[FI] New Legislation on the Communications Market

IRIS 2003-7:1/30

Marina Österlund-Karinkanta
Finnish Broadcasting Company YLE, EU and Media Unit

On 23 May 2003, a package of new acts relating to legislation on the communications market was ratified. The changes included the Viestintämarkkinalaki (Communications Market Act), the Laki televisio- ja radiotoiminnasta annetun lain muuttamisesta (Act on the amendment of the Act on Television and Radio Operations), the Laki valtion televisio- ja radiorahastosta annetun lain muuttamisesta (Act on the amendment of the Act on the State Television and Radio Fund) and the Laki Yleisradio Oy:stä annetun lain muuttamisesta (Act on the amendment of the Act on the Finnish Broadcasting Company). Technical changes were also made to, inter alia, the Laki viestintähallinnosta (Act on Communications Administration), the Radiolaki (Radio Act), the Tekijänoikeuslaki (Copyright Act) and the Laki yksityisyyden suojasta televiestinnässä ja teletoiminnan tietoturvasta (Act on the Protection of Privacy and Data Security in Telecommunications) . The acts will enter into force on 25 July 2003.

The changes represent the second phase of the reform of legislation relating to the communications market in Finland (for a report of the first phase of the reform see IRIS 2002-7: 10). By means of these changes the EU regulatory framework for all electronic communications is implemented into Finnish legislation and the legislation on the communications market is brought to a level that corresponds to the requirements of the new Constitution.

The most important changes that directly affect the audio-visual sector are described below.

The must carry rules that apply to telecommunications companies which supply network services in cable television networks were altered and transferred from the Act on Television and Radio Operations to the Communications Market Act. As of 25 July 2003, cable operators are obliged to distribute without charge the public service programmes of the Finnish Broadcasting Company YLE, including special and additional services (special services refer to, for example, services for disabled persons and additional services to, for example, additional programme-related information and superteletext). Cable operators are also obliged to distribute without charge the television and radio channels provided on the basis of national programme operating licences including information, advertising and services relating to the programming. The above applies unless it would require

© European Audiovisual Observatory (Council of Europe) 2026

expensive improvements to the network (e.g. digitalisation). Free-to-air programming must be provided to households without charge (except for a reasonable fee for maintenance of the network). Programmes and services shall be distributed unchanged and simultaneously with the original transmission. This means, for instance, that a cable operator is prohibited from changing a digital signal to an analogue transmission.

Changes in the Act on Television and Radio Operations include the following:

- The Act does not apply to networks with fewer than 2000 connections (previously 250); the Finnish Communications Regulatory Authority (FICORA) shall grant short-term or small-scale programme operating licences.

- Regular programme operations must be launched within six months after an operating licence has come into force.

- In connection with events of major importance for society, a substantial proportion of the public means 90%. The list of these events, if required, is decided by the Government, and if television companies cannot between themselves resolve how unused exclusive transmission rights to these events are to be transferred to another company, then FICORA can be asked to decide the amount of the remuneration.

Changes in the Act on YLE include that YLE's Administrative Council (elected by Parliament) shall each year submit a report on the company's activity to Parliament. Also, YLE's operative management shall each year submit a report on the company's public services during the past year to FICORA. FICORA shall give a statement about this report to the Government.

-

http://www.finlex.fi

Acts No. 393/2003, 394/2003, 395/2003, 396/2003, 397/2003, 399/2003, 398/2003 and 401/2003 of 23 May 2003

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026