



***Independent Study on  
Indicators for Media Pluralism  
in the Member States – Towards  
a Risk-based Approach***

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*by*

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**Final Report - Annex III**

**COUNTRY REPORTS**

**Finland**

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**Important Notice**

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The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

## 8. Overview of legal and policy measures promoting/supporting media pluralism

### [FINLAND]

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#### National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*
- Act on the Exercise of Freedom of Expression in the Mass Media<sup>1</sup>
- Act on Television and Radio Operations<sup>2</sup>
- Government Decree on Television and Radio Operations<sup>3</sup>
- Act on the State Television and Radio Fund<sup>4</sup>
- Act on Yleisradio Ab<sup>5</sup>
- Communications Market Act<sup>6</sup>
- Act on Communications Administration<sup>7</sup>
- Decree on Communications Administration<sup>8</sup>
- Act on the Promotion of Film Art<sup>9</sup>
- Press Subsidy Ordinance<sup>10</sup>
- *General legislation*
- The Finnish Constitution<sup>11</sup>
- Act on the Openness of Government Activities<sup>12</sup>

<sup>1</sup> Act 460/2003.

<sup>2</sup> Act 744/1998 as last amended by Act 1068/2007.

<sup>3</sup> Act 2003/698.

<sup>4</sup> Act 745/1998 as last amended by Act 1069/2007.

<sup>5</sup> Act 1380/1993 as last amended by Act 635/2005.

<sup>6</sup> Act 393/2003 as last amended by 119/2008.

<sup>7</sup> Act 625/2001 as last amended by Act 520/2004.

<sup>8</sup> Decree 697/2001 as last amended by Decree 709/2002.

<sup>9</sup> Act 28/2000 as last amended by Act 68/2002.

<sup>10</sup> Decree 1481/2001 as last amended by Decree 224/2005.

<sup>11</sup> Act 731/1999 as last amended by Act 802/2007.

<sup>12</sup> Act 621/1999 as last amended by Act 713/2007.

- Act on Political Parties<sup>13</sup>
- Act on the Competition Council<sup>14</sup>
- Act on the Finnish Competition Authority<sup>15</sup>
- Act on the Library for the Visually Impaired<sup>16</sup>
- Act on the Monitoring of Foreigners' Corporate Acquisitions in Finland<sup>17</sup>
- Act on the Public Disclosure and Confidentiality of Tax Information<sup>18</sup>
- Administrative Procedure Act<sup>19</sup>
- Value Added Tax Act<sup>20</sup>
  
- **Codes of conduct**
  - Guidelines for Journalists, 1.1.2005
  
- **Other**
  - The Finnish Film Foundation Support Guidelines, 1.1.2008
  - Charter of the Council for Mass Media (the 'Basic Agreement'), 19.2.1998
  - YLE Policy on services for minorities and special groups (2005)

<sup>13</sup> Act 10/1969 as last amended by Act 653/1992.

<sup>14</sup> Act 481/1992 as last amended by Act 962/2000.

<sup>15</sup> Act 711/1988 as last amended by Act 623/1999.

<sup>16</sup> Act 638/1996 as last amended by Act 1053/2001.

<sup>17</sup> Act 1612/1992 as last amended by Act 623/1999.

<sup>18</sup> Act 1346/1999 as last amended by Act 1108/2006.

<sup>19</sup> Act 434/2003.

<sup>20</sup> Act 1501/1993 a last amended by Act 1312/2007.

**TABLE 1. Constitutional protection of press and communication freedoms**

Measure	Source	Scope of application	Key features
<b>1.1. Freedom of expression</b>	Section 12 Finnish Constitution	P, AAVM P, AVMS (broadcasting and on-line media)	Everyone has the freedom of expression. Freedom of expression entails the right to express, disseminate and receive information, opinions and other communications without prior prevention by anyone. Implementing is technology neutrality.
<i>Note: Provisions on restrictions relating to pictorial programmes that are necessary for the protection of children may be laid down by an Act.</i>			
<b>1.2. Freedom of/right to information</b>	Section 12 Finnish Constitution	P, AAVM	Documents and recordings in the possession of the authorities are public, unless their publication has for compelling reasons been specifically restricted by an Act. Everyone has the right of access to public documents and recordings.
<i>Is there – besides constitutional provisions – a specific act dealing with citizens’ or journalists’ access to public sector information?</i>	Section 1 Act on the Openness of Government Activities; Section 24 Administrative Procedure Act		All government activity shall be public subject to the exemptions laid down in this or other laws. The Act promotes access to government information by stipulating an obligation on behalf of authorities to produce and spread information (Section 20) and standards for good information processing (Section 18).
	Section 3 Act on the public disclosure and confidentiality of tax information		Tax information is public according to the provisions of this Act and everybody is entitled to participate in an act of taxation within the limitations provided for under this Act. Personally identifiable tax information shall be considered confidential subject to the exceptions provided for under Section 5-9, 21.
<i>Are there specific rules dealing with journalists’ access to events for news reporting?</i>	No		
<b>1.3. Explicit recognition of media pluralism</b>	Section 10 Act on Television and Radio Operations	R, TV	When announcing the availability of broadcast licences, the authority responsible shall have a view to the diversity of programmes. Likewise it may attach conditions to the award that are intended to promote the diversity of programmes.
<i>Note:</i>			
1) Ministry of TC commissions annual study on programme diversity of TV channels			
2) Section 6 Act on Yleisradio Administrative Council of YLE submits every two years to Parliament a report on implementation of public broadcasting after hearing Sámi Parliament. Report is			

<i>discussed then in Parliament.</i>			
3) Section 12a Act on Yleisradio, YLE shall report annually to Ficora, including information on programme operations			
	Chapter 4 Section 16 Act on the Exercise of Freedom of Expression in the Mass Media	P, AAVM	The originator of a message provided to the public, the publisher and the broadcaster are entitled to maintain the confidentiality of the source of information in the message. The publisher and the broadcaster are also entitled to maintain the confidentiality of the identity of the originator of the message.
	Section 1 Press Subsidy Ordinance		Support under this Ordinance seeks to promote the value pluralism and diversity of domestic newspapers.
<i>Note: Since the beginning, the press subsidy system has served only one communication mode, the newspapers, but not pluralism or diversity as such in the society. For example, a local radio station does not get any similar subsidy even though it declares to promote pluralism.</i>			
1.4. Protection of journalistic sources	Chapter 3 Act on the Exercise of Freedom of Expression in the Mass Media	P, AAVM	Private individuals have a right to a reply in the same medium to messages that they consider offensive. Private individuals and legal persons enjoy the right to have erroneous information concerning them corrected unless this is unnecessary due to the minor significance of the error.
	Section 14 Guidelines for Journalists	P, AAVM	Journalists have the right to protect the identity of their sources. This right must be respected by editors.
<b>1.5. Right of reply</b>	Section 21 Guidelines for Journalists	P, AAVM	A right of reply shall be granted whenever the activities of a clearly identifiable individual, company or organisation are portrayed in a very negative light.
<b>1.6. Ratification of international instruments:</b> - CoE's Framework Convention For The Protection Of National Minorities - UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)	- yes - yes (did not ratify, but accepted)		

**TABLE 2. Editorial independence**

Measure	Source	Scope of application	Key features
<b>2.1. Journalists</b>	Sections 2+3 Guidelines for Journalists	P, AAVM	The capacity to make decisions about the content of mass communications must never be allotted to others than the responsible editor. Journalists shall resist third party attempts at influencing the content of communication.
<b>2.2. News / information programmes</b>	Chapter 4 Section 28 Act on Television and Radio Operations	R, TV	News and current affairs programmes may not be sponsored.
<b>2.3. Other media content</b>	Chapter 4 Section 21 Act on Television and Radio Operations	R, TV	Advertising and teleshopping shall be readily recognizable.
	Chapter 4 Section 26 Act on Television and Radio Operations	R, TV	Sponsorship may not influence scheduling or content choice so as to affect the broadcaster's responsibility for programming.
	Section 19 Guidelines for Journalists	P, AAVM	Advertising and editorial content must be clearly separated.
<b>2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)</b>			Media are free to recruit labour force, e.g. there is no journalist-diploma system or contract between employer and unions that obliges media to recruit students with degree in journalism.
<b>2.5. Consultative programming structure for participation of the public/citizens to media</b> (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, "Société des rédacteurs")	YLE Policy on services for minorities and special groups		YLE's Steering Group for Gender Equality and Diversity Work shall create a framework for YLE's dialogue with immigrants, the disabled and national language minorities.

**TABLE 3. Cultural pluralism**

Measure	Source	Scope of application	Key features
<b>3.1. Structural rules</b> (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)			
3.1.1. Special representation requirements in media company structures			
3.1.2. Special representation requirements in media advisory bodies			
3.1.3. Legal or policy measures either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)			
<b>3.2. Representation of the various cultural groupings in the media</b>			
3.2.1. Access to airtime for cultural groupings			
3.2.2. Content obligations			
<p><i>Note: The content requirements of national commercial TV channels in their operating licences are identical and based on the Act on TV and Radio Operations. Their operating licences for digital operations state that different population groups shall be taken into account. Cultural policy aspects must be taken into consideration in the programming that shall promote Finnish audiovisual culture. Programmes shall be qualitative, comprehensive and include news, current affairs and entertainment. Good journalistic practice shall be observed.</i></p> <p><i>Note: In an evaluation report (2008) by the Ministry of TC, the operators in the radio and television sector doubted somewhat whether the regulations that are in place to safeguard the diversity of programme offers and meet the needs of the special audience groups genuinely steer the choices made by the operators.</i></p>			
3.2.2.1. Promotion of European works	Chapter 3 Section 16 Act on Television and Radio Operations	TV	Majority of annual transmission time shall be reserved for European works. This requirement does not apply to local broadcasting and transmissions not received outside Finland.
	Government Decree on Television and Radio Operations	TV	Defines the notion of European works for purposes of the Act on Television and Radio Operations.
3.2.2.2. Promotion of European independent works	Chapter 3 Section 17 Act on Television and Radio Operations	TV	15% of transmission time or 15% of programme budget shall be reserved for works by independent producers. 50% must be less than five years of age. This requirement does not apply to local broadcasting and transmissions not received outside Finland.
3.2.2.3. Promotion of national/regional works	Chapter 3 Section 7 Act on Yleisradio Ab	R, TV	The PSB shall produce, create and develop Finnish culture, art and inspiring entertainment.
3.2.2.4. Language requirements	Chapter 3 Section 7 Act on Yleisradio Ab; YLE Policy on services for	R, TV	The PSB shall produce programming catering both to Swedish- and Finnish-speaking

	minorities and special groups		language groups, and treat these equally.
3.2.3. Representation of minorities in the media (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	Chapter 3 Section 7 Act on Yleisradio Ab; YLE Policy on services for minorities and special groups	R, TV	The PSB shall produce programming in Sami and Roma languages, and in that of other language groups in the country, where applicable. It shall support tolerance and multiculturalism and provide programming for minority and special groups. YLE in particular commits itself to enhancing representation in entertainment and children’s programmes.
3.2.4. Subsidies (apart from general PSB funding)	Legal basis could not be identified; information taken from Committee website at <a href="http://www.tjnk.fi/sve">www.tjnk.fi/sve</a>	R, TV, P	The Committee for Public Information awards grants for the dissemination of information and knowledge products. Furthermore, stipends are offered to producers that allow for recipients to immerse themselves in the production process on a full-time basis for half a year.
	Section 1 Act on the Promotion of Film Art		Expenses included in the state budget may be dispensed towards the production of films and other audiovisual works as well as towards other activities promoting film culture.
	Section 6 Finnish Film Foundation Support Guidelines		The Finnish Film Foundation organizes film education activities for professionals, notably in the field of digital film distribution.
	Sections 3, 5 Press Subsidy Ordinance		Political parties are entitled to receive a share of the amount of dedicated funding on the state budget for press subsidies that they can freely allot to a newspaper of their choice.
<b>3.3. Accessibility</b> (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)	Section 10 Act on Television and Radio Operations	R, TV	When announcing broadcast licences, the authority responsible shall take into consideration the needs of special groups of the public. It may also impose conditions on the licensee that are designed to cater to the needs of those groups.
	Chapter 3 Section 7 Act on Yleisradio Ab	R, TV	The PSB shall make available programming in sign language, and programming that meets the needs of minority and special groups.
	Section 2 Act on the Library for the Visually Impaired		The Library for the Visually Impaired shall produce and rent audio- and Braille books as well as electronic and other specialist material; produce materials for all levels of the educational system; sell materials that it has produced and provide guidance to its customers.
	YLE Policy on services for minorities and special groups		The company seeks to improve access to and usage of already existing services by different groups, especially by the disabled.

**TABLE 4. Political pluralism**

Measure	Source	Scope of application	Key features
<b>4.1. Structural rules</b> (relating to the organization and structures of media companies/advisory bodies)			
4.1.1. Restrictions to politicians’ ownership/control of media (avoid one dominating voice)			
4.1.2. Requirements of independence from political parties / politicians			
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies			
4.1.4. Representation requirements in media companies’ bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators			
<b>4.2. Content rules (relating to media programmes, press articles, other content)</b>			
4.2.1. Equal/proportionate access to media for political groupings			
4.2.2. Government announcements	Chapter 2 Section 15 a Act on Television and Radio Operations	R, TV	Licensed radio and television broadcasters are required to broadcast to the general public information at the request of public authorities free of charge if this is necessary for the protection of human life, property or public order.
	Chapter 2 Section 7 Act on the Exercise of Freedom of Expression in the Mass Media	P, AAVM	Publishers and broadcasters are required to relay free of charge official announcements necessary to protect human life, significant property or environmental interests, or for other comparably important reasons.
	Chapter 3 Section 7 Act on Yleisradio Ab	R, TV	The PSB shall broadcast official announcements.
4.2.3. Impartiality obligations			
4.2.4. Fair representation of political viewpoints; special rules in election periods	Section 10 Act on Political Parties	R, TV	State authority, whether exercised by state bodies or through institutions controlled by the state, shall treat all parties equally. In applying this principle during election periods, the PSB may also take into consideration programming dispositions.
4.2.5. Advertising for political and religious organizations			

**TABLE 5. Geographical pluralism**

Measure	Source	Scope of application	Key features
5.1. Licensing policy fostering local/regional types of media			
5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)			
<i>Note: The geographical coverage of the multiplexes in digital TV is not fully equal.</i>			
5.3. Content obligations: requirements to cover local events, etc.			
5.4. Regional State Aids			
5.5. Rules on national minorities	Chapter 3 Section 7 Act on Yleisradio Ab	R, TV	YLE shall support tolerance and multiculturalism and provide programming for minority and special groups.
	YLE Policy on services for minorities and special groups		YLE’s Steering Group of Gender Equality and Diversity Work work to establish a dialogue with national language minorities.
5.6. Rules on social inclusion of remote areas (Aménagement du territoire)			

**TABLE 6. Pluralism of ownership/control**

Measure	Source	Scope of application	Key features
6.1. Sector specific rules limiting media ownership			
6.1.1. Moment of intervention			
6.1.1.1. <i>At moment of market entry (licensing procedure)</i>			
6.1.1.2. <i>At the moment of mergers &amp; acquisitions</i>			
6.1.1.3. <i>Other (constant monitoring/supervision)</i>			
6.1.2. Scope ( <i>i.e.</i> trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. <i>Monomedia</i>			
6.1.2.2. <i>Crossmedia</i>			
6.1.2.3. <i>Vertical integration with networks</i>			
6.1.2.4. <i>Integration with advertising sector</i>			
6.1.2.5. <i>Integration with other (e.g. energy) sectors</i>			
6.1.2.6. <i>Control over both commercial and public media</i>			
6.1.3. Criteria used to define thresholds for maximum ownership and/or control			
6.1.3.1. <i>Number of licences</i>			
6.1.3.2. <i>Market shares</i>			
6.1.3.3. <i>Circulation and audience shares</i>			
6.1.3.4. <i>Capital shares</i>			
6.1.3.5. <i>Voting shares</i>			
6.1.3.6. <i>Advertising revenues</i>			
6.1.3.7. <i>Involvement in number of media sectors</i>			
<b>6.2. Sector specific rules preventing cooperation between media companies</b>			
<b>6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership</b>	Sections 1+2 Act on the Monitoring of Foreigners' Corporate Acquisitions in Finland		Where an important national interest is at stake, the transfer to foreigners or to foreign legal persons of control in a major company may be restricted. An important national interest comprises, inter alia, the prevention of lasting economic, social or environmental sectoral or geographic problems, and the safeguarding of public order and the population's health and safety.
<b>6.4. General competition rules</b>			
6.4.1. Antitrust			
6.4.1.1. <i>Specific provisions for media sectors (e.g. public</i>			

<i>interest test...</i>			
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)			
6.4.2. Merger control			
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)			
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)			
<b>6.5. Transparency obligations</b>			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	Chapter 2 Section 5 Act on the Exercise of Freedom of Expression in the Mass Media	P, AAVM	Obligation for publishers and broadcasters to identify themselves as well as their responsible editors. Where multiple responsible editors have been assigned, their relative responsibility shall be made clear. Everyone has a right to be informed of the identity of the editor responsible.
<i>Note: The name of the responsible editor shall be printed or otherwise clearly announced in every issue, programme or publication, with the note “Responsible Editor”. This editor will represent the media in the court. The other editors may be responsible e.g. for news, sports, or editorials. Similarly, in the broadcasting companies the name of responsible editors of the programmes shall be on view for consumers in the entrance hall of the company.</i>			
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	Chapter 2 Section 7b Act on Television and Radio Operations i.c.w. Chapter 2 Section 15 Act on Television and Radio Operations	R, TV	The uptake of broadcasting activity has to be notified to the Finnish Communications Regulatory Authority. The notification has to include information concerning the name, business name, and contact information of the broadcaster and its representative, and the former’s domicile; the transmission area; the programmes offered or planned; and availability of programme recordings to the public.
	Chapter 2 Section 13 Act on Television and Radio Operations	R, TV	If effective control of a licence holder changes, the licensing Authority may accept the change or revoke the licence (Subsection 2). Any transfer of a licence or change in the effective control of a licensee must be immediately notified to the licensing authority (Subsection 3). Licence changes between a parent and a wholly owned subsidiary do not need to be nullified, but have to be immediately notified (Subsection 6).
	Chapter 7 Section 41 Act on Television and Radio Operations	R, TV	Ministry of Communications and FICORA are authorized to demand information from radio and television operators as are necessary for fulfilling their functions under the Act
	Chapter 5 Section 32 Act on the State Television and Radio Fund	R, TV	FICORA is authorized to request information from broadcast licensees notably concerning the turnover generated by their activities and audit their accounts in order to be able to determine the licence fee payable

**TABLE 7. Pluralism of media types and genres**

Measure	Source	Scope of application	Key features
<b>7.1. Minimum service in a number of programme strands for commercial / community / public service media</b>			
7.1bis. Special framework for community media ( <i>medias associatives</i> ): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc			
<b>7.2. Events list</b> (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	Chapter 3 Section 20 Act on Television and Radio Operations; OJ L 180, 10.7.2007, p. 38.	TV	Government may designate a list of events of major importance to society which must be available to at least 90 percent of society without extra cost. The list comprises only sports events, a limited number of which has to be made available as live coverage for the full duration of the event.
<b>7.3. Short news reporting</b>			
<b>7.4. Fixed book price</b>	N/a		
<b>7.5. Public service media</b>			
7.5.1. Structural rules – ORGANIZATION	Chapter 1 Section 2 Act on Yleisradio Ab	R, TV	State shall own the equivalent of at least 70% of the capital and a corresponding amount of shares.
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)			
7.5.1.2. Election of management, composition of board members...(government? Parliament? Other?)	Chapter 2 Section 5 Act on Yleisradio Ab	R, TV	Administrative Council consists of 21 members elected by Parliament that elect a chair and a vice-chair from among themselves.
7.5.1.3. Specific representation requirements for board of directors, other bodies	Chapter 2 Section 5 Act on Yleisradio Ab	R, TV	The Administrative Council shall include representatives from the fields of science, art, education, business and economics, as well as representatives of different social and language groups.
	Chapter 2 Section 6a Act on Yleisradio Ab	R, TV	The Board of Directors shall comprise a minimum of five and a maximum of eight members, which shall represent both language groups.
<i>Note: The Board's powers corresponds to the tasks of the Board defined in Companies Act (734/1978)</i>			
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings			
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings	YLE Policy on services for minorities and special groups		The company subscribes to developing the enterprise as a multicultural and equal opportunities workplace.
7.5.2. Structural rules – Funding			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	Section 5 Act on the State Television and Radio Fund	R, TV	Assets of the State Television and Radio Fund, managed by the Finnish Communications Authority, shall be used to finance the operations of the Finnish Broadcasting Company Ltd. (YLE)

	Chapter 5 Section 12 Act on Yleisradio Ab	R, TV	YLE is barred from screening advertising in connection with radio and television programmes that are provided within the public service remit of its activities.
7.5.2.2. <i>Sufficiency of resources (taking into account the missions and new media activities)</i>			
7.5.3. Definition of public service remit			
7.5.3.1. <i>Obligation to provide a varied and pluralistic offer</i>	Chapter 3 Section 7 Act on Yleisradio Ab	AAVM	YLE is to provide comprehensive television and radio programming with related additional and extra services for all citizens under equal conditions. It may deliver these services on all telecommunications networks..
7.5.3.2. <i>Obligation to engage in new media activities</i>			
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			
7.5.5. Universal coverage obligations			

**TABLE 8. Distribution (networks/network facilities/print distribution)**

Measure	Source	Scope of application	Key features
<b>8.1. Guarantees for 'public contents' to be distributed (must carry or other)</b>	Chapter 14 Section 134 Communications Market Act		Telecommunications operators providing network services in a cable television network must carry, free of charge, public service television and radio that are freely receivable in the municipality concerned including supplementary and ancillary services as well as programmes transmitted under a national programming licence. This obligation may be derogated from where the operator needs the capacity for its own television or radio operations, or if is needed to cover future needs of the operator in this respect.
<b>8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)</b>			
<b>8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission</b>			
8.3.1. Implementation of market analysis procedure in ECNS Directives			
8.3.2. Result of (first) round of market analysis of market 18			
<b>8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'</b>			
8.4.1. Conditional access			
8.4.2. EPG (or other search tools)	Section 31 Communications Market Act		A telecommunications operator with significant market power may be required to relinquish access rights to an EPG to digital television or radio to other telecommunications operators.
8.4.3. API	Section 32 Communications Market Act		A telecommunications operator with significant market power may be required to relinquish access rights to a programming interface for digital television or radio to telecommunications operators.
8.4.4. Other	Section 68 Communications Market Act		The terms of an agreement on a telephone network subscriber connection and any Other agreement on receiving a communications service may not restrict the user's right to choose a content service provider.
<b>8.5. Interoperability requirements</b>			
<b>8.6. Specific rules for distribution systems in print media</b>	Section 4 Press Subsidy Ordinance	N	Newspapers can receive a distribution subsidy only following an audit of its circulation figures and if the share of copies distributed free of charge does not exceed 30 percent of the number of subscription copies.
<b>8.7. General competition law</b>			

<b>8.8. Policies fostering distribution systems (libraries, broadband networks...)</b>	Legal basis could not be identified; information taken from Committee website at <a href="http://www.tjnk.fi/sve">www.tjnk.fi/sve</a>	B	The Public Information Committee administers a support scheme for the distribution of quality literature (both fiction and non-fiction) to public libraries. Libraries receive support to acquire works from a list of publications in small-scale distribution.
<b>8.9. State Aids to distribution platforms and/or schemes</b> (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National )	Section 1 Act on the Promotion of Film Art		Expenses included in the state budget may be used to finance the distribution of films and other audiovisual works.

**TABLE 9. Supervision**

Measure	Source	Scope of application	Key features
<b>9.1. National Regulatory Authority</b>			The Finnish Communications Regulatory Authority FICORA ( <a href="http://www.ficora.fi">http://www.ficora.fi</a> )
	Chapter 5 Section 34 Act on Television and Radio Operations	R, TV	The Ministry of Transport & Communications shall be responsible for the development of radio and TV broadcasting.
	Chapter 5 Section 35 Act on Television and Radio Operations	R, TV	The Finnish Communications Regulatory Authority shall be responsible for ensuring compliance with the Act on Television and Radio Operations; insofar responsibilities have not been awarded to the Consumer Ombudsman (ethical principles of advertising; protection of minors in advertising).
9.1.1. Structure/ organisation	Section 2 Decree on Communications Administration		The FICORA is led by a Director-General who decides on the internal organisation of the Authority. In practice, the Authority is divided into seven profit areas and a division for international affairs and development under the direct leadership of the Director-General.
9.1.1.1. <i>Guarantees for independence</i>	Section 2 Decree on Communications Administration		Ability to determine internal organisation independently from line ministry.
9.1.1.2. <i>Representation requirements</i>			
9.1.2. Credibility and efficiency			
9.1.2.1. <i>Sufficient resources</i>			
9.1.2.2. <i>Tasks and duties</i>	Chapter 5 Section 35 Act on Television and Radio Operations	R, TV	The Finnish Communications Regulatory Authority (FICORA) shall be responsible for ensuring compliance with the Act on Television and Radio Operations, insofar responsibilities have not been awarded to the Consumer Ombudsman (ethical principles of advertising; protection of minors in advertising).
9.1.2.3. <i>Effective sanctioning powers</i>	Chapter 6 Section 36 Act on Television and Radio Operations	R, TV	Failure to comply with the Communications Market Act is punishable by a conditional fine, if a reminder from the Authority to rectify the countervailing behaviour has not been acted upon..
	Chapter 6 Section 36a Act on Television and Radio Operations	R, TV	Failure to comply with programming and advertising standards is punishable by a penalty payment. The penalties are determined by the Market Court following a proposal by FICORA.
	Chapter 6 Section 37 Act on Television and Radio Operations	R, TV	Licences may be suspended or revoked for recurrent violation of the provisions of the Act on Television and Radio Operations or resource limitations.
	Chapter 6 Section 38 Act on Television and Radio Operations	R, TV	Retransmission of foreign broadcasts may be suspended where these constitute a violation of the Penal Code or bring harm to children.
	Chapter 6 Section 39 Act on Television and Radio Operations	R, TV	Unauthorized broadcasting activity can be sanctioned by award of a fine or imprisonment.
9.1.3. Cooperation with other regulators	Chapter 12 Section 120 Communications Market Act		The Ministry of Transport and Communications and the FICORA shall cooperate with the competition and consumer protection authorities whenever necessary.
<b>9.2. Press Council</b>			

9.2.1. Broad representation of sector	Section 5 Charter of the Council for Mass Media (the 'Basic Agreement')	P, AAVM	The Council for Mass Media consists of the president and nine members, six of which represent expertise in the mass media and three the general public. The Chair and the three members representing the general public are appointed by the Council itself, the others are elected by the organisations.
9.2.2. Sufficient resources			
9.2.3. Credibility			Those signed the agreement commit themselves to exert influence to the effect that their members and those in their service shall function in a manner befitting this contract.
<b>9.3. Competition Authority</b>			Finnish Competition Authority ( <a href="http://www.kilpailuvirasto.fi/cgi-bin/suomi.cgi">http://www.kilpailuvirasto.fi/cgi-bin/suomi.cgi</a> )
	Section 1 Act on the Finnish Competition Authority		The Finnish Competition Authority shall be located under the administrative domain of the Ministry of Trade and Industry (now Ministry of Employment and the Economy).
	Section 1 Act on the Competition Council		The Competition Council shall be located under the administrative domain of the Ministry of Trade and Industry (now Ministry of Employment and the Economy).
9.3.1. Structure/ organization: Does the NCA face any functional limitations that might negatively affect media pluralism? The decisions are often compromises, it could be to imagine to happen.	Relevant decree could not be identified.		Rules on the organisation of the Authority have been laid down by Decree; cf. Section 4 Act on the Finnish Competition Authority.
	Section 2 Act on the Competition Council		The Competition Council comprises a chair, a vice-chair and seven other members. They are appointed by the President following a proposal by the State Council.
9.3.2. Cooperation with other regulators			

### Short summary of major implementation problems

1) Frequency allocation for commercial radio stations (Communications Market Act) because concessions are granted for a fixed period, 2) Funding system of PSB (YLE needs a compensation for ceasing the operation licence fee by the commercial television companies after the switchover to digital transmissions on September 2007. Public discussion: should the television fee be replaced by funding through taxes? A parliamentary committee will work out the financing problems of YLE in autumn 2008.) 3) The press subsidy system (regular political discussion) 4) After the start of digital television in Sept. 2007, commercial companies have got new possibilities for operations and some market competition problems have reduced 5) The Åland Islands have their own broadcasting legislation (cf. The Autonomy Act of Åland, of Jan 1 1993. The population is mainly Swedish-speaking and 0.5% of total population.) This involves a potential for the fragmentation of the regulatory environment that inhibits uniform standards of service provision.