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## **The Finnish Competition Act has been amended to enhance the control of competition restrictions**

The Finnish Competition Act has been amended as of 17 June 2019. The key amendments (Act 721/2019) concern inspections carried out by the Finnish Competition and Consumer Authority (FCCA), the FCCA's right to obtain information, and the exchange of information between authorities. In addition, the competition neutrality provisions have supplemented with an accounting separation obligation. The aim of these amendments is to safeguard a competitive market and secure framework conditions for business activities by enhancing the control of competition restrictions and competition neutrality.

The inspection provisions of the Competition Act have been amended to allow the FCCA to conduct searches in temporary copies of data made during inspections also in its own premises. The right to this continued inspection improves the efficiency of the investigations. Furthermore, the amendments specify the FCCA's right of inspection to be independent of the medium and so to cover, amongst others, various mobile devices to meet the enforcement challenges of the digital environment.

The amendments to the Competition Act will also enhance the exchange of information between authorities in Finland. The Competition Act includes authorities to which the FCCA may deliver information and documents notwithstanding the provisions on confidentiality. The FCCA's right to obtain information also from other public entities will be expanded. The obligation of various parties to provide information to the FCCA will be the same irrespective of the conduct under investigation.

The competition neutrality provisions have been supplemented with a requirement for public operators, such as municipalities and state entities, to maintain separate accounts for economic activities they undertake. This provision will significantly improve the transparency of the economic activities of public entities and facilitate the control of market-based pricing also in situations where a public entity has incorporated both economic activities and other activities in a single company.

In addition to the above-mentioned amendments, a prioritisation criterion of significance has been added to the Competition Act, on the basis of which the FCCA may not to investigate minor competition restrictions. The leniency procedure has also been amended by extending the scope of so-called summary applications. As regards merger control, the timelines of proceedings have been changed and will now be counted as working days instead of months. The processing time for phase I will last a maximum of 23 working days, and for phase II, 69 working days. The Market Court may extend the phase II deadline by a maximum of 46 working days.

The amendments to the Competition Act entered into force on 17 June 2019, with an exception of the accounting separation obligation which will be applied as of 1 January 2020. The FCCA will later provide more detailed guidance, among other things, on leniency, continued inspection and the obligation to maintain separate accounts for economic activities.

See also the [press release](#) of 7 June 2019 by the Ministry of Economic Affairs and Employment and the [press release](#) of 14 June 2019 and the [press release](#) of 12 June 2019 by the FCCA.

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**Categories:**

[Legislation and Policy](#)

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