



Finnish Board of Film Classification  
Jaakonkatu 5 B  
FI-00100 Helsinki, FINLAND

## **BULLETIN ON THE LEGISLATIVE REFORM AND THE SUPERVISION FEE**

**15.6.2009**

Parliament has adopted the Act on the Amendment of the Act on the Classification of Audiovisual Programmes. The Act enters into force on 1 July 2009.

### **What is the amendment about?**

The amendment relates to programmes and recordings with corresponding contents made available as on-demand services and transmitted or to be transmitted in Finnish television. The Act has also been supplemented with provisions on a supervision fee payable by distributors of certain audio-visual programmes exempted from prior classification.

### **What will change on 1 July 2009?**

Prior classification of audio-visual programmes transmitted or to be transmitted on television before 9 p.m. is waived when these programmes are made available to the public as on-demand services or by distributing them as recordings (DVD, Blu-ray, etc.). The distributor of an audio-visual programme sets an age-category recommendation for the programme based on the time of the television exhibition. This means that the age-category recommendation for programmes transmitted between 5 - 7 p.m. is 11, the age-category recommendation for programmes transmitted between 7 - 9 p.m. is 13. If the television exhibition of the programme has taken place before the entry into force of the placement agreement between the television operators and the Finnish Communications Regulatory Authority (prior to the year 2004) and when it concerns the age-category recommendation of 7 years or allowed to all ages, the basis for the age-rating of the Finnish Board of Film Classification shall be complied with in determining the age-rating or an age-category recommendation shall be agreed upon with the Finnish Board of Film Classification. If the programme has been transmitted after 9 p.m., the programme needs to be classified by the Finnish Board of Film Classification in the normal manner.

For example: If a television operator has transmitted a television series at 7 p.m., it may be notified to the Finnish Board of Film Classification for an on-demand service and distribution as recordings with the age-category recommendation of 13.

Information on the age-category recommendation shall be appended to the notification to be submitted to the Finnish Board of Film Classification. The Board of Film Classification may take an audio-visual programme for classification if there is reason to suspect that it contains material that causes detriment to the development of children.

If a programme or programme series has not yet been exhibited on television, the distributor of the recording should report the Finnish Board of Film Classification when the series will be exhibited on television.

A supervision fee shall be introduced to cover the increasing post-supervision costs of the Board of Film Classification. The supervision fee shall be collected from distributors of the said programmes exempted from prior classification as well as from distributors who notify programmes directly to the age category of 18.

## Who are under the duty to pay the supervision fee?

A distributor of on-demand services or audio-visual programme recordings who offers to the public audio-visual programmes *exempted from classification on the basis of the manner of distribution* (amended section 4 a) or which have been set the age category of 18 in connection with the notification (*section 11 Duty to notify*) shall be under the duty to pay.

*Section 4 a Audio-visual programmes exempted from classification on the basis of the manner of distribution*

*An audio-visual programme may be distributed to the public as an on-demand service or as a recording without prior classification if:*

*1) it is not a programme likely to cause detriment to the development of children referred to in section 19 of the Act on Television and Radio Operations to be transmitted at times when children do not usually watch television programmes; and if*

*2) it is in the programme of a television broadcaster established in Finland in accordance with sections 5 and 6 of the Act on Television and Radio Operations.*

Also distributors who notify audio-visual programmes directly to the age category of 18 shall be under the duty to pay.

## Supervision fee

The duty to pay the supervision fee shall commence in the calendar year during which the distribution of the on-demand services or recordings is started. The supervision fee shall be ordered payable by the Finnish Board of Film Classification and it may be collected without a judgement or decision in the order provided for in the Act on the Enforcement of Taxes and Charges (706/2007). The supervision fee shall not be refunded even if the operator ceases its operations in the middle of the calendar year. In **2009**, the supervision fee shall be a half of the annual supervision fee, i.e., **EUR 400**. In 2009, the fee shall be collected in October. In 2010, the supervision fee shall be EUR 800 and it shall be collected in two instalments, in February and in September 2010.

## Distribution of programmes detrimental to children

Section 3 of the Act on the Classification of Audiovisual Programmes is still in force. In accordance with it, a supplier of on-demand services may make available to persons who have not attained the age of 18 only audio-visual programmes approved for exhibition or distribution by virtue of this Act as well as audio-visual programmes and their programme contents exempted from classification. A programme equipped with an age category imposed by the Finnish Board of Film classification or with the K18 age category may thus not be available to persons younger than the age category in the on-demand service or in the distribution of recordings.

## Protection/block systems of on-demand services

A programme equipped with a **mandatory age category** may not be available in the service to persons younger than the age category. The distributor shall ensure adequate protection. Also the functionality of the protection measures shall be monitored and tested by the Board of Film Classification. Certification by the user of his majority is **not adequate** for a protection but the service provider must identify the person using the services and ensure that he has reached the age of majority. There are several technical solutions for identifying a person including for example the use of access codes used in connection with banking services. As mobile phones are nowadays used by persons of all ages, the on-demand services shall be arranged so that programmes **cannot be** ordered freely via the mobile text message service.

With regard to age-category recommendations, the protection/block system is not needed.

### Age-category markings

Programmes made available in the on-demand service by television operators to which the companies have set age-category recommendations shall be marked with a square and a colour indicating the age category. The same applies to recordings with corresponding contents. In the distribution of recordings, the bar code (the EAN code) of the recording shall be notified to the Finnish Board of Film Classification in connection with the notification. The age category markings of other audio-visual programmes shall remain as they were.

Models for marking the age-category recommendations:

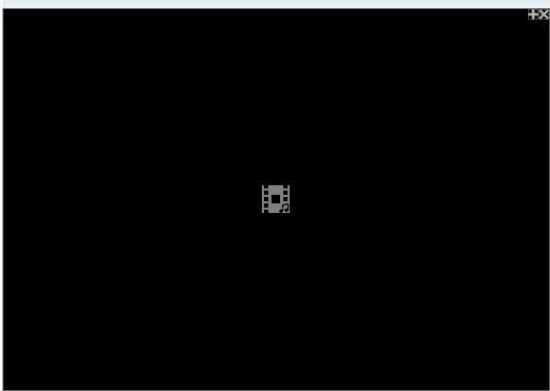


**The name of the company distributing** the programme shall be printed on the yellow base of the identification. The identification marking shall be added to **each audio-visual programme or to its immediate vicinity.**

Audio-visual programmes without markings must be removed from distribution immediately.

An example of the marking of an audio-visual programme with an age-category recommendation, which is to be distributed in an on-demand service.

Näytelmä (K13)  
TV1 Lauantai klo 19.45 6.6.2009



[+ | Lisää soittolistaan](#) [Avaa mediasoitin omaan ikkunaan](#)

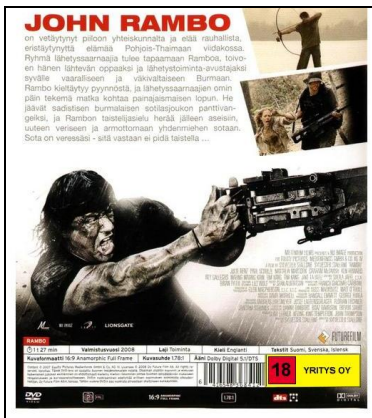
Valitse laatu  
matala

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Kesto: 00:44:43  
Luokittelu: [Draama](#)  
Julkaistu Areenassa: 06.06.2009 klo 19:45  
Poistuu Areenasta: 13.06.2009 klo 19:45  
Esitetty: 06.06.2009 klo 19:45 TV1  
Maarajaus: näkyy / kuuluu vain Suomessa

A yellow rectangular box with a black border. On the left, the number '13' is inside a smaller black square. To the right of this square, the text 'YLE' is written in black capital letters.

An example of the marking of an audio-visual programme with a mandatory age-category, which is to be distributed in an on-demand service.



**The amendment is the first phase of an overall reform**

The purpose is that after the partial reform, a more thorough reform be prepared with the aim of transferring to equipment-neutral monitoring and post-supervision of markets. Prior classification would probably be waived. The responsibility of the actors of audio-visual communications would increase. The current Act on the Classification of Audiovisual Programmes and the adopted Amendment would be replaced by an entirely new act on audio-visual programmes.

Please fill in the appended form and mail it in the enclosed return envelope by 30 June 2009 to the address: Jaakonkatu 5 B, 00100 Helsinki. For further information, please contact Director Matti Paloheimo, tel. +358 (0)9 22854 461 or Senior Examiner Maarit Pietinen, tel. +358 (0)9 22854 478 or e-mail: first.name.last.name@vet.fi.

[http://www.vet.fi/english/lait\\_kuvaohjelmien\\_tarkastaminen.php](http://www.vet.fi/english/lait_kuvaohjelmien_tarkastaminen.php)