

ACT ON THE CLASSIFICATION OF AUDIOVISUAL PROGRAMMES

775/2000

(amendments up to 1380/2006)

CHAPTER 1 General provisions

Section 1 Application

1. This Act provides for the classification of audiovisual programmes and especially for restrictions on their exhibition and distribution which are necessary for the protection of children.

Section 2 Definitions

1. For the purposes of this Act:
 - (1) 'audiovisual programme' means a motion picture or other recording intended for viewing as moving pictures, such as a film, a video cassette, a computer disk or a video disk.
 - (2) 'interactive audiovisual programme' means an audiovisual programme in which the user can influence events portrayed on a display, such as a video game and a computer game;
 - (3) 'on-demand service' means making an audiovisual programme and its programme content available to the public by means of a telecommunications network; and
 - (4) 'distribution' means making an audiovisual programme available to the public by way of sale, rental, lending or other means, and offering an on-demand service.

CHAPTER 2 Inspection and classification of audiovisual programmes

Section 3 Restrictions on exhibition and distribution

1. An audiovisual programme may not be publicly exhibited or distributed to persons aged under 18 before the programme has been approved for exhibition and distribution, unless otherwise provided in this Act.

2. A supplier of on-demand services may make available to persons aged under 18 only audiovisual programmes approved for exhibition or for distribution to them by virtue of this Act and programmes exempted from inspection and their contents.

Section 4 **Exempted audiovisual programmes**

1. The provisions of Section 3 do not apply to interactive programmes.
2. The restrictions on exhibition and distribution do not apply to audiovisual programmes
 - (1) which have been produced solely for the purpose of instruction or other educational and cultural purposes, for scientific research or for hobby pursuits;
 - (2) which have been produced solely for marketing purposes, with the exception of the marketing of an audiovisual programme to persons aged under 18;
 - (3) which solely or primarily contain musical performances or reproductions of cultural or sportive events or devotional services or other corresponding occasions and events;
 - (4) which solely contain news material;
 - (5) which contain animations or presentations of play, hobby or other corresponding activities suitable for viewing by children of all ages; or
 - (6) which deal with tourism, the environment or comparable subjects.
3. The classification authority may, however, order an audiovisual programme referred to in Subsections 1 and 2 to be classified and require that the producer, importer, exhibitor or distributor of the audiovisual programme submit a copy of the programme if there are grounds for assuming that the programme contains material which is likely to have a detrimental effect on children's development in the meaning of this Act.
4. The classification authority shall prohibit the exhibition and distribution of an audiovisual programme ordered to be classified to persons aged under 18 if the programme cannot be approved for exhibition and distribution to them under the provisions of this Act.
5. An audiovisual programme to be broadcast on television may be exhibited without prior classification. Programmes to be broadcast on television are governed by the provisions of the Radio and Television Act (744/1998).

Section 5 **Audiovisual programmes exempted on the basis of the exhibitor**

1. Notwithstanding Section 4, an audiovisual programme may be exhibited without prior classification to persons aged under 18 as part of the activities of a university, a polytechnic and other publicly supervised educational establishment, a public library and the Finnish Film Archives, and at a conference dealing with scientific or artistic matters, at a meeting of a learned society and at comparable events.

Section 6

Exemption based on authorisation

1. The classification authority may authorise an audiovisual programme to be exhibited to persons aged under 18 without prior classification at an event specifically organised for the purpose of exhibiting audiovisual programmes.
2. The authorisation may be issued for several events over a fixed term. The authorisation may stipulate necessary conditions regarding the place and time of exhibition and the age of the viewers.
3. The authorisation may be revoked if the authorised person or body infringes the provisions of this Act or the terms of the authorisation, or if the content of the audiovisual programmes to be exhibited gives cause to revoke it. The authorisation may also be revoked where false information has been given to the classification authority in the application.

Section 7

Programmes harmful to children's development

1. An audiovisual programme shall be considered harmful to children's development when it is likely to have a detrimental effect on children's development owing to its violent or sexual content or by causing terror or in a comparable manner.
2. An appraisal of an audiovisual programme under subsection 1 shall take account of the context and the manner in which events are portrayed in the programme.

Section 8

Approval of audiovisual programmes submitted for classification

1. The classification authority shall approve an audiovisual programme for exhibition and distribution to people of all ages if it is not harmful for children's development when appraised under the provisions of Section 7 or determine an age limit for its exhibition and distribution. The exhibition and distribution of an audiovisual programme to persons aged under 18 may be proscribed by virtue of Section 7, or an age limit of 15, 13, 11 or 7 may be imposed on it according to its content. (Amendment 1380/2006)
2. The classification authority may make it a condition of approval that the applicant cut sections which are considered harmful to children's development by virtue of Section 7.
3. An audiovisual programme in respect of which a classification certificate has been issued may also be viewed by a person at most two years younger than the age determined when accompanied by a person who has attained the age of 18.

Section 9

Application for approval

1. An application for the approval of an audiovisual programme for exhibition and distribution to persons aged under 18 shall be submitted to the classification authority.
2. The application must indicate the name and address of the applicant and the original title of the audiovisual programme and the title to be used in its distribution in Finland. The application must include a copy of the audiovisual programme and a description of its content.

Section 10

Review of a programme

1. A valid decision notwithstanding, the classification authority may, on application, take an audiovisual programme for review and reclassification.

CHAPTER 3

Notification and notices

Section 11

Notification

1. The producer or importer of an audiovisual programme must notify the classification authority of an unclassified programme in respect of which no application for classification has been submitted pursuant to Section 9 before its exhibition and distribution.
2. The notification must indicate the name of the person or body submitting the notification, the original title of the audiovisual programme and the title to be used in its distribution in Finland, and the producer, country of origin and duration of the programme. The notification must also include an account of the main content of the programme. A copy of the audiovisual programme must be supplied to the classification authority upon request.
3. If no notification in respect of an audiovisual programme has been submitted in accordance with subsection 1, the exhibitor or distributor of the audiovisual programme must make certain that the notification is made.
4. The duty to notify does not apply to an audiovisual programme which is exhibited in the course of activities or at events referred to in Section 5.

Section 12

Notices

1. The audiovisual programme to be exhibited or its casing must bear a clearly visible notice indicating:
 - (1) the title and duration of the programme and the identification number issued by the classification authority;

- (2) the name of the producer or importer of the programme;
 - (3) information as to the approval of the programme under this Act for exhibition and distribution to persons aged under 18;
 - (4) information as to the age category determined by the classification authority, where a decision of approval has been made in respect of it;
 - (5) that cuts ordered under Section 8(2) have been made;
 - (6) that a notification in respect of an unclassified audiovisual programme has been submitted to the classification authority; and
 - (7) the recommended age category for an unclassified interactive audiovisual programme. (Amendment 1380/2006)
2. The classification authority shall determine the manner in which the information referred to in subsection 1 must be indicated.

CHAPTER 4

The classification authority

Section 13

The classification authority

1. The classification authority referred to in this Act is the Finnish Board of Film Classification.

Section 14

Inspection of an audiovisual programme

1. The classification authority shall order one or several inspectors to inspect audiovisual programmes pursuant to provisions to be enacted by Government Decree.
2. If the inspectors concerned disagree, the decision shall be the opinion to which the majority of inspectors can be deemed to subscribe, and if the votes are equal, the opinion which is more advantageous to the applicant.
3. Some of the inspectors must be versed in questions relating to child development and others in audiovisual communication.
4. The classification authority may use experts in inspection.

Section 14 a

Control inspection

(Amendment 1380/2006)

1. The classification authority has the right to conduct a control inspection on the distributor's premises in order to verify that audiovisual programmes have the statutory notices.
2. The classification authority may by its own decision authorise another authority to conduct the inspections referred to in subsection 1.

3. An external expert may assist in the inspection at the request of the classification authority.

14 b §
Control inspections
(Amendment 1380/2006)

1. An inspector and an expert referred to in Section 14a(3) have the right to gain entry into such facilities of the distributor where audiovisual programmes intended for distribution or made available to the public are stored and to obtain free of charge all information and accounts, documents and other material necessary for the inspection. The distributor must also otherwise assist in the inspection. Inspections may not be conducted in premises protected by domiciliary peace.
2. An inspector has the right to confiscate audiovisual programmes which do not bear notices referred to in Section 12, where the measure is requisite for preventing the distribution of unmarked audiovisual programmes, and other material pending classification, where necessary for carrying out the inspection. Where there are only slight deficiencies in the notices of an audiovisual programme, the inspector shall impose a reasonable time limit for the rectification of the deficiency without confiscating the audiovisual programme.
3. A record must be made of the confiscation, stating the purpose of the confiscation and the material confiscated. Audiovisual programmes which do not bear notices referred to in Section 12 must be returned when the grounds for their confiscation no longer exist. Other material must be returned immediately when it is no longer needed.

Section 15
Register of audiovisual programmes

1. The classification authority shall keep a register of audiovisual programmes in respect of which a notification has been made and a classification certificate has been issued under this Act. Anyone has the right to obtain information from the register.
2. The register of audiovisual programmes which have been notified to the classification authority shall indicate:
 - (1) the title, duration and year of release of the audiovisual programme;
 - (2) the identification number given by the classification authority to the audiovisual programme; and
 - (3) the producer and importer of the audiovisual programme.
3. The register of audiovisual programmes in respect of which a decision has been issued by the classification authority shall indicate, in addition to the information referred to in subsection 2:
 - (1) the applicant for classification;
 - (2) the content and date of the decision of the classification authority;
 - (3) the date on which the decision takes effect; and
 - (4) information about any appeal lodged against the decision of the classification authority and findings with regard to the appeal.

Section 16
List of classified audiovisual programmes

1. The classification authority shall publish at regular intervals a list of classified programmes. The list shall indicate the title, duration and identification number of each audiovisual programme and the content of the classification certificate.

Section 17
Opinions of the classification authority

1. The classification authority shall issue opinions upon request to authorities who deal with matters concerning audiovisual programmes which come within its competence.

CHAPTER 5
Appeals

Section 18
Appeal against a decision of the classification authority

1. An appeal against a decision of the classification authority regarding the classification, exhibition and distribution of an audiovisual programme and a decision regarding an authorisation to exhibit by virtue of Section 6 shall be lodged with the Appeal Board of Film Classification. In other respects, appeals shall be governed by the provisions of the Administrative Judicial Procedures Act (586/1996).
2. An appeal against fees charged for the decisions of the classification authority or the Appeal Board of Film Classification shall be lodged in accordance with the provisions of the Act on Criteria for Charges Payable to the State (150/1992).
3. The appeal shall be processed by the Appeal Board of Film Classification as urgent.

Section 19
Appeal Board of Film Classification

1. The Appeal Board of Film Classification shall have a chairperson and a vice-chairperson and four other members, each of whom has a personal deputy. The Government shall appoint the members and their deputies for a period of three years at a time.
2. The disqualification of the Board members is governed by the provisions regarding the disqualification of judges.
3. The chairperson and the vice-chairperson of the Board must have a Master of Laws degree. Some of the other members and their deputies shall be versed in questions relating to child development and others in visual communications. The Board may use experts to assist it.

4. The Board shall have quorum when the chairperson or the vice-chairperson, a member versed in child development and at least one other member are present. The decision of the Board shall be the opinion seconded by the majority of members. If the votes are equal, the decision shall be the opinion which is more advantageous to the appellant.

Section 20

Appeal against a decision of the Appeal Board of Film Classification

1. An appeal against a decision of the Appeal Board of Film Classification shall be lodged with the Supreme Administrative Court as provided in the Administrative Judicial Procedures Act.
2. The appeal shall be processed as urgent.

CHAPTER 6

Miscellaneous provisions

Section 21

Fees

1. A decision issued by the classification authority and the Appeal Board of Film Classification pursuant to this Act may be subject to a fee, the amount of which shall be determined in accordance with the Act on Criteria for Charges Payable to the State and the Ministry of Education Decree issued under it.

Section 22

Publicity of a recording of an audiovisual programme

2. An audiovisual programme submitted to the classification authority shall be confidential, unless it is apparent that the disclosure of information concerning it does not infringe copyright relating to the audiovisual programme, or cause economic loss to the applicant or other persons concerned, or jeopardise the purpose of classification. Otherwise the documents of the classification authority shall be governed by the provisions of the Act on the Openness of Government Activities (621/1999).

Section 22 a

Official assistance

(Amendment 1380/2006)

1. The classification authority has the right to obtain necessary official assistance from the police, customs and border authorities in the conduct of control inspection referred to in Sections 14a and 14b.

Section 23

Penalties

(Amendment 656/2004)

1. Anyone who wilfully

- (1) exhibits or distributes an audiovisual programme to a person who has not attained the age of 18 before it has been approved for exhibition and distribution to minors pursuant to this Act,
- (2) exhibits or distributes an audiovisual programme in regard of which a notification referred to in Section 11 has not been submitted to the classification authority, or
- (3) exhibits or distributes an audiovisual programme which lacks the notices referred to in Section 12

shall be liable, without prejudice to Chapter 17, Sections 17, 18, 18a or 18b of the Penal Code (39/1889) or a more severe penalty laid down elsewhere, to a fine for violation of the provisions on the classification of audiovisual programmes.

Section 24 Further provisions

1. Further provisions on the meetings of the Appeal Board of Film Classification, the duties of its chairperson, the signing of decisions and opinions, the remuneration of the members and the swearing in of the members, and the preparation of matters shall be enacted by Government Decree.
2. Further provisions on the identification of an inspector referred to in Sections 14a and 14b may be enacted by Government Decree. (Amendment 1380/2006)

CHAPTER 7 Commencement and transitional provisions

Section 25 Commencement

1. This Act comes into force on the first of January 2001.
2. This Act repeals the following acts, with subsequent amendments:
 - (1) the Film Previewing Act of 29 January 1965 (299/1965);
 - (2) the Film Previewing Procedures Act of 29 May 1965 (300/1965); and
 - (3) the Act on the Previewing of Video and Other Audiovisual Programmes of 24 July 1987 (697/1987).
3. Measures needed to implement this Act may be taken before this Act comes into force.

**[Section 26
Transitional provisions
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