licensing authority must make a formal decision confirming that the licence has become void.

If the effective control with regard to a licence holder changes, the licensing authority may approve the changes in accordance with provisions of subsection 4, or cancel the licence as provided in subsection 5. The same applies to the powers of the licensing authority, if the effective control of the licence holder with regard to the operations referred to in the licence changes in that the licence holder can no longer be regarded as a broadcaster referred to in subsection 2 as regards operations referred to in the licence.

Any transfer or change referred to in subsection 1 or 2 shall be notified immediately to the licensing authority. The licence holder may request a preliminary ruling on the matter. The licensing authority shall decide the matter within two months of reception of notification or application. If a change in the effective control concerns a company acquisition that in accordance with the Competition Act (948/2011) has to be reported to the Finnish Competition Authority, or in accordance with the Council Regulation (EC) No 139/2004 on the control of concentrations between undertakings (the "EC Merger Regulation") has to be reported to the Commission, the decision has to be issued by the licensing authority no later than two months after the definitive decision concerning the company acquisition was made. (667/2012)

The licensing authority may approve a change in effective control, if it is evident that

- 1) the conditions for granting a licence referred to in section 10 are met; and
- 2) the operations will continue in accordance with the licence terms.

In cases other than the one referred to in subsection 4 the licensing authority must cancel the licence if any changes in effective control are found.

An internal transfer of a licence within a group between the parent company and a wholly owned subsidiary is not considered to be a licence transfer that would require avoidance. Such a transfer shall be notified immediately to the licensing authority. If the licence holder is declared bankrupt, the licence will become invalid immediately.

The Act on Competition Restrictions 480/1992 (480/1992) has been repealed by the Act 948/2011 as of 1 November 2011. See section 23 of the Act 948/2011.

Section 14 (1190/2005)

Lapse of the licence

A licence granted for television or radio broadcasting ceases to be valid if no regular activity in accordance with the licence has been started within six months from the first date of the licence period or if regular broadcasting has been interrupted for a period exceeding 30 days. Broadcasting can be considered to meet the licence requirements only if operations are carried out in all the frequencies or regions to which the licence entitles. The Finnish Communications Regulatory Authority must confirm the lapse of the licence on the basis of its report.

If there is a particularly weighty reason related to the operating requirements, the licensing authority may grant a permission to deviate from the provisions laid down in subsection 1. The licence holder shall apply for an exceptional permit from the licensing authority before the time limit for the expiration has been exceeded.

Section 15 (394/2003)

Notification relating to the operations

The notification referred to in section 7b(2) above shall contain the following information:

- 1) name, business name and contact information of the broadcaster or its representative as well as the domicile of the broadcaster;
- 2) the area in which the operations are carried out;
- 3) a general outline of the programmes to be offered or planned; and
- 4) the premises where the recordings required by the Radio Broadcasting Responsibility Act (1971/219) are available to the public.

At request of a television or radio broadcaster the Finnish Communications Regulatory Authority confirms within a week that it has received a notification on the television or radio broadcasting.

Should any changes take place in the information referred to in subsection 1, they shall be notified to the Finnish Communications Regulatory Authority without delay.

Section 15 a (394/2003)

Obligations to prepare for exceptional circumstances and transmit information from the authorities

A television and radio broadcaster with a licence referred to in section 7(1) ensures that its activities will continue with the minimum disruption even in the exceptional circumstances referred to in the Emergency Powers Act (1080/1991) and in disruptive situations under normal circumstances. A television and radio broadcaster as referred to in this section is also obliged to transmit information from authorities to the public free of charge, if it is necessary to save human life or protect property or safeguard the functioning of the society.

Further provisions on the television and radio broadcaster's obligation referred to in subsection 1 may be given by Government decree. The provisions may concern the television or radio broadcasting necessary to save human life or ensure the functioning of the nation's leadership or national security of the economy.

Ministry of Transport and Communications may issue instructions on the television and radio broadcaster's obligation referred to in subsection 1.

A television and radio broadcaster has the right to receive a compensation for costs incurred in fulfilling the obligation provided in this section from the national emergency supply fund referred to in the Security of Supply Act (1390/1992) only if the costs are significant with regard to the nature and extent of the activities of the television or radio broadcaster and if the costs are incurred from technical items ordered at the request of the Ministry of Transport and Communications. The compensation for costs is decided by the Ministry of Transport and Communications.

Chapter 3

Programmes

Section 16 (306/2010)

European works

A television broadcaster shall reserve for European works a majority proportion of his annual transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping.

Further provisions in accordance with Article 1 of the Council Directive (89/552/EEC) on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action concerning the Pursuit of Television Broadcasting Activities (Directive on audiovisual media services) as to what programmes shall be deemed European works as referred to in subsection 1 shall be issued by Government Decree.

Providers of on-demand programme services must promote the availability of European works in their services.

Section 17 (490/2002)

Programmes by independent producers

A television broadcaster shall reserve for programmes produced by independent producers 15% of his transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping, or alternatively 15% of his programming budget. Half of the programmes included in the said share of the independent producers referred to above have to have been produced within the past five years.

Section 18

Local broadcasting

The provisions of sections 16 and 17 shall not apply to broadcasting in local television networks or to transmissions which cannot be received in any Member State of the European Economic Area or in any State outside Finland which is party to the European Convention on Transfrontier Television.

Section 19 (712/2011)

Programmes which may cause detriment to the development of children

Provisions on providing television programmes or on-demand programme services that may cause detriment to the development of children are laid down in the Act on Audiovisual Programmes (710/2011).

Section 19 a (733/2010)

Making programmes accessible to people with a visual or hearing impairment

Finnish and Swedish-language television programmes shall be accompanied with subtitling and other programmes with audio subtitling or a service that converts the subtitles of a programme into speech (*audio-subtitling and subtitling service*) as specified in this section.

The audio-subtitling and subtitling service shall be included in public service programmes as referred to in the Act on Yleisradio Oy. In accordance with further provisions laid down by Government decree, the service shall also be available for programmes that are in the public interest

and broadcast under a national programming licence. Programmes in the public interest refers to wide-ranging Finnish and Swedish-language programme sets which, pursuant to the licence, shall include news and current affairs programmes. Audio and subtitling service is not required for musical performances or sports and children's programmes. The costs incurred by the implementation of the audio and subtitling service to other than public service television broadcasting operators may not exceed one per cent of the operator's turnover achieved in the previous financial year.

Gradually increasing quotas, expressed as shares of hours of programmes, may be laid down by Government decree for programmes that need to be accompanied with the audio-subtitling and subtitling service. In the case of programmes broadcast by virtue of a national programming licence as referred to above in section 2, the quota in 2011-2016 may total 10–50 per cent of programmes and in the case of public service programmes, 50–100 per cent. Provisions on the technical implementation and transmission of the audio and subtitling service may be issued by Government decree. Costs incurred by the implementation of the audio and subtitling service per one hour of programmes shall be laid down by Government decree for two calendar years at a time.

Section 20

Use of exclusive rights

If a television broadcaster has purchased an exclusive right to broadcast an event which one of the Member States of the European Economic Area has included in the list referred to in Article 3 a (1) of Directive (97/36/EC) of the European Parliament and of the Council amending Council Directive (89/552/EEC) on the Coordination of Certain Provisions Laid Down by Law, Regulation or Administrative Action in Member States Concerning the Pursuit of Television Broadcasting Activities and confirmed by the Commission of the European Communities, it may not exercise its exclusive right in such a way as to deprive a substantial proportion of the public in that Member State of the possibility of following the coverage of the event on free television as provided for by the State in question.

Provisions of subsection 1 on the use of exclusive rights shall be correspondingly applied to events referred to in the list referred to in Article 9 (a) (2) of the Protocol of Amendment CM (98)93 to the European Convention on Transfrontier Television. (490/2002)

Where necessary, it shall be designated by a Government Decree which events are considered to be of such importance to society in Finland that their coverage shall be broadcast in the area of Finland so that a substantial proportion of the public can follow the coverage of the events free via live coverage or deferred coverage. A television broadcast of an event that is of importance to society as referred to in this subsection is deemed to have reached to a substantial proportion of the public, if 90 per cent of the population are able to receive the broadcast without a separate charge. (394/2003)

If a television broadcaster that has purchased an exclusive right does not implement the broadcast referred to in subsection 1 itself, it shall be liable to grant to another television broadcaster the right to broadcast the event if the latter requests it at least six months prior to the commencement of the event. The television broadcaster who conveys the right to broadcast shall have the right to a full compensation for the conveyance. (394/2003)

Section 20 a (394/2003)

Procedure concerning the use of exclusive rights

If no agreement can be reached on the granting of broadcasting right referred to in section 20(4), a television broadcaster that has purchased an exclusive right or a television broadcaster that has requested the granting of the right in accordance with section 20(4) may bring the matter to the Finnish Communications Regulatory Authority for consideration no later than three months before the event starts. The Finnish Communications Regulatory Authority can decide what shall be deemed as full compensation as referred to in section 20(4). The compensation shall be based on prices that are paid for corresponding rights in the competitive markets. The Finnish Communications Regulatory Authority may impose some technical terms concerning the granting.

To enforce the decision referred to in this section a conditional fine may be imposed as provided in the Act on Conditional Fine (1113/1990).

Section 4 (306/2010)

Commercial communication

Section 21 (306/2010)

General principles

Commercial communication shall be readily recognizable.

The images or voices of persons appearing regularly in news or current affairs programmes may not be used in commercial communication.

Provisions on marketing contrary to good practice are laid down in Chapter 2(2) of the Consumer Protection Act (38/1978).

Section 22 (306/2010)

Insertion of television advertising and teleshopping spots

Television advertising and teleshopping spots shall be kept distinct from audiovisual programmes by acoustic or optical means, or by spatial division.

Advertising and teleshopping spots shall be inserted between audiovisual programmes. They may also be inserted during programmes, if this is possible to do without prejudicing the integrity and value of the audiovisual programme and the rights of the copyright holders.

In sports or other audiovisual programmes consisting of autonomous parts and containing intervals, advertising and teleshopping shall only be inserted between the parts or in the intervals.

Isolated advertising and teleshopping spots in transmissions of other than sports events are prohibited.

Section 23 (306/2010)

Interrupting certain audiovisual programmes by advertising

In television broadcasting, the transmission of feature films, films made for television, news programmes and children's programmes may be interrupted by advertising or teleshopping spots once for each scheduled period of 30 minutes.

Children's programmes, however, may be interrupted by advertising or teleshopping only if the scheduled duration of the programme is greater than 30 minutes.

Advertising and teleshopping shall not be inserted in any television broadcast of a religious service.

Section 24 (306/2010)

Marketing of certain products

Provisions governing the advertising of tobacco products are laid down in the Tobacco Act (693/1976). Provisions governing the advertising and sales promotion of alcoholic beverages are laid down in the Alcohol Act (1143/1994). Provisions governing the marketing of medicinal products are laid down in the Medicines Act (395/1987).

Section 25 (306/2010)

Protection of minors

Teleshopping shall not exhort minors to contract for the sale or rental of goods and services.

Provisions on marketing contrary to good practice which is targeted at minors or which generally reaches minors are laid down in Chapter 2(2) of the Consumer Protection Act.

Section 26 (306/2010)

Sponsorship of programmes and services

A sponsor shall not influence the content or scheduling of sponsored audiovisual programmes, radio programmes or audiovisual content services in such a way as to affect the responsibility and editorial independence of the provider of an audiovisual content service or radio broadcaster in respect of programmes.

Sponsored audiovisual programmes and radio programmes must be clearly identified by the name or logo of the sponsor at the beginning or end of the programmes.

Sponsored audiovisual programmes or radio programmes must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services, or by any other means.

Section 27 (306/2010)

Forbidden sponsorship

Undertakings whose principal activity is the manufacture or marketing of tobacco products may not sponsor programmes, audiovisual content services or radio broadcasting.

If the sponsor of a programme is an undertaking whose activities include the manufacture or sale of medicinal products and medical treatment, the name or logo of the undertaking may be shown in connection with the programme taking into consideration the provisions of section 26. However, a medicinal product or medical treatment available only on prescription in Finland may not be promoted in this connection.

News and current affairs programmes may not be sponsored.

Section 28 (306/2010)

Product placement

The insertion of a product, service or trade mark within an audiovisual programme in return for consideration (*product placement*) is prohibited.

Notwithstanding the provisions of subsection 1 above, product placement is admissible:

- 1) in cinematographic works;
- 2) in films or series made for audiovisual content services;
- 3) in sports programmes;
- 4) in light entertainment programmes.

The provisions of subsection 2 do not apply to product placement in children's programmes or product placement of tobacco products or of products from undertakings whose principal activity is the manufacture or marketing of tobacco products, or product placement of medical treatments available only on prescription in Finland.

Section 28 a § (306/2010)

Production props and prizes

Providing props and product prizes for use in audiovisual programmes free of charge shall be considered product placement if the items involved are of significant value.

Product placement referred to in subsection 1 above is allowed in other than children's programmes.

Section 28 b (306/2010)

Implementation of product placement

Product placement shall not:

- a) influence the content or scheduling of programmes;
- b) encourage the purchase of products or services;
- c) make promotional or other special references to the products;

d) give undue prominence to the products.

The public shall be clearly informed of the existence of product placement in an audiovisual programme, either by a text or a common logo used by content service providers. The announcement shall be inserted at the start and end of the programme and after each advertising break. The announcement shall not be promotional.

However, informing of product placement is not required if the audiovisual programme in question has neither been produced nor commissioned by the content service provider itself or a company affiliated to it, and if information on product placement included in the programme is not available without undue difficulty.

Section 29 (306/2010)

Time limits for teleshopping spots and television advertising

The proportion of advertising spots and teleshopping spots with a given clock hour shall not exceed 12 minutes with the exception of channels exclusively devoted to teleshopping spots.

The provisions of subsection 1 shall not apply to announcements made by the television broadcaster in connection with its own audiovisual programmes and ancillary products directly derived from those programmes, sponsorship announcements, product placements or windows devoted to teleshopping spots as referred to in section 32.

Section 30 (306/2010)

Separation and time limits for radio advertising

Radio advertising shall be kept distinct from radio programmes by acoustic means or by some other clearly identifiable way.

The transmission time devoted to radio advertising shall not exceed ten percent of the daily transmission time. The duration of advertising spots inserted in radio broadcasts may, however, not exceed a total of 24 minutes within two consecutive hours.

Section 31 (306/2010)

Advertising for ideological and societal purposes

Advertising with a view to promoting the visibility of a cause or an ideology or, in relation to these, the visibility of an advertiser or the public image of a person (advertising for ideological and societal purposes) shall be kept distinct from audiovisual programmes by acoustic or optical means, or by spatial division. Advertising for ideological and societal purposes shall be inserted between audiovisual programmes or autonomous parts of a programme. They may also be inserted during programmes, if this is possible to do without prejudicing the integrity and value of the audiovisual programme and the rights of the copyright holders. Advertising for ideological and societal purposes shall not interrupt any television broadcast of a religious service. The provisions of section 19(1) shall apply, where appropriate, to advertising for ideological and societal purposes.

Section 32 (306/2010)

Windows devoted to teleshopping spots

Windows devoted to teleshopping spots broadcast by a channel not exclusively devoted to teleshopping shall be of a minimum uninterrupted duration of 15 minutes.

Windows devoted to teleshopping spots shall be clearly identified by optical and acoustic means.

Section 33 (306/2010)

Channels devoted to teleshopping and sales promotion

The provisions of section 19(1) shall apply, where appropriate, to television channels exclusively devoted to transmitting audiovisual programmes relating to advertising, teleshopping or self-promotion of the television broadcaster.

Sections 16, 17, 22 and 29(1) above shall not apply to television channels exclusively devoted to transmitting audiovisual programmes relating to advertising, teleshopping or self-promotion of the television broadcaster.

Chapter 5

Guidance and supervision

Section 34 (394/2003)

General guidance, development and supervision

The general guidance and development of television and radio broadcasting shall be the responsibility of the Ministry of Transport and Communications.

Section 35 (306/2010)

Supervisory authorities

The Finnish Communications Regulatory Authority supervises compliance with this Act and provisions and orders issued under it with the exception of section 25.

The Consumer Ombudsman supervises compliance with section 25 of this Act. Under the Consumer Protection Act the Consumer Ombudsman may also address commercial communications referred to in this Act if they constitute unsuitable or misleading marketing from the point of view of consumers. The Consumer Ombudsman shall not address advertising referred to in section 31.

If needed, the Finnish Communications Regulatory Authority shall cooperate with the corresponding regulatory authority of a State belonging to the European Economic Area or a State party to the European Convention on Transfrontier Television. Cooperation may involve exchange of information received by virtue of this Act between the regulatory authorities.

Section 35 a (1068/2007)

Supervision fee

A supervision fee for television and radio operations is payable to the Finnish Communications Regulatory Authority to cover the costs incurred from supervising television and radio operations.

Section 35 b (1068/2007)

Obligation to pay

The Finnish Broadcasting Company Ltd and a television or radio broadcaster having a licence referred to in section 7(1) are obliged to pay the supervision fee.

The obligation to pay commences in the calendar year during which the licence granted to a television or radio broadcaster enters into force. The supervision fee for television and radio operations shall not be refunded even if the television or radio broadcaster discontinues its operations during the course of the calendar year.

Section 35 c (1068/2007)

Amount of the fee

The annual supervision fees for television and radio operations are as follows:

- 1) fee payable by the Finnish Broadcasting Company Ltd is EUR 165,000;
- 2) fee payable by a licence holder carrying out other than regional television broadcasting is EUR 16,000 for each television programme set complying with the licence;
- 3) fee payable by a licence holder carrying out regional television broadcasting is EUR 800 for each television programme set complying with the licence;
- 4) fee payable by a licence holder carrying out radio broadcasting on frequencies of national or similar licensed use is EUR 8,000 for each radio programme set complying with the licence;
- 5) fee payable by a licence holder carrying out radio broadcasting on frequencies of regional or local licensed use is EUR 800 for each radio programme set complying with the licence;
- 6) fee payable by a licence holder carrying out radio broadcasting solely in the television network is EUR 8,000 for each radio programme set complying with the licence.

Section 35 d (1068/2007)

Stipulation and collection of the fee

The supervision fee for television and radio operations is collected annually in two instalments. An obligation to pay the fee is stipulated by the Finnish Communications Regulatory Authority. Provisions on an appeal against a decision of the Finnish Communications Regulatory Authority concerning the stipulation of the fee are laid down in section 40.

The fee may be collected without a judgment or decision under the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961). If the fee is not paid by the due date, annual interest for late payment will be collected on the amount due in accordance with the interest rate referred to

in section 4 of the Interest Act (633/1982). Instead of the penalty interest the authority may collect a default payment of five euros if the amount of the penalty interest would be less than that.

Chapter 6

Enforcement, sanctions and appeal

Section 36 (394/2003)

Coercive measures

Should a television or radio broadcaster or some other telecommunications operator referred to in the Communications Market Act violate this Act or the provisions or regulations issued thereunder, the supervisory authority may issue a reminder to it and obligate it to correct its error or neglect. The decision may be enforced by a conditional fine as provided for in the Act on Conditional Fine.

The provisions referred to in section 35 and supervised by the Consumer Ombudsman shall be in compliance with the provisions of chapter 2, sections 16, 17, 19 and 20 of the Consumer Protection Act. (129/2013)

Section 36 a (394/2003)

Penalty payment

A television or radio broadcaster that acts in violation of the provisions of chapters 3 and 4, despite being requested to do so, fails to rectify its actions within a period set by an authority referred to in section 35 may be ordered to pay a penalty. A penalty shall not be ordered if the action has no significant effect on the attainment of the objectives of this Act or if the ordering of the penalty is otherwise manifestly unjustified with regard to the safeguarding of competition.

In determining a penalty, regard shall be had to the nature and extent of the action as well as its duration.

The minimum amount of the penalty is 1,000 euros and the maximum is one million euros. If the act or omission has especially significant effects on the attainment of the objectives of this Act, the stated amount may be exceeded. The penalty may, however, be no more than five per cent of the television or radio broadcaster's turnover for the operations subject to a licence during the previous year.

The penalty is determined by the Market Court on the proposal of the authority referred to in section 35. Provisions on processing and investigating a matter in a Market Court are laid down in the Act on judicial proceedings before a Market Court (100/2013). Any penalty is ordered to be paid to the State. (129/2013)

Penalties are enforced without a judgement or decision in compliance with the provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961). Enforcement of penalties is attended to by the Legal Registers Centre. Further provisions on the enforcement of penalties may be given by Government decree. A Government decree may lay down provisions on the duty of authorities to notify, when this is significant for the enforcement of the penalty, on the refund of a penalty payment and on factors that are of importance to penalty enforcement.

Section 37 (394/2003)

Revocation of a licence and suspension of operations

The licence authority may revoke a licence granted for television or radio broadcasting or order that operations referred to in section 7 b be suspended, if

- 1) the broadcaster, notwithstanding the measures provided in accordance with sections 36 or 36 a, severely and repeatedly acts in violation of this Act or the provisions or regulations issued thereunder; or
- 2) if it is no longer possible to assign a radio frequency required by the operations in question.

The revocation of a licence under subsection 1 shall not as a measure establish liability of the State for compensation.

Section 38 (306/2010)

Suspension of retransmission

The Government may order that the retransmission of television broadcasts from outside Finland be suspended if the said broadcast has repeatedly, clearly, gravely and severely constituted an act punishable under chapter 11, section 10 of the Penal Code (39/1889) or violated the provisions of section 19, subsections 1 and 2 of this Act. The retransmission of a broadcast may be ordered suspended for a maximum period of one month.

If the television broadcaster in charge of a television broadcast referred to in subsection 1 is established in a Member State of the European Economic Area, the procedure provided for in article 2a (2) of Directive 97/36/EC of the European Parliament and the Council shall be applied in ordering the retransmission of the television broadcast suspended. If the television broadcaster in charge of the television broadcast referred to in subsection 1 is established in a State outside the European Economic Area but is a party to the European Convention on Transfrontier Television, the procedure provided for in article 24 (1) and (2) of the said Convention shall be applied in ordering the retransmission of a television broadcast suspended.

Section 39

Unauthorized television and radio broadcasting

Anyone who carries out television or radio broadcasting without a licence in accordance with this Act or without submitting a notification in accordance with this Act or in violation of a prohibition issued under section 36 or 37, shall be sentenced for unauthorized television or radio broadcasting to a fine or to imprisonment not exceeding six months.

Section 40 (733/2010)

Appeal

An appeal may be filed against a decision of the Government, the Ministry of Transport and Communications or the Finnish Communications Regulatory Authority as laid down in the Administrative Judicial Procedure Act. The Government, the Ministry of Transport and

Communications, the Finnish Communications Regulatory Authority and the Consumer Ombudsman may order that the decision be complied with despite any appeal.

As provided in the Administrative Judicial Procedure Act, an appeal may be filed to the Supreme Administrative Court against a Market Court decision referred to in section 36 a.

A decision of the Finnish Communications Regulatory Authority referred to above in section 20 a may be enforced notwithstanding an appeal, unless otherwise provided by the appeal authority.

Chapter 7

Miscellaneous provisions

Section 41 (394/2003)

Right to obtain information

Notwithstanding the provisions on confidentiality provided for elsewhere in the law, the Ministry of Transport and Communications and the Finnish Communications Regulatory Authority shall have the right to obtain information necessary for attendance to the duties prescribed in this Act from television and radio broadcasters and telecommunications operators referred to in the Communications Market Act.

Section 42 (394/2003)

(Section 42 has been repealed by the Act 394/2003.)

Section 43

Further provisions

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

Chapter 8

Transitional provisions and entry into force

Section 44

Entry into force

This Act enters into force on 1 January 1999.

This Act repeals the following Acts with later amendments:

- 1) Cable Transmission Act of 13 March 1987 (307/1987); and
- 2) Radio Equipment Act of 17 January 1927 (8/1927).

Section 45

Transitory provision regarding licences in force

A television or radio broadcaster that has a valid licence for cable transmission and that wants to continue its operations subject to a notification under this Act shall submit the notification referred to in section 7, subsection 2 at the latest within six months from the entry into force of this Act.

A television or radio broadcaster that has a valid licence for transmission over the air may continue its operations under that licence during its period of validity. If the terms of the licence are in conflict with this Act or the Act on the State Television and Radio Fund, the provisions of this Act and the Act on the State Television and Radio Fund shall, however, be complied with.

Application and entry into force of amendment provisions

Act 778/2000:

This Act enters into force on 1 January 2001.

Act 1016/2001:

This Act enters into force on 1 January 2002.

Act 1539/2001:

This Act enters into force on 1 March 2002.

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

Act 490/2002:

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.

A licence holder that has a valid licence for television and radio broadcasting as this Act enters into force and that wants to continue its operations shall not be under obligation to reapply for a licence referred to in section 7 (*programme licence*) and shall be able to continue television and radio broadcasting under the valid licence.

Provisions on a licence that entitles to television and radio broadcasting operations over the air and to telecommunications operations (*network licence*) with the remaining transfer capacity are provided in the Communications Market Act.

Act 394/2003:

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 operating licence in force at the time of the entry into force of this Act will continue to apply for the granted period. However, provisions of section 37 of this Act on the revocation of an operating licence may be applied to a programme licence in force at the time of the entry into force of this Act.

An administrative matter pending at the time of the entry into force of this Act will be considered according to provisions in force at the time of the entry into force of this Act.

Provisions on penalty payment will be applied to an act or a neglect that has taken place after the entry into force of this Act.

Act 1190/2005:

This Act enters into force on 1 January 2006.

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 considered according to provisions in force at the time of the entry into force of this Act.

Provisions of section 13 of this Act apply to transfers and changes in effective control taken place after the Act's entry into force.

Provisions of section 14 on the expiration of the licence apply to an operating licence in force at the time of the entry into force of this Act. The time limit for the expiration shall in such a case begin no earlier than from the entry into force of this Act.

Act 1251/2006:

This Act enters into force on 1 January 2007.

Act 1068/2007:

This Act enters into force on 1 January 2008.

Act 306/2010:

This Act enters into force on 1 May 2010. Section 12 a of the Act will remain in force until 31 December 2010.

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

Act 337/2010:

This Act enters into force on 15 May 2010.

Act 733/2010:

This Act enters into force on 1 July 2011. Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Act 712/2011:

This Act enters into force on 1 January 2012.

Act 667/2012:

This Act enters into force on 1 January 2013.

Act 129/2013:

This Act enters into force on 1 September 2013.

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