



## 4.11. FI – Finland – National legal summary<sup>215</sup>

### 4.11.1. Applicable regulatory framework

Relevant legislation includes the following:

Primary legislation:

- *Laki sähköisen viestinnän palveluista*, 917/2014<sup>216</sup> (Act on Electronic Communications Services)<sup>217</sup>
- *Kuluttajansuojalaki* 38/1978<sup>218</sup> (Consumer Protection Act)<sup>219</sup>
- *Laki sopimattomasta menettelystä elinkeinotoiminnassa*, 1061/1978<sup>220</sup> (Unfair Business Practices Act)<sup>221</sup>
- *Alkoholilaki* 1102/2017<sup>222</sup> (Alcohol Act)
- *Tupakkalaki* 549/2016<sup>223</sup> (Tobacco Act)<sup>224</sup>
- *Lääkelaki* 395/1987<sup>225</sup> (Medicines Act)<sup>226</sup>
- *Arpajaislaki* 1047/2001<sup>227</sup> (Lotteries Act)<sup>228</sup>
- *Kuvaohjelmalaki* 710/2011<sup>229</sup> (Act on Audiovisual Programmes)<sup>230</sup>

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<sup>215</sup> The factsheet on Finland incorporates feedback received from Inkeri Lindeman, Legal Counsel at the Finnish Transport and Communications Agency (Traficom) during the checking round with the national regulatory authorities.

<sup>216</sup> <https://finlex.fi/fi/laki/ajantasa/2014/20140917>.

<sup>217</sup> <https://finlex.fi/en/laki/kaannokset/2014/en20140917.pdf>.

Information on sections related to sponsorship and product placement in English:

<https://www.traficom.fi/en/communications/tv-other-audiovisual-services-and-radio/marketing-sponsorship-and-product-placement>.

<sup>218</sup> <https://finlex.fi/fi/laki/ajantasa/1978/19780038>.

<sup>219</sup> Unofficial English translation:

[https://finlex.fi/en/laki/kaannokset/1978/en19780038\\_20050029.pdf](https://finlex.fi/en/laki/kaannokset/1978/en19780038_20050029.pdf).

<sup>220</sup> <https://www.finlex.fi/fi/laki/ajantasa/1978/19781061>.

<sup>221</sup> Unofficial English translation:

[https://www.finlex.fi/en/laki/kaannokset/1978/en19781061\\_20020461.pdf](https://www.finlex.fi/en/laki/kaannokset/1978/en19781061_20020461.pdf).

<sup>222</sup> <https://www.finlex.fi/fi/laki/ajantasa/2017/20171102>.

<sup>223</sup> <https://www.finlex.fi/fi/laki/ajantasa/2016/20160549>.

<sup>224</sup> [https://www.finlex.fi/en/laki/kaannokset/2016/en20160549\\_20161374.pdf](https://www.finlex.fi/en/laki/kaannokset/2016/en20160549_20161374.pdf).

<sup>225</sup> <https://www.finlex.fi/fi/laki/ajantasa/1987/19870395>.

<sup>226</sup> Unofficial English translation:

[https://www.fimea.fi/documents/160140/765540/18580\\_Laakelaki\\_englanniksi\\_paivitetty\\_5\\_2011.pdf](https://www.fimea.fi/documents/160140/765540/18580_Laakelaki_englanniksi_paivitetty_5_2011.pdf)

<sup>227</sup> <https://finlex.fi/fi/laki/ajantasa/2001/20011047>.

<sup>228</sup> <https://finlex.fi/en/laki/kaannokset/2001/en20011047.pdf>.

<sup>229</sup> <https://finlex.fi/fi/laki/ajantasa/2011/20110710>.

<sup>230</sup> Unofficial English translation: <https://finlex.fi/en/laki/kaannokset/2011/en20110710.pdf>.



Secondary legislation:

- Valtioneuvoston asetus kuluttajien kannalta sopimattomasta menettelystä markkinoinnissa ja asiakassuhteissa, 601/2008<sup>231</sup> (Government Decree on Unfair Practices in Consumer Marketing and Customer Relationships)

Other (legally non-binding)

- *Konkurrens och konsumentverket Identifierbar reklam*<sup>232</sup> Finnish Competition and Consumer Authority guidelines on identifiability of advertising<sup>233</sup>
- Liikenne- ja viestintäviraston ohje mainonnan kestosta ja sijoittelusta sekä tuotesijoittelusta ilmoittamisesta ja sponseritunnisteiden sisällöstä<sup>234</sup> (Traficom guidelines on the duration and insertion of advertising spots, informing the audience of product placement and the content of sponsorship announcements)

## 4.11.2. Definitions and restrictions regarding commercial communications

This section aims at identifying the relevant definitions related to commercial communications stemming from current laws, rules and practices, as well as from ongoing reforms undertaken as part of the transposition and implementation of the revised AVMS Directive. Please note that this review includes definitions which are part of the revised AVMSD, inclusive of audiovisual commercial communications, advertising, surreptitious commercial communications, sponsorship and product placement, but also the definitions of supplementary and/or related concepts, such as the advertiser, sponsor and sponsored content, as well as misleading commercial communication, for the purpose of providing a comprehensive overview.

### 4.11.2.1. Definitions

**Table 37. Definition of the main concepts related to commercial communications**

Concept	Existence of a definition
Audiovisual commercial communications	Yes

<sup>231</sup> <https://www.finlex.fi/fi/laki/ajantasa/2008/20080601>.

<sup>232</sup> <https://www.kkv.fi/sv/konsumentarenden/marknadsforing-erbjudanden-och-pris/marknadsforing-samt-forfaranden-i-kundrelationer/identifierbar-reklam/>.

<sup>233</sup> <https://www.kkv.fi/en/consumer-affairs/marketing-sales-and-indicating-prices/marketing-and-practices-in-a-customer-relationship/identifiability-of-advertising/>.

<sup>234</sup> [https://www.traficom.fi/sites/default/files/media/regulation/Liikenne-ja\\_viestinta\\_viraston\\_ohje\\_mainonnan\\_kestosta\\_ja\\_sijoittelusta\\_sek%C3%A4\\_tuotesijoittelusta\\_ilmoittamisesta\\_ja\\_sponseritunnisteiden\\_sis%C3%A4ll%C3%B6st%C3%A4.pdf](https://www.traficom.fi/sites/default/files/media/regulation/Liikenne-ja_viestinta_viraston_ohje_mainonnan_kestosta_ja_sijoittelusta_sek%C3%A4_tuotesijoittelusta_ilmoittamisesta_ja_sponseritunnisteiden_sis%C3%A4ll%C3%B6st%C3%A4.pdf).



Television advertising	Yes.
Advertiser	No.
Surreptitious commercial communication	No.
Misleading commercial communication	Yes.
Virtual advertising	No.
Sponsorship	Yes.
Sponsor	No.
Sponsored content	Under the definition of sponsorship.
Product placement	Yes.

Source: Finnish response to European Audiovisual Observatory standardised survey

#### 4.11.2.1.1. Audiovisual commercial communications

There is no definition of audiovisual commercial communications, as they are covered under sponsorship, teleshopping and product placement definitions.

#### 4.11.2.1.2. Television advertising

There is no definition of television advertising, as it is also covered under sponsorship, teleshopping and product placement definitions.

#### 4.11.2.1.3. Advertiser

There is no definition of advertiser, as it is covered under sponsorship, teleshopping and product placement definitions.

#### 4.11.2.1.4. Surreptitious commercial communication

There is no definition of surreptitious commercial communications.

#### 4.11.2.1.5. Misleading commercial communication

The Consumer Protection Act, Chapter 2 Section 6, and the Government Decree on Unfair Practices in Consumer Marketing and Customer Relationships, Section 1, provide rules and prohibitions related to misleading commercial communication, as follows:

*Chapter 2 Section 6. Prohibition on providing false or misleading information  
No false or misleading information shall be given in marketing or in a customer relationship where the information is likely to lead to a consumer making a purchase decision or other decision relating to a consumer product which (s)he would not have made without the information provided.*



...

It further stipulates that the false or misleading information may relate to the existence and the characteristics of the consumer good, its origin, the price, etc.

Further, the Act on Electronic Communications Services in Section 203 provides rules on the identification of direct marketing:

*The recipient of an email, text, voice, sound or image message sent for the purpose of direct marketing as referred to in Sections 200 and 202 above shall be able to recognise such a message as marketing clearly and unambiguously.*

*It is prohibited to send such an email, text, voice, sound or image message intended for direct marketing that:*

- 1) disguises or conceals the identity of the sender on whose behalf the communication is made;*
- 2) is without a valid address to which the recipient may send a request that such communications be ended;*
- 3) solicits recipients to visit websites that contravene Chapter 2 of the Consumer Protection Act.*

Finally, the Code on Advertising Practice, Guidelines for Journalists,<sup>235</sup> Section 16 prohibits hidden advertising:

*There must be a clear demarcation kept between advertising and editorial content. Hidden advertising must be avoided.*

#### 4.11.2.1.6. Virtual advertising

There is no definition of virtual advertising, as all advertising rules (legal and self-regulatory ones) apply in a virtual environment as well.

#### 4.11.2.1.7. Sponsorship

Section 3, subsection 20 of the Act on Electronic Communications Services defines sponsorship as:

*the financing of an audiovisual content service, an audiovisual programme, radio programme or radio broadcasting, as well as any other financial support intended to promote the sale of the sponsor's goods or to promote its identity, provided that the sponsor is not engaged in the production of programmes or radio programmes or in the provision of content services or radio broadcasting*

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<sup>235</sup> Council for Mass Media, Guidelines for Journalists, [https://www.jsn.fi/en/guidelines\\_for\\_journalists/](https://www.jsn.fi/en/guidelines_for_journalists/).



#### 4.11.2.1.8. Sponsor

There is no definition of sponsor.

#### 4.11.2.1.9. Sponsored content

There is no definition of sponsored content.

#### 4.11.2.1.10. Product placement

Section 220 of the Act on Electronic Communications Services provide rules for product placement as follows:

*A product, service or trademark may be placed in an audiovisual programme for remuneration (product placement), with the exception of news and current affairs programmes, consumer affairs programmes, religious programmes and children's programmes.*

*Unremunerated provision of significant valued needs or a product prize for use in an audiovisual programme are also considered to constitute product placement. Such product placement may be used in non-children's programmes.*

#### 4.11.2.1.11. Other definitions

N/A.

### 4.11.2.2. Restrictions regarding commercial communications

The revised AVMSD introduces obligations for video-sharing platforms to, *inter alia*, respect certain requirements regarding commercial communications and this section aims at updating the information relative to these obligations and measures, as imposed under national legislation.

As a general note, it should be noted that the Act on Electronic Communications Services provides that the obligations apply to VSPs, together with relevant parts of the Consumer Protection Act, Tobacco Act, Alcohol Act and Medicines Act, which are detailed further below.

#### 4.11.2.2.1. Audiovisual commercial communications for alcoholic beverages and tobacco and tobacco-related products, including electronic cigarettes and refill containers

Alcohol Act, in Section 50 Marketing Regulation, provides restrictions on the marketing of alcohol:

*The marketing of strong alcoholic beverages is prohibited.*



*The marketing of a spirit drink and the marketing of a spirit drink in combination with the marketing of another product or service is prohibited if:*

- (1) it is directed at or depicts minors or other persons to whom the alcoholic beverage may not be sold under section 37;*
- 2) it associates the use of alcohol with driving a vehicle;*
- 3) it emphasises the alcoholic strength of the alcoholic beverage as a positive characteristic;*
- 4) it portrays heavy drinking in a positive light or sobriety or moderate drinking in a negative light;*
- 5) it portrays alcohol consumption as enhancing performance or promoting social or sexual success;*
- 6) it portrays alcohol as having medicinal or therapeutic properties or as a stimulant, a sedative or a means of resolving conflict;*
- (7) it is unfair, uses a practice which is unfair to the consumer or otherwise gives untrue or misleading information about alcohol, its use, effects or other properties;*
- 8) it is carried out in the context of television and radio broadcasting in accordance with the Electronic Communications Services Act (917/2014) between 7 a.m. and 10 p.m. or in the context of the public showing in a cinema of a visual programme for which the age limit is under 18 years in accordance with the Visual Programme Act (710/2011);*
- 9) it is performed or directed to the public in a public place within the meaning of the Public Order Act (612/2003);*
- 10) it uses consumer participation in a game, lottery or competition;*
- 11) its commercial operator uses verbal or visual content produced by consumers in a service of the information network it manages or makes verbal or visual content produced by it or by consumers available for distribution to consumers through the service.*

*By way of derogation from the provisions of subsection 1, it is allowed to market strong alcoholic beverages following the restrictions laid down in subsection 2:*

- 1) on premises where alcoholic beverages are produced or retailed and on licensed premises;*
- 2) in a printed retail or on-trade price list or a retail or on-trade price list presented in an information network or manufacturer's or wholesaler's product catalogue so that all beverages available to consumers are presented in a uniform manner; and*
- 3) to those involved in the sales of alcoholic beverages, but not in an information network open to consumers.*

*The prohibition laid down in subsection 2(9) does not apply to marketing mild alcoholic beverages with the restrictions laid down in subsection 2:*

- 1) at public events referred to in the Assembly Act (530/1999) and in places used for that purpose on a permanent basis;*
- 2) on board vessels used for international traffic;*
- 3) on retail sale premises and licensed premises;*
- 4) outside of retail sale premises and licensed premises in respect of information on the availability and prices of beverages.*

*Subsections 1 and 2 do not apply to the publication and programme operations, referred to in the Act on the Exercise of Freedom of Expression in Mass Media (460/2003), that an operator not established in Finland carries out abroad and that are intended to be available only outside Finland or have the same content irrespective of the country of the recipient.*



*The provisions are however applied to such advertising of alcoholic beverages placed on the market in Finland that is carried out from abroad and that is intended to be made available in particular in Finland.*

The Tobacco Act, in Section 68, prohibits marketing of tobacco/tobacco-related products:

*The marketing of tobacco products, tobacco substitutes, smoking accessories, tobacco imitations, electronic cigarettes or nicotine-containing liquids is prohibited.*

#### 4.11.2.2.2. Audiovisual commercial communications for medicinal products and medical treatment available only on prescription in the member state

The Medicines Act, in Sections 91, 91 a, 91 b, 91 c, 92 a, 93, 93 a, 93 b, restricts the marketing of medicinal products and medical treatment, and includes a prohibition on inducing excessive use of these products, restrictions on marketing of a medicinal product's substances (e.g. a prohibition on marketing, to the general public, prescription-only drugs or psychotic substances (Section 91a), with the possibility to market these substances to persons entitled to prescribe them (Section 91b). Further, the provisions stipulate various information requirements for marketing of these products and services:

##### *Section 91*

...

*In addition to what is provided in subsections 1 and 2, the provisions of the Consumer Protection Act (38/1978) on marketing regulation also apply*

...

##### *92 a:*

*Further provisions on the marketing restrictions laid down in Sections 91–92 above may be issued by Government decree ...*

##### *Section 93 specifies sanctions and relevant institutions*

*If provisions laid down in Sections 91, 91a, 91b or 92 or under Section 92a have been violated in marketing a medicinal product, the Finnish Medicines Agency may forbid continuation or renewal of the marketing. The Finnish Medicines Agency may also order a party thus forbidden to correct the marketing if this is definitely considered necessary in terms of risk to medicinal product safety. The Agency may order the list referred to in Section 91c to be published within a deadline set by the Agency.*

*A prohibition or an order to correct marketing material or publish the list can be backed up with a conditional fine. If necessary, a new conditional fine may be imposed in order to make a prohibition more effective.*

*If requested by the Finnish Medicines Agency, a Regional State Administrative Agency will order payment of the conditional fine to make the prohibition more effective ...*



#### 4.11.2.2.3. Surreptitious audiovisual commercial communications

Chapter 2 Section 4 of the Consumer Protection Act and Section 1 subsection 2 of the Unfair Business Practices Act stipulate that: “The commercial purpose of marketing and the party on whose behalf the marketing is done shall be clearly apparent from the marketing.”

Section 1 of the Unfair Business Practices Act and the Government Decree on Unfair Practices in Consumer Marketing and Customer Relationships Section 1 relate to identifiability and good business practices vis-à-vis commercial communications:

*Section 1.*

*Good business practice may not be violated nor may practices that are otherwise unfair to other entrepreneurs be used in business.*

*The commercial purpose of marketing and the party on whose behalf the marketing is done shall clearly appear from the marketing.*

According to Section 214 subsection 1 of the Act on Electronic Communications Services: “Marketing shall be readily recognisable.”

#### 4.11.2.2.4. Subliminal techniques in commercial communications

There are no rules pertaining to subliminal techniques in commercial communications.

#### 4.11.2.2.5. Prejudice with regard to human dignity

Chapter 2 Section 2 subsection 1 of the Consumer Protection Act identifies marketing in contrast with good marketing practices:

*Marketing is considered contrary to good practice if it is in clear contradiction with generally accepted societal values and especially if:*

*1) it infringes human dignity or religious or political conviction;*

#### 4.11.2.2.6. Inclusion or promotion of any discrimination (e.g., on the grounds of sex, racial or ethnic origin, nationality, religion, etc.)

Consumer Protection Act, in Chapter 2 Section 2 subsections 1 and 2 identify marketing in contrast with good marketing practices if:

*1) it infringes human dignity or religious or political conviction;*

*2) it features discrimination based on sex, age, ethnic or national origin, nationality, language, health, disability, or sexual orientation;*





#### 4.11.2.2.7. Encouragement of behaviour prejudicial to health or safety

Marketing in contrast with good marketing practices is, in Chapter 2 Section 2 subsection 3 of the Consumer Protection Act, identified if:

*it shows acceptance towards activity endangering health, safety, or the environment without there being a justification, related to the marketed product, to present such activity.*

#### 4.11.2.2.8. Encouragement of behaviour grossly prejudicial to the protection of the environment

Marketing in contrast with good marketing practices is, in Chapter 2 Section 2 subsection 3 of the Consumer Protection Act, identified if:

*it shows acceptance towards activity endangering health, safety, or the environment without there being a justification, related to the marketed product, to present such activity*

#### 4.11.2.2.9. Causing physical, mental or moral detriment to minors

The Consumer Protection Act, in Chapter 2 section 2 subsection 2, declares that marketing to minors or aimed at minors in general:

*is considered to be contrary to good practice, in particular if it exploits the inexperience or credulity of a minor, if it is likely to have an adverse effect on the balanced development of a minor or if it seeks to ignore the prerogative of parents to raise their children as they choose. When assessing whether marketing is contrary to good practice the age and developmental stage of minors generally reached by the marketing as well as other circumstances shall be taken into account. shall be considered contrary to good practice, in particular if it exploits the inexperience or gullibility of a minor, if it is likely to adversely affect the minor's balanced development or if it aims at disregarding the possibility for parents to act fully as educators. When assessing whether or not such marketing is contrary to good practice, the age and level of development of minors generally reached by marketing, as well as other circumstances, are taken into account.*

#### 4.11.2.2.10. Other

N/A.

### 4.11.3. Sponsorship and product placement

Certain obligations vis-à-vis sponsorship and product placement stem from the revised AVMSD. This part aims at identifying the rules and practices pertaining to these two specific categories of commercial communications.



#### 4.11.3.1. Sponsorship

Sections 218 and 219 of the Act on Electronic Communications Services provide applicable rules:

*218: Requirements for sponsored programmes and services*

*A sponsor may not influence the content and scheduling of sponsored television or radio programmes or audiovisual content services or the insertion of programmes in such a way as to affect the responsibility and editorial independence of the audiovisual content service provider or radio broadcaster in respect of programmes.*

*Sponsored audiovisual and radio programmes shall be clearly identified by the name or logo of the sponsor at the beginning or end of the programmes.*

*Sponsored television or radio programmes must not encourage the purchase or rental of the products or services of the sponsor or a third party, in particular by making special promotional references to those products or services.*

*219: Forbidden sponsorship*

*An undertaking principally producing or marketing tobacco products shall not sponsor programmes, audiovisual content services or radio operations.*

*If the sponsor of a programme is an undertaking whose activities include the manufacture or sale of medicinal products and medical treatment, the name or logo of the undertaking may be shown in connection with the programme, taking into consideration the provisions of section 218. However, a medicinal product or medical treatment available only on prescription in Finland may not be promoted in this context.*

*News and current affairs programmes broadcast on television or on the radio may not be sponsored.*

The Finnish Competition and Consumer Authority (KKV)<sup>236</sup> has issued guidelines related to identifiability of advertising, which, *inter alia*, emphasise that the sponsor's name or logo must be clearly displayed at the beginning or end of sponsored programmes.

The Finnish Transport and Communications Agency (Traficom)<sup>237</sup> has issued guidelines on the duration and insertion of advertising spots, and on informing the audience about product placement and the content of sponsorship announcements.<sup>238</sup>

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<sup>236</sup> Konkurrens och konsumentverket, <https://www.kkv.fi/en/information-on-the-finnish-competition-and-consumer-authority/>.

<sup>237</sup> Finnish Transport and Communications Agency, <https://www.traficom.fi/en/>.

<sup>238</sup> [https://www.traficom.fi/sites/default/files/media/regulation/Liikenne-ja\\_viestint%C3%A4viraston\\_ohje\\_mainonnan\\_kestosta\\_ja\\_sijoittelusta\\_sek%C3%A4\\_tuotesijoittelusta\\_ilmoittamisesta\\_ja\\_sopnsoritunnisteiden\\_sis%C3%A4ll%C3%B6st%C3%A4.pdf](https://www.traficom.fi/sites/default/files/media/regulation/Liikenne-ja_viestint%C3%A4viraston_ohje_mainonnan_kestosta_ja_sijoittelusta_sek%C3%A4_tuotesijoittelusta_ilmoittamisesta_ja_sopnsoritunnisteiden_sis%C3%A4ll%C3%B6st%C3%A4.pdf).



#### 4.11.3.2. Product placement

While Sections 220 and 221 of the Act on Electronic Communications Services provide the rules for product placement (see under 4.11.2.1.10.), the KKV guidelines related to identifiability of advertising also provide that:

*Product placement means placing a product, service or trademark in an audiovisual programme in return for payment. Product placement is usually prohibited. However, it is permitted in films and serials as well as sports and entertainment programmes.*

*Viewers must be told clearly that the programme contains product placement. This information can take the form of either a text or a visual product placement identifier.*

Traficom has issued guidelines on the duration and insertion of advertising spots, and on informing the audience about product placement and the content of sponsorship announcements.

#### 4.11.4. Obligations regarding (v)blogs and (v)blogging

As is the case with the applicability of all rules and regulations to VSPs, as the Finnish regulations are technology-neutral, all aforementioned rules, especially those in the Consumer Protection Act, apply to (v)bloggers as well.

The Consumer Ombudsman's guidelines on influencer marketing in social media\* instruct companies and influencers on how commercial cooperation should be communicated to consumers in targeted influencer marketing in accordance with the Consumer Protection Act. The guidelines contain, *inter alia*, instructions for labelling advertisements on the most common social media platforms, such as Instagram, YouTube and blogs.<sup>239</sup>

#### 4.11.5. Other relevant information

N/A.

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<sup>239</sup> The Consumer Ombudsman's guidelines on influencer marketing in social media  
<https://www.kkv.fi/en/consumer-affairs/facts-and-advice-for-businesses/the-consumer-ombudsmans-guidelines/influencer-marketing-in-social-media/>.



#### 4.11.6. Content-related rules regarding commercial communications for VSP providers

While certain restrictions regarding the content of commercial communications stem from the revised AVMSD and relate to issues connected to the protection of minors and restrictions on the advertising of certain products and services, this part deals with less-explored notions, such as rules pertaining to gambling, environmental claims vis-à-vis products and services, etc.

##### 4.11.6.1. Advertising of, or on behalf of, associations that are wholly or mainly concerned with religion, faith and other belief systems

No specific provisions deal with this issue.

##### 4.11.6.2. Gambling, betting, betting tipsters, etc.

In Finland, Veikkaus Oy<sup>240</sup> has a monopoly on gambling. The Lotteries Act, Section 14 b, provides for the regulation of gambling marketing as follows:

*14 b*

*Veikkaus Oy may market gambling and the company if the amount, scope, visibility and frequency of marketing is moderate and necessary to direct the demand for gambling-to-gambling activities under this Act and gambling that causes fewer economic, social and health disadvantages.*

Section 14b further states that, in addition to a prohibition on gambling marketing targeted at minors, gambling marketing must also not encourage gambling which causes economic, social or health damage, such as by glorifying gambling, presenting it in a positive way, etc.

##### 4.11.6.3. Environmental or “green” claims for products

No specific provisions deal with this issue.

##### 4.11.6.4. Other

N/A.

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<sup>240</sup> Finnish government-owned betting agency, <https://www.veikkaus.fi/>.



## 4.11.7. Self- and co-regulation and enforcement

This section aims at identifying the legal framework and practice for self- or co-regulatory schemes and measures regarding commercial communications on VSPs, including identification of the body or bodies in charge of self- and co-regulation and enforcement powers with regard to commercial communications and VSPs, as well as the scope of their activities with regard to commercial communications and VSPs.

### 4.11.7.1. Self- and co-regulatory bodies

#### 4.11.7.1.1. Context of establishment and legal background

The existing Finnish institutions, including the Finnish Council for Mass Media (CMM)<sup>241</sup> and the Council of Ethics in Advertising,<sup>242</sup> are there to protect and support both media freedoms and responsible advertising.

Under the scope of work of CMM, media associations, journalists' unions and independent media companies that have affiliated with its Basic Agreement<sup>243</sup> are bound to adhere to its principles. They also endeavour to ensure that their members and those working for them act in accordance with the intentions of this agreement.

The Council of Ethics in Advertising deals with ethical issues pertaining to advertising practices.

#### 4.11.7.1.2. Stakeholders involved

Stakeholders are the CMM and the Council of Ethics in Advertising, as well as industry representatives.

#### 4.11.7.1.3. Scope and objectives

The scope of the self-regulatory mechanisms mentioned under 4.11.7.1.1. relates to self-regulating mass communication for the purpose of interpreting good professional practice and defending freedom of speech and publication (under the CMM) and good marketing practices (under the Council of Ethics in Advertising). The Council is not empowered to give statements regarding misleading advertisements or comparative advertising, as these matters are dealt with by the Board of Business Practice,<sup>244</sup> which was set up in 1937 to promote self-regulation and to prevent unfair competition and illicit trade practices.

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<sup>241</sup> Julkisen sanan neuvosto, <https://www.jsn.fi/en/>.

<sup>242</sup> Keskuskauppamari, <https://kauppamari.fi/en/services/the-council-of-ethics-in-advertising/>.

<sup>243</sup> [https://www.jsn.fi/en/Council\\_for\\_Mass\\_Media/basic-agreement-of-the-council-for-mass-media/](https://www.jsn.fi/en/Council_for_Mass_Media/basic-agreement-of-the-council-for-mass-media/).

<sup>244</sup> <https://kauppamari.fi/en/services/the-board-of-business-practice/>.



The Council applies the ICC code, which includes rules relative to HFSS foods and beverages, inappropriate ACCs for alcoholic beverages and ACCs which encourage behaviours grossly prejudicial to the protection of the environment.

#### 4.11.7.1.4. Code(s) of conduct

The self-regulatory codes include the aforementioned Basic Agreement of the Council for Mass Media, while the Council of Ethics in Advertising issues statements on whether an advertisement or advertising practice is ethically acceptable, and deals with issues like discrimination, decency and social responsibility.

#### 4.11.7.1.5. Role of the (self-)regulatory bodies

See under 4.11.7.1.3.

#### 4.11.7.1.6. Period of activity (if limited)

N/A.

#### 4.11.7.1.7. Role of the regulatory authority in a co-regulatory system:

N/A.

##### 4.11.7.1.7.1. Regulatory body

Traficom<sup>245</sup>, under Section 303, subsection 6 of the Act on Electronic Communications Services, has a duty to promote co-regulation or self-regulation.

##### 4.11.7.1.7.2. Co-regulatory scheme

N/A.

##### 4.11.7.1.7.3. Relationship and roles of stakeholders

N/A.

#### 4.11.7.2. Monitoring/evaluation, compliance and sanctioning powers

The CMM can issue a notice on the breaching of good professional practice, and the Council of Ethics in Advertising can issue statements on whether an advertisement or advertising practice is ethically acceptable. The Board of Business Practice receives complaints related to professional practices, which must be submitted in writing (they may also be submitted in English only). The complaint is then sent to the opposing party for a written response,

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<sup>245</sup> <http://www.traficom.fi/>.



which is required within two weeks. After adjudicating (under confidentiality rules) and rendering its decision, the Board of Business Practice sends its decision to both parties. In the event of a respondent's non-compliance, the complainant may be authorised to publish the decision.

#### 4.11.8. Cross-sector and cross-border collaboration

The Council of Ethics in Advertising is part of the International Chamber of Commerce and the Council for Mass Media is a member of The Alliance of Independent Press Councils of Europe.

Also, the Act on Electronic Communications Services, in Section 308, specifies cooperation among relevant authorities, such as the Ministry of Transport and Communications, Traficom, the Data Protection Ombudsman, competition authorities, consumer authorities, market surveillance authorities and product safety authorities, as a means to fulfilling the duties under the act.

#### 4.11.9. Update on plans and practices related to new obligations of VSPs

At the time of preparation of this factsheet, the Act on Audiovisual Programmes was in a reform process, without further public details available.

#### 4.11.10. Studies, reports and research

The following reports have been prepared in relation to audiovisual commercial communications:

- Ministry of Education and Culture – Report on the functioning and need for amending the Act on Audiovisual Programmes (*Kuvaohjelmalaian toimivuus ja uudistustarpeet. Selvitysraportti*), 2020<sup>246</sup>

#### 4.11.11. Data compilation

This factsheet is based on data compiled by Riku Neuvonen, Senior Lecturer in Public Law at the University of Helsinki.

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<sup>246</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/162540>.

