

## **Radio Act**

(10 June 1988/517)

### **Chapter 1**

#### **General provisions**

##### Section 1

###### Scope of application

This Act shall govern radio equipment and its possession and use as well as the protection of radio communications from interference.

This Act shall not apply to broadcasting nor to licences needed for equipment used in the reception of broadcasts.

The provisions of sections 2, 4, 5 and 7 through 10, section 15, paragraphs 2 through 4 and section 16, paragraphs 2 through 4 and chapter 5 of this Act shall not apply to the defence forces or the frontier guard in their exercise of radio communications relating to the military defence of the country nor to their equipment used for that purpose.

Provisions on the cooperation of military and civil authorities in the arrangement of radio communications may be issued by decree.

##### Section 2

###### Certain radio equipment

This Act shall apply to the radio equipment of Finnish vessels and aircraft also outside Finnish territory.

Provisions on radio equipment in foreign vehicles moving in Finnish territory as well as on other radio equipment in the possession of foreigners in Finland and their use shall be issued by decree.

Section 3  
Definitions

In this Act:

1) radio communications shall mean the transfer, transmission or reception of a message in the form of a symbol, signal, writing, picture, voice or otherwise by means of radio waves;

2) safety radio communications shall mean all radio communications provided continuously or intermittently in order to protect or save human life or property;

3) a distress call shall mean safety radio communications aimed at indicating imminent danger to human life requiring immediate rescue operations;

4) radio equipment shall mean any equipment meant for the transmission of radio waves (radio transmitter) or the reception of radio waves (radio receiver) for the purpose of radio communications; as well as

5) radio waves shall mean freely propagated electro-magnetic waves with a frequency below 3000 GHz.

**Chapter 2**  
**Possession and use of radio equipment**

Section 4  
Licence

The possession and use of radio equipment shall require a licence.

Exemptions from the licence requirement for the possession of inoperable radio equipment or the possession and use of radio equipment operating in a specified shared frequency or of a radio transmitter of minor importance as radio equipment shall be issued by decree.

No licence shall be required for the possession and use of a radio receiver.

The Telecommunications Administration Centre may issue orders on the use of radio transmitters referred to in paragraph 2 whose possession and use does not require a licence. (3 August 1992/677)

Section 5  
Granting a licence

A licence referred to in section 4 above shall be valid for a specified period not exceeding 10 years at a time. Terms and conditions deemed necessary may be included in the licence.

The terms and conditions of a licence may, during its validity, be amended on the basis of amendments in the operating plans of radio frequencies, the conclusion of international conventions, the elimination

of radio interference discovered and other corresponding grounds.

Section 6  
Obligations of users

A user of radio equipment shall immediately undertake measures necessitated by a distress call that has come to his notice as well as, upon the request of the authorities, to transmit a distress call where possible.

If the operation of radio equipment interferes with the transmission or reception of a distress call, the use of said radio equipment shall immediately be discontinued.

Section 7  
Radio secrecy

No one who receives a radio communication not intended for his reception or public reception may record it or disclose or make use of its contents or his knowledge of its existence.

The possession of equipment meant to remove from a radio communication referred to in paragraph 1 a protection achieved by means of a special technical system shall be prohibited. The Telecommunications Administration Centre may grant permission for the possession of such equipment.

Without prejudice to the provisions of paragraph 1 above, the existence of a radio transmission and information necessary for its identification may be disclosed to the Telecommunications Administration Centre for the purpose of removing radio interference.

**Chapter 3**  
**Technical specifications**

Section 8  
(3 August 1992/677)  
Right to use radio equipment

A radio transmitter may not be used for radio communication, imported for purposes of sale nor offered for sale, sold or otherwise transferred to another until it has been ensured that it meets the requirements laid down in accordance with the further provisions issued by the Telecommunications Administration Centre.

A radio receiver may not be imported for purposes of sale nor offered for sale until it has been ensured that it meets the requirements laid down upon under section 9 in accordance with further provisions issued by the Telecommunications Administration Centre.

Radio equipment shall be equipped with a mark in accordance with provisions issued by the Telecommunications Administration Centre indicating conformity with the requirements referred to in paragraphs 1 and 2.

Section 9  
Technical specifications

In order to ensure the technical quality of radio communications and the avoidance of interference caused by the use of radio equipment, the Ministry of Transport and Communications and the Telecommunications Administration Centre may issue specifications regarding the construction and use of radio equipment in accordance with further provisions issued by decree.

Section 10  
Repealed by **Act of 3 August 1992/677**.

Section 11  
Certain electrical appliances

If an electrical appliance, other than radio equipment, used for scientific, industrial, medical or other corresponding purposes is meant to generate radio waves, it may be used only in frequency ranges and under conditions specifically provided therefor.

Section 12  
Interference

If a radio transmitter causes interference in radio communications or other radio equipment, the holder of the radio transmitter shall eliminate or restrict the interference. If interference in radio communications is caused by technical characteristics of a radio receiver, the elimination of the interference shall be the obligation of the holder of the receiver. The holder of radio equipment shall also undertake all other measures ordered by the Telecommunications Administration Centre in order to eliminate or restrict the interference or its effects.

If both the radio equipment causing the interference and the equipment suffering from the interference comply with the relevant provisions and specifications and if the interference is not minor, the Telecommunications Administration Centre shall make the parties concerned a proposal regarding measures for the elimination of the interference or the restriction of its effects.

If the parties fail to reach an agreement on measures necessary to eliminate the interference or on the amount or allocation of the costs caused thereby, the matter shall be decided by the Telecommunications

Administration Centre.

The procedure referred to in paragraphs 1-3 above shall also be applied when radio equipment causes interference in telecommunications network, telecommunications terminal equipment or electrical appliances whose interference tolerance properties comply with the provisions and orders. (3 August 1992/677)

#### **Chapter 4** **Supervision and control**

##### Section 13

##### Duties of the Ministry of Transport and Communications

The Ministry of Transport and Communications shall attend to the overall supervision, promotion and control of operations within the scope of this Act.

Repealed by **Act of 3 August 1992/677**.

##### Section 14

Repealed by **Act of 3 August 1992/677**.

##### Section 15

##### Telecommunications Administration Centre

Under this Act, the Telecommunications Administration Centre shall:

- 1) grant the licences referred to in section 4;
- 2) supervise that the radio equipment comply with the requirements referred to in section 8; (3 August 1992/677)
- 3) supervise compliance with this Act as well as with provisions and orders issued thereunder; and
- 4) appoint the inspectors referred to in section 16.

The Telecommunications Administration Centre shall have the right to forbid the use of radio equipment if it does not comply with an Act or with provisions or orders issued thereunder or if it interferes with emergency radio communications.

The Telecommunications Administration Centre shall have the right to inspect radio equipment if reasonable grounds exist to suspect that it does not comply with an Act or with provisions or orders issued thereunder. If radio equipment is proved not to comply with an Act or provisions or orders issued thereunder or to cause a threat of damage, the Telecommunications Administration Centre may render the equipment temporarily inoperable if this can take place by means of minor technical measures and without causing the holder of the radio equipment damage that is unreasonable in the circumstances.

The holder of radio equipment shall supply the Telecommunications

Administration Centre with information regarding the technical construction, use and location of radio equipment as well as information necessary for the collection of charges.

#### Section 16

##### Inspectors

Inspectors appointed by the Telecommunications Administration Centre shall inspect the technical characteristics and condition of radio equipment as well as establish the reasons for interference caused in radio communications.

An inspector who presents proof of an appointment made by the Telecommunications Administration Centre referred to in paragraph 1 above, shall have the right, for inspection purposes, to enter the location of:

1) a radio transmitter whose possession and use requires a licence if the licence conditions specify that the transmitter is to be inspected at specified intervals;

2) radio equipment that is proved or, with reasonable grounds, suspected of operating or having operated against the provisions or orders or of causing interference;

3) an electrical appliance referred to in section 11, that is proved or, with reasonable grounds, suspected of operating or having operated against the provisions or orders or of causing interference.

The inspector shall also have the right to enter a location where equipment referred to in paragraph 2 is, with reasonable grounds, suspected of being located. The inspection shall, however, not be carried out in a residence unless special grounds for the suspicion exist.

Upon the request of an inspector, the holder and user of radio equipment shall produce any licences and certificates relating to the radio equipment and its use as well as any documents regarding charges paid.

#### Section 17

Repealed by **Act of 3 august 1992/677**.

### **Chapter 5**

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

#### Section 18

##### Enforcement

Anyone who violates this Act or provisions or orders issued thereunder may be ordered to amend his fault or neglect by the Telecommunications Administration Centre.

In order to enforce its decision referred to in paragraph 1 above,

the Telecommunications Administration Centre may impose a conditional fine.

The conditional fine shall be ordered payable by the Telecommunications Administration Centre.

Section 19  
Revocation of a licence

The Telecommunications Administration Centre may revoke a licence referred to in this Act in full or in part if the holder fails to comply with the terms and conditions of the licence or if so required by international conventions binding on Finland.

For special reasons, a licence may be revoked also for a specified period.

Section 20  
Sanctions

Anyone who violates this Act or provisions or orders issued thereunder shall, if a more severe penalty is not provided for in another Act, be sentenced for violation of the provisions on radio equipment to a fine or to imprisonment not exceeding six months.

Anyone who transmits an unfounded distress call, interferes with or endangers safety radio communications or whose action referred to in paragraph 1 above, considering all the circumstances, is to be deemed grave, shall, if a more severe penalty is not provided for in another Act, be sentenced for grave violation of the provisions on radio equipment to imprisonment not exceeding two years.

The economic benefit accruing upon the offender committing an act referred to in paragraph 1 or 2 above or upon a party for whose benefit the offence is committed as well as any object used to commit the offence, shall be governed by the provisions of the Penal Code. The radio equipment used as the subject of the offence shall be declared forfeit unless especially extenuating circumstances exist. (3 August 1992/677)

Section 21  
Appeal

Anyone who is not satisfied with a decision of the Telecommunications Administration Centre concerning the approval of radio equipment made under section 8, paragraphs 1 or 2 or a decision made under section 12 or section 15, paragraph 2 or 3 of this Act may file an appeal against the decision with the Ministry of Transport and Communications otherwise complying with the provisions of the Appeal in Administrative Matters Act. (3 August 1992/677)

Anyone who is not satisfied with a decision of the Ministry of Transport and Communications made under this Act or with a decision of the Telecommunications Administration Centre other than one referred to in paragraph 1 above, may file an appeal against the decision with the Supreme Administrative Court in accordance with the provisions of the Appeal in Administrative Matters Act.

The Ministry of Transport and Communications and, for special reasons, the Telecommunications Administration Centre may order that the decision be complied with in spite of an appeal unless otherwise ordered by the appeal authority.

A decision by which the Telecommunications Administration Centre has imposed a conditional fine shall not be subject to separate appeal.

**Chapter 6**  
**Miscellaneous provisions**

Section 22  
Executory assistance

The Telecommunications Administration Centre shall have the right to executory assistance from the police, the customs authorities and the frontier guard for the implementation of this Act and the provisions and orders issued thereunder. The customs authorities shall, in addition to the Telecommunications Administration Centre, supervise compliance with the provisions and orders concerning the import of radio equipment. (3 August 1992/677)

If likely grounds exist to suspect that a crime referred to in section 20, paragraph 1 has been committed, a house search and physical inspection may be conducted without prejudice to the provisions of chapter 5, section 1, paragraph 1 and section 10, paragraph 1 of the Enforcement Measures Act (29 December 1988/1270).

Section 23  
Position of owner

The provisions of sections 12, 15 and 16 above on the holder of radio equipment shall, where appropriate, apply also to the owner of radio equipment.

Section 24  
Authority to issue decrees

Further provisions on the implementation of this Act shall be issued by Decree.

Section 25  
Entry into force and transitional provisions

This Act shall enter into force on 1 October 1988.

Measures necessary for the implementation of the Act may be taken prior to its entry into force.

Any licences issued under the Act on Radio Equipment (1927/8) and under provisions issued thereunder shall remain in force for the period stated in the licence. The holder of a licence shall, however, comply with this Act and provisions and orders issued thereunder.

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