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Postal Act

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Pursuant to the Parliament's decision, the following provisions are made:

Chapter

1 General provisions

Section 1 (8 November 2019/1060)

Purpose and scope of the law

The purpose of this law is to secure the availability of postal services, and especially the universal service, on equal terms throughout the country.

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

This law does not apply to the provision of a service that concerns:

- 1) newspapers and magazines, with the exception of Chapter 6 a on state aid for newspaper distribution;
- 2) unaddressed shipments;
- 3) letter sendings, if the activity is small-scale, of little economic importance and of such scope that it is not of essential importance in terms of the availability of the universal service;
- 4) courier service for letter shipments;
- 5) postal packages that are not part of the universal service; or
- 6) postal activities necessary or related to the trader's own activities.

(16.2.2023/178) .

The provisions of this law do not apply to international postal traffic to the extent that otherwise results from an international agreement binding on Finland.

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

§ 2

Definitions

This law refers to:

- 1) **with postal operations**, the provision of universal service and other postal services in accordance with this law;
- 2) regular collection, sorting, transportation and distribution of mail items and postal packages belonging to the universal service for a fee from the mail sender or another postal company to the recipient or another postal company ;

3) **by universal service**, those postal services which are regulated in chapter 3 and which must be available throughout the country;

4) **an addressed consignment**, weighing no more than two kilograms, left for transport by letter, which contains a message on a physical platform;

5) **by parcel post**, an addressed shipment of goods belonging to the universal service, which has been left for transport;

6) **addressed direct** mail means an addressed letter that consists exclusively of advertising, marketing or sales promotion material and contains the recipient's name, address, identification number and, apart from other differences that do not change the nature of the message, only a message with the same content, addressed to a significant number of recipients;

7) **postal company** means a company that carries out postal activities related to letter shipments; (3.6.2016/408) _____ .

8) **a universal service provider** means a postal company for which the universal service obligation referred to in chapter 4 has been imposed;

9) **mail sender means** a person who has left a letter shipment or a postal package to be forwarded by a postal company against a valid payment;

10) **the recipient of the mail** is the person indicated on the letter or postal package to whom the shipment is addressed; (16.2.2023/178)

11) a paid magazine that can be ordered through a **newspaper**, which appears at least three weekdays a week and which contains national news material or local news material related to the area covered by the selection procedure for state aid for newspaper distribution; (16.2.2023/178) _____ .

Section 11 added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

12) **early** delivery newspaper distribution that takes place at least five days a week, which starts at night and typically ends before 7 a.m.; (16.2.2023/178) _____ .

Section 12 added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

13) **with the early delivery network**, the area formed by the delivery points where the recipient of the mail can, if they wish, receive a newspaper as an early delivery; (16.2.2023/178) _____ .

Section 13 added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

14) **in an area eligible for assistance**, an area defined by the Finnish Transport and Communications Agency that does not have an early delivery network of newspapers implemented on commercial terms and does not have a fully comprehensive five-day early delivery available. (16.2.2023/178) _____ .

Section 14 added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Chapter

2 Provision of postal services Section

3 (3.6.2016/408) _____ .

Section 3 has been repealed by L on 3 June 2016/408.

Section 4 (16.2.2023/178)

Notification procedure

Before starting its postal operations, the postal company must make a notification to the Finnish Transport and Communications Agency.

The notification must include the company's corporate and business ID, address and contact information, as well as a description of the activities to be carried out. The description must at least state the domain of the postal company and the customer group.

The Finnish Transport and Communications Agency can issue more detailed regulations on the information to be provided as well as the form of the notification and its delivery.

The postal company must immediately notify the Finnish Transport and Communications Agency of changes to the information given in the notification referred to in subsections 1 and 2 and of the termination of postal operations.

If, due to an unforeseen reason, the postal company can no longer offer its customers a service in accordance with the delivery conditions, the company must notify its customers and the Finnish Transport and Communications Agency of the termination of the service without delay and at the latest two weeks before the termination of the service.

Section 5 (23.11.2018/997)

Notice list

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

The Finnish Transport and Communications Agency must give the postal company that made the notification a confirmation of receipt of the notification within one week after the notification has been received.

Sections 6–13

Sections 6–13 have been repealed by L on 3 June 2016/408.

Chapter 3

Content of universal

service § 14

Providing universal service

A universal service of postal services must be permanently available throughout the country, which is available on equal terms.

The content of the universal service is regulated in this chapter.

Section 15

Postal shipments are included in the universal service

The universal service includes the permanent supply of postal services for the following postal items:

1) letter shipments weighing no more than two kilos, which are paid with generally available cash payment methods and which the user has the option to leave for the postal company to transport to the collection point; of domestic letter shipments, at least a letter product intended for distribution on the fourth business day from the date of submission, to which the universal service quality standard laid down in § 19 applies; (8/9/2017/614)

2) postal packages weighing no more than ten kilos, which are paid with generally available cash payment methods and which the user has the option to leave with the postal company for transport to a post office or other suitable drop-off location and pick up at the post office;

3) postal items weighing no more than twenty kilos arriving in the country; mixed

4) Registration and insurance services for postal shipments referred to in paragraphs 1 and 2.

The universal service referred to in this section includes both domestic services and international services.

Section 16

Locations

The universal service provider must maintain offices from which the products and services belonging to the universal service are available. The universal service provider must use the means at his disposal to make sure that business can be done without barriers at the offices. The offices must be located in such a way that users of the universal service can do business at the office at a reasonable distance from their permanent residence. When determining the location of offices and a reasonable distance, the population density and surface area of the area, the business needs in the area, the location of services in general and other local conditions, as well as the development of new forms of postal service, must be taken into account. The universal service provider must maintain at least one office offering universal service in each municipality.

The location can also be a location other than a fixed location, if using it does not jeopardize the availability of the universal service.

In addition to the offices referred to in subsection 1 above, the universal service provider may also maintain other offices.

The Government decree can regulate more precisely the location of offices. The decree of the Government can also regulate the technical issues related to the organization of the branch network.

Section 17 (16.2.2023/178)

Collection, distribution and obligation to inform as part of the general service

Mails belonging to the universal service must be collected and distributed on three weekdays a week, excluding public holidays, in compliance with the universal service quality standard set out in § 19.

The universal service provider is obliged to inform households of their collection and delivery dates and any changes to them. The universal service provider is also obliged to maintain information about collection and delivery days on its website.

The obligation to collect and deliver stipulated in subsection 1 above can be waived if the collection or distribution of mail is prevented for a reason that is caused by the recipient of the mail, the law, interruption of traffic or other similar force majeure and which could not be taken into account in the delivery of the mail.

The sender must have the option to leave letter items belonging to the universal service to be transported by the postal company to a collection point located a reasonable distance from his apartment.

Postal parcels must be delivered within a reasonable time in compliance with the quality standard stipulated in § 19. An arrival notification can be used for delivery of receipted shipments and postal packages.

Section 18 (16.2.2023/178)

Exceptions to collection and distribution frequency

The universal service provider has the right to deviate from the collection and distribution frequency stipulated in § 17, if it is an economy located in an archipelago area with difficult access. An archipelago area with difficult access can be considered an area for which there is no scheduled ferry or connection vessel traffic throughout the year at least once on each collection and distribution day of the universal service referred to in the mentioned section. The collection and distribution of these households must be done at least once a week. The exception may cover a maximum of 500 households in the entire country.

The universal service provider must annually submit to the Finnish Transport and Communications Agency a report on the number and location of the households referred to in subsection 1. If necessary, the Finnish Transport and Communications Agency must decide which households fall within the scope of the exemption from collection and distribution frequency.

The universal service provider must notify the mail recipient who is covered by the exception about the mail package and the shipment that arrived from the authority without delay. The notification must be made no later than the third day after the shipment arrives, if the recipient is reachable by phone, e-mail or otherwise.

Section 19 (8.9.2017/614)

Universal service quality standard

Domestic letter shipments belonging to the universal service, which have been left to be forwarded by the universal service provider and for which a valid fee has been paid, must be distributed in such a way that at least 50 percent of the shipments are received no later than the fourth business day and at least 97 percent no later than the fifth business day from the date of submission.

Foreign mail within the European Union must be distributed in such a way that at least 50 percent of the shipments arrive on the third day and 97 percent on the fifth day from the date of submission.

Section 20 (23.11.2018/997)

Safeguarding linguistic rights

The universal service provider or a company that, based on the contract concluded with the universal service provider, offers its services to its customers, has in its operations:

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

The obligation in accordance with subsection 1 provided above can be imposed by the Finnish Transport and Communications Agency on a postal company other than a universal service provider in a situation where there is no universal service obligation set.

Section 21 (16.2.2023/178)

Service procedure

The universal service provider must take care of the availability of the statutory notification procedure by mail and its proper implementation throughout the country.

The authority can also agree on the implementation of the statutory notification procedure by post with a postal company other than a universal service provider. The authority can enter into such an agreement only with a postal company that has the conditions to perform the task properly.

Provisions regarding official liability under criminal law apply to a person employed by a universal service provider or a company that, on the basis of an agreement concluded with the universal service provider, offers the services of the universal service provider to customers, a person employed by a company that has entered into an agreement with the authority referred to in subsection 2, when he performs the duties referred to in this section. Liability for damages is regulated in the Damages Act (412/1974).

Chapter

4 Universal service obligation

Section 22 (23 November 2018/997)

Market assessment

The Finnish Transport and Communications Agency must periodically assess the market for letter and parcel services. In the market evaluation, the supply of services in different parts of the country must be determined in such a way 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 must decide whether it is necessary to impose universal service obligations in order to secure universal service.

The Finnish Transport and Communications Agency must monitor the supply of services and the factors affecting the necessity of the universal service obligation referred to in section 23, both by means of the market assessment referred to in this section and its periodic monitoring.

Section 23 (23.11.2018/997)

Establishing a universal service obligation

In its decision, the Finnish Transport and Communications Agency must impose an obligation on one or more postal companies to offer a universal service, if the market assessment shows that it is necessary to secure the universal service. The decision must be based on the principles of transparency, proportionality and non-discrimination.

The universal service must be considered secured if:

- 1) services are comprehensively available to all users;
- 2) the services offered are reasonably priced and are offered on reasonable and fair terms; and
- 3) there are competing companies in the area that offer similar services.

When setting the universal service obligation, the Finnish Transport and Communications Agency must stipulate:

- 1) which services referred to in § 15 must be offered by the postal company; and

2) in which area the services must be provided.

Universal service decisions may not impose overlapping obligations on different postal companies. General service decisions may also not impose parallel obligations with this law or regulations issued pursuant to it or other legislation.

Section 24 (23.11.2018/997)

Prerequisites for setting the universal service obligation

The Finnish Transport and Communications Agency can impose a universal service obligation on a postal company.

The obligation to provide a universal service must be placed on the postal company that has the best conditions for it.

A postal company may be obliged to provide a universal service by decision of the Finnish Transport and Communications Agency also in areas other than the area that it has notified to the Finnish Transport and Communications Agency in accordance with § 4, or it may be obliged to offer a universal service other than that which it has offered, if it is necessary to secure the universal service necessary and the imposition of the obligation is not unreasonable from the point of view of the postal company.

Section 24a (23.11.2018/997)

Universal Postal Union Designated Operator

The Finnish Transport and Communications Agency imposes on the universal service provider or other postal company the obligation to act as a designated operator in accordance with the Universal Postal Union Convention (SopS 66/2015) and to comply with the Universal Postal Union agreements.

Section 25 (23.11.2018/997)

Changing the universal service obligation

The Finnish Transport and Communications Agency can change the obligation to provide a universal service upon application or with the consent of the universal service provider. In order for the universal service obligation to be changed at the request of the universal service provider, the universal service provider must demonstrate that it is necessary for a special reason.

The Finnish Transport and Communications Agency can change the obligation to provide universal service in other ways as well, if there are significant changes in the circumstances that were the basis of the decision and changing the obligation is necessary to secure universal service.

Chapter

5 Universal service provider's pricing and cost calculation Section 26

(16.2.2023/178)

Universal service pricing

The universal service provider must price its postal services included in the universal service in such a way that the pricing of each universal service is reasonable, transparent and non-discriminatory.

Pricing changes must be communicated to the public and customers at least one month before the change takes place.

Section 27

Unified pricing and individual price agreements

On the fourth business day from the date of submission, the universal service provider must price standard domestic letter shipments, which are intended to be distributed and paid for by the commonly used single letter payment methods, uniformly throughout the country.

(8/9/2017/614)

The unified pricing referred to in this section does not prevent the universal service provider from entering into individual price agreements with users for products and services belonging to the universal service.

If the universal service provider enters into individual price contracts for products or services belonging to the universal service, the contract conditions and the prices based on them must comply with the principles laid down in § 26. (8/9/2017/614)

Section 28 (23.11.2018/997)

Using a cost accounting system

The universal service provider must use a cost accounting system, which enables the reasonableness of the prices of different services and their relationship to the costs to be determined from the collected data.

The universal service provider can choose the cost accounting system they use. The universal service provider must prepare a description of the cost accounting system for the Finnish Transport and Communications Agency, which shows at least the main categories of costs and how the costs are allocated.

Section 29 (23.11.2018/997)

Allocation of costs

In the cost accounting system referred to in § 28 above, the universal service provider must allocate costs in such a way that:

- 1) costs that can be directly allocated to a specific service or product are allocated to that service or product;
- 2) costs that cannot be allocated directly are primarily allocated on the basis of immediate investigation of their origin or, if this is not possible, on the basis of connections 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 which are necessary to provide both universal service and non-universal service, are allocated applying the same cost factors to both universal service and other services.

More detailed regulations on the allocation of costs in accordance with the principles referred to in subsection 1 are issued by a government decree.

The Finnish Transport and Communications Agency can issue more detailed regulations on the information collected using the cost accounting system and the description of the cost accounting system. The regulations may apply to:

- 1) information necessary to demonstrate the connection between the cost accounting system and pricing;
- 2) the content and form of the description of the cost accounting system; mixed
- 3) submitting a description of the cost accounting system to the Finnish Transport and Communications Agency.

Section 30 (23.11.2018/997)

Supervision of the cost accounting system

The universal service provider must select an auditor referred to in the Auditing Act (1141/2015) to audit the cost accounting system in connection with the company's audit. The auditor must prepare a report on the audit. The universal service provider must submit a report to the Finnish Transport and Communications Agency by the end of August following the end of its financial year.

The Finnish Transport and Communications Agency can issue more detailed regulations on what information and material the auditor's report must contain. The regulations may apply to:

- 1) general information about the audited company and the method of conducting the audit;
- 2) material subject to the inspection obligation;
- 3) criteria that can be used to determine whether the company's operations correspond to the obligations set for it regarding the cost accounting system; mixed
- 4) material attached to the auditor's report.

The Finnish Transport and Communications Agency must publish an annual report on how cost accounting systems are followed in companies.

Section 31 (23.11.2018/997)

Duty to clarify pricing and cost calculation

In its assessment, the Finnish Transport and Communications Agency is not obliged to use the principles used in cost calculation by the universal service provider when monitoring the legality of pricing.

The universal service provider has the obligation to demonstrate that the price it charges for the product meets the requirements stipulated in this law.

Chapter 6

Calculation and reimbursement of the net costs of the universal service Section 32

The net costs of the universal service

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

The net costs of the universal service must be calculated as the difference between the net costs that the universal service provider incurs on the one hand for operating within the scope of universal service obligations and on the other hand for operating without universal service obligations.

Section 33 (23.11.2018/997)

Reimbursement of costs to the universal service provider

The universal service provider must be reimbursed from state funds for the part of the net costs of the universal service that creates an unreasonable financial burden for it:

- 1) company size;
- 2) the quality of business operations;
- 3) to the turnover of the company's activities; and
- 4) in relation to other comparable circumstances.

The Ministry of Transport and Communications decides on the compensation of the costs referred to in subsection 1 above on the basis of the net cost calculation prepared by the Finnish Transport and Communications Agency. Other postal companies must participate in reimbursing these costs to the universal service provider. The determination and basis of compensation paid by other postal companies are regulated separately by law.

Section 34 (23.11.2018/997)

Applying for compensation and calculating the net costs of the universal service

Reimbursement of the costs referred to in § 33 above is requested from the Ministry of Transport and Communications. The compensation is paid retroactively for a maximum of one year from the time the claim was submitted.

The Ministry of Transport and Communications must ask the Finnish Transport and Communications Agency to calculate the net costs of the universal service, if the universal service provider demands it and if the universal service provider shows that it is likely that the provision of the universal service will cause it an unreasonable financial burden.

The universal service provider is obliged to provide the Finnish Transport and Communications Agency with the information necessary to calculate the net costs. When calculating net costs, the Finnish Transport and Communications Agency is not obliged to use the information provided by the universal service provider or the principles used in its cost calculation.

Section 35

Decree-making authority

More detailed regulations on the calculation of net costs can be issued by a government decree.

Chapter 6 a (16.2.2023/178)

Section 35a state subsidy for newspaper distribution (16.2.2023/178)

The purpose of the state aid for newspaper distribution

The purpose of the government subsidy for newspaper distribution is to create the conditions for the implementation of newspaper distribution on five working days a week in areas where there is no early delivery network of newspapers implemented on commercial terms and there is no fully comprehensive five-day early delivery available, and in this way contribute to promoting the availability of socially important information transmission, supporting the diversity of news activities and high-quality and versatile information transmission.

State aid for newspaper distribution is subject to the State Aid Act (688/2001), unless otherwise stipulated in this chapter .

Section 35a added by Law 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35 b (16.2.2023/178)

Public service obligation regarding newspaper distribution

The public service obligation includes newspaper distribution on the two weekdays a week when there is no distribution subject to the general service obligation according to Chapter 3 in the eligible areas.

The Finnish Transport and Communications Agency imposes a public service obligation in its grant decision on state aid, which also defines the starting time and duration of the public service obligation.

State aid can only be paid for the period of the public service obligation.

Section 35 b added by Law 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35c (16.2.2023/178)

Market analysis of the Finnish Transport and Communications Agency

Before starting the selection procedure for state aid for newspaper distribution, the Finnish Transport and Communications Agency must carry out a market analysis, which shows the areas outside the early distribution networks of newspapers, the magazines distributed in these areas, the circulation of the magazines, and the price and cost level.

The Finnish Transport and Communications Agency is investigating the scope of the early distribution networks of the distribution companies operating in the market, the magazines distributed outside the early distribution networks and the circulation of these magazines, as well as the price and cost differences.

Based on a market analysis, the Finnish Transport and Communications Agency defines the areas that do not have an early delivery network of newspapers implemented on commercial terms and do not have a fully comprehensive five-day early delivery available. The Finnish Transport and Communications Agency confirms the areas eligible for assistance in its market analysis.

The Finnish Transport and Communications Agency must find out every year to what extent changes have been made to the early distribution networks of newspapers and, if necessary, redefine the areas eligible for assistance.

Section 35 c, added by Law 178/2023 , is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35d (16.2.2023/178)

Granting of state aid for newspaper distribution

The Finnish Transport and Communications Agency can, upon application, grant state aid in areas eligible for aid, as specified in more detail in the State Aid Act. State aid can be granted to one distribution company per aid-eligible area determined in more detail by the Finnish Transport and Communications Agency, and for a maximum of two years at a time.

State aid can only be granted for distribution that takes place on weekdays, when there is no universal service distribution in the area in accordance with § 17. State aid is granted annually within the framework of the funding available in the state budget.

During the subsidy period, the universal service provider may not make changes to the collection and distribution days in the areas covered by the state subsidy.

Section 35 d added by Law 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35e (16.2.2023/178)

General conditions for state aid for newspaper distribution

State aid can be granted to an applicant who is registered in the professional or business register in accordance with the legislation of the country of residence and who is entered in the advance collection register and the register of persons liable for value added tax and the employer register in accordance with the Advance Collection Act (1118/1996).

The applicant must also have paid the taxes, social security contributions, pension insurance contributions and other statutory payments of their country of residence. The applicant must have sufficient activity liability insurance in relation to the risks of the activity performed.

State aid can be granted regionally to a universal service provider, distribution company or other such applicant who has experience in the operation that is the subject of the selection procedure and has sufficient personnel to be responsible for the service that is the subject of the selection procedure.

State aid cannot be granted to an applicant who is a company in difficulty as referred to in Article 2, Section 18 of Commission Regulation (EU) No. 651/2014 on the determination of certain forms of support as applicable to the internal market in accordance with Articles 107 and 108 of the Treaty.

The condition for granting the state grant is that the applicant commits to the public service obligation referred to in Section 35 b, based on the decision referred to in Section 35 b, subsection 2 of the Finnish Transport and Communications Agency.

Section 35 e added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35f (16.2.2023/178)

Allocation of state aid for newspaper distribution

The Finnish Transport and Communications Agency can allocate the amount allocated to the state grant for newspaper distribution to the eligible regions by region before starting the selection procedure, taking into account the regions' estimated quantities of newspaper distribution orders and the estimated costs arising from distribution activities.

If, after the selection procedure, the allocation allocated to the state subsidy for newspaper distribution is not sufficient to fully cover the distribution of newspapers in accordance with the public service obligation in accordance with Section 35 b in all areas eligible for assistance, the allocation will be primarily allocated to those areas where the number of newspaper subscriptions is the highest.

Section 35 f, added by L 178/2023 , is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35g (16.2.2023/178)

A separate obligation to be placed on the universal service provider to carry out newspaper distribution in accordance with the public service obligation

In its decision, the Finnish Transport and Communications Agency may impose a temporary public service obligation on the universal service provider in accordance with Section 35b regarding newspaper distribution, lasting a maximum of two years, if:

- 1) one of the areas covered by the selection procedure for state aid for newspaper distribution is left without a distribution company that meets the conditions for the selection procedure and setting the public service obligation;
- 2) any area that has had fully comprehensive five-day early delivery available before the selection procedure for state aid for newspaper distribution is excluded from the scope of the early delivery network during the ongoing grant period; or
- 3) the amount allocated to the state subsidy for newspaper distribution is not sufficient to cover all areas outside the early distribution networks, in which case the state subsidy is allocated primarily to those areas where the number of newspaper subscriptions is the highest.

In its decision pursuant to subsection 1, the Finnish Transport and Communications Agency sets, on a case-by-case basis, a deadline within which the universal service provider must start distributing newspapers in accordance with section 35 b.

In its decision pursuant to subsection 1, the Finnish Transport and Communications Agency determines a reasonable price level according to which the universal service provider can charge newspaper publishers for the implementation of distribution in accordance with the public service obligation.

The Finnish Transport and Communications Agency compensates the universal service provider in situations according to subsection 1, points 1 and 2, for the costs incurred in the implementation of the public service obligation within the framework of the allocation allocated to the state subsidy for newspaper distribution, provided that there is remaining allocation. Costs will be reimbursed to the extent that they are not covered by the fees collected by the universal service provider from the publishers in accordance with the reasonable price level determined by the Finnish Transport and Communications Agency.

The decision of the Finnish Transport and Communications Agency to impose the obligation referred to in subsection 1 is enforceable as having no legal force. The decision may be corrected. The Administrative Act (434/2003) provides for the rectification claim.

Section 35 g, added by Law 178/2023, is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35 h (16.2.2023/178)

The authority's right to access information

In order to prepare a market analysis in accordance with section 35c and to impose a public service obligation in accordance with section 35b, the Finnish Transport and Communications Agency has the right to receive the necessary information from distribution companies that operate in the area for which the Finnish Transport and Communications Agency is conducting or has conducted a market analysis or setting a public service obligation, and from newspaper publishers whose magazines are distributed in the area.

The information must be provided without delay, free of charge and in the form requested by the authority.

If a distribution company or a newspaper publisher does not deliver the information referred to in subsection 1 despite the request of the Finnish Transport and Communications Agency, the Finnish Transport and Communications Agency can oblige the company to deliver the information. A fine can be imposed as an effect of complying with the obligation. Threatened fines are regulated in the Threatened Fines Act (1113/1990).

Section 35 h added by Law 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35 i (16.2.2023/178)

State aid authority

The Finnish Transport and Communications Agency acts as the state aid authority referred to in section 4, paragraph 1 of the State Aid Act.

Section 35 i added by L 178/2023 is temporarily valid from 1 March 2023 to 31 December 2029.

Section 35 j (16.2.2023/178)

Information related to state aid for newspaper distribution

The Finnish Transport and Communications Agency monitors the implementation of state subsidies for newspaper distribution and maintains a separate register for this purpose. The following information about the state subsidy for newspaper distribution, the subsidy applicant, the subsidy recipient and the use of the subsidy can be stored in the register:

- 1) applicant's name and contact information;
- 2) the name and contact information of the applicant's contact person;
- 3) information regarding distribution activities and distribution area;
- 4) estimates regarding distribution-related costs and total financing, as well as information regarding their implementation;
- 5) information regarding the grant or payment application and its resolution, as well as the identification of the grant;
- 6) information on grants granted and paid on the basis of section 35 d;

7) information about the inspection and the observations made in it;

8) information about the grants to be recovered from the recipient of the grant and the implementation of the recovery;

9) other than those referred to in paragraphs 1–8, necessary information accumulated during the processing of the application.

The information contained in the register is kept for three years after the payment of the state grant.

Section 35 j, added by Law 178/2023, is temporarily valid from 1 March 2023 to 31 December 2029.

Chapter 6a, added by L 178/2023, is temporarily valid from 1 March 2023 to 31 December 2029.

Chapter 7

Cooperation and information systems of postal companies

Section 36

Forwarding, transit and exemptions from the obligation to forward letters arriving from abroad

The postal company is obliged to ensure that the letter shipment left for forwarding by mistake is delivered to another postal company for forwarding, if the address of the recipient of the letter shipment is not located in the delivery area of the first mentioned postal company in accordance with the notification referred to in § 4. Mediation must be done at a cost-oriented price and on open and non-discriminatory terms. (3.6.2016/408)

A postal company that operates as a designated operator in accordance with § 24a must transport sealed mail handed over to it by another designated operator, as well as letter items sent as open mail, in the safest way on the Fastest routes that it uses for its own shipments. (3.6.2016/408)

Regardless of what is stipulated in subsection 2, the designated operator is not obliged to transport or deliver to the recipient letters that the senders post or post elsewhere than in Finland in order to benefit from the more favorable fees applied in another country. The designated operator can collect domestic fees from the sender or, if the latter refuses to pay, from the designated operator of the country of origin. If they refuse to pay within the deadline, the designated operator can return the shipments back to the designated operator in the country of origin and demand compensation for the shipping costs.

Section 37 (16.2.2023/178)

Postcode system

The Finnish Transport and Communications Agency ensures that a postal code system is maintained in order to handle postal operations. The general postal code system is linked to geographical areas. In addition, individual customers can be given postcodes that are not linked to geographical areas. The postal code is an identifier made up of five numbers, which is entered before the name of the address office.

The Finnish Transport and Communications Agency imposes the obligation to maintain the postal code system on the universal service provider or other postal company. A person employed by a universal service provider or another postal company is subject to the provisions regarding official liability under criminal law when performing the tasks related to the maintenance of the postal code system mentioned in this section.

Liability for damages is regulated in the Damages Act.

The postal company that maintains the postal code system must keep the information contained in the postal code system publicly visible on its website. The information must be available free of charge in an accessible format so that it can be easily downloaded electronically.

The change regarding the postal code must be notified no later than 60 days before the change is implemented.

In addition, the change must be announced at the same time in particular:

1) for those postal service users affected by the change;

2) for the municipalities affected by the change;

3) to other postal companies;

4) to administrators of the population information system, rescue authorities and the Emergency Center.

The deadline stipulated in subsection 4 above does not apply to a change that only concerns an individual recipient household or a postal code assigned to an individual customer that is not linked to the general geographic postal code system.

Section 38 (16.2.2023/178)

Address register

The postal company has the right to maintain an address register of mail recipients in order to handle postal operations and forward shipments other than postal operations. The postal company can agree on the maintenance of the address register with another company.

In addition to the mail recipient's name and address information, the personal identification number and other information necessary to secure the delivery of the items and the rights of the mail recipient are stored in the address register. The universal service provider has the right to receive from the population information system personal identification numbers and their changes, first and last names, as well as their changes and information on the date of change, address information of people who were born, immigrated to the country and persons without an address in the address register, information about births and deaths from the population information system for the purpose of managing postal operations, securing the delivery of shipments and protecting the rights of the mail recipient. about persons and the native language of the recipients of the mail, as well as information about addresses and their changes resulting from zoning and address development in sparsely populated areas, building coordinates, building and property codes, building classification, and changes in building and property information and the date of the changes. The right to receive information applies to all the above-mentioned information of persons registered in the population information system, with the exception of persons who have a valid security ban in accordance with the Act on the Population Information System and the Certificate Services of the Digital and Population Information Agency (661/2009).

The information in the address register can be used to deliver shipments and to check and correct the name and address information held by postmen who have contracted for address services. Name and address data in the address register may be further disclosed to fulfill the purpose of use of the address register. The information of entities in the address register can still be disclosed.

However, the personal identification number in the address register may not be passed on.

The postal company that maintains the address register and the company that has entered into an agreement with it for the maintenance of the address register must, upon request, hand over the recipient's name and address information received from the recipient or the authority, as well as information about orders regarding changes in distribution, to another postal company if the latter needs them to manage its postal operations. Upon request, the postal company must also provide up-to-date changes in the mentioned information. The information must be handed over in a form that is usable for handling postal operations, under open and non-discriminatory conditions. A price may be charged for the transfer of data, which consists of separating the address data from the address register and organizing their transfer.

The postal company has no obligation to disclose the information referred to in this section, if the disclosure of address information could endanger national security or national defense. The postal company must submit requests for data disclosure to the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency evaluates the matter together with the security authorities and makes a decision either on the release of the data or on the prohibition of their release.

The registered person may, notwithstanding the provisions of this section, refuse to disclose their personal data in connection with address checking and correction services.

The postal company must delete the previous information in the address register no later than 20 years after the postal company has received information about the change.

Section 39 (16.2.2023/178)

Structures and location information used in distribution

The postal company is obliged to arrange for another postal company to have access to a mailbox under its control or to another such structure where the recipient's address is located. The postal company can organize access in the way it chooses, which, however, must not create an obstacle to the operation of another postal company.

The access referred to in this section must be implemented at a cost-based price and on open and non-discriminatory terms.

The universal service provider must hand over to another postal company, free of charge, all the address information necessary for managing this postal activity, including the exact location of the mailboxes. The universal service provider may charge a reasonable fee to cover its costs for handing over the exact location coordinate information of the mailbox. The transfer of location coordinates referred to in this section must be done at a cost-based price and on open and non-discriminatory terms.

The universal service provider has no obligation to disclose the information referred to in this section, if the disclosure of location information could endanger national security or national defense. The universal service provider must submit requests for data disclosure to the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency evaluates the matter together with the security authorities and makes a decision either on the release of the data or on the prohibition of their release.

Chapter

8 Reception and distribution of

consignments Section 40 Reception, forwarding and seizure of postal consignments (8.9.2017/614)

The postal company is obliged to receive and forward every letter and Postipakket who wants it against a valid payment in accordance with its delivery conditions to the recipient of the mail. (8/9/2017/614)

However, the postal company may refuse to receive or forward a letter or parcel if:

1) the shipment contains dangerous substances, objects or products, the transportation of which is prohibited by law, which are otherwise against the law, or which there are reasonable grounds to suspect of causing danger to people or property;

2) the shipment contains live insects or other live animals;

3) the content of the shipment is particularly sensitive to heat or cold;

4) the shipment contains breakable or collapsible objects or flowing substances;

5) an uninsured universal service shipment or a shipment other than the universal service contains money, securities or other valuables.

(8/9/2017/614)

Seizure of correspondence and detention of correspondence are regulated separately.

Section 40a (8.8.2014/658)

Dispatch of the visually impaired

The postal company, which has been assigned the obligation referred to in § 24a to act as a designated operator in accordance with the Universal Postal Union Convention, must offer individuals the opportunity to send a shipment weighing less than seven kilograms, containing Braille, free of charge, except for an air surcharge. (8/9/2017/614)

At the request of the postal company referred to in subsection 1, the visually impaired person must present an explanation of his disability.

Section 41 (16.2.2023/178)

General service delivery conditions

The universal service provider must draw up the terms of delivery of the postal services included in the universal service.

The terms of delivery of postal services that are part of the universal service must be published on the website of the universal service provider and must also be kept available on request in paper form without compensation.

The general service provider's terms of delivery must state:

- 1) the rights and obligations of the postal service user and the postal company;
- 2) the means available to the user of the postal service in cases where the shipment has been delayed, lost, stolen or damaged or where the service quality standards have not been followed; these means must be clear, simple and reasonable in cost;
- 3) the postal service user's legal remedies;
- 4) the possibility of the user of the postal service to refer cases where the user of the postal service and the postal company have not reached an agreement to the competent authority;
- 5) the procedure by which payments are determined or confirmed;
- 6) the procedure for informing the customer about changes in payments;
- 7) the grounds for collateral or other non-standard payment guarantees required from the user of the postal service.

The delivery conditions of the universal service provider must not include conditions or restrictions that are unreasonable from the point of view of users of postal services.

A price list of the fees related to postal services belonging to the universal service must be published on the website of the universal service provider and, in addition, the price list must be kept available on request in paper form without compensation. If an offer or contract is made for the delivery of a postal service that is part of the universal service, it must be in writing or electronic so that its content cannot be changed unilaterally and that it remains available to the parties.

Users must be informed of the new delivery conditions at least 30 days before the changes take effect.

Section 41a (3.6.2016/408)

Marking of postal items

The postal company must mark its shipments in such a way that they are identifiable and distinguishable from similar shipments of other postal companies.

Section 42 (23.11.2018/997)

Monitoring the quality of postal services

The postal company must annually publish information on the quality of its service, which must also show the number of complaints and their handling. The study measuring the implementation of the quality standard stipulated in § 19 above must be carried out by an entity independent of the universal service provider. Information and research must be submitted for information to the Finnish Transport and Communications Agency.

Section 43 (16.2.2023/178)

Distribution

Letters delivered to small houses must be delivered to a mailbox that is located at a reasonable distance from the recipient's address, taking into account local conditions. Letters delivered to residential apartments in apartment buildings must be delivered to apartment-specific mailboxes or apartment-specific mailboxes.

When determining the delivery location, local conditions and the special personal needs of the recipient of the mail due to age, limited mobility or reduced functional capacity can also be taken into account. The request for the adjustment of the delivery location must be made in a way that is suitable and accessible for the applicant.

An arrival notification can be used for the delivery of receipted shipments, postal packages, and shipments that are not suitable for distribution due to their size. The postal company has the right to enter the recipient's personal identification number and the document from which the personal identification number has been checked in the handover documents of the letter shipment to be acknowledged.

The recipient of the mail can agree with the postal company on arrangements deviating from the provisions of this section for a reasonable fee.

Section 43a (23.11.2018/997)

Returning wrongly split shipments

The postal company must organize a service for the return of erroneously distributed items in each municipality of the domain that it has notified to the Finnish Transport and Communications Agency in accordance with § 4.

Section 44 (23.11.2018/997)

Mailbox location

The location of the mailbox is determined by the universal service provider of letter services or, if no universal service obligation has been imposed, by another postal company based on the decision of the Finnish Transport and Communications Agency. When defining the place, the requirements set in Sections 43 and 45 and the regulations issued pursuant to Section 48 must be taken into account.

An interested party who is not satisfied with the location of the mailbox can take the matter to the municipality's building control authority for a decision. The universal service provider can apply to the building control authority for a decision on a disagreement regarding the location of the mailbox if the mail recipient does not place his mailbox in the location indicated by it but does not dispute the matter.

In its decision, the municipality's building control authority must take into account the other use of the place in question, the requirements of appropriate postal operations and the requirements set out in Sections 43 and 45 and the regulations issued pursuant to Section 48.

Section 45

Placement of equipment and structures needed for mail delivery

The municipality is obliged to allow the placement of equipment and minor structures, such as mailboxes, necessary for the collection and distribution of mail in the general areas indicated in the site plan, if the placement cannot be arranged in any other way in a reasonable manner and at a reasonable cost for the postal company and the recipient of the mail. The equipment and minor structures needed in collection and distribution or their use must not cause unnecessary danger to traffic or material harm to the maintenance and cleanliness of the public area or other use.

The owner of the plot, other real estate or building is obliged to allow equipment or small structures necessary for collection and distribution to be attached to a wall, gate or fence or placed on the ground under the conditions stipulated in subsection 1. However, the obligation can only be imposed if it is reasonable from the owner's point of view.

Equipment or minor structures needed for collection and distribution may be placed in the protection or visibility area of roads referred to in the Highways Act (503/2005), if the placement or use of the boxes does not cause an unnecessary danger to traffic or a significant inconvenience to road maintenance.

Section 46

Compensation for placing mailboxes

Inconvenience and damage caused by mailboxes must be compensated in accordance with the Act on the Redemption of Immovable Property and Special Rights. The contract for compensation also binds the subsequent owner of the property or building.

Section 47 (8.9.2017/614)

Storing postal items for pick-up by the recipient

The postal company has the right to keep letter shipments for collection at the office or other similar collection point determined by the recipient's address, if:

- 1) the recipient of the mail and the postal company have not reached an agreement on the arrangements for the reception of the mail and no legally binding solution has been given in the matter;
- 2) the recipient of the mail has interfered with the arrangements for the reception of the mail in such a way that the postal company cannot deliver letters to the mailbox of the recipient of the mail placed in accordance with § 44.

In the situation referred to in point 1 of subsection 1 above, the postal company may require that the recipient of the mail enter into the contract referred to in section 43, subsection 4, for picking up the mail.

Section 48 (16.2.2023/178)

Authority to issue orders of the Finnish Transport and Communications Agency

The Finnish Transport and Communications Agency can issue more detailed regulations:

- 1) placement of equipment and minor structures necessary for the reception and distribution of letter shipments;
- 2) consideration of special personal needs in mail delivery due to local conditions or the mail recipient's age of at least 75, limited mobility or reduced functional capacity.

Chapter 9

Liability of the postal company Section

49

Responsibility of the postal company

The postal company is responsible for damage caused to the mail sender or recipient due to the delay, loss or damage of the shipment.

If the shipment is delayed, the right to compensation belongs to the sender or recipient who has suffered damage due to the delay.

If the shipment is lost, the sender has the right to compensation.

If the shipment is damaged, the right to compensation is:

- 1) by the mail sender until the shipment has been handed over to the recipient; or
- 2) by the recipient of the mail from the moment he has accepted the shipment.

The postal company's responsibility begins when the mail sender leaves the shipment at the collection point or in another way for the postal company to transport. The responsibility ends when, in accordance with the agreed delivery method, the shipment has either been left in the mail recipient's delivery device or structure or handed over to the mail recipient or his representative, or when the necessary acknowledgment of the handover has been received.

Section 50

Release of the postal company from liability and limitation of liability

The postal company is released from liability for damages if it appears that the damage was caused by a circumstance that the postal company could not have avoided and the consequences of which it could not have prevented.

If the postal company or someone for whose conduct the postal company is responsible has caused the damage intentionally or through gross negligence, it cannot invoke the provisions of subsection 1 or section 51 on exemption from liability or limitation of liability.

A contract term that deviates from the liability provisions of this law to the detriment of the mail sender or mail recipient is void. However, the regulations may be deviated from in a contract with a consumer other than the one referred to in Chapter 1, Section 4 of the Consumer Protection Act (38/1978), if the deviation is reasonable due to the status of the contracting parties, the exceptional quality of the shipment or other special circumstances.

The postal company and the person for whose proceedings the postal company is responsible have the right to invoke the provisions of this law on limitation of liability and exemption from liability even when the claim for compensation is not based on this law, if compensation could have been claimed under this law.

Section 51

Limitations of liability

The amount of the damage must be paid to the injured party as compensation for the delay in shipment, but no more than:

- 1) 50 euros for standard letter delivery;

2) 85 euros for a registered or delivered letter delivery against a receipt;

3) 150 euros for other letter delivery or postal package.

In case of damage or loss of a shipment, the amount of the damage must be paid as compensation to the person who suffered the damage, but no more than:

1) 50 euros for standard letter delivery;

2) the agreed insurance value of the insured shipment;

3) 340 euros for other letter sending;

4) 25 euros per kilo for a postal package.

The damages awarded pursuant to this law can be mediated according to reasonableness, if the injured party has contributed to the damage or if another circumstance that is not part of the act that caused the damage has also been the cause of the damage.

Section 52

Reminder and expiration

At the risk of losing the right to sue, the postal company must be reminded of the damage or delay of the shipment within a reasonable time after the recipient of the mail has noticed the damage or delay or when he should have noticed it. However, a reminder must be made when receiving the shipment about the externally visible damage at that time, if the shipment is handed over personally to the recipient of the mail or his representative, who is not a consumer.

The right to compensation is lost if the claim is not submitted in writing to the postal company within one year or, if the damage or delay was caused intentionally or by gross negligence, within three years:

1) when the responsibility of the postal company has ended pursuant to section 49, subsection 5, if the right is based on damage or delay of the shipment; or

2) from when the postal company has notified the sender of the loss of the shipment, or, in the case of regular mail, from when the sender should have noticed the loss, if the right is based on the loss of the shipment.

The postal company must handle the demands presented to it with simple procedures and without delay. Information on the procedures for claiming compensation must be effectively made available to users.

Chapter 10

Delivery of consignments and handling of undelivered consignments Section 53

The right to order postal delivery

The sender has the right to order the postal shipment until the shipment has been handed over to the recipient in accordance with the terms of the shipment, unless the shipment has been confiscated under valid legislation. If the sender and the recipient simultaneously request postal delivery, it will be given to the sender.

When the shipment is in the possession of the postal company, the sender has the right to take the shipment back, order the shipment to be given to a recipient other than the one indicated on it, and correct or change the postal address indicated on it or give the postal company other similar instructions.

The recipient has the right to order the resending of the shipments addressed to him or the suspension of delivery. The sender's right to order the shipment ends when the shipment has been distributed to a place according to the recipient's instructions.

Section 54 (23.11.2018/997)

The postal company's obligation to deliver the shipment to the recipient and the handling of undelivered shipments

The postal company is obliged to deliver the letter shipment or Postipakket to the address indicated on the shipment.

If the address information of a letter or postal package is incomplete or incorrect, the postal company must use its address register and generally available public registers to try to find out the recipient's correct address. If the recipient has made a valid change of address or an agreement on resending, the letter or Postal package must be delivered to the corresponding new address, unless the postal company has agreed otherwise with the sender. However, it is not possible to agree otherwise with the sender regarding the address verification of a letter sent or a postal package belonging to the universal service.

The postal company must return the letter shipment or Postiparket to its sender if:

- 1) the recipient's address cannot be found out;
- 2) the recipient does not want to receive the shipment;
- 3) no valid payment has been made for the shipment and the recipient has not redeemed the shipment, even though the postal company has offered it for redemption; or
- 4) it is a shipment that the postal company is unable to carry further for reasons beyond its control.

If the shipment referred to in subsection 3 cannot be returned to the sender for reasons beyond the control of the postal company, it must be treated as undelivered. The postal company must submit an undelivered letter immediately to the Finnish Transport and Communications Agency for processing.

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

The postal company can charge a fee for the retransportation and return of the package, as well as for the shipment to be returned in accordance with the distance selling regulations of Chapter 6 of the Consumer Protection Act .

Section 55 (16.2.2023/178)

The postal company's right to open a sealed shipment

The postal company has no right to open a sealed letter.

However, the postal company has the right to open the parcel if:

- 1) the shipment is damaged and opening is necessary to protect the contents or to determine its condition;
- 2) there is reason to suspect that the shipment may pose a risk to health or property; or
- 3) it is an undeliverable mail package referred to in § 56, which must be opened in order to sell or dispose of it.

A postal package may be opened by a person authorized by the Finnish Transport and Communications Agency for this task in the presence of another person. The contents of the postal package may not be inspected more extensively than is necessary for the reason for opening. Markings prescribed by the Finnish Transport and Communications Agency must be made on the opened mail package. A protocol signed by the persons who participated in the opening must be drawn up and submitted to the Finnish Transport and Communications Agency. A person employed by a postal company is subject to the regulations regarding official liability under criminal law when performing the tasks mentioned in this section. Liability for damages is regulated in the Damages Act.

If the mail package referred to in subsection 2, point 3 contains a confidential message, it must be delivered to the recipient or, if the recipient cannot handle the transmission, to the Finnish Transport and Communications Agency for processing.

Section 56

Storage and disposal of consignments

The postal company is allowed to dispose of mail items whose contents have apparently been spoiled.

The postal company may dispose of the postal item with the consent of the sender. The postal company may also dispose of an open shipment in which apparently no information can be found to facilitate the identification of the sender or the recipient.

The postal company may dispose of an undelivered postal package and a shipment containing direct mail, the return of which has not been agreed with the sender of the postal shipment.

The postal company may dispose of the postal package referred to in subsection 3 no earlier than three months after the delivery has been notified to the recipient or returned to the sender. Disposal must be done in a manner that protects confidentiality. (8/9/2017/614)

Instead of disposal, the postal company has the right to sell the undelivered mail referred to in this section as stipulated in the Act on the right of a trader to sell undelivered items (688/1988). However, instead of the retention period provided for in the mentioned law, the postal company must keep the postal item for six months before selling it.

The provisions of the Found Goods Act (778/1988) apply to goods transported in the postal network, which can no longer be combined with a postal shipment.

Section 57 (23.11.2018/997)

Handling of undelivered shipments at the Finnish Transport and Communications Agency

The Finnish Transport and Communications Agency must endeavor to find out the address information of the recipient or sender of the undelivered postal item delivered to it by the postal company in accordance with section 54, subsection 4. The procedure for undelivered shipments is only applied to find out the sender's information, if it is a shipment referred to in section 54, subsection 3, point 3.

The universal service provider must give the Finnish Transport and Communications Agency free access to its address register in order to find out the address information of the recipient or sender of the shipment.

When handling an undelivered shipment, the Finnish Transport and Communications Agency has the right to open a sealed letter if:

- 1) it is necessary to find out the address of the recipient of the postal item in order to deliver the item to its destination or to find out the sender's address in order to return the item;
- 2) it is obvious that the shipment may pose a risk to health or property; or
- 3) it is obvious that the content of the shipment prevents further transport of the shipment for safety reasons.

The person handling an undelivered shipment at the Finnish Transport and Communications Agency may only open the mail shipment in the presence of another person. The content of an opened mail may not be inspected more widely than is necessary for the reason for opening it. The reason, time and place of opening as well as the regulation under which the shipment was opened must be noted on the cover of the opened shipment or in the separate attachment that follows with the shipment.

Openers must sign the entry. The protocol referred to in § 55 must also be made about the opening.

Section 58 (23.11.2018/997)

Returning the shipment from the Finnish Transport and Communications Agency to the postal company

If the opened shipment contains information on the basis of which the Finnish Transport and Communications Agency can find out the address information of the recipient or the sender, the Finnish Transport and Communications Agency must return the shipment to the postal company with the markings made of the opening. To ensure the confidentiality of the message, the transmission must be returned closed.

The postal company must deliver the shipment received from the Finnish Transport and Communications Agency with the opening notes to the recipient or sender, if their address information can be ascertained based on the information included in the shipment.

Section 59 (23.11.2018/997)

Processing of the opened shipment at the Finnish Transport and Communications Agency

If no information is found in the opened postal item, based on which it can be delivered to the recipient or returned to the sender, the Finnish Transport and Communications Agency must keep the item for six months.

The storage period is calculated from the day the shipment was opened.

If the recipient or sender of an undelivered shipment has not been found out within the six-month retention period, the shipment must be disposed of in an appropriate manner that safeguards the confidentiality of the message. If the broadcast contains a message other than a personal one, the rest of its content can be sold as deemed appropriate.

The funds collected from the sale of the contents of the broadcasts are reported to the Finnish Transport and Communications Agency as income, minus the costs collected from the sale. The money contained in the shipments is also accounted for by the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency can also hand over the content of broadcasts for purposes of public benefit.

The Finnish Transport and Communications Agency must remove the content from the shipment referred to in section 57 subsection 2, point 3, which prevents the shipment from being transported further for security reasons. Deleted content can be sold, disposed of or handed over as referred to in subsection 2 or 3 of this section, however, without complying with the deadline stipulated in subsection 1. The Finnish Transport and Communications Agency must deliver the shipment to the postal company for further transport. The Finnish Transport and Communications Agency must mark the opening and deletion of content in the broadcast.

The shipment may be disposed of without complying with the deadline stipulated in subsection 1, if it is a case of:

- 1) a shipment whose contents are obviously spoiled;
- 2) transmission, the content of which may cause danger to health or property; or
- 3) shipment, the preservation of which is obviously unnecessary for other reasons.

Section 60 (23.11.2018/997) .

Official responsibility

The Finnish Transport and Communications Agency is also subject to criminal liability regulations when handling undelivered shipments, even to those who are in a non-official relationship or in a comparable service relationship.

Section 61 (23.11.2018/997) .

Exemption from the publication of an official document and the obligation of secrecy

The postal items in the possession of the Finnish Transport and Communications Agency and the documents in them, which it has received while carrying out its tasks in accordance with this chapter, are to be kept secret.

A person employed by the Finnish Transport and Communications Agency may not disclose information about a postal shipment or its content that he has received while performing his duties in accordance with this chapter. The duty of non-disclosure, prohibition of exploitation and violation of the duty of non-disclosure are stipulated in the Act on Publicity of Official Activities (621/1999).

What is stipulated above in this section does not prevent the Finnish Transport and Communications Agency from providing the postal company with information about the protocols prepared for the opening of postal items, if it is necessary to find out the address information of the recipient or sender of the item.

Chapter 11

Other obligations of the postal company Section

62

Securing the secrecy of a confidential message

The postal company must protect the secrecy of confidential messages. The same obligation also applies to anyone who, based on an agreement with the postal company, handles postal shipments or offers the postal company's services to customers.

Obligation of confidentiality

An employee of the postal company may not reveal what he has learned about the customer or his affairs in the course of his work, if revealing the information would violate the confidentiality of the confidential message or the business or customer relationship. The obligation of non-disclosure also applies to those who, under an agreement with the postal company, handle mail shipments or offer the postal company's services to customers.

Section 64

The postal company's obligation to prepare for exceptional circumstances

With contingency planning and preparation for exceptional circumstances, the postal company must ensure that its operations continue as undisturbed as possible even in the exceptional circumstances referred to in the Emergency Act (1080/1991) and in situations where normal conditions are disrupted.

ValmiusL 1080/1991 has been repealed by L 1552/2011, which is valid from March 1, 2012.

Section 65 (23.11.2018/997)

More detailed regulations on preparation

More detailed regulations on the postal company's duty to prepare as referred to in § 64 can be issued by a government decree. The regulations may concern the organization of postal operations necessary to ensure the management or safety of society or the ability of business to function.

The Finnish Transport and Communications Agency can issue more detailed technical regulations regarding the postal company's obligation to prepare. The regulations may apply to:

- 1) technical features of postal services;
- 2) documents related to securing the operation and services of the postal company in exceptional circumstances;
- 3) technical measures to minimize disturbances; mixed
- 4) other technical issues comparable to these.

Section 66

Costs caused by preparation

The postal company has the right to receive compensation for the costs caused by the preparation from the security of supply fund referred to in the Act on Security of Supply (1390/1992) only if the costs are considerable considering the nature and scope of the postal company's operations.

The Huoltovarmuuskeskus decides on the compensation of the costs referred to in subsection 1 above on the proposal of the Ministry of Transport and Communications.

Chapter 12

Control and supervision of postal operations Section

67 (8 November 2019/1060)

General guidance, development and supervision

The general direction and development of postal operations belong to the Ministry of Transport and Communications.

The task of the Finnish Transport and Communications Agency is to monitor compliance with this law and the regulations and orders issued pursuant to it. The Finnish Transport and Communications Agency must annually publish a report on compliance with the quality standards stipulated in § 19.

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

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency must cooperate with the competition authorities and consumer authorities, when necessary, when carrying out tasks according to this law.

Section 67a (23.11.2018/997)

Handling of control matters at the Finnish Transport and Communications Agency

The Finnish Transport and Communications Agency can investigate the case at the request of the party involved or on its own initiative.

The Finnish Transport and Communications Agency can prioritize its supervisory tasks stipulated in this law.

The Finnish Transport and Communications Agency can leave the case out of investigation if:

- 1) it is likely that it is not an activity contrary to this law or the regulations issued pursuant to it;
- 2) despite the suspected error or negligence, the matter is only of minor importance in terms of the functionality of the postal market, the reliability of postal services and the safeguarding of the smooth functioning of the postal market and the interests of users of the services; or
- 3) the request for action is obviously unfounded.

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

Section 68 (23.11.2018/997)

Postal operations supervision fee

The postal company is obliged to pay the annual postal supervision fee to the Finnish Transport and Communications Agency. The total amount of supervision fees collected from postal companies corresponds to the total costs that the Finnish Transport and Communications Agency incurs for handling the tasks related to postal companies stipulated in this law.

Section 69 (23.11.2018/997)

The size of the postal supervision fee

The amount of the supervision fee for postal operations is 0.29 percent of the turnover of the fiscal year of the postal operations subject to notification in accordance with Section 4 of the postal company in Finland, which has ended two years before the collection of the supervision fee, but at least 2,000 euros.

The monitoring fee for postal operations collected from the new postal company is EUR 1,000 in the first year of operation and EUR 5,000 in the second year of operation. The payment for the third and subsequent years is determined in the manner stipulated in subsection 1.

If the accounting period differs from the calendar year, the turnover is converted to correspond to the annual turnover by multiplying it by the number 12 divided by the number of months of the accounting period.

If the postal activity referred to in subsection 1 ends completely in the middle of the invoicing period, the Finnish Transport and Communications Agency must determine the amount of the payment for the duration of the postal activity referred to in subsection 1. If the postal operations referred to in subsection 1 have been handed over to another company during the period between the accounting period on which the payment is based and the due date of the payment, the Finnish Transport and Communications Agency must determine the amount of the payment for the company operating on the due date of the payment, taking into account the confirmed turnover of the transferred postal operations referred to in subsection 1 from the accounting period on which the payment is based.

If there have been changes in the company's group relations between the end of the accounting period on which the payment is based and the due date of the payment, the amount of the payment is determined based on the company's share of the turnover of the postal operations referred to in subsection 1 of the accounting period on which the payment is based.

The collected fee will not be returned, even if the company stops the postal operations referred to in subsection 1.

Section 70 (23.11.2018/997)

The turnover in the group that is the basis for determining the fee

If the postal company belongs to a group according to Chapter 1, Section 6 of the Accounting Act (1336/1997), the basis for the payment of the postal company is the company's share of the combined turnover of the postal operations in Finland of the postal companies liable to pay belonging to the same group, minus the mutual turnover of the companies arising from this activity. The payment is determined in this way also in cases where the parent company is not Finnish.

A decree of the Ministry of Transport and Communications can provide more detailed regulations on how the information necessary to determine the payment must be reported to the Finnish Transport and Communications Agency.

Section 71 (23.11.2018/997)

Determination and collection of the postal supervision fee

The postal supervision fee is collected annually in four installments. The Finnish Transport and Communications Agency determines the postal supervision fee to be paid. More detailed regulations on the implementation of the payment can be issued by a decree of the Ministry of Transport and Communications.

The Finnish Transport and Communications Agency has the right to receive from the postal company, in order to determine the payment, information on the turnover of the postal operations referred to in § 69 carried out by the company in Finland for the financial period ending two years before the year of collection of the payment. The postal companies belonging to the group must also submit to the Finnish Transport and Communications Agency a report on which items arising from the mutual postal activities of the group's companies have been deducted from the turnover of the postal operations in accordance with section 70, subsection 1. The postal company must submit the information to the Finnish Transport and Communications Agency within one month of confirming the financial statements. A copy of the approved financial statements and consolidated financial statements must be submitted as an attachment.

The law on the enforcement of taxes and payments (706/2007) provides for the direct enforceability of the postal supervision fee without a basis for enforcement. If the payment is not made by the due date at the latest, the unpaid amount will be charged annual late interest according to the interest rate referred to in Section 4 of the Interest Act (633/1982). Instead of late payment interest, the authority can charge a late fee of five euros, if the amount of late payment interest is less than this.

Section 72 (23.11.2018/997)

Notification obligation

Regardless of what is stipulated elsewhere in the law regarding the confidentiality of documents, the postal company has the obligation to collect and hand over to the Ministry of Transport and Communications and the Finnish Transport and Communications Agency such information about its finances and the activities it carries out in accordance with this law that are necessary to carry out the duties referred to in this law or to prepare statistics related to these duties. The information must be provided free of charge, without undue delay and in the form requested by the authority.

The obligation to collect and hand over information referred to in subsection 1 above also applies to other companies that have information that is necessary and relevant in terms of postal operations or the official duties referred to in this law.

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency must state the purpose of use of the data and justify the request for the release of the data.

The Finnish Transport and Communications Agency must hand over the information referred to in subsection 1 that it receives when performing the tasks provided for in this act to the Ministry of Transport and Communications upon its request. The Finnish Transport and Communications Agency must notify the transfer without delay to the person whose information the transfer applies to.

Section 73 (23.11.2018/997)

Use of a document received from a foreign authority

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency may use a confidential document received from a foreign authority only for the purpose for which it was issued.

Section 74 (23.11.2018/997)

Disclosure of information to the European Commission and other EEA countries

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency have the obligation to hand over the information necessary for the supervision of the internal market of postal services at the request of the European Commission and another state supervisory authority belonging to the European Economic Area.

In addition to what is stipulated in the law on public authorities' activities, the Ministry of Transport and Communications and the Finnish Transport and Communications Agency have the right to hand over a confidential document and disclose confidential information to the European Commission and the supervisory authority of another state belonging to the European Economic Area, if it is necessary for the supervision of the internal market of postal services.

Chapter

13 Coercive measures, sanctions and appeal Section 75

(16.2.2023/178)

Coercive measures

If a postal company or other service provider violates this law or the regulations or orders issued pursuant to it or Regulation (EU) 2018/644 of the European Parliament and of the Council on cross-border parcel services, the Finnish Transport and Communications Agency may issue a notice or oblige the company to correct its error or negligence.

The Finnish Transport and Communications Agency may, as an effect of its decision referred to in subsection 1, impose a fine or the threat that the operation will be suspended either in part or in full, or that the action not carried out will be carried out at the expense of the person concerned. Threatened fines, threats of suspension and threats of commission are regulated in the Threatened Fines Act.

The costs of the completed work are paid in advance from state funds. The costs are directly recoverable. Their collection is regulated in the Act on the Enforcement of Taxes and Payments.

Section 76 (23.11.2018/997)

Unauthorized postal activity

Anyone who conducts postal operations without having submitted the notification provided for in § 4 to the Finnish Transport and Communications Agency must be sentenced to a fine for the unauthorized operation of postal operations, unless a more severe punishment is provided for the act elsewhere in the law.

The penalty is not imposed if the violation is minor.

Section 77

Postage marking violation

Anyone to obtain an unjustified financial benefit for himself or another

- 1) falsifies a postage stamp, imitates it or contributes to the production of a false or imitated postage stamp,
- 2) circulates, markets, distributes, distributes, transports, exhibits, displays or publishes a false or imitated postage stamp or
- 3) use or recycle a postage stamp that has already been used as postage,

must be sentenced, unless a more severe punishment is provided for the act elsewhere in the law, to a fine **for postage stamp infringement**.

The attempt is punishable.

In this law, postage marking refers to methods of payment for postal items, which are stamps in public circulation or removed from it, postage stamps, markings produced by a postage or printing machine and international reply coupons.

Section 78

Breach of confidentiality

The penalty for breaching the duty of silence stipulated in Section 63 is sentenced according to Section 1 or Section 2 of Chapter 38 of the Criminal Code (39/1889), unless the act is punishable according to Section 5 of Chapter 40 of the Criminal Code or unless the act is subject to a more severe punishment elsewhere in the law.

Section 79 (23.11.2018/997)

Resolving disagreements

If a postal company or a person whose right, interest or obligation is affected by the matter considers that someone is acting in violation of this law or the regulations issued pursuant to it, the postal company or the person referred to above may refer the matter to the Finnish Transport and Communications Agency for a decision. The Finnish Transport and Communications Agency must make a decision on the matter within four months from the date of initiation. The deadline does not apply to exceptionally extensive or otherwise exceptional matters. The Finnish Transport and Communications Agency can also take a decision on the matter on its own initiative.

Those who intend to apply for a decision of the Finnish Transport and Communications Agency on a matter concerning themselves must be given guidance on requesting a decision.

The decision-making power of the Finnish Transport and Communications Agency does not include matters concerning contractual relations between the postal company and the customer or liability for compensation.

Section 80 (30.12.2019/1538)

Appeal

The decision of the Ministry of Transport and Communications, the Finnish Transport and Communications Agency and the municipality's building control authority may be appealed by appealing to the administrative court. An appeal to the administrative court is regulated in the Act on Trial in Administrative Matters (808/2019).

The decision of the Ministry of Transport and Communications and the Finnish Transport and Communications Agency must be followed regardless of the appeal, unless the appeals authority orders otherwise.

Chapter 14

Miscellaneous provisions

Section 81 (23 November 2018/997)

Office assistance

The Ministry of Transport and Communications and the Finnish Transport and Communications Agency have the right to receive official assistance from the police, Customs and the Border Guard for the implementation of this law and the provisions and regulations issued pursuant to it.

Section 82 (23.11.2018/997)

Issuing stamps and using postage notation

On application, the Ministry of Transport and Communications can grant a postal company the right to publish internationally acceptable stamps or stamps acceptable in Finland. The right to publish stamps is valid until further notice.

If necessary, the Finnish Transport and Communications Agency can issue regulations on the format of the postage marking corresponding to postage stamps and its placement on letter delivery, as well as its other use.

Chapter 15

Entry into force

Section 83

Passage

This law enters into force on June 1, 2011.

This law repeals the Postal Service Act (313/2001).

This law repeals the law (708/1997) on the fee charged to secure postal operations in sparsely populated areas.

Section 84 (23.11.2018/997)

Transition provision

When this law enters into force, a valid business license for postal operations is valid until a new business license is granted pursuant to this law. However, the license is valid for a maximum of the previous license period. If the terms of the business license conflict with the provisions of this law, the provisions of this law shall be followed.

Business license applications pending when this law enters into force will be processed in accordance with the provisions of this law.

The universal service obligation in effect when this law enters into force will be valid until the Finnish Transport and Communications Agency issues a decision establishing a new universal service obligation or partially or completely not imposing it. The content of the universal service obligation is determined in accordance with chapter 3 after this law enters into force, taking into account what is stipulated in subsection 10.

The Finnish Transport and Communications Agency must carry out the market assessment referred to in § 22 for the first time in such a way that it is available no later than one year after the law comes into force.

The address register provisions of § 38 of this law also apply to the information in the postal company's register when the law comes into force.

A postal company that has the right to publish stamps when this law enters into force may continue to publish stamps for the duration of its business license.

The provisions in force at the time this law enters into force shall apply to agreements in force when this law enters into force. If the shipment was left for transport by the postal company before this law came into force, the provisions in force at the time this law came into force apply to the responsibility of the postal company.

The provisions of this law on the handling of undelivered postal items also apply to such items that have been left for transport before the entry into force of this law and which, while the Postal Services Act was in force, the postal company could not deliver to the Finnish Transport and Communications Agency, nor sell or dispose of them.

The Finnish Transport and Communications Agency has the right to dispose of such shipments without opening them or to sell their contents without complying with the deadline stipulated in section 59 subsection 1.

Paragraph 6 of Section 56 of this Act regarding goods transported in the postal network, which can no longer be combined with a postal shipment, also applies to such goods referred to in the said provision, which are in the possession of the postal company when the law enters into force.

The obligation laid down in § 16 of this law to take care of the accessibility of offices shall be applied starting six months after the entry into force of this law.

HE 216/2010, LiVM 28/2010, PeVL 56/2010, EV 351/2010

Entry into force and application of the amending regulations:

16.12.2011/1345:

This law enters into force on January 1, 2012.

Before the law enters into force, measures necessary for the implementation of the law can be taken.

HE 67/2011, LiVM 4/2011, EV 33/2011

30.11.2012/663:

This law enters into force on January 1, 2013.

HE 108/2012, TaVM 9/2012, EV 98/2012

8/8/2014/658:

This law enters into force on September 1, 2014.

HE 29/2014, LiVM 6/2014, EV 48/2014

7/8/2015/1000:

This law enters into force on January 1, 2016.

In an appeal, the administrative decision issued before the entry into force of this Act shall be subject to the provisions in force when this Act entered into force.

HE 230/2014, LaVM 26/2014, EV 319/2014

18.9.2015/1219:

This law enters into force on January 1, 2016.

HE 254/2014, TaVM 34/2014, EV 371/2014

3.6.2016/408:

This law enters into force on June 9, 2016.

A postal operator who has a valid business license to provide postal service when this law enters into force does not have to make the notification referred to in § 4 about the operation in accordance with his valid business license.

When this law enters into force, the obligation to act as the designated operator of the Universal Postal Union is valid until the Finnish Communications Regulatory Authority makes a decision on imposing the obligation in accordance with § 24a.

The obligation to maintain the postal code system valid when this law enters into force will be valid until the Finnish Communications Regulatory Authority makes a decision on imposing the obligation in accordance with Section 37.

HE 18/2016, LiVM 8/2016, EV 59/2016

8/9/2017/614:

This law will enter into force on September 15, 2017. However, Section 17 of the law will not enter into force until July 1, 2018.

HE 272/2016, LiVM 9/2017, EV 74/2017

23.11.2018/997:

The entry into force of this law is regulated separately by law.

L 997/2018 entered into force on 1 January 2019 in accordance with L 937/2018 .

HE 61/2018, HE 104/2018, LiVM 21/2018, EV 102/2018

8 November 2019/1060:

This law will enter into force on November 15, 2019.

HE 6/2019, LiVM 4/2019, EV 13/2019

29/11/2019/1189:

This law enters into force on January 1, 2020.

HE 10/2019, HaVM 3/2019, EV 20/2019

30.12.2019/1538:

This law enters into force on January 1, 2020.

HE 91/2019, LiVM 9/2019, EV 75/2019

16.2.2023/178:

This law will enter into force on October 1, 2023. However, Section 2, Section 11–14 and Chapter 6a will enter into force on March 1, 2023 and will be valid until December 31, 2029.

HE 58/2022, LiVM 22/2022, EV 246/2022

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