



Finland: implementation of the Representative Actions Directive

Title(s): Act on Representative Actions for Injunctive Measures (1101/2022); Act amending the Class Action Act (1103/2022); and related Act on the designation of associations promoting the collective interests of consumers as qualified entities (1102/2022)

Designation of eligible entities is provided for in the Act on the Designation of Organizations Promoting the Common Interests of Consumers as eligible entities

The implementing legislation was ratified by the President on 20/12/2022, entering into force on 25/06/2023.

A representative action can be brought (Act 1101/2022) 'against a trader who has acted contrary to the provisions protecting the common interests of consumers contained in the regulations mentioned in Annex I [RAD and, since] these provisions have been implemented nationally, if the procedure in question causes or may cause harm to the common interests of consumers.' Domestic and cross-border representative actions within the meaning of the RAD are available, including orders prohibiting the trader from continuing or resuming its conduct.

The law covers both general collective consumer interests and interests of a specific group, which fall under wide-ranging legal fields such as data protection, transport, health and welfare, and finance. Finland uses the opt-in approach requiring consumer consent to be represented, except for injunctions.

The Consumer Ombudsman is included as an entity with standing, and entities Designated by the Ministry of Justice are generally wide, including the Finnish Competition and Consumer Authority, the Financial Supervisory Authority, Finnish Transport and Communications Agency, Finish Medicines Agency, National Supervisory Authority for Welfare and Health and Data Protection Ombudsman. These bodies are also eligible to bring cross-border representative actions. An organisation should promote the common interests of consumers.

Qualified Entities must make information on their sources of funding available and will have procedures in place to prevent conflicts of interest between the Qualified Entity, its funders and consumers' interests.

For official texts:

<https://www.finlex.fi/fi/laki/alkup/2022/20221101#:~:text=T%C3%A4t%C3%A4%20lakia%20osovell%20kuluttajien%20yhteisten,kieltotoimenpiteit%C3%A4%20koskeviin%20kotimaisiin%20oja%20orajat;>

<https://www.finlex.fi/fi/laki/alkup/2022/20221103#:~:text=Ryhm%C3%A4kanteen%20ulkopuolinen%20rahoittaja%20ei%20osaa,yhteisten%20etujen%20kannalta%20haitallisella%20tavalla;>

<https://www.edilex.fi/smur/20221102>; among others: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=NIM:202301162>

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