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Ministry of Transport and Communications, Finland**

Act on Radio Frequencies and Telecommunications Equipment

(1015/2001; amendments up to 11/2007 included)

Chapter 1 - **General provisions**

Section 1 - *Purpose of the Act*

The purpose of this Act is:

- 1) to promote efficient, appropriate and sufficiently interference-free use of radio frequencies;
- 2) to safeguard the fair availability of radio frequencies;
- 3) to create conditions for maximizing the unrestricted mobility of telecommunications equipment; (46/2005)
- 4) to promote the efficiency of the communications market within public telecommunications.

Section 2 - *Scope of application*

- (1) This Act lays down provisions on placing telecommunications equipment on the market, offering telecommunications equipment for sale, possession and use of radio equipment, planning radio frequency usage and allocation of radio frequencies for different purposes of use. (46/2005)
- (2) This Act applies to radio equipment on board Finnish vessels and aircraft and in any Finnish equipment sent into space, even when this equipment is not within Finnish territory.

Section 3 - *Restrictions on the scope of application*

- (1) The provisions of sections 7, 15, 20, 21, 28, 31, 32 and 34(3) of this Act do not apply to the Finnish Defence Forces or the Border Guard when they employ radiocommunication for military defence, nor to the radio equipment they possess solely for that purpose.
- (2) The provisions of sections 17(1), 28(3), 31 and 34(2-3) of this Act do not apply to radio equipment on board warships of a foreign State, military aircraft of a foreign State, or other aircraft of a foreign State which are used solely for government purposes.
- (3) Sections 31(1-2) and 34(2) of this Act do not apply to radio transmitters on board foreign vessels or aircraft other than those referred to in subsection 2. Neither does section 34(3) apply to such radio transmitters if the holder or user of the radio transmitter presents, on request, a licence or certificate as referred to in section 17(1) and section 31(3).

Section 4 - *Definitions*

In this Act,

1) *radio frequency* means the frequency of an electromagnetic wave freely propagated in space and which is less than 3000 GHz;

2) *radiocommunication* means the transfer, transmission or reception of information using radio frequencies;

3) *radio equipment* means equipment, or a significant component thereof, designed to transmit (*radio transmitter*) or receive (*radio receiver*) electromagnetic radio waves for the purpose of radiocommunication;

3a) *telecommunications terminal equipment* means equipment which, for the purpose of transmitting, processing or receiving messages, is designed to be joined by means of cabling and wiring, radio, optically or in some other electromagnetic manner, either directly to a connection in a public communications network or to function in conjunction with such a network by

being directly or indirectly linked to a public communications network connection; (46/2005)

3b) *network equipment* means equipment designed for use in transferring or directing messages in a communications network; (46/2005)

3c) *telecommunications equipment* means radio equipment, telecommunications terminal equipment and network equipment; (46/2005)

3d) *fixed installation* means a combination of network equipment that is installed in a predefined place for permanent use; (11/2007)

4) *safety radiocommunication* means radiocommunication employed to safeguard and rescue human lives and property;

5) *amateur service* means radiocommunication using amateur radio stations carried out among themselves by persons who have demonstrated adequate proficiency, for the purpose of self-training, intercommunication or radiotechnical experimentation and without seeking financial benefit;

6) *harmful interference* means interference caused to safety radiocommunication or which otherwise significantly degrades, obstructs or repeatedly interrupts other radiocommunications;

7) *identification information on a radio transmission* means information on the call sign of a radio station, on the type of radio transmitter or the user of the radio transmitter, and on the starting time, duration or transmission site of a radio transmission;

8) *harmonized standard* means a technical specification adopted by a recognized standards body under a mandate from the Commission of the European Communities and for which the reference details have been published in the Official Journal of the European Communities;

9) *notified body* means a body which a State in the European Economic Area has designated to assess, in the manner laid down in this Act, the conformity of radio equipment and telecommunications terminal equipment, and of whose

designation the State has notified the Commission of the European Communities. (399/2003)

Section 5 - Parties responsible instead of the telecommunications equipment manufacturer (46/2005)

The provisions of sections 21-23 and 28 of this Act concerning manufacturers apply as appropriate to their authorized representatives if the manufacturer is not situated in the European Economic Area. If neither the manufacturer nor its authorized representative is situated in the European Economic Area, the provisions of this Act will also apply to the party that places the equipment on the market within the European Economic Area.

Chapter 2 - Radio frequency administration

Section 6 - Radio frequency usage

- (1) The Finnish Communications Regulatory Authority issues regulations on the use of radio frequencies for different purposes, with due consideration to the international regulations and recommendations on radio frequency usage. The regulations must contain information on the intended use of frequency bands and on the most important radiotechnical characteristics required of radio equipment using the frequency bands.
- (2) Utilization plans for the following are subject to confirmation by the Government:
 - 1) telecommunications activities that require a licence as referred to in section 4 of the Communications Market Act (393/2003);
 - 2) television and radio broadcasting in specified frequency bands that requires a licence as referred to in section 7 of the Act on Television and Radio Operations (744/1998); and
 - 3) the frequency bands referred to in subsection 5.

(11/2007)

- (3) Before the Government confirms a utilization plan, an opportunity must be reserved for telecommunications operators and other parties representing frequency band user groups to present their views on the plan. The Government must re-examine the utilization plan if it is possible to assign additional frequencies for the activity requiring a licence referred to in subsection 2 or if a party referred to above in this subsection presents a justifiable request for re-examination. (399/2003)
- (4) The Finnish Communications Regulatory Authority may, in individual cases, depart from a confirmed utilization plan referred to in subsection 2 for technical reasons if this is necessary for the prevention or removal of interference in radiocommunications. Provided there is justifiable cause, the Finnish Communications Regulatory Authority may also permit other radiocommunications than those which accord with the purpose of use for a radio frequency band referred to in the utilization plan if these other radiocommunications would not restrict use of the frequency band for its primary purposes nor cause interference in the radiocommunications appropriate to the primary purposes. (46/2005)
- (5) When preparing the regulations referred to in subsection 1, the Finnish Communications Regulatory Authority must work in cooperation with the Ministry of Transport and Communications. If a regulation concerning use of an individual frequency band could have a significant effect on the general development of the communications market, the utilization plan for the frequency band in question will require confirmation in a frequency band utilization plan referred to in subsection 2. (11/2007)

Section 7 - *Radio licence*

- (1) In order to guarantee efficient, appropriate and sufficiently interference-free use of radio frequencies, a licence (*radio licence*) must be acquired for the possession and use of a radio transmitter, unless otherwise laid down below in this section. (11/2007)
- (2) No radio licence is required for the possession and use of a radio transmitter if the radio transmitter functions only on the collective frequency designated for it by the Finnish Communications Regulatory Authority and if its conformity has been confirmed in the manner laid down in this Act. The Finnish

Communications Regulatory Authority may issue regulations restricting the use of such radio transmitters if this is necessary to ensure the efficient and appropriate use of frequencies and for the prevention or removal of interference. (399/2003)

- (3) No radio licence is required for the possession of a radio transmitter if the radio transmitter has been permanently rendered technically inoperable for radiocommunication or if it is otherwise evident that the possession is not for the purpose of radiocommunication.
- (4) The Finnish Communications Regulatory Authority issues regulations on how approval as a licence referred to in subsection 1 can be given to licences, other authorizations, or markings indicating the right to use a radio transmitter, which have been issued by the competent authority of another country.
- (5) Police officers of a foreign State do not need a radio licence for the possession and use of a radio transmitter to be used in pursuit referred to in Article 41, or in cross-border surveillance referred to in Article 40, of the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at the common borders signed at Schengen on 19 June 1990 (Finnish Treaty Series 23/2001).
- (6) Representatives of foreign States do not need a radio licence for the possession and use of a radio transmitter to be used during a state or working visit if the Finnish Communications Regulatory Authority has been notified of the possession and use of the radio transmitter and has been given the information requested by it on the configuration of the radio transmitter. (46/2005)
- (7) Personnel of a foreign State as referred to in the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Finnish Treaty Series 15/2005) do not need a radio licence for the possession and use of a radio transmitter to be used in relief operations and disaster mitigation as referred to in the Convention if the Finnish Communications Regulatory Authority has been notified of the possession and use of the radio transmitter and has been given the information requested by it on the configuration of the radio transmitter and the intended use. (11/2007)

Section 8 - *Licence conditions*

- (1) The Finnish Communications Regulatory Authority may attach conditions to a radio licence that are necessary for ensuring efficient and appropriate use of frequencies, efficiency in the communications market and preventing or removing interference in radiocommunications. In the licence conditions, the Finnish Communications Regulatory Authority may further stipulate that the radio licence be kept in the immediate vicinity of the radio transmitter.
- (2) The licence conditions for radio transmitters presenting a considerable risk of causing interference may include a requirement that such transmitters must not be taken into use until this has been approved by the Finnish Communications Regulatory Authority on the basis of an inspection. The Finnish Communications Regulatory Authority will issue regulations on the types of radio transmitter deemed to present a considerable risk of causing interference and will issue further regulations on the inspection procedure and on the adjustment of transmitters and other comparable requirements to be met before approval can be given for taking the equipment into use. (399/2003)
- (3) During the validity period of a radio licence, the Finnish Communications Regulatory Authority may amend the licence conditions without the consent of the licence holder if this is essential because of a change in the confirmed utilization plan for a radio frequency, because of regulations on frequencies or because of international treaty obligations, or if it is justified for the prevention or removal of interference in radiocommunications or on the basis of the radio frequency band's primary purpose of use. Licence conditions may also be amended if this is essential because of a change in the economic or technical operating prerequisites of a telecommunications operator engaged in the market or if it stems from the arrival of a new telecommunications operator on the market or other similar need to reorganize radio frequency usage arising from a change in market circumstances. (11/2007)

Section 9 – *Radio frequency reservations*

An application may be made to reserve the radio frequencies needed for use of a radio transmitter before applying for a radio licence if this is justified because of the planning or implementation of a radio system or if the

acquisition of a radio transmitter necessitates advance information on the radio frequencies available.

Section 10 - *Granting of radio licences and frequency reservations*

- (1) Radio licences and radio frequency reservations are granted by the Finnish Communications Regulatory Authority. The application must include the information necessary for processing the application as requested by the Finnish Communications Regulatory Authority.
- (2) Radio licences are granted for up to 10 years at a time. However, a radio licence for a radio transmitter to be used in providing telecommunications that require a licence as referred to in section 4 of the Communications Market Act and a radio licence for a radio transmitter to be used for television and radio broadcasting as referred to in section 7 of the Act on Television and Radio Operations are granted for up to 20 years at a time. (399/2003)
- (3) A frequency reservation is granted for up to one year at a time. The frequency reservation will expire if a radio licence is granted for the use of a radio transmitter referred to in section 9.
- (4) Unless otherwise provided in subsections 5-7, a radio licence or a frequency reservation that meets the requirements laid down in section 9 must be granted if:
 - 1) the licence or frequency reservation applied for pertains to a frequency band which, in the regulations on frequency usage issued by the Finnish Communications Regulatory Authority, has been allocated for the use referred to in the application;
 - 2) it is possible to allocate technically appropriate radio frequencies within the frequency band for use or reservation by the applicant; (11/2007)
 - 2a) the radio transmitter's conformity has been confirmed; and (11/2007)
 - 3) the Finnish Communications Regulatory Authority has no justifiable cause to suspect that the applicant will violate the provisions and regulations concerning radiocommunications or the radio licence conditions.

- (5) If there is an unpaid sum concerning the applicant's previous radio licence or frequency reservation that pertains to the same type of equipment as the new licence or reservation being applied for, and the overdue amount is other than insignificant, the licence or reservation may be denied.
- (6) If the applicant aims to provide telecommunications requiring a licence as referred to in section 4 of the Communications Market Act or to pursue television or radio broadcasting that requires a licence as referred to in section 7 of the Act on Television and Radio Operations, no radio licence or frequency reservation can be granted unless the applicant has the necessary licence. (399/2003)
- (7) If only a proportion of applicants can be granted a radio licence or frequency reservation due to the insufficiency of radio frequencies, the licence or reservation must be granted to those applicants whose operations best promote the purpose of this Act laid down in section 1.
- (8) Applicants for or holders of a radio licence, and also other telecommunications operators if necessary, are obliged to provide the Finnish Communications Regulatory Authority with the information requested by it that is necessary in making the licence decision referred to in subsection 7. (11/2007)

Section 11 - *Change of radio licence holder*

- (1) In a consolidated corporation referred to in the Companies Act (734/1978) [624/2006], a radio licence may be transferred from one company to another. The Finnish Communications Regulatory Authority must be notified of the transfer without delay. The transfer of a radio licence to another party other than within a consolidated corporation may take place only if the licence conditions so specify.
- (2) Handing over a radio licence to a party that is also given the licence holder's radio transmitter for temporary use is not considered a transfer of the radio licence. In such cases the licence holder remains responsible for ensuring that the radio transmitter is used in accordance with the licence conditions.

- (3) If the licence holder merges with another limited liability company in the way referred to in the Companies Act, the radio licence will be transferred to the receiving company. If the business activity performed by the licence holder and to which the radio licence pertains is given up completely, the radio licence will be transferred to the receiving legal person or natural person. If the holder of the radio licence is declared bankrupt and the administration of the bankrupt's estate notifies the Finnish Communications Regulatory Authority without delay that the estate is to continue the business activity of the licence holder, the radio licence will be transferred to the bankrupt's estate.

Section 12 - *Revocation of radio licences and frequency reservations*

- (1) The Finnish Communications Regulatory Authority may, in full or in part, revoke a radio licence or a frequency reservation, if:
- 1) the licence holder, despite the measures laid down in section 36, seriously or repeatedly violates this Act or the provisions, regulations or licence conditions issued by virtue of it in a way that is significant in terms of maintaining interference-free radiocommunications, or significantly violates the obligation to pay for a radio licence or radio frequency reservation; (46/2005)
 - 2) the licence holder, deliberately or through negligence, transmits a false distress signal referred to in section 10 of Chapter 34 of the Penal Code (39/1889), or disturbs or harms safety radiocommunications in some other way;
 - 3) the licence holder does not use the radio frequencies allocated in the licence and fails to start using them within a reasonable time limit set by the Finnish Communications Regulatory Authority;
 - 4) a radio transmitter uses radio frequencies in an inappropriate way on account of its technical characteristics;
 - 4a) the requirements for granting a radio licence referred to in section 6(4) above are no longer being met; (11/2007)

5) a licence granted for television and radio broadcasting ceases to be valid according to the provisions of section 13 of the Act on Television and Radio Operations, or expires according to the provisions of section 14 of the same Act;

6) a licence referred to in section 4 of the Communications Market Act ceases to be valid; and (399/2003)

7) international agreements binding on Finland require such cancellation.

- (2) No separate appeal can be made against the decision setting a time limit referred to in subsection 1(3) above. (11/2007)

Section 13 - *Decision on protection against interference*

- (1) The Finnish Communications Regulatory Authority may, upon application by a radio frequency user, decide on measures to protect a fixed radio receiving station against interference if the decision can be made without causing unreasonable economic or other damage to other users of radio frequencies in comparison with the advantage to be obtained through the protection.
- (2) In the decision, which will remain in force for up to 10 years at a time, conditions may be imposed on the construction, location and use of the station being protected. The decision may be cancelled or its conditions altered if there is a significant change in the circumstances prevailing when the decision was made.

Section 14 - *Certain types of electrical appliance*

The Finnish Communications Regulatory Authority issues regulations on the radio frequencies that can be used by electrical appliances, other than radio equipment, that are designed to generate radio waves and are used for scientific, industrial, medical or other corresponding purposes, as well as the conditions that must be observed in the use of such appliances.

Section 15 – *Demonstrating proficiency*

- (1) Users of radio transmitters for the maritime mobile service or the amateur service must have a certificate issued by the Finnish Communications Regulatory Authority, or a certificate issued by the competent authority of another country and recognized by the Finnish Communications Regulatory Authority as being valid in Finland.
- (2) Notwithstanding the provisions of subsection 1, the radio transmitter may also be used by another person under the direct supervision of the holder of the certificate.
- (3) A certificate is obtained by taking a proficiency examination. Knowledge of the rules, guidelines and equipment pertaining to the type of radiocommunication in question and the necessary language skills must be demonstrated in the examination. The examination requirements are determined by the Finnish Communications Regulatory Authority, which also appoints the examiners. Upon application, a party outside the Finnish Communications Regulatory Authority may be appointed as examiner. Examiners must have the skills and experience for the task. In regard to the general principles concerning the levying of charges for taking examinations and the extent of such charges, the provisions of sections 4-7 of the Act on Criteria for Charges Payable to the State (150/1992) will apply, as appropriate. Provisions on charges to be levied on taking the examinations referred to above may be issued by Decree of the Ministry of Transport and Communications, observing the provisions of section 8(2-3) of the Act on Criteria for Charges Payable to the State, as appropriate. (46/2005)
- (4) The Finnish Communications Regulatory Authority will grant a certificate to an applicant who has passed the examination, provided there is no justifiable cause to suspect that the applicant will violate the provisions and regulations on radiocommunication.

Subsection 5 has been repealed (by Act 46/2005)

- (6) Provisions on the proficiency required for the aeronautical mobile service are laid down in the Aviation Act (281/1995) and in provisions and regulations issued by virtue of it.

- (7) The Finnish Communications Regulatory Authority may cancel the appointment of an examiner referred to in subsection 3 if the examiner no longer fulfils the requirements for the appointment of examiners as laid down in the subsection or significantly violates the subsection's provisions concerning activities performed. (11/2007)
- (8) The Finnish Communications Regulatory Authority may, if necessary, issue further regulations concerning the work of examiners. (11/2007)

Section 16 – *Maintaining proficiency*

- (1) The user of a radio transmitter intended for safety radiocommunication on a merchant vessel in international traffic must demonstrate that he/she has maintained the proficiency stated in the certificate referred to in section 15 within five years of the certificate being issued. Maintenance of the proficiency required may be demonstrated by:
 - 1) presenting written evidence of seagoing service and use of safety radio equipment relevant to maintaining proficiency;
 - 2) passing an examination to which the provisions of section 15(3-5) apply; or
 - 3) passing a course approved by the Finnish Communications Regulatory Authority instead of the examination.
- (2) The Finnish Communications Regulatory Authority will, upon application, grant an endorsement of certificate to a person who demonstrates, in the manner referred to in subsection 1, that he/she has maintained the proficiency required. The Finnish Communications Regulatory Authority may also accept as a demonstration that proficiency has been maintained a certificate attesting to this issued by the competent authority of another country.

Section 17 - *Presentation of certificates and endorsements of certificate, and their period of validity*

- (1) On request, the user of a radio transmitter for the maritime mobile service or the amateur service must present his/her certificate or endorsement of certificate to representatives of the Finnish Communications Regulatory

Authority, the police, the Border Guard or the Finnish Maritime Administration who are supervising compliance with the provisions concerning these certificates and endorsements.

- (2) A certificate is valid until further notice, and an endorsement of certificate is valid for five years from the date on which it was issued, the date on which the examination was passed or the date on which the course certificate was issued.

Section 18 - *Revocation of a certificate or an endorsement of certificate* (46/2005)

The Finnish Communications Regulatory Authority may revoke a certificate or an endorsement of certificate if the holder of the certificate or endorsement transmits a false distress signal referred to in section 10 of Chapter 34 of the Penal Code by means of a radio transmitter, interferes in radiocommunications using a radio transmitter in a manner that is punishable under section 5, 6 or 7 of Chapter 38 of the Penal Code, repeatedly violates the provisions on radiocommunications or repeatedly and due to negligence causes harmful interference in radiocommunications.

Chapter 3 - **Placing telecommunications equipment on the market** (46/2005)

Section 19 - *Import, sale, offering for sale, demonstration and use* (399/2003)

- (1) It is permitted to import to Finland for the purpose of sale or transfer, or, within Finland, to offer for sale, to sell or to transfer to another party, only such radio transmitters as comply with this Act and with the essential requirements laid down by virtue of it and which bear the required markings and are accompanied by a declaration of intended use and a declaration of conformity.
- (2) It is permitted to import to Finland for sale or transfer, or, within Finland, to offer for sale, only such radio receivers as comply with this Act and with the essential requirements laid down by virtue of it and which bear the required markings and are accompanied by a declaration of intended use and a declaration of conformity.
- (3) It is permitted to import to Finland for the purpose of sale or transfer, or, within Finland, to offer for sale, to sell or to transfer to another party, only

such telecommunications terminal equipment and network equipment as comply with this Act and with the essential requirements laid down by virtue of it and which bear the required markings and are accompanied by a declaration of conformity. Telecommunications terminal equipment must also bear a marking that indicates the intended use. (46/2005)

- (4) Other telecommunications equipment than that referred to in subsections 1-3 which is intended for placing on the market in Finland may be displayed, provided that prominent marking clearly indicates that such equipment may not be placed on the market until it has been verified that the equipment conforms with the essential requirements referred to in section 20. (46/2005)
- (5) A radio transmitter must not be used for radiocommunications if its conformity with the requirements laid down in sections 20 or 24 has not been verified. However, a radio transmitter may be used for radiocommunications if the right to use it has been approved in the manner referred to in section 7(4-7) or if the Finnish Communications Regulatory Authority has granted a radio licence referred to in section 7(1) for its possession and use in research and development activities concerning radio equipment. (11/2007)

Section 20 - *Essential requirements* (399/2003)

- (1) Telecommunications equipment must satisfy the following essential requirements for such equipment:
 - 1) the requirements concerning the protection of public health and safety, including the requirements concerning the safety of electrical equipment as laid down in separate provisions, but without voltage limits applying in respect of radio and telecommunications terminal equipment;
 - 2) the protection requirements concerning electromagnetic compatibility as stipulated by the Finnish Communications Regulatory Authority;
 - 3) the requirement that radio frequencies and orbital resources be used efficiently so as to avoid harmful interference.
- (46/2005)

- (2) The Finnish Communications Regulatory Authority will, if necessary, issue further regulations on any essential special requirements for radio equipment and telecommunications terminal equipment where such requirements are the subject of decision by the Commission of the European Communities that requires enforcement.

Section 21 - *Conformity assessment procedure (46/2005)*

- (1) The conformity of telecommunications equipment must be demonstrated by means of:
 - 1) internal production control;
 - 2) internal production control that includes specific radio test suites;
 - 3) internal production control that includes specific radio test suites and an opinion of a notified body;
 - 3a) internal production control that includes an opinion of a notified body;
 - 3b) an internal production audit as provided under the Electrical Safety Act (410/1996), or an internal production audit that includes an opinion from a notified body; or (11/2007)
 - 4) full quality assurance.
- (2) During every procedure referred to in subsection 1, the telecommunications equipment manufacturer must ensure that the equipment satisfies the essential requirements referred to in section 20 and must draw up a document declaring that the equipment conforms with these requirements (*declaration of conformity*). The procedure referred to in subsection 1(2) above also requires that the equipment is tested using specific radio test suites. In the procedure referred to in subsection 1(3) and 1(3a) above, a technical construction file based on the test results of the specific radio test suites and the technical documentation prepared for the equipment must also be presented to the notified body.

- (3) In assessment procedures other than in subsection 1(3b), a negative opinion issued by a notified body concerning the technical construction file for the equipment does not prevent the manufacturer from placing the equipment on the market if the equipment satisfies the essential requirements referred to in section 20.
- (4) In the procedure referred to in subsection 1(4) above, the manufacturer must, in the design, manufacture and inspection of the products, operate a quality system certified by a notified body. For supervision purposes, the manufacturer must provide the notified body with the necessary information and allow inspections of the manufacture, inspection, testing and storage facilities. If the quality system no longer fulfils the requirements laid down for it by virtue of this Act, the notified body may withdraw its certification.
- (5) The documentation for the conformity assessment procedure must be drawn up in Finnish or Swedish or in a language accepted by the notified body or the Finnish Communications Regulatory Authority. The manufacturer must keep the documentation referred to above at the disposal of the national authorities of the States in the European Economic Area for at least 10 years after the last piece of telecommunications equipment has been manufactured.
- (6) The Finnish Communications Regulatory Authority will issue further regulations on the procedure to be followed in assessing the conformity of telecommunications equipment and on the documentation to be drawn up in connection with this.

Section 21a - *Verifying the conformity of a radio transmitter* (46/2005)

- (1) Where the manufacturer of a radio transmitter has applied the harmonized standards referred to in paragraph 8 of section 4, the conformity of the radio transmitter must be demonstrated using the assessment procedure referred to in paragraph 2, 3 or 4 of section 21(1).
- (2) Where the manufacturer of a radio transmitter has not applied the harmonized standards referred to in paragraph 8 of section 4 or has applied them only in part, the conformity of the radio transmitter must be demonstrated using the assessment procedure referred to in paragraph 3 or 4 of section 21(1).
(11/2007)

Section 21b - *Verifying the conformity of a radio receiver* (11/2007)

The conformity of a radio receiver or the receiver components of a piece of radio equipment must be demonstrated using the assessment procedure referred to in paragraphs 1, 3 or 4 of section 21(1). The conformity of a radio receiver designed solely for receiving television or radio programmes must be demonstrated using the assessment procedure referred to in paragraph 1 or 3b of section 21(1).

Section 21c - *Verifying the conformity of telecommunications terminal equipment* (11/2007)

The conformity of telecommunications terminal equipment must be demonstrated using the assessment procedure referred to in paragraph 1, 3a or 4 of section 21(1).

Section 21d - *Verifying the conformity of network equipment* (11/2007)

The conformity of network equipment must be demonstrated using the assessment procedure referred to in paragraph 3b of section 21(1).

Section 21e - *Fixed installations* (11/2007)

- (1) Fixed installations must be carried out in compliance with good technical practice in such a way that the installation meets the protection requirements concerning electromagnetic compatibility referred to in section 20(1)(2). The conformity of a fixed installation in respect of its electromagnetic compatibility does not need to be demonstrated using the assessment procedure referred to in section 21.
- (2) Notwithstanding the provisions of sections 19(3) and 21d, the conformity of network equipment designed for a specific fixed installation and not offered for sale does not need to be demonstrated in respect of the protection requirements concerning electromagnetic compatibility referred to in section 20(1)(2), nor does the marking stipulated by the Finnish Communications Regulatory Authority under section 22(1) need to be applied.

- (3) The holder of a fixed installation is obliged to appoint a person responsible for ensuring that the fixed installation accords with subsection 1 and to provide the Finnish Communications Regulatory Authority with information on the person responsible if it so requests.
- (4) The Finnish Communications Regulatory Authority may issue further regulations on the procedure to be followed in carrying out fixed installations and on the appointment and notification of persons responsible, as well as on the documentation concerning fixed installations and network equipment designed for such installations, and on the obligation to register and store such documentation.

Section 22 - *Marking and the information to be supplied* (399/2003)

- (1) The telecommunications equipment manufacturer must affix a marking on equipment assessed in accordance with section 21, in the manner specified by the Finnish Communications Regulatory Authority. (46/2005)
- (2) In addition to a declaration of conformity, radio equipment and telecommunications terminal equipment must be accompanied by information on the intended use of the equipment (*declaration of intended use*). In the case of radio equipment, the sales package and instructions for use must contain sufficiently clear information indicating the European Union Member States or the geographical area where the equipment is intended to be used. The information on telecommunications terminal equipment must indicate clearly interfaces of the public communications network to which the equipment is intended to be connected. (11/2007)
- (3) The provisions of subsection 2 do not apply to radio receivers designed solely to receive television or radio programmes. (11/2007)

Section 23 - *Notification of placing on the market*

- (1) If a radio transmitter assessed in accordance with section 21a operates on frequencies that have been allocated to another use in regulations issued by the Finnish Communications Regulatory Authority, the manufacturer must notify the Finnish Communications Regulatory Authority of the intention to place the radio transmitter on the market. (46/2005)

- (2) The Finnish Communications Regulatory Authority will issue further regulations on the notification procedure and on the information to be given in the notification.

Section 24 - Requirements for certain types of radio equipment and telecommunications terminal equipment (399/2003)

- (1) The provisions of sections 20-22 do not apply to:
- 1) radio equipment which is intended to be used solely for the amateur service and which is not available commercially;
 - 2) radio equipment whose conformity is verified as part of marine equipment;

Paragraph 3 has been repealed (by Act 46/2005)

- 4) radio equipment intended for aeronautical mobile service use on board an aircraft; (11/2007)
 - 5) radio equipment and telecommunications terminal equipment to be used solely to ensure public safety or State security or in uncovering, solving or conducting pre-trial investigation of a criminal offence. (399/2003)
- (2) The Finnish Communications Regulatory Authority may, if necessary, issue regulations on the characteristics and technical construction of the radio equipment and telecommunications terminal equipment referred to in subsection 1 and on the conformity assessment procedure and marking of such equipment. (399/2003)

Chapter 4 - Guidance and supervision

Section 25 - Guidance and development

The Ministry of Transport and Communications is responsible for the overall guidance and development of the activities that fall within the scope of this Act.

Section 26 - *Duties of the Finnish Communications Regulatory Authority*

The Finnish Communications Regulatory Authority is responsible for radio frequency administration. In addition to what is laid down elsewhere in this Act, the duties of the Finnish Communications Regulatory Authority are:

- 1) to supervise compliance with this Act and with the provisions and regulations issued by virtue of it, except the requirements on the protection of public health and safety referred to in section 20(1)(1) in so far as the law requires these to be supervised by another authority;
- 2) to ensure the conformity of radio equipment referred to in paragraphs 1, 4 and 5 of section 24(1);
- 3) to investigate the reasons for interference in radiocommunications and disturbance to telecommunications networks, radio equipment, telecommunications terminal equipment and electrical appliances caused by radio equipment or telecommunications terminal equipment; (399/2003)
- 4) to grant radio stations with call signs required for the identification of radio transmissions, and, if necessary, to issue regulations on the use of call signs;
- 5) to issue regulations concerning the construction and use of amateur radio stations as well as other regulations to be followed in the amateur service concerning the frequencies to be used, transmission powers, spurious emissions, addressing of transmissions and unidirectional transmissions.

Section 27 - *Duties of certain other authorities* (46/2005)

Compliance with sections 7(1) and 15(1) is supervised by the police and the Border Guard, in addition to the Finnish Communications Regulatory Authority. Compliance with sections 15(1) and 16(1) is supervised by the Finnish Maritime Administration, in addition to the Finnish Communications Regulatory Authority. Compliance with the provisions on importing telecommunications equipment is supervised by the customs authority, in addition to the Finnish Communications Regulatory Authority.

Section 28 - *Information to be supplied to the Finnish Communications Regulatory Authority (399/2003)*

- (1) Notwithstanding the provisions on confidentiality, the Finnish Communications Regulatory Authority has the right to obtain the information necessary for supervision of compliance with this Act and the provisions and regulations issued by virtue of it from manufacturers of radio equipment and telecommunications terminal equipment, parties responsible for placing such equipment on the market, importers, vendors and notified bodies.
- (2) Anyone who offers telecommunications equipment for sale must, on request, furnish a Finnish Communications Regulatory Authority inspector with information on the technical construction of radio equipment and telecommunications terminal equipment, verification of the equipment's conformity, ~~and sales and transfers.~~ (46/2005)
- (3) Holders and owners of telecommunications equipment are obliged to supply information to the Finnish Communications Regulatory Authority on the construction, use and location of the equipment and information necessary for the collection of fees. (46/2005)

Section 29 - *Information from the customs authority (46/2005)*

Notwithstanding the provisions on confidentiality, the Finnish Communications Regulatory Authority has the right to obtain from the customs authority the names of importers of telecommunications equipment and information on numbers of items imported and dates of import.

Section 30 – *Identifying and locating the cause of interference*

- (1) The Finnish Communications Regulatory Authority has the right to monitor radiocommunications and their technical performance so as to ensure that frequencies are adequately free of interference and used efficiently. Identification information on confidential radio transmissions may be monitored and used only to the extent needed for identifying and locating a party interfering in radiocommunications or a radio transmitter that requires a licence but is being operated without one, or for removal or restriction of interference or for prosecution of a party causing interference. However, the

content of a confidential radio transmission may be monitored, and use made of the information obtained regarding the content of the transmission, only if this is essential for identifying, locating, removing or restricting any interference in safety radiocommunications or for prosecution of a party causing interference. (11/2007)

- (2) The Finnish Communications Regulatory Authority must destroy information on confidential radiocommunications when it is no longer needed for ensuring that radiocommunications are adequately free of interference or for handling of administrative matters or criminal cases in connection with interference. The information must be destroyed no later than two years, or if the information is needed for securing interference-free safety radiocommunications, no later than 10 years, after the end of the calendar year during which the information was received or the decision in an administrative matter or criminal case in connection with the interference gained legal force.
- (3) The provisions of subsections 1 and 2 also apply to information given to the Finnish Communications Regulatory Authority under section 37(3).

Section 31 - *Inspection*

- (1) For supervision of compliance with this Act and the provisions and regulations issued by virtue of it, a Finnish Communications Regulatory Authority inspector has the right to perform an inspection at the location of:
 - 1) a radio transmitter for the possession of which a radio licence referred to in this Act or for the use of which a proficiency certificate or a certificate endorsement referred to in this Act is required;
 - 2) radio equipment or telecommunications terminal equipment that is found, or on reasonable grounds is suspected, to have operated or to be operating in violation of the provisions or regulations or of causing interference;
(399/2003)
 - 3) an electrical appliance referred to in section 14 that is found, or on reasonable grounds is suspected, to have operated or to be operating in violation of the provisions or regulations or of causing interference; or

- 4) radio equipment or telecommunications terminal equipment that is offered for sale or is intended to be placed on the market. (399/2003)
- (2) An inspector also has the right to enter a location where equipment referred to in subsection 1 is, on reasonable grounds, suspected of being located. However, no inspection may be carried out in a place governed by the provisions on domiciliary peace, unless special grounds exist for suspecting that the provisions of paragraph 1, 2 or 3 of section 39(1) of this Act or of sections 5–7 of Chapter 38 of the Penal Code have been violated.
- (3) On the request of an inspector, the holder, user or owner of a piece of radio equipment must present the radio licence in his/her possession to the inspector.
- (4) The provisions of subsection 3 above concerning inspectors from the Finnish Communications Regulatory Authority also apply to representatives of the Border Guard and the police. (11/2007)

Section 32 – *Removing telecommunications equipment for examination* (46/2005)

- (1) If, on reasonable grounds, it is suspected that section 19, 22(2) or 23 has been violated, an inspector has the right to remove the equipment and its documents for examination and to prohibit the equipment from being used, offered for sale, transferred, misplaced or destroyed during the time of the examination, which must be conducted without delay. The party whose equipment has been removed for examination must be furnished with an official document stating the property removed for examination and the reason for the examination.
- (2) If the telecommunications equipment removed for examination complies with the requirements of this Act and of the provisions and regulations issued by virtue of it and the value of the equipment has decreased because of the examination, compensation for the equipment corresponding to its current price must be paid, on request, to the owner. (46/2005)
- (3) If the telecommunications equipment fundamentally violates this Act or the provisions or regulations issued by virtue of it, the Finnish Communications Regulatory Authority may oblige the equipment manufacturer or importer to compensate it for the costs incurred in the examination and to remove the equipment from the market. (46/2005)

Section 33 - *Removal of interference*

- (1) If the operation of radio equipment causes interference in safety radiocommunications, the use of the radio equipment must be discontinued immediately.
- (2) If a radio transmitter causes interference in radiocommunications or to other radio equipment, the holder or owner of the radio transmitter must eliminate or restrict the interference. If the interference is caused by the technical characteristics of a radio receiver, the elimination of the interference is the responsibility of the holder or owner of the radio receiver. The Finnish Communications Regulatory Authority may stipulate other measures concerning the technical characteristics or the use of the radio equipment that must be undertaken by the holder or owner of the radio equipment in order to prevent or restrict the interference and its effects.
- (3) If both the radio equipment causing the interference and the equipment suffering from the interference are in compliance with this Act and the provisions and regulations issued by virtue of it, and the interference is not of a minor nature, the Finnish Communications Regulatory Authority will present a proposal to the parties concerned regarding measures for the elimination of the interference or the restriction of its effects.
- (4) If the parties fail to agree on the measures necessary to eliminate the interference or on the amount or allocation of the costs caused thereby, the Finnish Communications Regulatory Authority will settle the matter.
- (5) The procedures referred to in subsections 2–4 above also apply when radio equipment causes interference to telecommunications networks, telecommunications terminal equipment or electrical appliances whose interference immunity properties are in accordance with this Act and with the provisions issued under it.

Section 34 - *Prevention of interference*

- (1) The Finnish Communications Regulatory Authority has the right to prohibit telecommunications equipment from being imported, offered for sale, sold,

transferred or used, and to prohibit the use of certain types of electrical appliance referred to in section 14, if the equipment or appliance has caused harmful interference or is, on reasonable grounds, suspected of causing harmful interference. (46/2005)

- (2) The Finnish Communications Regulatory Authority also has the right to prohibit radio equipment from being imported, offered for sale, sold, transferred or used if, on reasonable grounds, it is suspected that the radio equipment will cause interference in the planned usage of radio frequencies referred to in section 6.
- (3) The Finnish Communications Regulatory Authority has the right to inspect radio equipment, and to remove it for examination, if reasonable grounds exist to suspect that it does not comply with this Act or with the provisions or regulations issued by virtue of it. If it is found that the radio equipment or its use fundamentally violates this Act or the provisions and regulations issued by virtue of it, or that the radio equipment or its use could cause harmful interference, the Finnish Communications Regulatory Authority may render the radio equipment temporarily inoperable, provided that this does not cause the holder of the radio equipment harm or damage that would be unreasonable in the circumstances. The provisions of section 32 otherwise apply to radio equipment that is removed for examination. (46/2005)

Section 35 - *Executive assistance*

- (1) The Finnish Communications Regulatory Authority has the right to obtain executive assistance from the police, the customs authority, the Border Guard and the Finnish Maritime Administration for the purpose of supervising compliance with and implementation of this Act and the provisions and regulations issued by virtue of it.
- (2) If strong grounds exist to suspect that a criminal offence has been committed as referred to in section 7 of Chapter 38 of the Penal Code or paragraph 2 or 3 of section 39(1) of this Act in a place governed by the provisions on domiciliary peace, a house search or bodily search may be conducted, notwithstanding the provisions of sections 1(1) and 10(1) of Chapter 5 of the Coercive Measures Act (450/1987), in order to find illegal radio equipment or telecommunications terminal equipment or to solve the offence. (399/2003)

Section 36 – *Coercive measures*

- (1) The Finnish Communications Regulatory Authority may issue a reprimand to any party violating this Act or the provisions, regulations or licence conditions issued by virtue of it and obligate the party to rectify the fault or neglected action.
- (2) In order to enforce the obligation referred to in subsection 1, the Finnish Communications Regulatory Authority may impose a penalty payment or a threat of suspension of activities if this is essential due to the harmfulness of the fault or neglect.

Chapter 5 - **Miscellaneous provisions**

Section 37 – *Confidentiality of radiocommunications*

- (1) Radiocommunication is confidential and may be received only by those for whom it is intended. (46/2005)
- (2) Whoever receives or otherwise has information on a confidential radio transmission not intended for him/her must not wrongfully disclose it or make use of the knowledge of the contents or existence of the transmission.
- (3) The following are not considered to be confidential radiocommunications:
 - 1) initial transmissions of television and radio programmes;
 - 2) emergency calls;
 - 3) radiocommunications conducted using a public calling channel;
 - 4) the amateur service;
 - 5) shortwave radiocommunications in the 27 MHz frequency band;or any other radiocommunication intended for general reception.

(46/2005)

- (4) The provisions of subsections 1 and 2 do not prevent information being given to Finnish Communications Regulatory Authority about the existence of a confidential radio transmission and about its identification information if this is necessary for the purpose of identifying and locating any interference in radiocommunications, removing or restricting any interference, or prosecution of a party causing interference. Information on the contents of a confidential radio transmission may be given only if it is essential for the purpose of identifying, locating, removing or restricting interference in safety radiocommunications or for prosecution of a party causing interference.
- (46/2005)

- (5) For violation of the confidentiality obligation referred to in subsection 2, punishment must be imposed according to section 2(2) of Chapter 38 of the Penal Code, unless the act is punishable according to section 5 of Chapter 40 of the Penal Code or a more severe punishment is prescribed for it elsewhere than in section 1 of Chapter 38 of the Penal Code.

Section 38 – *Confidentiality obligation*

- (1) Any information concerning confidential radio transmissions that is received by the Finnish Communications Regulatory Authority by virtue of sections 30(1) and 37(3) must be kept confidential.
- (2) The provisions of subsection 1 do not prevent identification information being given to another authority if this is necessary for solving a criminal offence concerning the causing of interference or for prosecution in connection with such an offence, or for the removal or restriction of interference in radiocommunications.
- (3) In regard to the prohibition on using the information referred to in subsection 1 above and the punishment to be imposed for violation of the confidentiality obligation or of the prohibition on the use of information, the provisions of the Act on the Openness of Government Activities (621/1999) will apply.

Section 39 - *Penal provisions*

(1) Anyone who deliberately

1) possesses or uses a radio transmitter without the required radio licence or uses a radio transmitter without the required proficiency certificate or certificate endorsement;

2) violates an order or a prohibition on prevention or restriction of interference;

3) violates a provision on import, sale, offering for sale, transfer to another party or display of telecommunications equipment, or a prohibition issued in connection with the removal of equipment for examination; or

4) violates a provision on conformity assessment of radio equipment or telecommunications terminal equipment or on safekeeping of the documents relating to this, or a provision concerning placing the equipment on the market, marking the equipment or the declaration of its intended use,

will be sentenced to a fine for *violation of the Act on Radio Frequencies and Telecommunications Equipment*, unless a more severe punishment is prescribed in another Act. (11/2007)

(2) Whoever violates a prohibition or obligation ordered by virtue of this Act and enforced by a penalty payment or a threat of suspension of activities can not be sentenced under subsection 1 to punishment for the same act.

Section 40 - *Appeals*

(1) An appeal may be made against a decision of the Finnish Communications Regulatory Authority, as provided in the Administrative Judicial Procedure Act (586/1996). The Finnish Communications Regulatory Authority may, in its decision, order that the decision be complied with in spite of an appeal, unless the appellate authority stipulates otherwise.

- (2) The Finnish Communications Regulatory Authority has the right to appeal against any decision by which a Finnish Communications Regulatory Authority decision has been repealed or amended. (11/2007)

Section 41 - *Notified body*

- (1) The Ministry of Transport and Communications will, upon application, designate a notified body, which will have the task of issuing opinions on the conformity of radio equipment and telecommunications terminal equipment, stipulating specific radio test suites and certifying and supervising quality assurance systems for such equipment. A notified body may be designated for a given period. The necessary information requested by the Ministry for processing the application must be presented in the application. (399/2003)
- (2) A notified body must be functionally and economically independent of any manufacturer of radio equipment. It must have liability insurance or some other corresponding arrangement that is adequate in view of the extent of its activities, and must have at its disposal a sufficient number of professionally skilled personnel and systems, equipment and tools required for its activities.
- (3) The activities of notified bodies are supervised by the Ministry of Transport and Communications. A notified body must report on such changes in its activities as may influence its capacity to function as a notified body. If a notified body no longer fulfils the prescribed requirements, or functions contrary to the provisions, the Ministry of Transport and Communications may revoke the designation.
- (4) Further provisions on the requirements to be imposed on notified bodies, and on the documents demonstrating compliance with the requirements, which are to be attached to the application, will be issued by Decree of the Ministry of Transport and Communications.

Section 42 - *Good administrative practices and legal protection* (46/2005)

- (1) When notified bodies or examiners in a proficiency examination referred to in section 15(3) perform the tasks referred to in this Act, they must comply with the provisions of the Administrative Procedure Act (434/2003), the Act on the

Openness of Government Activities (621/1999) and the Language Act (423/2003).

- (2) A claim for rectification of a decision by a notified body on a quality assurance system for radio equipment or a decision concerning failure of a proficiency examination may be submitted to the Finnish Communications Regulatory Authority. A claim for rectification must be submitted within 30 days of receipt of the decision. A decision on a claim for rectification is subject to appeal as referred to in section 40.

Section 43 – *Mechanical signature*

Radio licences, frequency reservation decisions, certificates, endorsements of certificate and radio station call sign decisions which are issued as documents by automatic data processing methods may be signed mechanically.

Section 43a – *Precautionary measures and exceptional circumstances* (11/2007)

The principal radio frequency users and user groups specified by the Ministry of Transport and Communications on the basis of a proposal by the National Emergency Supply Agency all have a duty, in cooperation with the Finnish Communications Regulatory Authority, to ensure, by means of emergency planning and precautionary measures for exceptional circumstances, as well as other measures, that the use of radio frequencies is efficient and sufficiently free of interference even under exceptional circumstances and in disruptive situations in normal circumstances.

Section 43b – *The right of the Finnish Defence Forces and the Border Guard to obtain information* (11/2007)

The Finnish Defence Forces and the Border Guard have the right, notwithstanding the confidentiality obligation, to obtain from the Finnish Communications Regulatory Authority any information on frequency usage that is important for emergency planning and precautionary measures for exceptional circumstances.

Chapter 6 - **Entry into force and transitional provisions**

Section 44 - *Entry into force*

- (1) This Act enters into force on 1 January 2002.
- (2) This Act repeals the Radio Act of 10 June 1988 (517/1988), as amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 45 - *Transitional provisions*

- (1) Any licences for radio transmitters, call signs for radio stations, and proficiency certificates and certificate endorsements issued before the entry into force of this Act will remain in force for the period stated in the document in question.
- (2) Notwithstanding the provisions of subsections 1, 2 and 4 of section 19, radio equipment placed on the market according to the provisions valid when this Act comes into force may be used, offered for sale, sold or otherwise transferred to another party even if the equipment does not comply with the requirements of this Act or the provisions or regulations issued by virtue of it.

Amendment Acts

399/2003:

Notwithstanding the provisions of section 19(3-4), telecommunications terminal equipment placed on the market according to the provisions valid when this Act comes into force may be used, offered for sale, sold or otherwise transferred to another party even if the equipment does not comply with the requirements of this Act or the provisions or regulations issued by virtue of it.

11/2007:

Network equipment whose conformity has been demonstrated according to the provisions valid when this Act comes into force may be imported into Finland for the

purpose of sale or transfer and may, within Finland, be offered for sale, sold or transferred to another party until 20 July 2009.