

[FI] Supreme Administrative Court upholds regulatory assessment of radio-transmission prices

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On 3 July 2026, the Finnish Supreme Administrative Court (*Korkein hallinto-oikeus* - SAC) dismissed Bauer Media Oy's appeal concerning the Finnish Transport and Communications Agency Traficom's assessment of Digita Oy's wholesale radio-transmission prices.

Digita had been designated an undertaking with significant market power and was required to base its wholesale radio-transmission charges on an efficient operator's costs. The obligations covered radio antenna-capacity rental at main transmitter stations, ancillary functions and transmission services. In its decision of 17 October 2024, Traficom found the antenna-capacity pricing to be cost-oriented, except for 15 combinations of antenna capacity and effective radiated-power class. It also found backup-power pricing at seven stations not to be cost-oriented. Bauer challenged the finding that the remaining pricing complied and sought reassessment.

SAC examined the assessment under section 71 of the Act on Electronic Communications Services, including how Traficom calculated the building space and construction costs attributable to an efficient operator.

The Court accepted Traficom's use of Digita's infrastructure as a benchmark, adjusted for the reduced space needed by a digital and partly unmanned network. The calculation did not have to follow the stations' importance classifications or the space physically occupied by equipment. In the absence of comparable market data, the agency could also use average replacement costs adjusted by the construction-cost index.

SAC further found that Traficom had adequately investigated and reasoned its decision. Although commercially sensitive detail had been withheld, the decision and its public material described the assessment method, relevant cost factors and values sufficiently for Bauer to assess its legality. The Court dismissed Bauer's appeal and its claim for legal costs.

Supreme Administrative Court judgment of 3 July 2026, No. 1850, on radio antenna-capacity rental and radio-transmission pricing

