

I. ADMINISTRATIVE ENFORCEMENT	
Which administrative mechanisms are available to enforce the Directives?	<p>In Finland, Directives 93/13 (Unfair Contract Terms), 1999/44 (Consumer Sales and Guarantees), 2005/29 (Unfair Commercial Practices), 2006/114 (Misleading and Comparative Advertising), 2008/122 (Timeshare) and 2011/83 (Consumer Rights) are implemented by the Consumer Protection Act. The general administrative enforcement of the Consumer Protection Act is, by virtue of section 1 of the Act on Finnish Competition and Consumer Authority, handled by the Finnish Competition and Consumer Authority (FCCA) (in Finnish: "Kilpailu- ja kuluttajavirasto"). The FCCA proactively enforces the consumer rights related provisions of the Consumer Protection Act. The Consumer Ombudsman is a major part of the FCCA and enforces the consumer rights e.g. by publishing decisions and guidelines online. The general website of the FCCA can be found at https://www.kkv.fi/en/.</p> <p>The Finnish implementation of Directives 98/6 (Price Indication) and 90/314 (Package Travel) despite not being included in the Consumer Protection Act are also enforced by the FCCA.</p> <p>The Consumer Ombudsman or the Regional State Administrative Agencies may impose prohibitions under chapter 2 section 16 of the Consumer Protection Act in matters involving practices in violation of the provisions governing the disclosure of the price, if the illegality of the practice is manifest and the practice of compliance with said provisions has been established in similar cases.</p>
Who can file administrative complaints? Can investigations be initiated ex officio?	<p>The FCCA allows administrative complaints to be filed by every natural or legal person. There is no need to prove a legitimate interest. Investigations can be initiated ex officio.</p> <p>Business' marketing can be prohibited on pain of a fine as well as a collective redress may be determined only by the Market Court but not by the administrative authority.</p>
Do any specific procedural requirements apply to filing administrative complaints?	<p>A complaint shall be made in writing and submitted to the FCCA. Complaints can be submitted e.g. by an online form through https://www.kkv.fi/en/about-us/online-consumer-services/.</p> <p>The Consumer Dispute Board may refuse to process a complaint if the consumer has not first contacted the Consumer Advisory Services (cf. section IV).</p>
Do the administrative authorities have an obligation to investigate the complaint?	<p>Yes, all complaints and inquiries made to the FCCA are examined and recorded. However, the Consumer Ombudsman and the Consumer Disputes Board may refuse to investigate a complaint if certain procedural requirements or, in case of the Consumer Ombudsman, where the complaint concerns an individual consumer seeking compensation for errors in goods/services (cf. section IV).</p> <p>Decisions are published online, though only in Finnish. The decision can be found at https://www.kkv.fi/ratkaisut-ja-julkaisut/kuluttaja-asiat/kuluttaja-asiemiehen-ratkaisut/.</p>
Are there any specific requirements regarding the provision of evidence to the competent authorities?	<p>The Consumer Protection Act does not contain such requirements. The Consumer Disputes Board has in its instructions on how to make complaints instructed on the importance of evidence, and that it is the complainant's (the consumer) responsibility to show that actual damage has been caused. The Consumer Disputes Board does not, however, specify what qualifies as evidence, as it varies on case by case basis.</p>

	In administrative proceedings, the procedure is conducted in writing and therefore no witnesses are usually heard.
II. ENFORCEMENT THROUGH COURT ACTION	
Which court actions are available to enforce the Directives?	<p>The general enforcement of the Consumer Protection Act is handled by the Market Court as the first instance, and by the Supreme Court as the second and highest instance in Finland. The Market Court handles any civil court actions concerning violations of the Consumer Protection Act. In addition, a general claim for civil damages can be filed before the competent civil courts in accordance with the Code of Judicial Procedure (1.1.1734/4).</p> <p>Most of the court actions available consist of imposing prohibitions for businesses to perform actions that breach the requirements of the local laws:</p> <ul style="list-style-type: none"> • In case of door-to-door selling and distance selling (related to Directive 97/7/EC), where a business breaches the Act's provisions on door-to-door/distance selling, the business can be prohibited from continuing or renewing the breaching action or any equivalent action. A penalty payment can be introduced to ensure that the prohibition is followed. The same applies to marketing activities in consumer relations and consumer credits. Such prohibitions can be ordered by the Market Court or the Consumer Ombudsman (depending on the situation), as well as the Regional Administrative Offices in specific cases (such as unlawful price information of consumer goods) (cf. section III). • The Unfair Business Practices Act (which implements the Directive 2005/29/EC) states that the Market Court may prohibit a business from continuing or repeating practices that violate sections 1 – 3 of the Unfair Business Practices Act. The prohibition may be reinforced through a conditional fine, unless this is unnecessary for a special reason. When such prohibition is imposed, the Market Court may order the business to undertake appropriate remedial action within a specified period and reinforce it through a conditional fine. The Market Court can also order that the prohibition decision is to be published in one or more newspapers/other publications at the expense of the defendant.
Who can start a court action?	<p>A natural person or a legal entity such as a competitor can initiate Court action. The Consumer Protection Act explicitly allows the Consumer Ombudsman to initiate a procedure even without individual interest in the case.</p> <p>According to the Act on Class Actions (444/2007), collective redress is possible for example in disputes concerning a defective consumer good or the interpretation of contract terms. Only the Consumer Ombudsman can file for class action and represent the plaintiffs. For a matter to be handled as a class action, several persons must have a claim against the same defendant based on similar grounds.</p> <p>No class actions have been filed in Finland.</p>
Can court actions be initiated by competitors?	Yes. Competitors may initiate court actions if they have suffered damage because of the business' actions.
Can the case be handled through an accelerated procedure?	The Market Court may give an interim injunction in a short period of time but the definitive decision in the case is made in a regular court procedure, which may take some time. There is no specific accelerated procedure available in Finland for court proceedings.

<p>Are there any specific requirements regarding the provision of evidence to the court?</p>	<p>The Consumer Protection Act or any other Act by which the Directives have been implemented do not contain provision regarding the provision of evidence to the court.</p> <p>The general rules on provision of evidence, as laid down in the Code of Judicial Procedure, are applicable. According to chapter 17 section 2 of the Code of Judicial Procedure, in civil actions the parties shall prove the facts that their demands or objections are based on. This is done by the provision of necessary evidence. According to section 40 of the same chapter, the court can also order an object or a document to be provided to the court ex officio.</p>
<p>Are there specific procedural reliefs for consumers or consumer associations?</p>	<p>Neither the Consumer Protection Act nor any other Act by which the Directives are implemented contain any provisions on this matter.</p> <p>According to section 7, subsection 2 of the Act on Class Actions, a member of the group that has initiated the class action will not be liable for legal expenses.</p> <p>Legal aid is available in Finland to everyone else except companies and corporations. Thus, a consumer could obtain assistance in legal matters fully or partially at the expense of the state. However, legal aid is usually not granted if the applicant has an insurance that covers legal expenses of the matter at hand.</p>
<p>III. SANCTIONS</p>	
<p>What are the possible civil sanctions and remedies for the infringement of the provisions of the Directives?</p>	<p>According to the Consumer Protection Act, a business may be prohibited from continuing or repeating the use of any practice that violates the provisions of the Act or any decrees issued on the basis of the same, or a practice comparable to the same. Prohibitions shall be reinforced by a penalty of a fine (the amount varies case-by-case). In addition, a competent civil court (i.e. a district court as the first instance) can award damages in the framework of a claim for civil damages (cf. below).</p>
<p>What are the possible criminal sanctions for the infringement of the Directives' provisions?</p>	<p>The criminal sanctions for the infringement of the Directives' provisions are laid down in chapter 30 of the Criminal Code of Finland.</p> <p>A business/business who uses untruthful or misleading information about its own or some other business/business and by doing this, causes damage to the other business/business shall be sentenced to a fine (not fixed) or imprisonment (max. 1 year) on the account of an offence of criminal competition methods. In addition, a business/business who intentionally or by gross negligence breaches the provision of the Act on Travel Agencies could be sentenced to a fine. The business in violation of these provisions can be ordered to pay a criminal corporate fine by a criminal court (i.e. a district court as the first instance).</p> <p>The amount may vary between EUR 8,500 - 850,000. The amount of the corporate fine shall be determined in accordance with the nature and extent of the omission or the participation of the management, and the financial standing of the corporation. When evaluating the financial standing of the corporation, the size and solvency of the corporation, as well as the earnings and the other essential indicators of the financial standing of the corporation shall be taken into consideration. The fine is not based on a certain percentage of the business' turnover, but merely on a case-by-case assessment based on the above-mentioned factors. The corporate fines and the amounts possible apply to legal persons only. The amounts of potential fines applicable to natural persons (and also the so-called sole proprietors) cannot be defined in advance.</p> <p>The other option to determine the amount of fines is the "day fine system", which applies to natural persons. The fine is imposed as unit fines and the amount of the unit depends on the person's net income (a percentage). For example, 20 unit fines at EUR 10 a piece equal EUR 200. The more</p>

Commented [A1]: Please clarify if there are any sanctions for breaches of PID, CRD UCTD and CSRD (and if not state this clearly). In general, please do not only mention the national law which is transposing the Directives but clarify in any case for the breaches of which Directive a fine is provided.

	blameworthy the act, the more unit fines are imposed. The statutory maximum number of unit fines is 120 or, if the fine is imposed for several offences, 240. There is no general, statutory minimum number of unit fines to be imposed.
What are the possible administrative sanctions for the infringement of the Directives' provisions?	The Regional Administrative Offices and the Competition and Consumer Authority may reinforce any prohibitions by a penalty. However, the level of penalties to be paid shall be determined by the Market Court based a case-by-case assessment.
What are the contractual consequences of an administrative order or a judgment on an individual transaction under the Directives?	The Market Court may order the business on whom the prohibition is imposed or the business who commissioned or carried out the illegal marketing practice to rectify the violation by a set deadline if the practice is deemed to cause obvious harm to consumers. The order may be reinforced by a penalty. Otherwise an individual transaction is not affected by a decision, unless the consumer in question is a party to the procedure. If a consumer is a party to the procedure, his contract may be declared as null and void as a result of the decision declaring the violation of the Directives.
Can authorities order the business to compensate consumers who have suffered harm as a result of the infringement?	The Market Court does not have the authority to order the business to pay any compensation to individual consumers. The contracts that are previously made between the business and consumers are not voided automatically. However, a consumer can take legal action to the civil court and demand compensation from the business. Further, the monetary fines paid due to infringements are not dedicated to any certain purposes, e.g. consumer protection purposes. The fines paid are merely an income of the state.
Can the administrative authorities or the courts require the publication of their decisions?	In Finland, the decisions of the Market Court, administrative courts and civil courts are public by nature. They may also require that the business in question publishes the decision and the rectifying act the trader is ordered to comply with. The decisions of the higher courts (e.g. the Supreme Court) are available online in the court's database, the lower courts' (e.g. the district courts) decisions can be requested from the court in question.
IV. OTHER TYPES OF ENFORCEMENT	
Are there any self-regulatory enforcement systems in your jurisdiction that deal with aspects of the Directives?	The Board of Business Practice (Fi: Liiketalautakunta, LTL) provides a rapid and effective procedure for companies to settle disputes about unfair trade practices. The LTL applies Consolidated ICC Code as such. The adjudications made by the LTL are confidential. However, in the event of a respondent's non-compliance, the complainant may be authorised to publish the decision. The Council of Ethics in Advertising issues statements on whether an advertisement or an advertising practice is ethically acceptable. It deals with issues like discrimination, decency and social responsibility. The Council mainly deals with requests from consumers and with issues that are deemed to have public significance. The statements are only recommendations and they are not binding. The statements are published at: http://kauppakamari.fi/lautakunnat/men/lausunnot/
Are there any out-of-court dispute settlement bodies available that deal with aspects of the Directives (e.g. mediation,	In connection with the Finnish Competition and Consumer Authority, there is a Consumer Disputes Board that handles cases between consumers and businesses. These proceedings are conducted in writing, they are free of charge and no legal assistance is required. However, the board is not authorized to give any binding decisions but recommendations only. As the names of the

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conciliation or arbitration schemes ombudsmen)?

businesses who refuse to comply with the board's recommendations are often published by consumer organizations, the decisions are mostly complied with.

Before making a request for dispute settlement to the Consumer Disputes Board, the consumer must get in contact with the Consumer Advisory Services (available here <https://www.kkv.fi/en/consumer-advice/>) or the European Consumer Centre. The consumer rights advisors can be contacted at a Local Register Office. They provide free guidance and mediation in disputes. The Consumer Advisory Services do not make decisions, they merely provide guidance and mediation for consumers in various matters concerning consumer products or services.