[FI] Several amendments to the legislation on electronic media

IRIS 2018-3:1/11

Anette Alén-Savikko
University of Helsinki

On 12 January 2018, amendments to the Information Society Code (see IRIS 2015-3/11) were enacted which enter into force on 1 June 2018. Firstly, the Code will be renamed the Act on Electronic Communications Services (ECSA). Secondly, among the core amendments, the provisions on the issuance of programme licences will include new conditions for granting and withdrawing such licences. Alongside previous conditions, the Finnish Communication Regulatory Authority (FICORA) must grant the licence should there not be a manifest reason to suspect that the applicant will violate Section 6 on age limits, pursuant to the Act on Audiovisual Programmes or commit an act of incitement to hatred, pursuant to Sections 10-10a of Chapter 11 of the Criminal Code (§ 25 ECSA). Similarly, in addition to previously existing conditions, the licence may be withdrawn in cases where the licence holder repeatedly and gravely violates section 62(2)(1) of the Lotteries Act on the marketing of gaming activities or section 6 on age limits, pursuant to the Act on Audiovisual Programmes (§ 32 ECSA). A condition concerning incitement to hatred had been included earlier. With the new act, such a condition is also included in the provisions on granting a licence for analogue radio activity (§ 36).

Thirdly, the act brings about changes in the supervision fees for broadcasting. The fee for the national public service broadcaster, Yleisradio, has been raised owing to the increase in supervision tasks (from EUR 165,000 to EUR 220,000), whereas the fee for commercial broadcasters has been lowered (from EUR 16,000 to 14,000; from EUR 800 to 600; from EUR 8000 to 6000) (§ 294 ECSA).

Fourthly, radio advertising will have no time limits, but must still be separated from radio programmes (§ 223 ECSA). Fifthly, the obligation to attach audio and text services to television programming is formulated wider than before. The newly enacted provisions place the duty on public service programming as well as on programming transmitted pursuant to a nationwide programme licence which cater for several groups of the public. More detailed provisions will be laid down by a Decree (technique, costs, programming catering for several groups of the public) (§ 211 ECSA). Lastly, the provisions on quotas for European works have been amended so that broadcasters must now reserve only a major part of their annual free-to-air broadcasting time for such works (§ 209(1) ECSA). Pay-TV is thus no longer included. Moreover, should a broadcaster’s programming not reach the required proportion of programming it must report to FICORA on the issue

© European Audiovisual Observatory (Council of Europe) 2026

and, upon request, submit a plan for achieving the goal (§ 209(2)). According to the bill (HE 82/2017 vp), broadcasters have had difficulties in meeting the previously existing demands, and more flexibility is needed.

The amendments proposed in the bill were amended during the legislative process. Importantly, the Constitutional Law Committee found some of the proposed changes unacceptable or in need of adjustment, such as proposed changes regarding conditions for the granting of licences under the Lotteries Act and the breadth of discretion in deciding whether to refuse to grant a programme licence in the absence of a high enough threshold for the assessment. All in all, the Committee pointed to the problems around content-related provisions with regard to licensing.

Laki tietoyhteiskuntakaaren muuttamisesta

https://www.finlex.fi/fi/laki/alkup/2018/20180068

Act on amending the Information Society Code 68/2018, 12 January 2018

Hallituksen esitys eduskunnalle laiksi tietoyhteiskuntakaaren muuttamisesta

https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_82+2017.pdf

Government bill for act amending the Information Society Code (HE 82/2017 vp)

Perustuslakivaliokunnan lausunto hallituksen esitys eduskunnalle laiksi tietoyhteiskuntakaaren muuttamisesta

https://www.eduskunta.fi/FI/vaski/Lausunto/Documents/PeVL_40+2017.pdf

Statement of the Constitutional Law Committee on the Government bill for act amending the Information Society Code (PeVL 40/2017 vp, 19 October 2017)

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026