[FI] Entry into Force of the New Information Society Code

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Finland has undergone a comprehensive legislative reform in the field of electronic media and communications. The new Information Society Code (Tietoyhteiskuntakaari 917/2014) was enacted by Parliament in late 2014. To a large extent, the Code entered into force at the beginning of 2015. Some provisions of previous acts, however, have an extended applicability, while some provisions of the new Code will remain in force for a limited time (§ 351).

The Code codifies and repeals acts such as the Communications Market Act (393/2003), the Act on Television and Radio Operations (744/1998), the Act on Radio Frequencies and Telecommunications Equipment (1015/2001), the Domain Name Act (228/2003), the Act on the Provision Of Information Society Services (458/2002) (the so called e-Commerce Act), as well as the Act on the Protection of Privacy in Electronic Communications (516/2004). The Domain Name Act will continue to be applicable until 4 September 2016. The Finnish Communications Regulatory Authority (FICORA) will continue to maintain the registry for domain names, but an intermediary service provider will act as intermediary between companies and FICORA.

On the one hand, the Information Society Code functions as a codification of previous legislation and many of its provisions correspond to the previously existing ones. On the other hand, major amendments were also introduced. The licensing system in the field of broadcasting was reformed in order to adapt to the contemporary technological and economic environment. This means that competitive tendering is emphasised, while the administration of licences is simplified, especially in cases where there is no scarcity of frequencies and FICORA has a greater role. Most television operating licences for the antenna network will expire by 2017 and frequency bands are reserved for wireless broadband.

The Code also includes a new concept of a “communications provider”, which refers to the party conveying electronic communications for purposes other than personal or private. It was considered appropriate to extend the provisions on confidentiality and the protection of privacy to cover all intermediaries in electronic communication.

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From a consumer perspective, regulation was enhanced in particular by the joint responsibility of the telecommunications operator, service provider and the seller, now resembling the system applied in the field of credit cards. This provision enters into force on 1 July 2015. Moreover, a detailed provision on net neutrality is included in the Information Society Code.

As regards significant market power, the reforms aim to establish efficient prior price control. Finally, the “must carry” obligation for content other than public service is subject to a fixed term and will remain in force until the end of 2016.

Tietoyhteiskuntakaari, 7.11.2014/917

https://www.finlex.fi/fi/laki/kaannokset/2014/en20140917.pdf

Information Society Code, 7.11.2014/917

Hallituksen esitys eduskunnalle tietoyhteiskuntakaareksi sekä laeiksi maankäyttö- ja rakennuslain 161 §:n ja rikoslain 38 luvun 8 b §:n muuttamisesta

http://www.eduskunta.fi/valtiopaivaasiat/he+221/2013

HE 221/2013 vp: Government proposal on the Information Society Code and Acts amending Section 161 of the Land Use and Building Act and Section 8b of Chapter 38 of the Criminal Code

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