

INDIREG

FINAL REPORT – ANNEX

Indicators for independence and efficient functioning of audiovisual media services regulatory bodies for the purpose of enforcing the rules in the AVMS Directive” (SMART 2009/0001)

Annex II – Country Tables – Finland

Table of contents

I.	GENERAL INFORMATION	2
	Table 1 - Market data	2
	Table 2 - Audiovisual laws and regulatory bodies	2
	Table 3 - Regulatory bodies – general information	4
	Table 4 - Sectors covered	5
	Table 5 - Staff and overall budget	6
II.	INSTITUTIONAL FRAMEWORK	6
	Table 6 - Legislation establishing and governing the regulatory body	6
	Table 7 - Legal status	7
	Table 8 - Independence as a value	7
III.	POWERS OF THE REGULATORY BODIES	8
	Table 9 - Regulatory powers	8
	Table 10 - Supervision and monitoring power	8
	Table 11 - Powers of sanctions	9
	Table 12 - De facto use of formally granted competences and monitoring powers	10
	Table 13 - De facto use of formally granted sanction powers	10
	Table 14 - Complaints handling	11
IV.	INTERNAL ORGANISATION AND STAFFING	11
	Table 15 - Highest decision-making organ – composition	11
	Table 16 - Highest decision-making organ – competences and decision-making process and transparency	12
	Table 17 - Highest decision-making organ – appointment process	12
	Table 18 - Term of office and renewal	13
	Table 19 - Professional expertise/qualifications	13
	Table 20 - Rules to guard against conflicts of interest – Appointment process ..	14
	Table 21 - Rules to guard against conflicts of interest – during term of office	14
	Table 22 - Rules to guard against conflicts of interest – after term of office	15
	Table 23 - Rules to protect against dismissal	15
	Table 24 - Dismissal before term	15
V.	FINANCIAL RESOURCES	16
	Table 25 - Sources of income	16
	Table 26 - Annual budget	17
	Table 27 - Financial accountability – auditing	17
VI.	CHECKS AND BALANCES	18
	Table 28 - Formal accountability	18
	Table 29 - Reporting obligation	19
	Table 30 - Auditing of work undertaken	20
	Table 31 - Power to overturn/instruct	20
	Table 32 - Number of stages in appeal procedure	22
	Table 33 - Does the regulator’s decision stand pending appeal?	22
	Table 34 - Accepted grounds for appeal	22
	Table 35 - Does the appeal body have power to replace the original decision with its own?	23
VII.	PROCEDURAL LEGITIMACY	23
	Table 36 - External advice regarding regulatory matters	23
	Table 37 - Public consultations	24
	Table 38 - Public consultations – figures	24
	Table 39 - Publication of regulator’s decisions	24
VIII.	COOPERATION	25
	Table 40 - Cooperation with other regulatory authorities	25
	Table 41 - International cooperation	25

I. GENERAL INFORMATION

Table 1 - Market data

This table is aimed at gathering information on the number of audiovisual media services that are supervised in the country.

Country	Number of linear commercial services	Number of non-linear commercial services	Number of public service channels (PSBs)
Finland	DVB-T (Digital terrestrial TV) <ul style="list-style-type: none"> • 18 programme licensees www.lvm.fi/web/en/96 DVB-H (mobile TV, simulcast with DVB-T) <ul style="list-style-type: none"> • 3 programme licensees www.mobiilitv.fi/Mobiilitv/9355	Information not available. However, most commercial broadcast stations have non-linear services on the Internet. (Act 306/2010 transposing the AVMS Directive entered into force on May 1, 2010. It amended the Act on radio and television operations 744/1998)	<ul style="list-style-type: none"> • 4 nationwide TV channels on DVB-T • 2 channels on DVB-H (coverage of DVB-H currently not nationwide)

Table 2 - Audiovisual laws and regulatory bodies

This table lists the regulatory bodies in charge of overseeing the areas covered by the Audiovisual Media Services (AVMS) Directive, in relation to commercial linear television, non-linear audiovisual media services and public service broadcasters (PSBs). It also lists the relevant laws.

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
Finland	Information requirements (art. 5 AVMS Directive)	Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish)	Finnish Communications Regulatory Authority (FICORA) www.ficora.fi/en/index.html	FICORA	FICORA
	Audiovisual commercial communication, sponsorship, product placement (Art. 9 – 11 AVMS Directive)	As above	As above	As above	As above (But advertising or sponsorship not allowed for PSB)
	Accessibility to people with a disability (Art. 7 AVMS Directive)	As above	As above	As above	As above

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Broadcasting of major events (Art. 14 AVMS Directive)	As above	As above	As above	As above
	Access to short news reports (Article 15 AVMS Directive)	As above	As above	As above	As above
	Promotion of European works (Art. 13, 16, 17 AVMS Directive)	Act on Television and Radio Operations 9.10.1998/744 www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html (in Finnish) Government Decree on Television and Radio 10.7.2003/698 www.ficora.fi/en/index/saadokset/lait/tvjaradiotoiminta.html (in English) www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html (in Finnish)	As above	As above	As above
	Hate speech (Art. 12 and 6 AVMS Directive)	Chapter 11 §10 of the Penal Code 39/1889	Judicial authorities	Judicial authorities	Judicial authorities
	Television advertising and teleshopping, (Art. 19 – 26 AVMS Directive)	<i>General</i> Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish)	FICORA	FICORA	FICORA (But advertising not allowed for PSB)
		<i>Unfair advertising (i.e. content)</i> The Consumer Protection Act 38/1978 www.kuluttajavirasto.fi/Page/0c2c6b01-04e9-4d81-9c03-4d78a7892151.aspx (in English) www.kuluttajavirasto.fi/fi-FI/kuluttajaneuvonta/kuluttajan-oikeudet/ (in Finnish)	The Consumer Ombudsman (who in practice is the Director General of the Consumer Agency) www.kuluttajavirasto.fi/Page/16a2f111-3b55-462d-b14f-3c2662a56b29.aspx	The Consumer Ombudsman	The Consumer Ombudsman

Country	Areas	Main laws	Regulatory body in charge of commercial television	Regulatory body in charge of non-linear commercial media services	Regulatory body in charge of PSB
	Protection of minors (Art. 27 AVMS Directive)	Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) <i>On-demand services:</i> Act on the Classification of Audiovisual Programmes 775/2000 www.vet.fi/english/lait_kuvaohjelmien_tarkastaminen.php (in English) www.minedu.fi/OPM/Lainsaadaentoe/voimassa_oleva_lainsaadaentoe/kulttuuri/?lang=fi (in Finnish)	FICORA	The Finnish Board of Film Classification www.vet.fi/english/	FICORA
	Right of reply (Art. 28 AVMS Directive)	Act on the Exercise of Freedom of Expression in Mass Media 460/2003 www.finlex.fi/en/laki/kaannokset/2003/en20030460.pdf (in English)	As above	As above	As above
	Communication and cooperation with other European regulation bodies and the Commission (Art. 30 AVMS Directive)	As above	As above	The Finnish Board of Film Classification	As above

Table 3 - Regulatory bodies – general information

This table provides basic information on the regulatory authority (name, website address, date of establishment and location).

Country	Name of regulatory body	Link to website	Date of establishment	Location
Finland	Finnish Communications Regulatory Authority (FICORA)	www.ficora.fi/en/index.html	1998 (then named the Telecommunications Administration Centre) Radio Act 517/1998 as amended by Act 1015/2001	Finnish Communications Regulatory Authority (FICORA) Itämerenkatu 3 A P.O. Box 313 FI-00181 HELSINKI Finland

Country	Name of regulatory body	Link to website	Date of establishment	Location
	The Consumer Ombudsman (who in practice is the Director General of the Consumer Agency)	www.kuluttajavirasto.fi/en-GB/consumer-agency/	The Consumer Ombudsman was established in 1978. But the issues have been covered by other authorities since 1973. Act 40/1978, repealed by the Act on Consumer Agency 1056/1998 www.finlex.fi/fi/laki/ajantasa/1998/19981056 (in Finnish) See also the government Decree on Consumer Agency www.finlex.fi/fi/laki/ajantasa/1998/19981057 (in Finnish)	Consumer Agency Haapaniemenkatu 4 A, Box 5, 00531 Helsinki Finland
	The Finnish Board of Film Classification (classification of on-demand services)	www.vet.fi	March 1946 www.vet.fi/tiedotteet/vet_tiedote_2006_6_8.php (in Finnish)	Jaakonkatu 5 B 00100 Helsinki Finland

Table 4 - Sectors covered

This table provides an overview of the areas that are covered by the regulatory authority.

Country	Body	Audiovisual content (radio/TV, on demand media services)	Transmission aspects of audiovisual content (e.g. spectrum)	Distribution aspects of audiovisual content (e.g. must carry, EPG, API)	Spectrum	Electronic communications (networks and services in general)	Others (e.g. energy, post)
Finland	FICORA	Yes	Yes	Yes	Yes	Yes	Yes <ul style="list-style-type: none"> • television fees • post • information security • operations of .fi-domain name registry

Table 5 - Staff and overall budget

This table provides an overview of the staff and overall budget of the regulatory authority. The figures are given for the areas covered by the AVMS directive (where possible) for regulators with a broader area of responsibility.

Country	Body	Total number of staff foreseen in statutes/law	Current staff count	Annual budget (€m) foreseen in statutes/law	Current annual budget	Reference year +source
Finland	FICORA	Not foreseen in law	<p><i>For audiovisual matters</i> 3-4 (according to FICORA)</p> <p><i>Overall</i> 245 (currently committed to reduce staff / man-years with 19 from the level of 2006 [229] by 2015)</p>	<p><i>For audiovisual matters</i> ~ €700,000 (according to FICORA)</p>	<p><i>For audiovisual matters</i> €623,000 (according to FICORA) <i>Overall</i> €36.6m (2010)</p>	<p>2009: €34m</p> <p>Sources:</p> <ul style="list-style-type: none"> 2010 Budget agreement between Ficora and the Ministry of Communications www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-_ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf FICORA

II. INSTITUTIONAL FRAMEWORK

Table 6 - Legislation establishing and governing the regulatory body

This table shows the legislation setting up and governing the regulatory authority.

Country	Body	Legislation setting-up the regulatory body	Governing legislation
Finland	Finnish Communications Regulatory Authority (FICORA)	<p>Act on Communications Administration 625/2001 www.finlex.fi/fi/laki/ajantasa/2001/20010625 (in Finnish)</p> <p>Predecessor of FICORA, the Telecommunications Administration Centre was established in 1988 based on Radio Act 517/1998 as amended by Act 1015/2001 www.finlex.fi/fi/laki/kaannokset/1988/en19880517.pdf (in English) www.finlex.fi/fi/laki/alkup/2001/20011015 (in Finnish)</p>	<p>Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009</p> <p>In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447</p> <p>Decree on certain fees of FICORA 1058/2009 www.finlex.fi/fi/laki/alkup/2009/20091058 (in Finnish)</p>

Table 7 - Legal status

This table provides information on the legal status taken by the regulatory authority.

Country	Body	What form does it take?	It is a separate legal entity?	If it is not a separate legal entity, it is part of:	Specific organisational characteristics	Source
Finland	FICORA	Agency	Legal entity, but under the management of the Ministry of Transport and Communications For more information see here: www.lvm.fi/web/en/40 (in English)	The Finnish Communications Regulatory Authority is an agency under the Ministry of Transport and Communications	FICORA is divided into seven profit areas. In addition to these, the units of International Affairs and Development function directly under the Director-General. The external profit areas are Communications Markets and Services, Networks and Security, Radio Frequencies and Television Fees. The internal profit areas are Development and Support, Information Technology and Communications.	www.ficora.fi/en/index/viestintavirasto/esittely/historia.html (in English) www.ficora.fi/en/index/viestintavirasto/esittely/organisaatio.html (in English)

Table 8 - Independence as a value

This table is intended to capture whether independence of the regulatory body is explicitly or implicitly recognised as a value in the legal framework.

Country	Body	Is independence implicitly or explicitly recognised as a value in the legal framework?		Source (highest formal legal level)
		No	Yes	
Finland	FICORA		Implicitly recognised. The Council of State – i.e. the Finnish cabinet appoints the Director-General of FICORA, but after that the Director-General is able to independently decide on almost everything, even about the organisation of the agency.	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447

III. POWERS OF THE REGULATORY BODIES

Table 9 - Regulatory powers

This table is aimed at understanding the types of decisions that can be taken by the regulatory body.

We have distinguished from a theoretical point of view, between:

- general policy setting powers, i.e. the power to decide on the general orientation of the rules to be followed (for instance the power to decide on the amount of quotas)
- general policy implementing powers, i.e. once the general policy has been adopted, to specify by means of general or abstract rules how this general policy will be implemented (for example to decide in general terms (not connected to a specific case) how the quotas should be applied and monitored)
- third party binding policy application powers, i.e. the power to take in a specific case a decision binding on specific operators

Country	Body		General policy setting	General policy implementing powers	Third party decision making powers
Finland	FICORA	Tick boxes	No	√	√
		Areas	-	For example: <ul style="list-style-type: none"> • deciding on the use of radio spectrum based on a frequency plan accepted by the Council of State • setting the definition of what is sponsoring and what is advertising in radio 	In areas under FICORA's supervision based on the audiovisual media legislation (e.g. advertising insertion and quotas, promotion of European works etc.).
		Source	-	Legislation governing the fields under FICORA's responsibility collected on its website: www.ficora.fi/index/saadokset/lait.html (in Finnish, extensive list) www.ficora.fi/en/index/saadokset/lait.html (in English, limited list)	General act See previous column. The main piece of legislation is the Act on Television and Radio Operations 9.10.1998/744 www.ficora.fi/index/saadokset/lait/tvjaradiotoiminta.html (in Finnish)

Table 10 - Supervision and monitoring power

This table is aimed at understanding the supervision/monitoring/information gathering powers of the regulatory body.

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
Finland	FICORA	Quotas	√	√	√			§ 35 of the Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) Fore practice, see: www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/eurooppalaisuus/jariippumattomuus.html (in Finnish)

Country	Body	Areas	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring only after complaints	Others	Source (legislation, or practice)
		Advertising	√	√	√			§ 35 of the Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) For practice, see: www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/mainonnankestojasijoittelu.html (in Finnish)
		Protection of minors	√	√	√			§ 35 of the Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) For practice, see: www.ficora.fi/index/tutkimukset/tvjaradiotoiminta/lapsetjamedia.html (in Finnish)

Table 11 - Powers of sanctions

This table provides an overview of the sanctions that can be adopted by the regulatory body in case of breach of the rules implementing the AVMS Directive on quotas, advertising and protection of minors.

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
Finland	FICORA	Quotas	√ all sanctions are discretionary		√ All decisions are published on the FICORA website		√ § 35 of the Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) Act on Penalty Payments 1113/1990 www.finlex.fi/fi/laki/ajantasa/1990/19901113 (in Finnish)	

Country	Body	Areas	Warnings/formal objections	Fine (lump sum) If so, list maximum and minimum amounts	Publication of decisions in the media	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)	Others
		Advertising	√		√ Same as above		√	
		Protection of minors	√		√ Same as above		√	

Table 12 - De facto use of formally granted competences and monitoring powers

This table shows whether the regulatory body has made use of its formally granted powers in the areas covered by the AVMS Directive within the past 5 years.

Country	Body	Policy setting	General policy implementing powers	Specific rule making	Systematic monitoring	Ad-hoc monitoring	Information collection powers	Monitoring after complaints
Finland	FICORA	N/A	√	√	√	√	√	√

Table 13 - De facto use of formally granted sanction powers

This table shows whether the regulatory body has made use of its formally granted sanction powers within the past 5 years.

Country	Body	Warnings	Fine (lump sum)	Publication of decisions in television programmes/on demand services	Suspension/Revocation of licence	Penalty payments (in case of non compliance with decision)
Finland	FICORA	√	N/A	√ (But FICORA publishes its decisions on its website).	N/A	√ Has been set only once during the last 5 years. See FICORA press release of April 6, 2010 (in Finnish) on this case relating to the protection of minors: www.ficora.fi/index/viestintavirasto/lehdistotiedotteet/2010/P_28.html The broadcaster then followed FICORA's decision, so the penalty payment was not put into force.

Table 14 - Complaints handling

This table shows whether there are procedures for dealing with complaints coming from viewers against conduct of audiovisual media service providers. Briefly explain them.

Country	Body	Do complaints handling procedures exist?	Link to website
Finland	FICORA	Yes there are – but they are not very formal. Basically anyone can send a letter of complaint via normal mail or a request for actions via FICORA customer website. Then FICORA decides whether it is going to proceed with the complaint/request and ask the operators to provide more information about the case.	www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/lapsillehaitallisetohjelmat.html (in Finnish) www.viestintavirasto.fi/index/asiointi-info/yhteydenotto/rekisteriseloste.html (in Finnish)

IV. INTERNAL ORGANISATION AND STAFFING

Table 15 - Highest decision-making organ – composition

This table shows whether the highest decision-making organ of the regulatory body/bodies (i.e. the organ responsible for regulatory tasks, namely supervision and enforcement) is an individual or a board/commission and if it is a board/commission, who are its relevant representative components

Representation does not necessarily mean formal representation of that group. It can mean that the board member is expected to emanate from that group, but does not have to formally represent it during the mandate.

Country	Body	Individual or Board	Legal requirements regarding composition of highest decision-making organ							Implicit representation structures?	Source
			Number of Board members	Representatives of civil society	Representatives of government	Representatives of parliament	Representatives of industry	Experts	Others (e.g. regions)		
Finland	FICORA	Individual Director-General Ms. Rauni Hagman	n/a								Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009 In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447

Table 16 - Highest decision-making organ – competences and decision-making process and transparency

This table shows the main fields of responsibility of the highest decision-making organ of the regulatory body as well as its decision-making process (in particular its transparency and whether minutes and agendas are published).

Country	Body	Competences	Decision-making process	Is the decision making process transparent?	Minutes and agendas published?
Finland	FICORA	The Director-General has the power to decide over the organisation and procedures of FICORA, but the decisions about human resources (and budget) are made by the Ministry of Transport and Communications. In general, the main competences of FICORA (and hence the Director-General) are listed in § 1 of the Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447	Basically Director-General has the highest decision-making power in FICORA, However each civil servant working in FICORA may make decisions on those issues which have been delegated to him or her.	Not really	Only the final decisions

Table 17 - Highest decision-making organ – appointment process

This table shows whether there are several stages in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, for the nomination and appointment phases respectively. It also shows who is involved in each of these two stages (government, minister, parliament, civil society, religious groups, political parties, board members, board chairman, others) and whether the appointer(s) can override the proposals made at the nomination stage.

Country	Body		Nomination stage Yes – No	Nomination stage Specify who is involved in that stage and who has the decisive say	Appointment stage Specify who is involved in that stage and who has the decisive say	If there are two stages, can the appointer ignore the nominations?	Source
Finland	FICORA	Director-General	No	n/a	Appointed by the Council of State. The Ministry of Traffic and Communications is involved (according to FICORA).	n/a	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447

Table 18 - Term of office and renewal

This table shows the term of office of the chairman and members of the highest decision-making organ of the regulatory body and whether the term is staggered not to coincide with election cycles. It also indicates if appointment is renewable and for how many times.

Country	Body		Term of office	Is the term staggered not to coincide with election cycle?	Renewal possible? If so, state how many times	Source
Finland	FICORA	Director-General	No set term, stays in office until retires or resigns	n/a	n/a	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447

Table 19 - Professional expertise/qualifications

This table illustrates the qualifications and professional expertise required to become a chairman or member of the highest decision making organ of the regulatory body.

Country	Body		Qualifications	Professional expertise	Source
Finland	FICORA	Director-General	Higher university degree (= at least MA degree) Current DG is a lawyer.	Good knowledge in the responsibilities of the agency as well as in leadership. Director-General is also required to have managerial experience.	Decree on Communications Administration 60/2004, as amended by Decrees 761/2006 and 447/2009. In Finnish: www.finlex.fi/fi/laki/alkup/2004/20040060 www.finlex.fi/fi/laki/alkup/2006/20060761 www.finlex.fi/fi/laki/alkup/2009/20090447

Table 20 - Rules to guard against conflicts of interest – Appointment process

This table shows whether there are clear rules, in the appointment process of the chairman and members of the highest decision-making organ of the regulatory body, to avoid possible conflicts of interest.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Can other offices be held at the same time?	Others (e.g. obligation to disclose participations in companies)	Source
			Yes	No						
Finland	FICORA	Director-General	Yes		Yes	Yes	Yes	No	Yes	The Civil Servant Act 750/1994, section 8 www.finlex.fi/fi/laki/ajantasa/1994/19940750 (in Finnish) <i>"... a person to be nominated for an office must present prior to the appointment a statement on business activities, shareholdings and other forms of wealth as well as duties which are non-assigned to that post, any ancillary activities (§ 18) and other interests which may be relevant in assessing his ability to manage the tasks of the post to be filled."</i> (unofficial translation)

Table 21 - Rules to guard against conflicts of interest – during term of office

This table shows whether there are rules to avoid conflicts of interest during the term of office.

Country	Body		Do such rules exist?		Rules to prevent conflicts of interest with government	Rules to prevent conflicts of interest with political parties	Rules to prevent conflicts of interest with industry	Source
			Yes	No				
Finland	FICORA	Director General	Yes		Yes	Yes	Yes	The Civil Servant Act 750/1994, sections 15, 16 and 18 www.finlex.fi/fi/laki/ajantasa/1994/19940750 (in Finnish) Additional information on the website of the ministry of finance (in Finnish): www.vm.fi/vm/fi/04_julkaisut_ja_asiakirjat/02_henkilostohallinnon_asiakirjat/04_muut_henkilostohallinnon_asiakirjat/7278/name.jsp

Table 22 - Rules to guard against conflicts of interest – after term of office

This table shows whether there are clear rules to avoid conflicts of interest after the term of office.

Country	Body		Do such rules exist?		Is a cooling-off period foreseen?	Source
			Yes	No		
Finland	FICORA	Director-General		No		(The Civil Servant Act does not provide any 'cooling-off period' or restrictions for employment of former civil servants.)

Table 23 - Rules to protect against dismissal

This table shows the rules to protect against dismissal of the whole decision making organ, the chairman and individual members of the highest decision-making organ of the regulatory body. Please add any other comments in the row below.

Country	Body		Do such rules exist?		Who can dismiss? Specify who is involved in that stage and who has the decisive say	Grounds for dismissal listed in legal instrument?	Can the whole body be dismissed or only individual members?	Source
			Yes	No				
Finland	FICORA	Director-General	Yes		The government In practice, the DG of FICORA can be dismissed by the government only if he/she seriously neglects his/her duties or has committed a crime – or the whole agency is shut down.	Yes	n/a	The Civil Servant Act 750/1994/750 www.finlex.fi/fi/laki/ajantasa/1994/19940750

Table 24 - Dismissal before term

This table shows available statistics on dismissal before term in the last 5 years as well as the reasons for this dismissal.

Country	Body	Year		Dismissal before term		Reasons	Comment
				Yes	No		
Finland	FICORA	2005 – today	Director-General		No		No set term for the Director-General who stays in office until retires or resigns. The term of the current Director-General began in 2001

V. FINANCIAL RESOURCES

Table 25 - Sources of income

This table shows the sources of income of the regulatory authority.

Country	Body	End-user broadcasting licence fees (max level)	State budget	Spectrum fees	Authorisation/licence fees paid by broadcasters	Fines	Other fees, e.g., 'market surveillance fee' based on % of revenues of broadcasters (or other operators – e.g. in case of converged regulators)	Source
Finland	FICORA	End-user TV broadcasting licence fees collected by FICORA are passed to the State Television and Radio Fund, which is the source of funding for YLE: €10.4m	FICORA is a net budgeted agency in the state budget. Any deficit is financed from the state funds, while any surplus is being transferred to the state budget	Spectrum fees €9.8m: 30% of revenues	No	No	<p>Tax-like payments €5.2m, 16% of revenues:</p> <ul style="list-style-type: none"> • Communications market fees: €2.56m • TV and radio sector surveillance fees: €0.66m • Information security fees: €0.44m • Post sector surveillance fees: €1.3m <p>Other fees €18.0m, 54% of revenues:</p> <ul style="list-style-type: none"> • Numbering fees: €2.75m • Internet domain name fees: €3.4m • End-user TV licence fees (see 2nd column) • Spectrum auction registration fees: €0.35m • Other similar fees: €1.5m 	<p>FICORA annual accounts 2009, p. 33 www.ficora.fi/attachments/suomiry/5oFRkPpiC/Viestintaviraston_tilinpaatos_2009.pdf (in Finnish)</p> <p>Legal basis: Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) The Communications Market Act 393/2003 www.finlex.fi/fi/laki/kaannokset/2003/en20030393.pdf (in English) www.finlex.fi/fi/laki/ajantasa/2003/20030393 (in Finnish) Decree on certain fees of FICORA 1058/2009 www.finlex.fi/fi/laki/alkup/2009/20091058 (in Finnish)</p>

Table 26 - Annual budget

This table shows who decides on the annual budget of the regulatory body and decides on adjustments to it as well as the extent to which the regulatory body is involved in these processes.

Country	Body	Who decides the annual budget?	Is the regulator involved in the process?	Rules on budget adjustment – who is involved in the process (e.g. parliament, government and/or industry) ?	De facto influence of third parties on budget amounts	Source
Finland	FICORA	Falls under the state budget, which has to be accepted by Parliament	Yes, proposal for annual budget	The Ministry of Transport and Communications sets in practice the economic goals for FICORA. These goals are evaluated and set every year.	No	www.ficora.fi/2008/en-economy.html (in English) www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf (in Finnish)

Table 27 - Financial accountability – auditing

This table shows if the regulatory authority is subject to periodic financial auditing.

Country	Body	Is the regulatory body subject to periodic external auditing?					Legal basis
		Yes/no	Periodicity	By national (state) audit office, etc.	Private audit firm	Other	
Finland	FICORA	Yes	Annual	Yes		Internal auditing is apparently being conducted by KPMG (according to the annual report of Ficora www.ficora.fi/attachments/suomiry/5oFRkPpiC/Viestintaviraston_tilinpaaos_2009.pdf)	www.finlex.fi/fi/laki/alkup/1947/19470967

VI. CHECKS AND BALANCES

Table 28 - Formal accountability

This table shows to whom the regulatory body is accountable to and through which means (e.g. reports, parliamentary questions).

Country	Body	Body accountable to		Accountability means	Legal basis
Finland	FICORA	Parliament	No	N/A	<i>No information available</i>
		Government as a whole	No	FICORA is responsible for running the State Television and Radio Fund for Council of State and the Ministry of Transport and Communications - and reports to them. However, FICORA does not have to report about every issue to the whole government.	
		Specific ministers (e.g. Media, finance, etc.)	Yes	The Finnish Communications Regulatory Authority is an agency under the Ministry of Transport and Communications. The Ministry sets yearly general goals to the regulator in a form of a contract.	
		Public at large	No	N/A	
		Other	No	N/A	

Table 29 - Reporting obligation

This table is aimed at understanding the scope of the reporting obligation.

Country	Body	Report submitted to	Periodicity	Scope	Does statistical data need to be provided about own performance? Explain	Approval necessary?	Has a report been disapproved?	Link
Finland	FICORA	Ministry of Transport and Communications	Plan of annual objectives every year Report every 6 months Financial statements every year	<ul style="list-style-type: none"> internal financial auditing performance linked to objectives/clearly defined indicators 	Yes: detailed information about functions and services	No The Ministry gives a statement to the report, not a formal approval/disapproval. (But if FICORA would fail to reach the goals really badly, that could be a reason to give the director general a warning for neglecting his/her duties).	No	www.ficora.fi/index/viestintavirasto/suunnittelujaseuranta.html (in Finnish) www.ficora.fi/attachments/suomial/5oLBIVTjD/Liikenne-ja_viestintaministerion_ja_Viestintaviraston_valinen_tulossopimus_vuodelle_2010.pdf (in Finnish)

Table 30 - Auditing of work undertaken

This table shows if the regulatory body is subject to periodic external auditing, either by a private or a national audit office.

Country	Body	Is body subject to periodic external auditing					
		Yes/no	Periodicity	By public authority	By private authority	Other	Legal basis
Finland	FICORA	Yes	Annual	Yes National Audit Office of Finland • financial audit • performance audit www.vtv.fi/en (in English)	Yes KPMG Oy	No	The Constitution Act on the National Audit Office 676/2000 www.finlex.fi/fi/laki/ajantasa/2000/20000676 (in Finnish)

Table 31 - Power to overturn/instruct

This table shows if (regardless of an appeal lodged against a decision) any other body can overturn the decisions of the regulator or give it instructions.

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
Finland	FICORA	Does anybody have the power to overturn decisions of the regulator?	No	No	No	No	No	<i>No information available</i>
		Does anybody have the power to give instructions to the regulatory body?	Yes	Yes Ministry of Transport and Communications The ministry sets the goals for agencies under its supervision.	No	No	No	See for example www.lvm.fi/web/en/40

Country	Body			Ministry/Minister	Government	Parliament	Other	Source
		Are there limitations in the power to overturn (e.g. limited to legal supervision, which would exclude political supervision) ?	N/A	N/A	N/A	N/A	N/A	N/A
		Are there limitations in the power to give instructions (e.g. limited to legal instructions which exclude instructions on political grounds)?	Yes	Yes There is a certain procedure how the Ministry of Transport and Communications supervises FICORA via the annual negotiations on setting the goals for the regulator.	N/A	N/A	N/A	www.ficora.fi/index/viestintavirasto/suunnittelujaeuranta.html

Table 32 - Number of stages in appeal procedure

The following tables are concerned with the appeal procedure relating to decisions taken in relation to the enforcement of the rules listed in the AVMS directive (eg. non-compliance with quota requirements if binding, advertising, protection of minors, etc.). The stages include the internal stages.

Country	Body	Stage	Number of stages in appeal procedure and appeal body at each stage	Do internal procedures need to be followed before external recourse?	Who has the right to lodge an appeal?	Legal basis
Finland	FICORA	External	1 Administrative Court www.oikeus.fi/17598.htm	No	Person or company whom the agency decisions concern	The Constitution of Finland Act on Television and Radio Operations 9.10.1998/744 www.finlex.fi/fi/laki/ajantasa/1998/19980744 (in Finnish) The Administrative Judicial Procedure Act 586/1996 www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf (in English) www.finlex.fi/fi/laki/ajantasa/1996/19960586 (in Finnish)
			2 The Supreme Administrative Court www.kho.fi/en/21404.htm			

Table 33 - Does the regulator's decision stand pending appeal?

Country	Body	Does regulator decision stand pending appeal body decision?			
		Yes	No	Yes, unless appeal body suspends it	Other
Finland	FICORA			√	N/A

Table 34 - Accepted grounds for appeal

Country	Body	Errors of fact	Errors of law (including failure to follow the due process)	Full re-examination	Other
Finland	FICORA	√	√	√	N/A

Table 35 - Does the appeal body have power to replace the original decision with its own?

Country	Body	Appeal stage	Yes	No	Comments
Finland	FICORA	1 Administrative Court www.oikeus.fi/17598.htm		√	The appeal body has the power to cancel the decision and remit it back to regulator for new decision. Section 67 of the Administrative Judicial Procedure Act 586/1996 www.finlex.fi/fi/laki/kaannokset/1996/en19960586.pdf (in English) www.finlex.fi/fi/laki/ajantasa/1996/19960586 (in Finnish)
		2 The Supreme Administrative Court www.kho.fi/en/21404.htm		√	Same as above

VII. PROCEDURAL LEGITIMACY

Table 36 - External advice regarding regulatory matters

This table shows if the regulatory body is able to take outside advice regarding regulatory questions.

Country	Body	Is a budget foreseen for outside advice?	If so, what is the budget/year?	Must the body respect public tender procedures?	Other requirements	Does the regulatory body de facto take external advice on a regular basis?
Finland	FICORA	Yes	About €150,000 per year (according to FICORA)	Yes, if a certain threshold is exceeded The Act on Public Contracts 348/2007 www.finlex.fi/fi/laki/kaannokset/2007/en20070348.pdf (in English) www.finlex.fi/fi/laki/ajantasa/2007/20070348 (in Finnish)	-	Yes

Table 37 - Public consultations

This table shows if the regulatory authority is required to publish public consultations.

Country	Body	Which decisions require prior public consultation?	Requirements on who must be consulted? (e.g. broadcasters, consumer organisations, academics etc.)	Consultation period	Consultation responses published		Legal basis
					Full responses (if authorised by contributor)	Summaries prepared by regulator	
Finland	FICORA	Before giving any binding decision or imposing a fine all the interested parties must be given a possibility to give a statement	All interested parties	"Sufficient", not determined by legislation		A summary as a part of the decision	Administrative law

Table 38 - Public consultations – figures

This table shows the number of public consultations that were organised by the regulatory body in the past five years, in the areas covered by the AVMS Directive.

Country	Body	Year	Number of public consultations
Finland	FICORA	2005-2009	0

Table 39 - Publication of regulator's decisions

This table shows if the regulatory authority is required to publish its decisions, if its decisions need to be motivated and if impact assessments are required.

Country	Body	Which decisions required by law to be published?	Obligation to motivate decisions? Legal basis?	Obligation to include/publish impact assessment? Legal basis?	
				Ex ante	Ex post
Finland	FICORA	All	According to the Act on the Openness of Government Activities, all decisions must be justified. www.finlex.fi/en/laki/kaannokset/1999/en19990621.pdf (in English) www.finlex.fi/fi/laki/ajantasa/1999/19990621 (in Finnish)	No	No

VIII. COOPERATION

Table 40 - Cooperation with other regulatory authorities

Country	Body	Describe the mechanism of cooperation with other bodies	Source and form of cooperation	Can body receive instructions from other bodies? If so, state which and explain	Comments
Finland	FICORA	For example both the Consumer Agency and FICORA has the right to monitor telecom operators' contract terms. Regular change of information, meetings, written advice from the Finnish Board of Film Classifications.	Communications Market Act since 2007 www.finlex.fi/fi/laki/kaannokset/2003/en20030393.pdf (in English) www.finlex.fi/fi/laki/ajantasa/2003/20030393 (in Finnish)	No	

Table 41 - International cooperation

Country	Body	Does it cooperate with other national regulatory bodies in EU and international fora?	Source and form of cooperation (legal basis)	Comments
Finland	FICORA	Yes, for example ITU International Telecommunication Union ETSI European Telecommunications Standards Institute ECC Electronic Communications Committee ECO European Communications Office EU European Union (RSPG ja RSC) IRG Independent Regulators Group ERG European Regulators Group www.ficora.fi/index/viestintavirasto/esittely/kansainvalinenyhteisty.html	Government Decree on Communications Administration 60/2004 www.finlex.fi/fi/laki/alkup/2004/20040060 (in Finnish)	