



APPLICABLE PROVISIONS

Act on the Protection of Privacy in Electronic Communications (516/2004)

Section 38 Determination of the fee (1.12.2006/1061)

A telecommunications operator subject to notification or licence shall pay an annual information security fee to the Finnish Communications Regulatory Authority. The information security fee covers the costs incurred by the Finnish Communications Regulatory Authority for carrying out the duties provided in this Act concerning telecommunications operators. No information security fee is charged on the turnover from television and radio broadcasting activities as referred to in the Act on Television and Radio Operations (744/1998) or on the relaying of television or radio broadcasts. The information security fee is not returned if the operator would cease its activities in the middle of a billing period.

Section 39 Amount of the information security fee (19.12.2008/865)

The information security fee is determined in payment units according to payment categories. One payment unit equals EUR 60. Operators are assigned to payment categories in order to take into account the average costs incurred by the Finnish Communications Regulatory Authority for carrying out the duties related to operators in the respective category. The payment category for each operator is determined by the turnover that the operator has for telecommunications activities in Finland during the period that precedes the determination of the fee.

The information security fee is determined as follows:

Payment category	Turnover (EUR million)	Number of units
1	less than 1	2
2	1-2	4
3	2-4	7
4	4-8	14
5	8-16	26
6	16-32	50
7	32-64	94
8	64-128	179
9	128-192	340
10	192-256	493
11	256-341	645
12	341-427	839
13	427-512	1032
14	512-640	1226
15	640-768	1502
16	768-896	1778
17	896-1024	2054
18	1024-1229	2330
19	1229-1434	2749
20	1434-1638	3169
21	1638-1843	3588
22	1843 or more	4007

If the fee falls between the categories, it is determined according to the higher category.

Section 39 a Turnover as a basis for the payment category (1.12.2006/1061)

If a telecommunications operator is part of a corporate group as referred to in Chapter 1(6) of the Accounting Act (1336/1997), the basis for the telecommunications operator's fee is the operator's share of the total turnover from telecommunications activities in Finland of the group's liable operators less their intra-company turnover from these activities. If the parent company is not Finnish, the basis for the fee remains the same.

If there have been changes in the corporate structure between the end of the previous financial period and the time of issuing the payment decision, the payment category is determined on the basis of the operator's share of the total turnover from telecommunications activities in the previous closed financial period.

If telecommunications activities have been transferred to another undertaking between the end of the financial period of the previous year and the time of issuing the payment decision, the obligation to pay the fee falls on the undertaking that is involved in public telecommunications at the time of issuing the payment decision. In determining the payment category the confirmed turnover of the transferred telecommunications activities for the previous closed financial period shall be taken into account.

If the financial period of the telecommunications operator is other than 12 months, the turnover will be converted into a sum corresponding a 12-month turnover by multiplying it by 12 and then dividing it with the number of months in the financial period concerned.

Section 40 (1061/2006) - Stipulating and collecting the information security fee

The information security fee is collected annually in one instalment. The obligation for an operator to pay an information security fee is stipulated by the Finnish Communications Regulatory Authority. An appeal may be made against a decision of the Finnish Communications Regulatory Authority concerning the stipulation of the fee as laid down in section 43.

An information security fee may be collected without a judgment or decision under the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961). If the fee is not settled by due date, annual interest on delayed payments shall be charged for the unpaid amount according to the interest rate referred to in section 4 of the Interest Act (633/1982). Instead of the interest rate the authority may collect a default payment of five euros if the amount of the interest rate is less than that.

The Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961) has been repealed by the Act on implementing taxes and fees (706/2007).

Section 40 a Notification to FICORA and payment obligation in certain exceptional circumstances (1.12.2006/1061)

To determine the fee, the Finnish Communications Regulatory Authority has the right to obtain information from the operators on their turnover from the previous financial period. Telecommunications operators of a corporate group must also submit information about the posts incurred from the group's intra-company telecommunications and deducted from the telecommunications turnover as referred to in section 39 a (1). The operator shall submit the information to the Finnish Communications Regulatory Authority within one month from the adoption of the financial statements. A copy of the adopted financial statements and of the consolidated financial statements shall be annexed.

If no sufficiently reliable account of the turnover is available due to missing financial statements or some other comparable reason that is especially weighty, an estimate of the turnover by the Finnish Communications Regulatory Authority may be used as the basis for the payment. In the estimate due consideration must be given to:

- 1) telecommunications operator's extent of operations;
- 2) telecommunications operator's position on the market;
- 3) data about the telecommunications operator's services, number of clients and invoicing;
- 4) reference data about other telecommunications operators providing similar services; and
- 5) other similar elements affecting the telecommunications operator's turnover.

Before taking the measures referred to in subsection 2 the Finnish Communications Regulatory Authority shall ask the telecommunications operator to submit the information needed for determining the information security fee within a reasonable period on pain of the Finnish Communications Regulatory Authority estimating the turnover.

Section 43 Appeal

An appeal may be made in compliance with the provisions of the Administrative Judicial Procedure Act (586/1996) against decisions of the Finnish Communications Regulatory Authority or the Data Protection Ombudsman taken under this Act. In their decisions, the Finnish Communications Regulatory Authority and the Data Protection Ombudsman may order that the decision be complied with before it has gained legal force. However, the appellate authority may prohibit enforcement until the appeal has been resolved

Communications Market Act (393/2003)

Section 15 a

A telecommunications operator subject to notification or licence shall pay an annual communications market fee to the Finnish Communications Regulatory Authority. No communications market fee shall be charged for turnover from television and radio broadcasting activities as referred to in the Act on Television and Radio Operations. The communications market fee covers the costs incurred to the Finnish Communications Regulatory Authority for carrying out the duties provided in this Act concerning telecommunications operators, excluding the duties referred to in Section 49.

The communications market fee shall be determined in payment units according to payment categories. One payment unit equals EUR 350. Operators are assigned to payment categories in order to take into account the average costs incurred to the Finnish Communications Regulatory Authority for carrying out the duties related to operators in the respective category. The payment category for each operator shall be determined by the turnover that the operator has for telecommunications activities in Finland during the period that precedes the determination of the fee. Further provisions on the turnover as a basis for the payment category are provided in section 15 b.

The communications market fee shall be determined as follows:

Payment category	Turnover (mill. €)	Payment units
1	less than 1	2
2	1-2	4
3	2-4	7
4	4-8	14
5	8-16	26
6	16-32	50
7	32-64	94
8	64-128	179
9	128-192	340
10	192-256	493
11	256-341	645
12	341-427	839
13	427-512	1032
14	512-640	1226
15	640-768	1502
16	768-896	1778
17	896-1024	2054
18	1024-1229	2330
19	1229-1434	2749
20	1434-1638	3169
21	1638-1843	3588
22	1843 or more	4007

(19.12.2008/864)

If the fee falls between the categories, it is determined according to the higher category. (19.12.2008/864).

Provisions on the determination of the communications market fee for the first year of operations are laid down in section 15 d. (20.1.2006/26).

If a telecommunications operator discontinues its operations before the end of the payment period, the communications market fee shall not be returned. (20.1.2006/26)

Section 15 b

If a telecommunications operator is a part of a corporate group as referred to in chapter 1 (6) of the Accounting Act (1336/1997), the basis for the telecommunications operator's fee shall be the operator's share of the total turnover from telecommunications activities in Finland by the group's liable operators deducted by their mutual turnover from these activities. Even if the parent company is not Finnish, the basis for the fee shall remain the same.

If there have been changes in the corporate structure between the end of the previous financial period and the time of issuing the communications market fee decision, the payment category is determined on the basis of the operator's share of the total turnover from telecommunications activities in the previous closed financial period. (20.1.2006/26)

If telecommunications activities have been transferred to another undertaking between the end of the financial period of the previous year and the time of issuing the payment decision, the obligation to pay the fee falls on the undertaking that is involved in public telecommunications at the time of issuing the payment decision. In determining the payment category the confirmed turnover of the transferred telecommunications activities for the previous closed financial period shall be taken into account. (20.1.2006/26)

If the financial period of the telecommunications operator is other than a calendar year, the turnover will be converted into a sum corresponding a calendar year's turnover by multiplying it by 12 and then dividing it with the number of months in the financial period concerned. (20.1.2006/26)

Section 15 c

An obligation for an operator to pay a communications market fee shall be stipulated by the Finnish Communications Authority. An appeal may be made against a decision of the Finnish Communications Regulatory Authority concerning the stipulation of the fee as laid down in section 127(1). Further provisions on the implementation of the fee may be given by decree of the Ministry of Transport and Communications.

A telecommunications market fee may be collected without a judgement or a decision in a manner laid down in the Act on collecting taxes and payments through execution (367/1961). If the fee is not settled by due date, annual interest on delayed payments shall be charged for the unpaid amount according to the interest rate referred to in section 4 of the Interest Act (633/1982). Instead of the interest rate the authority may collect a default payment of five euros if the amount of the interest rate is less than that.

Section 15 d § (20.1.2006/2006)

If no sufficiently reliable account of the turnover is available due to missing financial statements or some other comparable reason that is especially weighty, an estimate of the turnover by the Finnish Communications Regulatory Authority may be used as the basis for the payment. In the estimate due consideration must be given to:

- 1) telecommunications operator's extent of operations;
- 2) telecommunications operator's position on the market;
- 3) data about the telecommunications operator's services, number of clients and invoicing;
- 4) reference data about other telecommunications operators providing similar services; and
- 5) other similar elements affecting the telecommunications operator's turnover.

Before taking the measures referred to in subsection 1 the Finnish Communications Regulatory Authority shall ask the telecommunications operator to submit the information needed for determining the communications market fee within a reasonable period on pain of the Finnish Communications Regulatory Authority estimating the turnover.

Section 127 (759/2006)

An appeal may be made against decisions of the Ministry of Transport and Communications and the Finnish Communications Regulatory Authority taken under provisions of this Act, provided that they do not refer to sections 16-20, 59, 121 a, or 126, by appealing to the Administrative Court as laid down in the Administrative Judicial Procedure Act. A decision of the Ministry of Transport and Communications or the Finnish Communications Regulatory Authority shall be complied with despite any appeal unless the appellate authority orders otherwise. (363/2011)

The Finnish Communications Regulatory Authority has the right to appeal against an Administrative Court decision referred to in subsection 1 in which the Administrative Court has repealed or amended a decision of the Ministry of Transport and Communications or the Finnish Communications Regulatory Authority.

As provided in the Administrative Judicial Procedure Act, an appeal may be filed to the Supreme Administrative Court against a decision of the Finnish Communications Regulatory Authority made by virtue of sections 16-20, 59 and 126 of this Act, against a government decision, and a decision of the Market Court. A government decision and a decision of the Finnish Communications Regulatory Authority shall be complied with despite any appeal, unless the appellate authority orders otherwise. (331/2009)

An appeal may be made against a decision of the Market Court referred to in section 121 a(4) and 121 b(4) as laid down in the Act on Certain Proceedings before the Market Court (1528/2001). (363/2011) (5) An appeal against a decision referred to above in subsections 1 and 3 shall be dealt with urgently.

Decree of the Ministry of Transport and Communications on the fees of the Finnish Communications Regulatory Authority (1058/2009) Section 5:

An annual communications market fee referred to in sections 15 a–d of the Communications Market Act (393/2003) shall be collected annually in one instalment.

The Finnish Telecommunications Regulatory Authority shall have the right to obtain information about the operators' turnover for the period that precedes the determination of the fee so as to determine the size of the fee. Operators in a corporate group shall also submit documentation about the posts incurred as result of the group's operators' mutual telecommunications and deducted from the telecommunications turnover in accordance with section 15 b (1) of the Communications Market Act. The operator shall submit the information to the Finnish Communications Regulatory Authority within one month from the adoption of the financial statements. A copy of the adopted financial statements and of the consolidated financial statements shall be annexed.