

Translation from Finnish**Legally binding only in Finnish and Swedish****Ministry of Economic Affairs and Employment, Finland****Act on the Provision of Services
(1166/2009)****Chapter 1****General provisions****Section 1****Purpose and scope of application**

The purpose of this Act is to promote the freedom to provide services.

This Act shall apply to services provided in the course of trade that are normally provided for remuneration. In addition, this Act shall apply to the granting of an authorisation that is a requirement for the provision of services.

Section 2**Limitations of scope of application**

This Act shall not apply to:

- 1) financial and insurance services or services related to occupational and personal supplementary pensions;
- 2) the provision of the network services and communications services referred to in the Communications Markets Act (393/2003) or to the services referred to in Directive 2002/58/EC of the European Parliament and of the Council concerning the processing of personal data and the protection of privacy in the electronic communications sector;
- 3) transport services and port services;
- 4) the services of temporary work agencies;

5) services provided by a health care professional referred to in the Act on Health Care Professionals (559/1994), services provided by a service provider referred to in the Private Health Care Act (152/1990) or health care services provided by a municipality or a joint municipal authority or by the State;

6) services provided by a pharmacy, subsidiary pharmacy, licensed medicine chest, hospital pharmacy or dispensary referred to in the Medicines Act (395/1987);

7) audio-visual services and radio broadcasts;

8) the lotteries referred to in section 2 of the Lotteries Act (1047/2001);

9) child and youth services, child day care services, services for people with physical or intellectual disabilities, services for the elderly, substance abuse services or other equivalent social services and social housing organised by a municipality, joint municipal authority or the State;

10) the private security services referred to in the Private Security Services Act (1085/2015);
1099/2015

11) the services provided by a public purchase witness;

12) taxation.

Section 3

Relationship of the Act with other legislation

Provisions derogating from this Act laid down in another Act shall be applied instead of this Act.

Section 4

Definitions

For the purposes of this Act:

- 1) provider means any natural or legal person who offers or provides a service;
- 2) recipient means any natural or legal person who uses or intends to use a service;
- 3) authorisation means any authorisation, licence, registration or other equivalent approval by a competent authority that is a prerequisite to access to a service activity or the exercise thereof;
- 4) competent authority means a State or municipal authority or a public-law association or a private actor which grants the authorisations referred to in paragraph 3 or supervises the activities of providers;
- 5) regulated profession means a regulated profession referred to in section 2, paragraph 1 of the Act on the Recognition of Professional Qualifications (1093/2007).

The Act on the Recognition of Professional Qualifications 1093/2007 has been repealed by the Act on the Recognition of Professional Qualifications 1384/2015.

Section 5

Right to conduct a business

The provisions on the right of a provider to conduct a business in Finland are laid down in the Freedom of Trade Act (122/1919). The provisions on the basic notification that is to be filed before the commencement of business are laid down in the Trade Register Act (129/1979).

A provider that is habitually resident in another EEA Member State shall have the right to provide services in Finland on a temporary basis. A provider constituted in accordance with the laws of an EEA Member State and having their registered office, central administration or principal place of business in an EEA Member State shall also have the right to provide a service in Finland on a temporary basis without establishing the branch referred to in section 1, subsection 1, paragraph 3 of the Freedom of Trade Act.

A court or a competent authority may, within its powers on which separate provisions are laid, restrict the temporary provision of a given service when:

- 1) such restriction is necessary in order to maintain public policy or public security or to protect public health or the environment; and
- 2) the restriction is non-discriminatory and proportionate to the objective sought.

Separate provisions shall be laid down on the contract between the provider and the recipient concerning the service.

Section 6

Ensuring the safety of a service

Where a court or a competent authority finds that the provision of a service on a temporary basis needs to be restricted in an isolated case in order to ensure the safety of the service, the restriction may be implemented, besides what is provided in section 5, subsection 3, when the following conditions are met:

- 1) the provider's Member State of establishment has been asked to take measures but the Member State of establishment has not taken any measures or has taken measures which are insufficient;
- 2) the restriction and the reasons therefor have been notified prior to its implementation to the EU Commission and the provider's Member State of establishment;
- 3) the restriction is proportionate to the objective.

A restriction may be implemented no earlier than after three weeks have elapsed from the giving of the notification referred to in subsection 1, paragraph 2. In urgent cases, however, the restriction may be implemented immediately and notwithstanding the provisions laid down in subsection 1, paragraphs 1 and 2. The restriction and the reasons why the case has been considered urgent shall be notified without delay to the Commission and to the provider's Member State of establishment.

The provisions laid down in subsection 1, paragraphs 1 and 2, and in subsection 2 shall not apply in the event of a criminal investigation or upon consideration of a case by a court.

Chapter 2

Duty of the provider to supply information

Section 7

General duty to supply information

In addition to what is laid down elsewhere by law on the duty to supply information, a provider shall make available to a recipient the following information:

- 1) the name and legal form of the provider;
- 2) the provider's address, email and other contact information with which recipients may direct their complaints to the provider and from which they may request information concerning the service;
- 3) the name of any trade register or other equivalent public register in which the provider may be registered as well as the provider's Business ID or equivalent identifier in the said register;
- 4) where the activity is subject to an authorisation scheme, the contact information of the competent authority;
- 5) the provider's VAT identification number, if any;
- 6) when the provider practices a regulated profession, the provider's professional title and the EEA Member State in which that title has been granted, and the name of any professional body or similar institution with which the provider is registered;
- 7) the standard contract terms used by the provider, if any;
- 8) the existence of contractual clauses, if any, used by the provider concerning competent court and applicable law;
- 9) guarantee given to the recipient, if any;

10) the price of the service, where the provider has pre-determined the price;

11) the key substance of the service if not already apparent from the context;

12) details of liability insurance or guarantee and its territorial coverage as well as the contact details of the insurer or guarantor when taking out insurance or giving a guarantee is based on law or an order of an authority (1047/2010).

Section 8

Information to be supplied upon request

Upon request, the provider shall supply the following information to the recipient:

1) the price of the service where this is not pre-determined by the provider or, if an exact price cannot be given, the grounds for determination of the price or a sufficiently detailed estimate;

2) a reference to the professional rules applicable to the provider and how and where these are available when the provider practices a regulated profession;

3) information on multidisciplinary activities and partnerships which are directly linked to the service in question and on the measures taken to avoid conflicts of interest;

4) any codes of conduct to which the provider is subject and the address at which these codes may be consulted by electronic means, specifying the language version available;

5) any non-judicial means of dispute settlement that may be available to the recipient and a specification of how to access detailed information on the characteristics of, and conditions for, the use of non-judicial means of dispute settlement.

Section 9

Provision of information in service description documents

The provider shall always provide the information referred to in section 8, subsection 3 in any information documents setting out a detailed description of the services provided.

Section 10

Provision of information

The provider shall make the information referred to in section 7 available to the recipient:

- 1) at the place where the service is provided or the contract concluded;
- 2) on a website at an address supplied by the provider;
- 3) in any brochures on the services provided; or
- 4) in another manner comparable with paragraphs 1–3.

The provider shall provide the information referred to in subsection 1 in a clear manner and in good time before conclusion of the contract or, where there is no written contract, before the service is provided.

Chapter 3

Authorisation procedure

Section 11

Acknowledgement of receipt

The competent authority shall, without delay, acknowledge receipt of the authorisation application (acknowledgement of receipt) filed by a provider which seeks authorisation. Where the application is incomplete, acknowledgement of receipt shall only be issued once the relevant authority has been supplied with the documents, reports and information required to decide the matter. No acknowledgement of receipt need be issued if such acknowledgement may be deemed unnecessary because the authority will issue an immediate decision.

The acknowledgement of receipt shall mention the estimated processing time of the authorisation application.

The acknowledgement of receipt shall furthermore mention the situations referred to in section 13 in which the authorisation shall be deemed to have been granted, as well as available means of redress against the decision on the authorisation.

Section 12

Authorisation application processing time

Where an authorisation application, owing to the complexity of the matter, cannot be decided within the estimated processing time indicated in the acknowledgement of receipt, the competent authority shall, before the expiry of the estimated time, extend the time period for processing. The duration of the extension shall be notified to the applicant before the expiry of the estimated processing time.

Where the authorisation application cannot be processed even within the extended time period, its processing may only be continued for an overriding reason relating to the public interest. Continued processing shall be notified to the applicant before the expiry of the extended time period.

The competent authority shall keep information on the ordinary processing times of authorisation applications accessible to the public.

Section 13

Deeming an authorisation to have been granted

Where an authorisation application has not been processed within the time period referred to in section 11, subsection 2 and the time period has not been extended, the authorisation shall be deemed to have been granted. The same shall apply in situations where the authorisation application is not processed within the extended time period and there are no grounds for continued processing.

In the situations referred to in subsection 1 above, the applicant for authorisation shall be issued a document indicating that the authorisation is deemed to have been granted.

Section 14

Equivalence of requirements

Requirements that are equivalent with or essentially serve the same purpose as the requirements imposed on the provider when granted authorisation to provide services in another EEA Member State may not be imposed on a provider that seeks authorisation in Finland and is habitually resident in another EEA Member State or constituted in accordance with the laws of an EEA Member State and having their registered office, central administration or principal place of business in another EEA Member State.

Section 15

Equivalence of documents

Where a provider referred to in section 14 is required to supply a document to prove satisfaction of a requirement laid down by law, such document may be a document prepared in another EEA Member State having an equivalent purpose or indicating that the said requirement has been satisfied. In such a case, the document may be required to be produced in the original form, as a certified copy or as a certified translation only for an overriding reason relating to the public interest. However, a non-certified translation of the document into Finnish or Swedish may be required to be produced.

Chapter 4

Administrative provisions

Section 16 (674/2012)

Administrative liaison point

The Finnish Competition and Consumer Authority shall serve as the liaison point referred to in Article 28(2) of Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market (Services Directive).

Section 17 (674/2012)

Duty to report the possibility of serious damage

Where a competent authority becomes aware of circumstances relating to a service that could cause serious damage to the health or safety of persons or to the environment in Finland or in another EEA Member State, it shall report this to the Finnish Competition and Consumer Authority, which is responsible for employing the alert mechanism referred to in Article 32 of the Services Directive.

Section 18

Cross-border administrative cooperation

At the justified request of another EEA Member State submitted pursuant to the Services Directive, a competent authority, in accordance with its separately provided powers, shall undertake inspections and take other measures required in the matter to supervise the service provided, and shall inform the requesting authority of the results and of any measures taken.

Section 19 (319/2019)

Supervision

Compliance with sections 7–10 of this Act in relationships between provider and consumer shall be supervised by the Consumer Ombudsman.

The Consumer Ombudsman shall supervise compliance with Regulation (EU) 2018/302 of the European Parliament and of the Council on addressing unjustified geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulations (EC) No 2006/2004 and (EU) 2017/2394 and Directive 2009/22/EC in relationships between provider and consumer.

The provisions on the performance of the supervisory task, on the right to impose sanctions and on filing cases with the Market Court are laid down in the Consumer Protection Act (38/1978) and the Act on the Finnish Competition and Consumer Authority (661/2012).

Chapter 5

Entry into force

Section 20

Entry into force

This Act enters into force on 28 December 2009. However, sections 11–13 of the Act shall only be applied after six months have elapsed from this Act's entry into force.