

**Translation from Finnish  
Legally binding only in Finnish and Swedish  
Ministry of Transport and Communications, Finland**

**Postal Act**

*(415/2011; amendments up to 248/2023 included)*

By decision of Parliament, the following is enacted:

**Chapter 1**

**General provisions**

**Section 1 (1060/2019)**

**Purpose and scope of the Act**

The purpose of this Act is to ensure the availability of postal services and in particular of a universal service under equal terms in the whole country.

This Act applies to the provision of a universal service and other postal services.

This Act does not apply to the provision of services concerning

- 1) newspapers and periodicals, with the exception of chapter 6a on the government grant for newspaper delivery;
- 2) unaddressed items;
- 3) items of correspondence where the operations are on a small scale, of minor importance economically and of such an extent that they are not of material importance for the availability of a universal service;
- 4) courier delivery of items of correspondence;
- 5) postal parcels outside the scope of a universal service; or

6) postal operations required by or related to the operations of an entrepreneur.

(178/2023)

*Subsection 3 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

This Act does not apply to the provision of services concerning

- 1) newspapers and periodicals;
- 2) unaddressed items;
- 3) items of correspondence where the operations are on a small scale, of minor importance economically and of such an extent that they are not of material importance for the availability of a universal service;
- 4) courier delivery of items of correspondence;
- 5) postal parcels outside the scope of a universal service; or
- 6) postal operations required by or related to the operations of an entrepreneur.

The provisions of this Act do not apply to cross-border postal traffic in so far as any international agreement binding on Finland provides otherwise.

Notwithstanding the provisions of subsection 3, paragraph 5, section 75 also applies to non-compliance with Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel delivery services.

## **Section 2 Definitions**

For the purposes of this Act

- 1) *postal operations* means the provision of a universal service and other postal services in accordance with this Act;
- 2) *postal service* means the regular collection, sorting, transport and delivery of items of correspondence and of postal parcels falling within the scope of a universal service from senders or other postal undertakings to addressees or other postal undertakings for a fee;

- 3) *universal service* means the postal services on which provisions are laid down in chapter 3 and which shall be available throughout the country;
- 4) *item of correspondence* means an addressed item weighing no more than two kilogrammes that has been deposited for onward conveyance and contains a message on a physical medium;
- 5) *postal parcel* means an addressed goods item falling within the scope of a universal service that has been deposited for onward conveyance;
- 6) *addressed direct mail* means an addressed item of correspondence consisting solely of advertising, marketing or publicity material and comprising an identical message, except for the addressee's name, address and identifying number as well as other modifications that do not alter the nature of the message, which is sent to a significant number of addressees;
- 7) *postal undertaking* means an undertaking that carries out postal operations concerning items of correspondence; (408/2016)
- 8) *universal service provider* means a postal undertaking that is subject to the universal service obligation referred to in chapter 4;
- 9) the *sender of a postal item* means a person who has deposited an item of correspondence or a postal parcel for transmission by a postal undertaking for the applicable fee;
- 10) *addressee* means the person to whom the item of correspondence or the postal parcel is addressed, as marked on the item or the parcel; (178/2023)

*Paragraph 10 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

10) *addressee* means the person to whom the item of correspondence or the postal parcel is addressed, as marked on the item or parcel.

11) *newspaper* means a subscription newspaper that is published on at least three business days each week and that contains national news material or local news material concerning the area falling within the scope of the selection procedure for the government grant for newspaper delivery;

(178/2023)

Paragraph 11 as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

12) *early delivery* means the delivery of newspapers on at least five days each week that starts during the night and typically ends before 7 a.m.;

(178/2023)

Paragraph 12 as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

13) *early delivery network* means the area comprising the delivery points where an addressee can, if they so wish, have a newspaper delivered via early delivery; (178/2023)

Paragraph 13 as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

14) *eligible area* means an area specified by the Finnish Transport and Communications Agency with no commercial early delivery network for newspapers or with no comprehensive five-day early delivery. (178/2023)

Paragraph 14 as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Chapter 2**

### **Provision of postal services**

#### **Section 3**

*Section 3 was repealed by Act 408/2008.*

#### **Section 4 (178/2023)**

##### **Notification procedure**

A postal undertaking shall submit a notification to the Finnish Transport and Communications Agency before commencing its postal operations.

As part of the notification, the undertaking shall submit its business ID, address, details of its contact persons and a description of the operations to be carried out. The description shall state at

least the operating area and the customer group of the postal undertaking. The Finnish Transport and Communications Agency may issue further regulations on the information to be submitted as well as on the form and delivery of the notification.

The postal undertaking shall, without delay, notify the Finnish Transport and Communications Agency of any changes in the information contained in the notification referred to in subsections 1 and 2 and of the termination of the postal operations.

If, for an unforeseen reason, a postal undertaking is no longer able to provide its customers with a service in accordance with its delivery terms, the undertaking shall, without delay and no later than two weeks before the termination of the service, notify its customers and the Finnish Transport and Communications Agency of the termination of the service.

*Section 4 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

#### **Section 4 (997/2018)**

##### **Notification procedure**

A postal undertaking shall submit a notification to the Finnish Transport and Communications Agency before commencing its operations.

As part of the notification, the undertaking shall submit its business ID, address, details of its contact persons and a description of the operations to be carried out. The description shall state at least the operating area and the customer group of the postal undertaking. The Finnish Transport and Communications Agency may issue further regulations on the information to be submitted as well as on the form and delivery of the notification.

The Finnish Transport and Communications Agency shall be notified of the changes in the information contained in the notification and of the termination of operations without delay.

If, for an unforeseen reason, a postal undertaking is no longer able to provide its customers with a service in accordance with its delivery terms, the undertaking shall, without delay and no later than two weeks before the termination of the service, notify its customers and the Finnish Transport and Communications Agency of the termination of the service.

## **Section 5 (997/2018)**

### **Notification register**

The Finnish Transport and Communications Agency maintains a public list of the notifications referred to in section 4.

The Finnish Transport and Communications Agency shall provide the postal undertaking that submitted the notification a confirmation of receiving the notification within one week of the receipt of the notification.

## **Sections 6–13**

*Sections 6–13 were repealed by Act 408/2016.*

## **Chapter 3**

### **Contents of universal service**

## **Section 14**

### **Provision of universal service**

There shall be a postal service provided on a universal service basis under equal terms permanently and throughout the country.

Provisions on the content of a universal service are laid down in this chapter.

## **Section 15**

### **Postal items falling within the scope of a universal service**

A universal service comprises the permanent provision of postal services concerning the following postal items:

1) items of correspondence weighing no more than two kilogrammes that are paid for with commonly used forms of cash payment and that the user may deposit at a collection point for conveyance by a postal undertaking; in the case of domestic items of correspondence, the service offered shall include at least a letter service with intended delivery on the fourth weekday after the date of deposit and subject to the universal service quality standard specified in section 19; (614/2017)

2) postal parcels weighing no more than ten kilogrammes that are paid for with commonly used forms of cash payment and that the user may deposit at a postal service point or other suitable place of deposit for conveyance by a postal undertaking, and collect from a postal service point;

3) postal items arriving in the country weighing no more than twenty kilogrammes; and

4) registration and insurance services for postal items referred to in paragraphs 1 and 2.

A universal service as referred to in this section covers both domestic and cross-border services.

## **Section 16**

### **Service points**

A universal service provider shall maintain service points at which products and services falling within the scope of a universal service are available. With the means at its disposal, the universal service provider shall ensure that business can be conducted at the service points without hindrance. The service points shall be located so that the users of the universal service can conduct their business at a service point within a reasonable distance of their permanent residence. The area's population density and surface area, the service needs evident in the area, the location of services in general and other local circumstances, as well as the development of new forms of postal service, shall be taken into account in determining the location of service points and defining a reasonable distance. A universal service provider shall, in each municipality, maintain at least one service point providing a universal service.

A service point may also be other than a fixed service point if its use does not put in jeopardy the availability of a universal service.

Besides the service points referred to in subsection 1 above, a universal service provider may also maintain other service points.

Further provisions on the location of service points may be laid down by Government Decree. Technical aspects concerning the arrangement of the network of service points may also be laid down by Government Decree.

## **Section 17 (178/2023)**

### **Collection, delivery and obligation to provide information as part of the universal service**

Items of correspondence falling within the scope of the universal service shall be collected and delivered on three business days each week, excluding public holidays, in accordance with the quality standard for the universal service provided in section 19.

The universal service provider shall communicate to households its collection and delivery dates and changes in them. The universal service provider shall also maintain information on its collection and delivery dates on its website.

An exception can be made in respect of the collection and delivery obligation provided in subsection 1 above if the mail collection or delivery is prevented for a reason attributable to the addressee, a legal provision, an interruption to traffic or other similar event of force majeure, which cannot have been taken into account in the delivery of the mail.

The sender shall have the opportunity to deposit the items of correspondence falling within the scope of the universal service at a collection point located within a reasonable distance from the sender's home for conveyance by a postal undertaking.

Postal parcels shall be delivered within a reasonable time in accordance with the quality standard provided in section 19. A notice of arrival can be used in the delivery of items and postal parcels requiring acknowledgement of receipt.

*Section 17 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 17 (997/2018) Collection and delivery**

Items of correspondence falling within the scope of the universal service shall be collected and delivered on five business days each week, excluding public holidays, in accordance with the quality standard for the universal service provided in section 19.



In the areas specified by the Finnish Transport and Communications Agency with no commercial delivery of subscription newspapers published at least five times each week (early delivery network for newspapers), the universal service provider shall ensure delivery on five days each week. Provisions on the arrangement of public contracts are laid down in the Act on Public Contracts and Concessions of Entities operating in the Water, Energy, Transport and Postal Services Sectors (1398/2016). The Finnish Transport and Communications Agency shall examine each year to what extent changes have been made in the early delivery networks for newspapers and if necessary review the areas referred to above.

An exception can be made in respect of the collection and delivery obligation provided in subsection 1 above if the mail collection or delivery is prevented for a reason attributable to the addressee, a legal provision, an interruption to traffic or other similar event of force majeure, which cannot have been taken into account in the delivery of the mail.

The sender shall have the opportunity to deposit the items of correspondence falling within the scope of the universal service at a collection point located within a reasonable distance from the sender's home for conveyance by a postal undertaking.

Postal parcels shall be delivered within a reasonable time in accordance with the quality standard provided in section 19. A notice of arrival may be used in the delivery of items and postal parcels requiring acknowledgement of receipt.

## **Section 18 (178/2023)**

### **Deviations from the frequency of collection and delivery**

A universal service provider has the right to deviate from the frequency of collection and delivery provided in section 17 if the household in question is located in difficult terrain in the archipelago. An area with no regular round-the-year ferry or commuter vessel services at least once every day on which postal items are collected and delivered as part of the universal service referred to in the section in question can be considered difficult terrain in the archipelago. The collection and delivery of postal items for these households shall take place at least once a week. The number of households subject to this exception may not exceed 500 in the country as a whole.

A universal service provider shall submit details of the number and location of the households referred to in subsection 1 to the Finnish Transport and Communications Agency each year. The

Finnish Transport and Communications Agency shall, where necessary, decide which households fall within the scope of the deviation from the frequency of collection and delivery.

A universal service provider shall notify addressees within the scope of the deviation of postal parcels and items from a public authority without delay. The notification shall be made at the latest on the third day after the arrival of the item if the addressee can be contacted by telephone, email or by other means.

*Section 18 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

### **Section 18 (997/2018) Deviations from the frequency of collection and delivery**

A universal service provider has the right to deviate from the frequency of collection and delivery provided in section 17 if the household in question is located in difficult terrain in the archipelago or wilderness area. The collection and delivery of postal items for these households as referred to in section 17 shall take place at least once a week. The number of households subject to this exception may not exceed 1,000 in the country as a whole.

A universal service provider shall submit details of the number and location of the households referred to in subsection 1 to the Finnish Transport and Communications Agency each year. The Finnish Transport and Communications Agency shall, where necessary, decide which households fall within the scope of the deviation from the frequency of collection and delivery.

A universal service provider shall notify addressees within the scope of the deviation of postal parcels and items from a public authority without delay. The notification shall be made at the latest on the third day after the arrival of the item if the addressee can be contacted by telephone, email or by other means.

### **Section 19 (614/2017)**

#### **Quality standard of universal service**

Domestic items of correspondence falling within the scope of a universal service that are deposited for conveyance by a universal service provider and for which the applicable fee has been paid shall be delivered so that at least 50 per cent of the items arrive no later than the fourth weekday after the date of deposit and at least 97 per cent no later than the fifth weekday after the date of deposit.

Cross-border postal items within the European Union shall be delivered so that at least 50 per cent of the items arrive on the third day after the date of deposit, and 97 per cent of the items arrive on the fifth day after the date of deposit.

### **Section 20 (997/2018) Ensuring language rights**

In its operations, a universal service provider or an undertaking that by virtue of an agreement made with a universal service provider offers the services of this provider to customers, shall

- 1) provide the service in both Finnish and Swedish, complying with the provisions of the Language Act; and
- 2) provide the service in the Sámi language, complying with the provisions of the Sámi Language Act.

The Finnish Transport and Communications Agency may impose the obligation laid down above and specified in subsection 1 on a postal undertaking other than the universal service provider in a situation where no universal service obligation has been imposed.

### **Section 21 (178/2023)**

#### **Notification procedure by mail**

A universal service provider shall ensure that the statutory notification procedure by mail is available and appropriately provided throughout the country.

A public authority may also agree on the sending of the statutory notifications by mail with a postal undertaking other than the universal service provider. A public authority may only conclude such an agreement with a postal undertaking that is capable of carrying out the task in an appropriate manner.

Provisions on criminal liability for acts in office shall apply to the persons employed by a universal service provider or by an undertaking that provides services of a universal service provider for customers under an agreement that it has concluded with a universal service provider or to the persons employed by an undertaking that has concluded an agreement with a public authority referred to in subsection 2 when these persons perform duties referred to in this section. Provisions on the liability for damages are laid down in the Tort Liability Act (412/1974).

*Section 21 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 21**

### **Notification procedure by mail**

A universal service provider shall ensure that the notification procedure provided for in the law is available throughout the country. Persons employed by a universal service provider or by an undertaking that provides services of the universal service provider to customers under an agreement concluded with the universal service provider are subject to the provisions regarding criminal liability for acts in office when performing duties related to the notification procedure.

## **Chapter 4**

### **Universal service obligation**

#### **Section 22 (997/2018)**

##### **Market assessment**

The Finnish Transport and Communications Agency shall at regular intervals assess the market for correspondence item and postal parcel services. In assessing the market, the supply of services in different parts of the country shall be ascertained so that the Finnish Transport and Communications Agency can assess the need to impose an obligation to provide a universal service. Based on the market assessment, the Finnish Transport and Communications Agency shall decide whether there is a need to specify universal service obligations in order to ensure a universal service.

The Finnish Transport and Communications Agency shall monitor the supply of services and the factors referred to in section 23 that affect the necessity for a universal service obligation by means of both the market assessment referred to in this section and monitoring during the intervening periods.

## **Section 23 (997/2018)**

### **Imposing a universal service obligation**

The Finnish Transport and Communications Agency shall, through issuing a decision, impose an obligation on one or more postal undertakings to provide a universal service if a market assessment demonstrates that this is essential for ensuring a universal service. The decision shall be based on the principles of transparency, proportionality and non-discrimination.

The provision of a universal service shall be considered to have been accomplished if

- 1) services are comprehensively available to all users;
- 2) the services provided are affordable and provided under reasonable and equal terms; and
- 3) there are undertakings in the area competing with each other that provide similar services.

When imposing a universal service obligation, the Finnish Transport and Communications Agency shall specify

- 1) which of the services referred to in section 15 shall be provided by the postal undertaking; and
- 2) in which area the services shall be provided.

Decisions on a universal service shall not impose overlapping obligations on different postal undertakings. Neither shall decisions on a universal service impose obligations that parallel the provisions laid down in or issued under this Act, or in other legislation.

## **Section 24 (997/2018)**

### **Preconditions for imposing a universal service obligation**

The Finnish Transport and Communications Agency may impose a universal service obligation on a postal undertaking.

The obligation to provide a universal service shall be imposed on the postal undertaking that is best equipped for this.

On the decision of the Finnish Transport and Communications Agency, a postal undertaking may also be obliged to provide a universal service outside the area on which it has submitted a notification to the Finnish Transport and Communications Agency under section 4 or it may also be

obliged to provide universal services other than those that it has provided if this is essential for ensuring a universal service and the imposition of the obligation is not unreasonable for the postal undertaking.

### **Section 24a (997/2018)**

#### **Designated operator of the Universal Postal Union**

The Finnish Transport and Communications Agency imposes on the universal service provider or other postal undertaking an obligation to act as a designated operator under the Universal Postal Convention (Finnish Treaty Series 66/2015) and to act in compliance with the agreements of the Universal Postal Union.

### **Section 25 (997/2018)**

#### **Amending a universal service obligation**

The Finnish Transport and Communications Agency may amend the obligation to provide a universal service upon application by, or with the consent of, the universal service provider. In order that a universal service obligation can be amended upon application by the universal service provider, the universal service provider shall demonstrate that this is essential for a special reason.

The Finnish Transport and Communications Agency may amend the obligation to provide a universal service in other respects as well if there are significant changes in the factors that formed the basis of the decision and amending the obligation is essential for ensuring a universal service.

## **Chapter 5 Universal service provider's pricing and cost accounting**

### **Section 26 (178/2023)**

#### **Pricing of the universal service**

A universal service provider shall price its postal services within the scope of the universal service so that the tariffs for each of the universal services are proportional, transparent and non-discriminatory.

The public and the customers shall be notified of the changes in the tariffs no later than one month before the change takes place.

*Section 26 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 26**

### **Pricing**

A universal service provider shall price its postal services within the scope of the universal service so that the tariffs are proportional, transparent and non-discriminatory. (614/2017)

Notification of changes in pricing shall be given no later than one month before the change takes place.

## **Section 27**

### **Uniform pricing and individual price agreements**

The universal service provider shall apply uniform pricing throughout the country to the ordinary domestic items of correspondence paid with the payment methods commonly used for individual letters intended for delivery on the fourth weekday after the date of deposit. (614/2017)

The uniform pricing referred to in this section does not prevent a universal service provider from making individual price agreements with users for products and services that fall within the scope of a universal service.

If the universal service provider concludes individual price agreements on products or services falling within the scope of a universal service, the terms of the agreement and the prices based on them shall be in accordance with the principles specified in section 26. (614/2017)

## **Section 28 (997/2018)**

### **Using cost accounting procedures**

A universal service provider shall use cost accounting procedures that allow the affordability of the prices for services and the relationship of prices to costs to be ascertained from the assembled data.

A universal service provider may itself select the cost accounting procedures it uses. The universal service provider shall draw up for the Finnish Transport and Communications Agency a description of the cost accounting procedures that shows at least the main cost categories and how the costs are allocated.

## **Section 29 (997/2018)**

### **Allocation of costs**

In the cost accounting procedures referred to in section 28 above, the universal service provider shall allocate costs in such a way that

1) costs that can be allocated directly to a particular service or product are allocated to that service or product;

2) costs that cannot be allocated directly are allocated primarily on the basis of a direct examination of their origin or, if

this is not possible, on the basis of demonstrable links to another cost group or in proportion to the costs allocated to all services and products; and

3) costs that cannot be allocated in accordance with paragraph 1 and that are necessary for the provision of both universal services and other than universal services are allocated applying the same cost factors to both the universal and other services.

Further provisions on the allocation of costs in accordance with the principles referred to in subsection 1 will be issued by Government Decree.



The Finnish Transport and Communications Agency may issue further regulations on the data gathered by means of the cost accounting procedures and on the description of the procedures.

The regulations may cover

- 1) data essential for indicating the link between the cost accounting procedures and pricing;
- 2) content and form of the description of the cost accounting procedures; and
- 3) delivery of a description of the cost accounting procedures to the Finnish Transport and Communications Agency.

### **Section 30 (997/2018)**

#### **Supervision of cost accounting procedures**

A universal service provider shall decide on an auditor referred to in the Auditing Act (1141/2015) to audit the cost accounting procedures in conjunction with the undertaking's auditing process. The auditor shall draw up a report on the audit. The universal service provider shall submit the report to the Finnish Transport and Communications Agency by the end of August following the end of the service provider's financial year.

The Finnish Transport and Communications Agency may issue further regulations on the type of data and material that should be included in the auditor's report.

The regulations may cover

- 1) general information about the undertaking to be audited, and the auditing method;
- 2) the material to be audited;
- 3) criteria for ascertaining whether the undertaking meets the obligations concerning cost accounting procedures imposed on its activities; and
- 4) the material attached to the auditor's report.

The Finnish Transport and Communications Agency shall publish an annual report on how undertakings have complied with cost accounting procedures.

### **Section 31 (997/2018)**

## **Pricing clarification obligation and cost accounting**

The Finnish Transport and Communications Agency is not obliged to use in its assessment the universal service provider's cost accounting principles when supervising the lawfulness of pricing. The universal service provider is obliged to demonstrate that the price charged for its product meets the requirements laid down in this Act.

## **Chapter 6**

### **Calculation and reimbursement of universal service net costs**

#### **Section 32**

##### **Section 32 Net costs of universal service**

The net costs of a universal service refer to the costs that are related to the universal service and are needed for that service.

The net costs of universal service shall be calculated as the difference between a universal service provider's net costs of operating with the universal service obligations and without the universal service obligations.

#### **Section 33 (997/2018)**

##### **Cost reimbursement to a universal service provider**

A universal service provider will be reimbursed from central government funds for the part of the universal service net costs which constitute an unreasonable financial burden for it with regard to

- 1) the size of the undertaking;
- 2) the type of business activities;
- 3) the turnover of the undertaking's activities; and

4) other similar elements.

The decision on the reimbursement for costs referred to in subsection 1 above is made by the Ministry of Transport and Communications on the basis of a net cost calculation prepared by the Finnish Transport and Communications Agency. Other postal undertakings shall participate in the reimbursement of these costs to the universal service provider. Provisions on the determination and criteria for reimbursements paid by other postal undertakings will be laid down separately by law.

## **Section 34 (997/2018)**

### **Application for reimbursement and the calculation of universal service net costs**

Applications for reimbursement of costs referred to in section 33 above are made to the Ministry of Transport and Communications. Reimbursement is paid retroactively for a maximum period of one year from the presentation of a claim.

The Ministry of Transport and Communications shall request the Finnish Transport and Communications Agency to calculate the net costs of a universal service if the universal service provider so demands and if the universal service provider demonstrates that it is probable that the provision of a universal service is an unreasonable financial burden for it.

The universal service provider is obliged to supply the Finnish Transport and Communications Agency with the information needed in calculating net costs. In calculating the net costs, the Finnish Transport and Communications Agency is not obliged to use the information provided by the universal service provider or to observe the principles used in its cost accounting.

## **Section 35**

### **Authority to issue a decree**

Further provisions on the calculation of net costs may be issued by Government Decree.

## **Chapter 6a (178/2023)**

## **Government grant for newspaper delivery**

### **Section 35a (178/2023)**

#### **Purpose of the government grant for newspaper delivery**

The purpose of the government grant for newspaper delivery is to create prerequisites for newspaper delivery on five business days each week in areas with no commercial early delivery network for newspapers and with no comprehensive five-day early delivery and in this manner promote access to societally important information, and support the diversity of news services and high-quality and diverse communications.

The Act on Discretionary Government Grants (688/2001) shall apply to the government grant for newspaper delivery, unless otherwise provided in this chapter.

Section 35a as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

### **Section 35b (178/2023)**

#### **Public service obligation concerning newspaper delivery**

Under the public service obligation, newspapers shall be delivered on the two business days each week on which there is no delivery in the eligible areas within the scope of the universal service obligation specified in chapter 3.

The Finnish Transport and Communications Agency sets the public service obligation in its decision on providing the government grant, in which the start date and duration of the public service obligation are also specified.

The government grant may only be paid for the duration of the public service obligation.

Section 35b as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Section 35c (178/2023)**

### **Market analysis conducted by the Finnish Transport and Communications Agency**

Before starting the selection procedure for the government grant for newspaper delivery, the Finnish Transport and Communications Agency shall conduct a market analysis listing the areas outside early delivery networks for newspapers, the newspapers delivered in these areas, the circulation of the newspapers as well as the price and cost levels.

The Finnish Transport and Communications Agency shall determine the sizes of the early delivery networks of the delivery undertakings operating in the market, the newspapers delivered outside the early delivery networks and the circulation of these newspapers as well as the price and cost differences.

Based on this market analysis, the Finnish Transport and Communications Agency shall determine the areas with no commercial

early delivery networks for newspapers and with no comprehensive five-day early delivery. The Finnish Transport and Communications Agency shall approve the eligible areas in its market analysis.

The Finnish Transport and Communications Agency shall examine each year to what extent changes have been made in the early delivery networks for newspapers and if necessary review the listing of eligible areas.

Section 35c as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Section 35d (178/2023)**

### **Awarding government grants for newspaper delivery**

The Finnish Transport and Communications Agency may, on application, award government grants for eligible areas as specified in the Act on Discretionary Government Grants. A government grant may be awarded for a maximum of two years at a time to one delivery undertaking in each eligible area specified by the Finnish Transport and Communications Agency.

Government grants may only be awarded for delivery on business days on which there is no delivery within the scope of the universal service specified in section 17 in the area. Government grants are awarded each year within the framework of the funding available in the Budget.

During the grant period, the universal service provider may not make any changes in the collection and delivery dates in the areas within the scope of the government grant.

Section 35d as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

### **Section 35e (178/2023)**

#### **General prerequisites for the government grant for newspaper delivery**

A government grant may be awarded to an applicant that has registered itself in the professional or trade register in accordance with the legislation of its country of location and that has been entered in the prepayment register, VAT register and the register of employers in accordance with the Act on Tax Prepayments (1118/1996). It is also required that the applicant has paid all taxes, social security contributions, pension insurance contributions and other statutory contributions in its country of location. The applicant shall have a liability insurance policy that is adequate in relation to the risks that may arise from its operations.

Government grants can be awarded on an area-specific basis to universal service providers, delivery undertakings or other applicants that have experience in the operations covered by the selection procedure and sufficient number of

personnel for the service covered by the selection procedure.

No government grants can be awarded to an applicant that is an undertaking in difficulty referred to in Article 2(18) of the Commission Regulation (EU) No 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty.

The government grant can only be awarded if the applicant undertakes to adhere to the public service obligation referred to in section 35b on the basis of the decision of the Finnish Transport and Communications Agency referred to in section 35b, subsection 2.

Section 35e as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Section 35f (178/2023)**

### **Giving priority to eligible areas in the awarding of government grants for newspaper delivery**

Before the selection procedure, the Finnish Transport and Communications Agency may prioritise eligible areas on an area-specific basis in the awarding of government grants for newspaper delivery, considering the estimated number of newspaper delivery subscriptions in the areas and the estimated costs arising from the delivery operations.

If, after the selection procedure, the appropriation for the government grant for newspaper delivery does not fully cover the newspaper delivery falling within the scope of the public service obligation specified in section 35b in all eligible areas, the appropriation shall primarily be used in areas with the largest number of newspaper subscriptions.

Section 35f as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Section 35g (178/2023)**

### **Separate obligation imposed on the universal service provider to deliver newspapers in accordance with the public service obligation**

The Finnish Transport and Communications Agency may by its decision impose on the universal service provider a fixed-term public service obligation for newspaper delivery specified in section 35b for a maximum of two years, if

- 1) an area falling within the scope of the selection procedure for the government grant for newspaper delivery is left without a delivery undertaking meeting the terms and conditions for the selection procedure and for imposing the public service obligation;
- 2) an area where comprehensive five-day early delivery was available before the selection procedure for the government grant for newspaper delivery is left outside the early delivery network during the grant period in question; or

3) the appropriation for the government grant for newspaper delivery is insufficient to cover all areas outside the early delivery networks, in which case the government grant shall primarily be used in the areas with the largest number of newspaper subscriptions.

The Finnish Transport and Communications Agency shall, in its decision under subsection 1, set a case-specific deadline by which the universal service provider shall start the newspaper delivery specified in section 35b.

The Finnish Transport and Communications Agency shall, in its decision under subsection 1, determine the reasonable prices and rates that the universal service provider may charge from newspaper publishers for delivering newspapers in accordance with the public service obligation.

The Finnish Transport and Communications Agency shall reimburse the universal service provider for costs arising from the meeting of the public service obligation in situations specified in subsection 1, paragraphs 1 and 2 within the framework of the appropriation allocated to the government grant for newspaper delivery provided that the appropriation has not been fully spent. The costs are reimbursed to the extent that they are not covered by the charges collected by the universal service provider from publishers in accordance with the reasonable prices and rates determined by the Finnish Transport and Communications Agency.

The decision of the Finnish Transport and Communications Agency on the imposing of the obligation referred to in subsection 1 is enforceable without having legal force. A request for a review of the decision may be submitted. Provisions on the request for a review are laid down in the Administrative Procedure Act (434/2003).

Section 35g as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Section 35h (178/2023)**

### **Right of a public authority to obtain information**

To prepare the market analysis specified in section 35c and to impose the public service obligation specified in section 35b, the Finnish Transport and Communications Agency has the right to obtain the necessary information from delivery undertakings operating in the area for which the Finnish Transport and Communications Agency has prepared or will prepare a market analysis or imposes



a public service obligation, and from newspaper publishers whose newspapers are delivered in the area.

The information shall be supplied without delay, free of charge and in the form requested by the public authority in question.

If, despite the request of the Finnish Transport and Communications Agency, a delivery undertaking or a newspaper publisher fails to submit the information referred to in subsection 1, the Finnish Transport and Communications Agency may oblige the undertaking to submit the information. A conditional fine may be imposed to enforce the obligation. Provisions on conditional fines are laid down in the Act on Conditional Fines (1113/1990).

Section 35h as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

### **Section 35i (178/2023)**

#### **Government grant authority**

The Finnish Transport and Communications Agency acts as the government grant authority referred to in the section 4, paragraph 1 of the Act on Discretionary Government Grants.

Section 35i as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

### **Section 35j (178/2023)**

#### **Information pertaining to the government grant for newspaper delivery**

The Finnish Transport and Communications Agency monitors the implementation of the government grant for newspaper delivery and maintains a separate register for this purpose. The following information on the government grant for newspaper delivery, grant applicant, grant recipient and the use of grant can be entered in the register:

1) name and contact details of the applicant;

- 2) name and contact details of the applicant's contact person;
- 3) details of the delivery operations and the delivery area;
- 4) estimates concerning delivery costs and overall funding and the actual figures;
- 5) information concerning the grant application or payment application and the decision on it and information on the identification of the grant;
- 6) details of the grants awarded and paid under section 35d;
- 7) details of the audits and the observations made during the audits;
- 8) details of the grants to be recovered from the grant recipient and the recovery process;
- 9) essential information other than that referred to in paragraphs 1–8 that has accumulated during the processing of the application.

The information contained in the register shall be retained for three years after the payment of the government grant.

Section 35j as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

Chapter 6a as added by Act 178/2023 is in force temporarily between 1 March 2023 and 31 December 2029.

## **Chapter 7**

### **Information systems and collaboration between postal undertakings**

#### **Section 36**

##### **Conveyance of items of correspondence deposited in error, transit and deviations from the obligation to convey incoming items of correspondence from abroad**

A postal undertaking is obliged to ensure that an item of correspondence deposited in error for it to convey is delivered for conveyance by another postal undertaking if the address of the addressee of the item of correspondence is not located within the delivery area specified in the

notification of the first-mentioned postal undertaking referred to in section 4. The conveyance shall be at a cost-oriented price and under transparent and non-discriminatory terms. (408/2016)

A postal undertaking that acts as a designated operator in accordance with section 24a shall convey sealed postal items and items of correspondence sent as *à découvert* postal items given to it by another designated operator in the safest way using the fastest routes that it uses for its own items.

(408/2016)

Notwithstanding the provisions of subsection 2, a designated operator is not obliged to convey or deliver to the addressee items of correspondence that senders post or have posted elsewhere than in Finland for the purpose of benefiting from lower fees applied in another country. A designated operator may collect the domestic fees from the sender or, if the sender refuses to pay, from the designated operator of the country of origin. If these refuse to pay by the deadline, the designated operator may return the items to the designated operator of the country of origin and claim reimbursement of the costs incurred in sending the items.

## **Section 37 (178/2023)**

### **Postcode system**

The Finnish Transport and Communications Agency shall ensure that a postcode system is maintained for the purpose of managing postal operations. The general postcode system is based on geographical districts. Postcodes that are not based on geographical districts may also be issued for use by individual customers. A postcode is an identifier composed of five digits and it is placed in front of the town or city name in the address.

The Finnish Transport and Communications Agency shall impose an obligation on the universal service provider or other postal undertaking to maintain the postcode system. Provisions on criminal liability for acts in office shall apply to the persons employed by the universal service provider or other postal undertaking when they perform tasks pertaining to the maintenance of the postcode system referred to in this section. Provisions on the liability for damages are laid down in the Tort Liability Act.

The postal undertaking maintaining the postcode system shall keep the details of the postcode system publicly viewable on its website. The information shall be available free of charge in an accessible form so that it can be easily downloaded in electronic format.

Notification of the changes in postcodes shall be given no later than 60 days before the implementation of the changes. At the same time, information on the changes shall also be given specifically to

- 1) the users of postal services affected by the changes;
- 2) the municipalities affected by the changes;
- 3) other postal undertakings;
- 4) the parties maintaining the Population Information System, the rescue authorities and the Emergency Response Centre Agency.

The deadline laid down in subsection 4 above shall not apply to changes that only concern individual addressee households or a postcode issued for individual customers that are not based on the general geographical postcode system.

*Section 37 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

### **Section 37 (997/2018) Postcode system**

The Finnish Transport and Communications Agency shall ensure that a postcode system is maintained for the purpose of managing postal operations. The general postcode system is based on geographical districts. Postcodes that are not based on geographical districts may also be issued for use by individual customers. A postcode is an identifier composed of five digits and it is placed in front of the town or city name in the address.

The Finnish Transport and Communications Agency shall impose an obligation on the universal service provider or other postal undertaking to maintain the postcode system.

A postal undertaking maintaining the postcode system shall keep the information contained in the postcode system available for public inspection. The information shall be available free-of-charge in a usable form so that it can be downloaded in electronic format.

Changes to postcodes shall be publicised effectively and no later than two months prior to implementation of the changes. At the same time, information on the changes shall also be given specifically to

- 1) the users of postal services affected by the changes;
- 2) the municipalities affected by the changes;
- 3) other postal undertakings; and
- 4) the maintainers of the Population Information System, the rescue authorities and the Emergency Response Centre Administration.

The deadline laid down in subsection 4 above does not apply to changes that concern only an individual addressee household or a postcode issued for use by an individual customer that is not based on the general geographical postcode system.

## **Section 38 (178/2023)**

### **Address register**

A postal undertaking has the right to maintain an address register of addressees for the purpose of managing postal operations and for conveying items other than those forming part of postal operations. A postal undertaking may agree with another undertaking on the maintenance of the address register.

In addition to the addressee's name and address details, the addressee's personal identity code and other information necessary for ensuring the delivery of items and safeguarding the addressee's rights shall also be entered in the address register. For the purpose of managing postal operations, ensuring the delivery of items and safeguarding the rights of addressees, the universal service provider has the right to obtain from the Population Information System personal identity codes and changes in them, first names and family names and changes in them and information on the dates of changes, address information of newborn children, immigrants and persons without an address kept in the address register. information on births and deaths and the native language of addressees, and information on addresses and address changes arising from land use planning and the development of addresses in sparsely populated areas; on building coordinates, building code numbers, real estate unit identifiers, building classifications and changes in building and real estate information and the dates of the changes. The right to obtain information concerns all above information on persons registered in the Population Information System, with the exception of the persons with a valid non-disclosure for reasons of personal

safety issued under the Act on the Population Information System and Certificate Services of the Digital and Population Data Services Agency (661/2009).

The information kept in the address register may be used to deliver items to addressees as well as to check and correct names and addresses in the possession of the senders that have concluded an address services agreement. The name and address information kept in the address register may be passed on for the purpose of ensuring the intended use of the address register.

Details of the organisations kept in the address register may be passed on.

Personal identity codes contained in the address register may not, however, be passed on.

The postal undertaking maintaining the address register and the undertaking that has concluded an agreement with it on maintaining the address register shall, on request, disclose to another postal undertaking an addressee's name and address information that it has obtained from the addressee or from a public authority and the information about requests concerning delivery changes if the latter postal undertaking needs this information for managing its postal operations. The postal undertaking shall also, on request, disclose the changes in the information referred to above on an up-to-date basis. The information shall be disclosed in the format usable in postal operations and on a transparent and non-discriminatory basis. A price comprising the extraction of the address information from the address register and the organisation of the disclosure may be charged for the disclosure of the information.

The postal undertaking is not obliged to disclose information referred to in this section if disclosing the address information could endanger national security or national defence. The postal undertaking shall submit the requests for information disclosure to the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency and security authorities shall jointly assess the matter after which the Finnish Transport and Communications Agency shall make a decision on disclosing the information or on prohibiting the disclosure of the information.

Notwithstanding the provisions of this section, a data subject may prohibit the disclosure of their personal data in connection with address checking and correction services.

The postal undertaking shall delete previous information from the address register no later than 20 years after the date on which the postal undertaking in question was notified of the change in the information.

*Section 38 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 38**

### **Address register**

A postal undertaking has the right to maintain an address register of addressees for the purpose of managing postal operations and for conveying items other than those forming part of postal operations. A postal undertaking may agree with another undertaking on the maintenance of the address register.

In addition to the addressee's name and address details, the addressee's personal identity code and other information necessary for ensuring the delivery of items and safeguarding the addressee's rights shall also be entered in the address register. For the purpose of managing postal operations, ensuring the delivery of items and safeguarding the rights of addressees, the universal service provider has the right to obtain from the Population Information System personal identity codes and changes in them, first names and family names and changes in them and information on the dates of changes, address information of newborn children, immigrants and persons without an address kept in the address register. information on births and deaths and the native language of addressees, and information on addresses and address changes arising from land use planning and the development of addresses in sparsely populated areas; on building coordinates, building code numbers, real estate unit identifiers, building classifications and changes in building and real estate information and the dates of the changes. The right to obtain information concerns all above information on persons registered in the Population Information System, with the exception of the persons with a valid non-disclosure for reasons of personal safety issued under the Act on the Population Information System and Certificate Services of the Digital and Population Data Services Agency (661/2009). (1189/2019)

The information kept in the address register may be used to deliver items to addressees as well as to check and correct names and addresses in the possession of the senders that have concluded an address services agreement. The name and address information kept in the address register may be passed on for the purpose of ensuring the intended use of the address register.

Details of the organisations kept in the address register may be passed on.

Personal identity codes contained in the address register may not, however, be passed on.  
(614/2017)

The postal undertaking maintaining the address register and the undertaking that has concluded an agreement with it on maintaining the address register shall, on request, disclose to another

postal undertaking an addressee's name and address information that it has obtained from the addressee or from a public authority and the information about requests concerning delivery changes if the latter postal undertaking needs this information for managing its postal operations. The postal undertaking shall also, on request, disclose the changes in the information referred to above on an up-to-date basis. The information shall be disclosed in the format usable in postal operations and on a transparent and non-discriminatory basis. A price comprising the extraction of the address information from the address register and the organisation of the disclosure may be charged for the disclosure of the information. (614/2017)

Any party that is in the register may, notwithstanding the provisions of this section, refuse to disclose his or her personal information in connection with address checking and correction services.

The postal undertaking shall delete previous information from the address register no later than 20 years after the date on which the postal undertaking in question was notified of the change in the information. (614/2017)

## **Section 39 (178/2023)**

### **Facilities and geographic information used in the delivery**

A postal undertaking has an obligation to arrange access for another postal undertaking to a post office box under its control or other such facility at which an addressee's address is located. The postal undertaking may arrange the access in the manner of its choice but not in a manner that constitutes an obstacle to the operations of another postal undertaking. The access referred to in this section shall be provided at a cost-oriented price and under transparent and non-discriminatory terms.

A universal service provider shall give, free of charge, another postal undertaking all address information on accurate mail box locations necessary for that undertaking to manage postal operations. To cover its costs, the universal service provider may charge a reasonable fee for disclosing the location coordinates of the mail box. The disclosing of the location coordinates referred to in this section shall be at a cost-oriented price and under transparent and non-discriminatory terms.



The universal service provider is not obliged to disclose information referred to in this section if disclosing the location information could endanger national security or national defence. The universal service provider shall submit the requests for information disclosure to the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency and security authorities shall jointly assess the matter after which the Finnish Transport and Communications Agency shall make a decision on disclosing the information or on prohibiting the disclosure of the information.

*Section 39 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

### **Section 39 Equipment and facilities used in delivery**

A postal undertaking has an obligation to arrange access for another postal undertaking to a post office box under its control or other such facility at which an addressee's address is located. The postal undertaking may arrange the access in the manner of its choice but not in a manner that constitutes an obstacle to the operations of another postal undertaking. The access referred to in this section shall be implemented at a cost-oriented price and under transparent and non-discriminatory terms.

A universal service provider shall provide another postal undertaking with all information on mail box locations necessary for that undertaking to manage postal operations.

## **Chapter 8**

### **Reception and delivery of items**

#### **Section 40**

##### **Reception, conveyance and seizure of postal items (614/2017)**

A postal undertaking has an obligation to receive and convey

an item of correspondence and a postal parcel from anyone who so wishes, for the applicable fee and in accordance with

its delivery terms to the addressee. (614/2017)

However, a postal undertaking may refuse to receive or convey an item of correspondence or a postal parcel if

- 1) the item contains dangerous substances, objects or products the transport of which is prohibited by law or which are otherwise against the law or there are reasonable grounds for suspecting that they pose a danger to persons or property;
- 2) the item contains living insects or other living animals;
- 3) the contents of the item are especially sensitive to heat or cold;
- 4) the item contains fragile or breakable objects or fluid substances;
- 5) an uninsured universal service item or an item not falling within the scope of a universal service contains money, securities or other valuables.

(614/2017)

The seizure of an item of correspondence and the retaining of an item of correspondence will be subject to separate provisions.

## **Section 40a (658/2014)**

### **Items for persons with visual impairments**

Postal undertakings with an obligation referred to in section 24a to act as a designated operator under the Universal Postal Convention shall provide private individuals with an opportunity to send items containing Braille and weighing less than seven kilogrammes free of charge, except for airmail surcharges. (614/2017)

The person with visual impairments shall provide the details of their disability at the request of the postal undertaking referred to in subsection 1.

## **Section 41 (178/2023)**

### **Terms of delivery**

The universal service provider shall prepare the terms of delivery for the postal services falling within the scope of the universal service. The terms of delivery for the postal services falling within the scope of the universal service shall be published on the website of the universal service provider and they shall also, on request, be kept available in paper form free of charge.

The following shall be stated in the terms of delivery of the universal service provider:

- 1) the rights and obligations of the user of postal services and of the postal undertaking;
- 2) the measures available to the user of postal services in cases where an item has been delayed, lost, stolen or damaged, and in the case of non-compliance with the service quality standards; these measures shall be transparent, simple and affordable;
- 3) the legal remedies available to the user of postal services;
- 4) measures available to the user of postal services to refer to the competent authority issues on which the user of postal services and the postal undertaking have failed to reach agreement;
- 5) the procedure for determining or approving prices and rates;
- 6) the procedure by which customers are notified of changes in prices and rates;
- 7) the grounds for any security or other exceptional payment guarantee required from the user of postal services.

The terms of delivery of the universal service provider may not include terms or conditions that are unreasonable for the users of postal services.

The list of prices and rates for the postal services falling within the scope of the universal service shall be published on the website of the universal service provider and the list shall also, on request, be kept available in paper form free of charge. If a tender or an agreement on the provision of postal services within the scope of the universal service is concluded, the tender or the agreement shall be in writing or in electronic form so that its contents cannot be unilaterally amended and so that it will remain available to the parties concerned.

The users shall be notified of the new delivery terms no later than 30 days before the entry into force of the changes.

*Section 41 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 41 Terms of delivery**

A postal undertaking shall draw up terms of delivery. The terms of delivery shall be published on the undertaking's website and, on request, also kept in paper form without recompense.

The terms of delivery shall explain

- 1) the rights and obligations of the user of postal services and of the postal undertaking;
- 2) the measures available to the user of postal services in cases where an item has been delayed, lost, stolen or damaged, and in the case of non-compliance with the service quality standards; these measures shall be transparent, simple and affordable;
- 3) the legal remedies available to the user of postal services;
- 4) measures available to the user of postal services to refer to the competent authority issues on which the user of postal services and the postal undertaking have failed to reach agreement;
- 5) the procedure for determining or approving prices and rates;
- 6) the procedure by which changes in fees are notified to the customer; and
- 7) the grounds for any security or other exceptional payment guarantee required from the user of postal services.

The list of charges and rates for the postal services shall be published on the website of the undertaking and the list shall also, on request, be kept available in paper form free of charge. If a tender or an agreement on the supply of postal services is made, this shall be in writing or in electronic form so that its contents cannot be unilaterally amended and so that it will remain available to the parties. (614/2017)

The users shall be notified of new delivery terms no later than one month prior to their entry into force.

## **Section 41a (408/2016)**

### **Marking postal items**

The postal undertaking shall mark its items so that they can be identified and distinguished from the corresponding items of other postal undertakings.

## **Section 42 (997/2018)**

### **Monitoring the quality of postal services**

A postal undertaking shall publish annually information on the quality of its services, which shall also indicate the number of complaints and their handling. The survey measuring the extent of implementation of the quality standard laid down in section 19 above shall be carried out by a party that is independent of the universal service provider.

The information and the survey shall be supplied to the Finnish Transport and Communications Agency for information.

## **Section 43 (178/2023)**

### **Delivery**

Items of correspondence delivered to detached houses shall be taken to a mail box located within a reasonable distance of the address location of the addressee, taking local circumstances into consideration. Items of correspondence delivered to flats in high-rise buildings shall be taken to building-specific sets of mailboxes or flat-specific letterboxes.

When the delivery points are determined, consideration may also be given to local circumstances and personal special needs arising from the addressee's age, mobility impairments or reduced functional capacity.

It shall be possible to make the request for the adjustment of the delivery point in a manner suitable and accessible to the applicant.

A notice of arrival may be used in the delivery of items requiring acknowledgement of receipt, postal parcels and items that are unsuited for delivery due to their size. The postal undertaking has the right to enter the recipient's personal identity code and the document from which the personal identity code was checked in the handover documents for an item of correspondence requiring acknowledgement.

The addressee may, for a reasonable fee, agree with the postal undertaking on arrangements that differ from the provisions of this section.

*Section 43 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

## **Section 43 (997/2018)**

### **Delivery**

Items of correspondence delivered to detached houses shall be taken to a mail box located within a reasonable distance of the address location of the addressee, taking local circumstances into consideration. Items of correspondence delivered to flats in high-rise buildings shall be taken to building-specific sets of mailboxes or flat-specific letterboxes.

When determining delivery points, consideration may also be given to local circumstances or personal special needs arising from the addressee's age or state of health. Regarding the personal special needs, the addressee's disability and age, if aged at least 75, shall be taken into account in the manner specified in more detail in a regulation of the Finnish Transport and Communications Agency specified in section 48.

A notice of arrival may be used in the delivery of items requiring acknowledgement of receipt, postal parcels and items that are unsuited for delivery due to their size. The postal undertaking has the right to enter the recipient's personal identity code and the document from which the personal identity code was checked in the handover documents for an item of correspondence requiring acknowledgement.

The addressee may, for a reasonable fee, agree with the postal undertaking on arrangements that differ from the provisions of this section.

## **Section 43a (997/2018)**

### **Returning erroneously delivered items**

The postal undertaking shall provide a service for returning erroneously delivered items in each municipality of its operating area that it has specified in its notification to the Finnish Transport and Communications Agency in accordance with section 4.

## **Section 44 (997/2018)**

### **Location of mail boxes**

The location of the mail boxes is determined by the universal service provider of letter services or, if no universal service obligation has been imposed, by another postal undertaking on the decision of the Finnish Transport and Communications Agency. When the locations are determined, consideration shall be given to the requirements set out in sections 43 and 45 and the regulations issued under section 48.

Any party not satisfied with the location of a mail box may submit the matter for the decision of the municipal building supervisory authority. The universal service provider may apply for a decision of the building supervisory authority on a disagreement concerning the location of a mail box in cases where the addressee does not locate his or her mail box at the location designated for it but does not contest the matter.

In its decision, the municipal building supervisory authority shall take into account the other use for the location in question, the requirements for appropriate postal operations and the requirements set out in sections 43 and 45 and the regulations issued under section 48.

## **Section 45**

### **Location of installations and structures required in the delivery of post**

The municipality has an obligation to allow the placing of installations and minor structures, such as mail boxes, required for the collection and delivery of items of correspondence in public areas indicated in a local detailed plan if their placing cannot otherwise be arranged in a manner reasonable from the point of view of the postal undertaking and of the addressee and at reasonable cost. The installations and minor structures required for collection and delivery, or the use of these, shall not cause unnecessary danger to traffic or significant detriment to the maintenance and cleaning or other use of a public area.

The owner of a plot of land, other real estate or building has an obligation to allow installations or minor structures required for collection and delivery to be fixed to a wall, gate or fence or on the

ground under the conditions referred to in subsection 1. The obligation may, however, be imposed only if it is reasonable from the point of view of the owner.

The installations or minor structures required for collection and delivery may be placed in a roadside buffer zone or lateral clearance area referred to in the Highways Act (503/2005) if the placement or the use of the boxes causes no unnecessary danger to traffic or significant detriment to road management.

## **Section 46**

### **Compensation for placement of mail boxes**

Compensation will be paid for any inconvenience and damage caused by mail boxes in accordance with the provisions of the Act on the Redemption of Immoveable Property and Special Rights. An agreement on this compensation will also be binding on any subsequent owner of the real estate or building.

## **Section 47 (614/2017)**

### **Keeping postal items available for collection by the addressee**

A postal undertaking has the right to keep items of correspondence available for collection at a service point determined on the basis of the addressee's address or at a similar collection facility if

- 1) the addressee and the postal undertaking have failed to reach agreement on the arrangements for receiving post and no legally binding decision has been issued in the matter;
- 2) the addressee has intervened in the arrangements for receiving postal items in such a way that the postal undertaking is unable to deliver items of correspondence to the addressee's mail box located in accordance with the provisions laid down in section 44.

In the situation referred to in subsection 1, paragraph 1 above, the postal undertaking has the right to require that the addressee concludes an agreement on collecting postal items referred to in section 43, subsection 4.



## **Section 48 (178/2023)**

### **The authority of the Finnish Transport and Communications Agency to issue regulations**

The Finnish Transport and Communications Agency may issue further regulations

- 1) on the location of installations and minor facilities required for the reception and delivery of items of correspondence;
- 2) on taking into account in postal delivery the local circumstances or the personal special needs of addressees aged 75 and over or the addressee's mobility impairments or reduced functional capacity.

*Section 48 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

### **Section 48 (997/2018) Authority of the Finnish Transport and Communications Agency to issue regulations**

The Finnish Transport and Communications Agency may issue further regulations

- 1) on the placing of installations and minor structures required for the reception and delivery of items of correspondence; and
- 2) on taking into account in postal delivery the local circumstances or the personal special needs arising from the age of addressees at least 75 years old or the addressee's disability or state of health.

## **Chapter 9**

### **Liability of a postal undertaking**

#### **Section 49**

### **Liability of a postal undertaking**

A postal undertaking is liable for any loss or damage incurred by the sender or the addressee as a result of an item being delayed, lost or damaged.

If the item is delayed, the right to compensation will lie with the sender or addressee to whom the delay has caused loss or damage.

If the item is lost, the right to compensation will lie with the sender.

If the item is damaged, the right to compensation will lie with

1) the sender up to the point where it is handed over to the addressee; or

2) the addressee after the moment when he or she takes receipt of the item.

The liability of a postal undertaking begins when the sender has deposited the item at a collection point or in some other manner to be conveyed by the postal undertaking. The liability ends when, in accordance with the manner of delivery agreed upon, the item has either been delivered to the delivery installation or structure of the addressee or given to the addressee or his or her representative or when the necessary acknowledgement of receipt have been obtained.

## **Section 50**

### **Releasing a postal undertaking from liability and limitation of liability**

A postal undertaking will be released from liability for damages if it can prove that the damage was caused by a circumstance which the postal undertaking could not have avoided and the consequences of which it could not have prevented.

If the postal undertaking or a party for whose actions the postal undertaking is liable has caused the damage wilfully or through gross negligence, it may not invoke the provisions of subsection 1 or section 51 on release from or limitation of liability.

A contract term that deviates from this Act's provisions on liability to the detriment of the sender or the addressee will be void. The provisions may, however, be deviated from by an agreement concluded with a party other than a consumer referred to in chapter 1, section 4 of the Consumer Protection Act (38/1978) if the deviation is reasonable due to the positions of the parties to the agreement, the exceptional nature of the item, or other special circumstances.

A postal undertaking and a party for whose actions the postal undertaking is liable has the right to invoke this Act's provisions on limitation of and release from liability even when the claim for compensation is not based on this Act if the compensation could have been claimed by virtue of this Act.

## **Section 51**

### **Limitation of liability**

The compensation to be paid to a party that has suffered damage because of a delay of an item will be the amount of the damage, but not exceeding

- 1) EUR 50 in the case of an ordinary item of correspondence;
- 2) EUR 85 in the case of a registered item of correspondence or an item of correspondence given against advice of receipt;
- 3) EUR 150 in the case of another item of correspondence or a postal parcel.

The compensation to be paid to a party that has suffered damage because of damage to or loss of an item will be the amount of the damage, but not exceeding

- 1) EUR 50 in the case of an ordinary item of correspondence;
- 2) the agreed insured value in the case of an insured item;
- 3) EUR 340 in the case of another item of correspondence;
- 4) EUR 25 per kilogramme in the case of a postal parcel.

The compensation to be prescribed under this Act may reasonably be adjusted if the injured party has contributed to the damage or if another circumstance, which was not part of the action causing the damage, was also a reason for the damage.

## **Section 52**

### **Complaint and statute of limitations**

A complaint regarding damage to or delay of an item shall be filed with the postal undertaking, under the threat of forfeiting the right of action,

within a reasonable time from the time when the addressee has or should have detected the damage or the delay. A complaint concerning externally noticeable damage shall, however, be filed upon the receipt of the item if the item is given personally to the addressee or his or her representative who is not a consumer.

The right to compensation is forfeited unless the claim is filed with the postal undertaking in writing within one year, or if the damage or delay has been caused wilfully or through gross negligence,

within three years, from the time when

1) the liability of the postal undertaking ends under section 49, subsection 5 if the right is based on damage to or a delay of an item; or when

2) the postal undertaking notified the sender that the item has been lost or, for an ordinary item of correspondence, from the time when the sender should have noticed the loss, if the right is based on the loss of the item.

The postal undertaking shall deal with the claims presented to it using simple procedures and without delay. Information on the procedures for claiming compensation shall be kept efficiently available to users.

## **Chapter 10**

### **Delivering postal items to the addressee and handling undeliverable items**

#### **Section 53**

##### **Right of control over a postal item**

The sender has the right of control over a postal item up to the point where it passes to the possession of the addressee in accordance with the terms of the item, unless the item is seized by virtue of valid legislation.

If the sender and the addressee simultaneously claim the postal item, it will be given to the sender.

If the item is held by a postal undertaking, the sender has the right to take the item back, designate it for submission to a party other than the addressee marked on it and to correct or amend the postal address shown or to provide other similar instructions to the postal undertaking.

The addressee has the right to determine that items addressed to him or her be re-directed or their delivery interrupted. The sender's right of control over the item will terminate when the item has been delivered to the place that accords with the instructions of the addressee.

## **Section 54 (997/2018)**

### **Obligation of postal undertaking to deliver an item to the addressee and handling undeliverable items**

A postal undertaking is obliged to deliver an item of correspondence or a postal parcel to the address marked on the item.

If the address information on the item of correspondence or a postal parcel is incomplete or incorrect, the postal undertaking shall endeavour, with the aid of its address register or commonly available public registers, to ascertain the correct address of the addressee. If the addressee has completed a valid change of address or an agreement on re-directing, the item of correspondence or the postal parcel shall be delivered to the applicable new address, unless the postal undertaking has agreed otherwise with the sender. However, agreeing otherwise with the sender is not possible in regard to ascertaining the address of an item of correspondence or a postal parcel that falls within the scope of a universal service.

The postal undertaking shall return the item of correspondence or the postal parcel to its sender if

- 1) the addressee's address cannot be ascertained;
- 2) the addressee does not wish to take receipt of the item;
- 3) no valid fee has been paid for the item and the addressee has not claimed the item even though the postal undertaking has made it available to be claimed; or
- 4) it concerns an item that the postal undertaking is not able to redeliver for some other reason beyond its control.

If the item referred to in subsection 3 cannot be returned to the sender for a reason beyond the control of the postal undertaking, it shall be treated as undeliverable. The postal undertaking shall deliver an undeliverable item of correspondence immediately to the Finnish Transport and Communications Agency for examination.

Subsections 2–4 of this section do not apply to addressed direct mail.

The postal undertaking may collect a fee for redelivering or returning a parcel and for a postal item to be returned in compliance with the provisions on distance selling in chapter 6 of the Consumer Protection Act.

## **Section 55 (178/2023)**

### **Right of a postal undertaking to open a sealed item**

A postal undertaking may not open a sealed letter.

However, a postal undertaking has the right to open a postal parcel if

- 1) the item has been damaged and opening the item is necessary to protect its contents or to check the condition of the contents;
- 2) there is reason to suspect that the item may cause danger to health or property; or
- 3) the item is an undeliverable postal parcel referred to in section 56 and it is necessary to open the parcel for it to be sold or destroyed.

A postal parcel may be opened by a person authorised to do so by the Finnish Transport and Communications Agency in the presence of another person. The contents of the postal parcel may not be examined in more detail than is required on the basis of the reason for the opening. The markings specified by the Finnish Transport and Communications Agency shall be made on the opened postal parcel. A record of the opening shall be prepared and it shall be signed by the persons who participated in the opening and the record shall be delivered to the Finnish Transport and Communications Agency. Provisions on criminal liability for acts in office shall apply to persons employed by a postal undertaking when they are performing the duties referred to in this section. Provisions on the liability for damages are laid down in the Tort Liability Act.

If a postal parcel referred to in subsection 2, paragraph 3 contains a confidential message, it shall be delivered to the addressee or, if the addressee's identity cannot be determined from the item,

the message shall be delivered to the Finnish Transport and Communications Agency for examination.

*Section 55 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

### **Section 55 (997/2018) Right of a postal undertaking to open a sealed item**

A postal undertaking may not open a sealed letter.

A postal undertaking has the right to open a postal parcel if

- 1) the item has been damaged and the opening is necessary in order to protect the contents or to verify their condition;
- 2) there is reason to suspect that the item may cause danger to health or property; or
- 3) the item is an undeliverable postal parcel referred to in section 56 and it is necessary to open the parcel for it to be sold or destroyed.

A postal parcel may be opened by a person authorised to do so by the Finnish Transport and Communications Agency in the presence of another person. The contents of the postal parcel may not be examined in more detail than is required on the basis of the reason for the opening. The markings specified by the Finnish Transport and Communications Agency shall be made on the opened postal parcel. A record of the opening shall be prepared and it shall be signed by the persons who participated in the opening and the record shall be delivered to the Finnish Transport and Communications Agency. Provisions on criminal liability for acts in office shall apply to persons employed by a postal undertaking when they are performing the duties referred to in this section.

If a postal parcel referred to in subsection 2, paragraph 3 contains a confidential message, it shall be delivered to the addressee or, if the addressee's identity cannot be determined from the item, the message shall be delivered to the Finnish Transport and Communications Agency for examination.

## **Section 56**

### **Keeping and destroying items**

A postal undertaking may destroy a postal item which has contents that are evidently spoilt.

A postal undertaking may destroy a postal item with the consent of the sender.

A postal undertaking may also destroy an unsealed item that clearly contains no information that would assist in ascertaining the sender or the addressee.

A postal undertaking may destroy an undeliverable postal parcel or an item containing direct mail where its return has not been agreed with the sender of the postal item.

A postal undertaking may destroy a postal parcel referred to in subsection 3 no earlier than three months after the addressee has been notified of the item's arrival or the sender has been notified of its return. The postal parcel in question shall be destroyed in a manner ensuring the confidentiality of the item.

(614/2017)

Instead of destroying it, the postal undertaking has the right to sell an undeliverable postal item referred to in this section in accordance with the provisions of the Act on the Right of a Self-Employed Person to Sell An Unclaimed Object (688/1988). However, in place of the storage time laid down in the Act referred to, a postal undertaking shall keep the postal item for six months before it is sold.

Goods transported in the postal network which can no longer be connected with a postal item are subject to the provisions of the Lost Property Act (778/1988).

## **Section 57 (997/2018)**

### **Handling of undeliverable items**

At the Finnish Transport and Communications Agency, the Finnish Transport and Communications Agency shall endeavour to ascertain the address information of the addressee or sender of the undeliverable postal items dispatched to it by a postal undertaking in compliance with section 54, subsection 4. The procedure concerning undeliverable items only applies to ascertaining the sender's information if the item is one referred to in section 54, subsection 3, paragraph 3.

A universal service provider shall provide the Finnish Transport and Communications Agency with access free of charge to its address register for the purpose of ascertaining the address information of the addressee or the sender.



When examining an undeliverable item, the Finnish Transport and Communications Agency has the right to open a sealed letter if

- 1) this is necessary for ascertaining the address of the addressee of a postal item so that the item can be delivered or for ascertaining the address of the sender so that the item can be returned;
- 2) it is apparent that the item may cause danger to health or property; or
- 3) it is apparent that the content of the item prevents it from being transported for safety reasons.

The person examining an undeliverable item at the Finnish Transport and Communications Agency may only open the postal item in the presence of another person. The contents of an opened postal item may not be examined in more detail than is required on the basis of the reason for opening. The reason for and the date and place of the opening as well as the provision by virtue of which the item was opened shall be marked on the cover of the item or in a separate enclosure accompanying the item.

The persons who opened the item shall sign the information marked down. A record referred to in section 55 shall also be drawn up of the opening.

## **Section 58 (997/2018)**

### **Returning a postal item from the Finnish Transport and Communications Agency to a postal undertaking**

If an opened item contains information that enables the Finnish Transport and Communications Agency to ascertain the address information of the addressee or the sender, the Finnish Transport and Communications Agency shall return the item to the postal undertaking with a note to the effect that it has been opened. In order to ensure the confidentiality of the message, the postal item shall be sealed before it is returned.

The postal undertaking shall deliver to the addressee or the sender the item it received from the Finnish Transport and Communications Agency complete with the note to the effect that it has been opened if the address information of the addressee or the sender can be ascertained on the basis of the information in the item.

## **Section 59 (997/2018)**

## **Handling an opened item at the Finnish Transport and Communications Agency**

If no information can be found in an opened postal item that would help to deliver it to the addressee or return it to the sender, the Finnish Transport and Communications Agency shall keep the item for a period of six months. The period of keeping will start from the day the item is opened.

If the addressee or sender of an undeliverable item has not been ascertained within the six-month storage period, the item shall be destroyed by an appropriate means that ensures the confidentiality of the message. If the item contains something else than a message intended to be personal, the remaining content may be sold in a way deemed to be appropriate.

Funds from sale of the contents of the items are entered as income for the Finnish Transport and Communications Agency less the expenses from the sale.

If the items contain money, this will also be entered as income for the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency may also hand over the content of the items for non-profit purposes.

The Finnish Transport and Communications Agency shall remove from an item referred to in section 57, subsection 2, paragraph 3 any content that would prevent redelivery of the item for safety reasons. Any content removed may be sold, destroyed or handed over in a manner referred to in subsections 2 or 3 of this section, but without observing the deadline laid down in subsection 1.

The Finnish Transport and Communications Agency shall deliver the item to a postal undertaking for redelivery. The Finnish Transport and Communications Agency shall attach to the item a note to the effect that it has been opened and content has been removed.

An item may be destroyed without complying with the deadline laid down in subsection 1 if this concerns

- 1) an item which has contents that are evidently spoilt;
- 2) an item which has contents that may cause danger to health or property; or
- 3) an item which, for some other reason, clearly does not need to be kept.

## **Section 60 (997/2018)**

## **Liability for acts in office**

Provisions regarding criminal liability for acts in office also apply to persons who are at the Finnish Transport and Communications Agency in other than a public service position or comparable employment relationship when such persons handle undeliverable items.

### **Section 61 (997/2018)**

#### **Non-disclosure obligation and deviating from the provisions on publicity of official documents**

Postal items and documents contained in them that are held by the Finnish Transport and Communications Agency and that it has received while performing a duty referred to in this chapter, shall be kept secret.

Nobody employed by the Finnish Transport and Communications Agency is allowed to reveal information about a postal item or its contents that he or she has received while performing a duty referred to in this chapter. Provisions on the non-disclosure obligation, prohibition of use and violation of a non-disclosure obligation are laid down in the Act on the Openness of Government Activities (621/1999).

The above provisions of this section do not prevent the Finnish Transport and Communications Agency from providing information to a postal undertaking from the records concerning the opening of postal items if this is necessary for ascertaining the address information of the addressee or sender of an item.

## **Chapter 11**

### **Other obligations of a postal undertaking**

#### **Section 62**

##### **Safeguarding the secrecy of a confidential message**

A postal undertaking shall ensure the secrecy of a confidential message. The same obligation also concerns any party that, by virtue of an agreement made with the postal undertaking, handles postal items or provides services of the postal undertaking to customers.

## **Section 63**

### **Section 63 Non-disclosure obligation**

A person employed by a postal undertaking may not disclose any information on a customer or a customer's affairs acquired in the course of his or her work if the disclosure of the information would violate the secrecy of a confidential message or a business or customer relationship. The non-disclosure obligation also concerns anyone who, by virtue of an agreement made with the postal undertaking, handles postal items or provides services of the postal undertaking to customers.

## **Section 64**

### **Obligation of a postal undertaking to prepare for exceptional circumstances**

By means of contingency planning and preparations for exceptional circumstances, a postal undertaking shall ensure that its activities will continue with the minimum disruption even in the exceptional circumstances referred to in the Emergency Powers Act (1080/1991) and in disruptive situations under normal circumstances.

The Emergency Powers Act 1080/1991 was repealed by the Act 1552/2011, which entered into force on 1 March 2012.

## **Section 65 (997/2018)**

### **Further provisions on contingency preparations**

Further provisions on the contingency preparation obligation of a postal undertaking under section 64 may be given by Government decree. The provisions may concern the necessary arrangement

of postal operations to ensure the functioning of the nation's leadership or national security or the economy.

The Finnish Transport and Communications Agency may issue further technical regulations on the contingency preparation obligation for postal undertakings. The regulations may cover

- 1) the technical characteristics of postal services;
- 2) documentation on securing the operation and services of a postal undertaking in exceptional circumstances;
- 3) technical measures to minimise disruptions; and
- 4) other similar technical issues.

## **Section 66**

### **Section 66 Costs of contingency preparations**

A postal undertaking has the right to receive compensation for costs incurred in contingency preparation from the national emergency supply fund referred to in the Security of Supply Act (1390/1992) only if the costs are significant with regard to the nature and extent of the activities of the postal undertaking.

The compensation for costs referred to in subsection 1 above is decided by the National Emergency Supply Agency based on a proposal of the Ministry of Transport and Communications.

## **Chapter 12**

### **Guidance and supervision of postal operations**

#### **Section 67 (1060/2019)**

##### **Section 67 General guidance, development and supervision**

The Ministry of Transport and Communications is responsible for the general steering and development of postal operations.

It is the duty of the Finnish Transport and Communications Agency to supervise compliance with this Act and the provisions and regulations issued under it. The Finnish Transport and Communications Agency shall publish a report each year on compliance with the quality standards specified in section 19.

The Finnish Transport and Communications Agency acts as the national authority referred to in the Directive 97/67/EC of the European Parliament and of the Council on common rules for the development of the internal market of Community postal services and the improvement of quality of service, and the Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel delivery services.

In discharging their duties under this Act, the Ministry of Transport and Communications and the Finnish Transport and Communications Agency shall work in cooperation with the competition authorities and the consumer authorities wherever necessary.

## **Section 67a (997/2018)**

### **Processing of supervisory matters at the Finnish Transport and Communications Agency**

The Finnish Transport and Communications Agency may investigate a matter of its own initiative or at the request of the party concerned.

The Finnish Transport and Communications Agency may prioritise its supervisory duties specified in this Act. The Finnish Transport and Communications Agency may decide not investigate a matter if

- 1) it is likely that a matter is not related to actions contrary to the provisions of this Act or provisions laid down by virtue of it;
- 2) despite the suspected error or omission, the matter is only of minor significance with regard to the functioning of the postal markets, reliability of postal services and ensuring uninterrupted postal markets and from the perspective of the interests of the users of postal services; or

3) the request for action is manifestly unfounded.

The Finnish Transport and Communications Agency shall make the decision concerning the non-investigation referred to in subsection 2 without delay.

## **Section 68 (997/2018)**

### **Supervision fee for postal operations**

A postal undertaking is obliged to pay the Finnish Transport and Communications Agency an annual fee for the supervision of postal operations. The total sum of supervision fees collected from postal undertakings covers the total costs incurred by the Finnish Transport and Communications Agency for performing the duties laid down in this Act concerning postal undertakings.

## **Section 69 (997/2018)**

### **Amount of the supervision fee for postal operations**

The supervision fee for postal operations is 0.29 per cent of a postal undertaking's turnover from postal operations in Finland subject to notification under section 4 for the financial year that ended two years before collection of the supervision fee, but not less than EUR 2,000.

The supervision fee collected from a new postal undertaking will be EUR 1,000 for the first year of operation and EUR 5,000 for the second year of operation. The fee for the third and subsequent years will be determined in accordance with the provisions of subsection 1.

If the financial year is other than a calendar year, the turnover will be converted to a sum corresponding a year's turnover by multiplying it by 12 and dividing by the number of months in the financial year concerned.

If postal operations referred to in subsection 1 come to an end in the middle of an invoicing period, the Finnish Transport and Communications Agency shall determine the amount of the fee for the conducted postal operations referred to in subsection 1. If during the time between the financial year on which the fee is based and the due date of the fee, postal operations referred to

in subsection 1 have been assigned to another undertaking, the Finnish Transport and Communications Agency shall determine the fee for the undertaking in operation on the due date taking into consideration the confirmed turnover of the postal operations referred to in subsection 1 for the financial year on which the fee is based.

Where changes have taken place in the undertaking's group ownership relations between the end of the financial year on which the fee is based and the due date of the fee, the amount of the fee will be determined on the basis of the undertaking's share of turnover of postal operations referred to in subsection 1 for the financial year on which the fee is based.

The collected fees are not returned even if the undertaking ended the postal operations referred to in subsection 1.

## **Section 70 (997/2018)**

### **Turnover on which the fee is based if the undertaking is part of a group**

If a postal undertaking is part of a group referred to in chapter 1, section 6 of the Accounting Act (1336/1997), the basis for the postal undertaking's fee will be its share of the joint turnover from postal operations carried out in Finland of postal undertakings liable for payment which belong to the same group after deduction of the undertakings' intercompany turnover for such operations. The procedure for determining the fee also applies in case of non-Finnish parent companies.

Further provisions on how the information necessary for determining the fee shall be notified to the Finnish Transport and Communications Agency may be given by a Ministry of Transport and Communications decree.

## **Section 71 (997/2018)**

### **Determining and collecting the fee for the supervision of postal operations**

The fee for the supervision of postal operations is collected annually in four instalments.



The fee is payable by order of the Finnish Transport and Communications Agency. Further provisions on the collection of the fee may be given by a Ministry of Transport and Communications decree.

For the purposes of determining the fee, the Finnish Transport and Communications Agency has the right to obtain from a postal undertaking information about the turnover of the undertaking's postal operations carried out in Finland as referred to in section 69 for the financial year ending two years before the fee collection year. Postal undertakings belonging to a group shall also deliver to the Finnish Transport and Communications Agency an account of which instalments incurred in the intercompany postal operations of the group undertakings have been deducted from the postal operations turnover in accordance with section 70, subsection 1. The postal undertaking shall submit the information to the Finnish Transport and Communications Agency within one month of the approval of the financial statements. A copy of the approved financial statements and group accounts shall be submitted as an attachment.

Provisions on the direct eligibility for enforcement proceedings in the absence of grounds for enforcement in regard to the supervision fee for postal operations are set out in the Act on the Collection of Taxes and Charges (706/2007). If the fee is not paid by the due date, annual interest for late payment will be collected on the amount due in accordance with the interest rate referred to in section 4 of the Interest Act (633/1982).

Instead of interest for late payment, the authority may charge a penalty of five euros for late payment if the amount of the interest for late payment is lower than that.

## **Section 72 (997/2018)**

### **Disclosure obligation**

Notwithstanding provisions on the secrecy of documents laid down elsewhere in the law, a postal undertaking is obliged to collect and disclose to the Ministry of Transport and Communications and the Finnish Transport and Communications Agency all information on its finances and its operations practised under this Act as is necessary for managing the tasks referred to in this Act or for compiling statistics on these tasks. The information shall be supplied without charge, without undue delay, and in the form requested by the public authority.

The obligation to collect and supply information referred to in subsection 1 above also applies to other undertakings in possession of information that is essential and significant for postal operations and for the official duties referred to in this Act.

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency shall notify the purpose for which the information is to be used and justify the request to supply the information.

At the request of the Ministry of Transport and Communications, the Finnish Transport and Communications Agency shall disclose to the Ministry of Transport and Communications the information referred to subsection 1 that it has obtained while carrying out tasks under this Act. The Finnish Transport and Communications Agency shall give notification of this disclosure without delay to the party that supplied the information affected by the disclosure.

### **Section 73 (997/2018)**

#### **Use of a document obtained from a public authority of another State**

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency may use a document to be regarded as secret that has been obtained from a foreign public authority only for the purpose for which it was given.

### **Section 74 (997/2018)**

#### **Supplying information to the European Commission and to other EEA States**

At the request of the European Commission or of a supervisory authority of another state belonging to the European Economic Area, the Ministry of Transport and Communications and the Finnish Transport and Communications Agency shall disclose the information necessary for supervising the internal market for postal services.

In addition to the provisions laid down in the Act on the Openness of Government Activities, the Ministry of Transport and Communications and the Finnish Transport and Communications Agency have the right to hand over a document considered secret and to disclose information considered

secret to the European Commission and to the supervisory authority of another state belonging to the European Economic Area if this essential for supervising the internal market for postal services.

## **Chapter 13**

### **Enforcement, sanctions and appeal**

#### **Section 75 (178/2023)**

##### **Enforcement measures**

If a postal undertaking or other service provider is in breach of this Act, the provisions or regulations issued under it or the Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel delivery services, the Finnish Transport and Communications Agency may issue a reprimand or oblige the undertaking to correct its error or omission.

The Finnish Transport and Communications Agency may enforce its decision referred to in subsection 1 by imposing a conditional fine or by issuing an order that the operations should be suspended in full or in part, or that the omitted action should be carried out at the expense of the party concerned. Provisions on conditional fines, enforced suspension, and enforced compliance are laid down in the Act on Conditional Fines.

The costs of work carried out at the defaulter's expense shall be paid in advance from government funds. The costs are directly enforceable. Provisions on the collection of these costs are laid down in the Act on the Collection of Taxes and Charges.

*Section 75 as amended by Act 178/2023 enters into force on 1 October 2023. Previous form of wording:*

##### **Section 75 (1060/2019) Enforcement measures**

If a postal undertaking or other organisation subject to regulation that is contained in this Act is in breach of this Act, the provisions or regulations issued under it or the Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel delivery services, the Finnish Transport and Communications Agency may oblige the undertaking to correct its error or omission.

The Finnish Transport and Communications Agency may enforce its decision referred to in subsection 1 by imposing a conditional fine or by issuing an order that the operations should be suspended in full or in part, or that the omitted action should be carried out at the expense of the party concerned. Provisions on notices of a conditional fine, notices of enforced suspension and notices of enforced compliance are contained in the Penalty Payments Act (1113/1990).

The costs of work carried out at the defaulter's expense are paid in advance from government funds. The costs are directly eligible for enforcement proceedings. Provisions on collecting them are laid down in the Act governing the enforcement of the collection of taxes and tax-like charges (706/2007).

## **Section 76 (997/2018)**

### **Unauthorised postal operations**

Anyone who carries out postal operations without having submitted the notification to the Finnish Transport and Communications Agency specified in section 4 shall, unless the act is subject to a more severe punishment elsewhere in the law, be sentenced to a fine for unauthorised postal operations.

A penalty shall not be ordered if the offence is minor.

## **Section 77**

### **Violation of the rules on postal payment marks**

Anyone who, with the intention of gaining undue financial benefit for himself or herself or for another,

- 1) commits an act of falsifying or imitating a postal payment mark, or contributes to the manufacture of a falsified or imitated postal payment mark;
- 2) circulates, markets, distributes, disseminates, transports, exhibits, shows or publicises a falsified or imitated postal payment mark; or
- 3) uses or circulates a postal payment mark that has already been used as a postal payment,

shall be sentenced to a fine for a violation of the rules on postal payment marks, unless a more severe penalty is provided elsewhere in the law.

An attempt is punishable.

For the purposes of this Act a postal payment mark refers to means of paying for postal items, including stamps, postal prepayment impressions, impressions of franking machines or printing presses, and international reply coupons that are in or have been withdrawn from public circulation.

## **Section 78**

### **Violation of the non-disclosure obligation**

The punishment for a violation of the non-disclosure obligation laid down in section 63 will be imposed in accordance with chapter 38, section 1 or 2 of the Penal Code (39/1889) unless the act is punishable under chapter 40, section 5 of the Penal Code, or unless the act is subject to a more severe punishment elsewhere in the law.

## **Section 79 (997/2018)**

### **Settlement of disputes**

If a postal undertaking or a person whose right, benefit or obligation is affected by the matter considers that someone is acting in violation of this Act or the provisions issued under it, the postal undertaking or the aforementioned person may refer the matter for decision by the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency shall make a decision on the matter within four months of the date on which it became pending. The deadline does not apply to exceptionally wide-ranging matters or matters that have otherwise taken place in exceptional conditions. The Finnish Transport and Communications Agency may also, of its own initiative, take up the matter for decision.

A person who intends to apply for a decision of the Finnish Transport and Communications Agency in a matter concerning himself or herself shall be given guidance in requesting the decision.

Matters related to contractual relationships between a postal undertaking and a customer or the liability to compensate do not fall within the decision-making authority of the Finnish Transport and Communications Agency.

## **Section 80 (1538/2019)**

### **Appeals**

A decision made by the Ministry of Transport and Communications, Finnish Transport and Communications Agency and a municipal building supervisory authority may be appealed against to an Administrative Court. Provisions on requesting a review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

A decision of the Ministry of Transport and Communications or the Finnish Transport and Communications Agency shall be complied with despite an appeal, unless the appellate authority orders otherwise.

## **Chapter 14**

### **Miscellaneous provisions**

## **Section 81 (997/2018)**

### **Executive assistance**

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency have the right to obtain executive assistance from the police, the Finnish Customs and the Finnish Border Guard for the enforcement of this Act and the provisions and regulations issued under it.

## **Section 82 (997/2018)**

### **Issue of postage stamps and the use of a postal payment mark**

The Ministry of Transport and Communications may, upon application, grant a postal undertaking the right to issue internationally acceptable postage stamps or postage stamps that are acceptable in Finland. The right to issue postage stamps is in force until further notice.

The Finnish Transport and Communications Agency may, where necessary, issue regulations on the form of a postal payment mark that corresponds to postage stamps, on the placement on such a mark on an item of correspondence and on the other use of such a mark.

## **Chapter 15**

### **Entry into force**

#### **Section 83**

##### **Entry into force**

This Act enters into force on 1 June 2011.

This Act repeals the Postal Services Act (313/2001).

This Act repeals the Act on the Fee Collected for Securing the Provision of Postal Services in Sparsely Populated Areas (708/1997).

#### **Section 84 (997/2018)**

##### **Transitional provision**

A licence granted for postal operations that is valid when this Act enters into force will be valid until a new licence is granted. The licence that is valid when this Act enters into force will nevertheless not remain valid beyond its expiry date. If the terms of the licence are inconsistent with the provisions of this Act, the provisions of this Act will apply.

Licence applications that are pending when this Act enters into force will be treated in accordance with the provisions of this Act.

A universal service obligation in force when this Act enters into force is valid until the Finnish Transport and Communications Agency issues a decision by which a new universal service obligation is imposed or is not imposed, in part or in full. The content of the universal service obligation is defined in accordance with chapter 3 once this Act enters into force, and with due reference to the provisions of subsection 10.

The Finnish Transport and Communications Agency shall perform the first of the market assessments referred to in section 22 in such a way that it is available no later than one year after the Act enters into force.

The address register provisions of section 38 of this Act also apply to a postal undertaking's information that is in the register upon the entry into force of this Act.

A postal undertaking that, upon the entry into force of this Act, has the right to issue postage stamps may continue to issue postage stamps for the term of its licence.

Agreements valid at the time this Act enters into force are subject to the provisions that are valid when this Act enters into force. The provisions valid at the time this Act enters into force will apply to the liability of a postal undertaking if an item has been deposited for conveyance by the postal undertaking prior to the entry into force of this Act.

The provisions of this Act concerning the handling of undeliverable postal items also apply to items that were deposited for conveyance before this Act entered into force and which the postal undertaking was not able to deliver to the Finnish Transport and Communications Agency or to sell or destroy while the Postal Services Act was in force. The Finnish Transport and Communications Agency has the right to destroy such items without opening them or to sell their contents without complying with the deadline laid down in section 59, subsection 1.

Section 56, subsection 6 of this Act concerning goods transported in the postal network that can no longer be connected with a particular postal item also applies to goods referred to in the same provision that are held by a postal undertaking when the Act enters into force.

The obligation to ensure access to service points, laid down in section 16 of this Act, applies as of six months from the entry into force of this Act.