Act

on Transport Services

By decision of the Parliament, the following is enacted:

PART I

GENERAL

Chapter 1

General provisions

Section 1

Definitions

For the purposes of this Act:

1) *commercial road transport* services means transport of passengers or goods on road for remuneration and for the purpose of gaining income;

2) passengers and goods transport services mean commercial transport of passengers or goods;

3) *taxi and vehicle-for-hire services* mean commercial transport of passengers by car, van, truck, tricycle, light weight four-wheeler or heavy four wheeler as referred to in the Vehicles Act (1090/2002);

4) *brokering and dispatch services* mean brokering and dispatch of transport services in return for remuneration, excluding a service where only the service provider's own transport services are brokered or dispatched;

5) *transport services* mean any public or private service or combination of services related to transport that is offered for the general public or for private use;

6) *mobility services* mean transport services and support services directly related to these, such as brokering and dispatch services, data services and parking services;

7) *integrated mobility services* mean formation of travel chains and other service packages in return for remuneration by combining the mobility services offered by different service providers.

The services mentioned above in subsection 1 only refer to road transport services, unless otherwise provided below.

PART II

TRANSPORT MARKET

Chapter 1

Road transport operation subject to licence

Section 1

Transport of passengers and goods by road

An authorisation to pursue the occupation of road transport operator referred to in Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC (*EU Road Transport Operator Regulation*) is required for:

1) commercial transport of passengers by road using a vehicle referred to in the Vehicles Act as a bus or coach (*passenger transport licence*); or

2) commercial transport of goods by road using a vehicle or a combination of vehicles, the maximum permissible loaded mass of which exceeds 3,500 kilograms (*goods transport licence*).

However, no passenger transport licence is required to:

1) provide passenger transport services internally for a corporate group, a similar undertaking, or a public corporation using vehicles in their possession; or

2) transport passengers as part of a municipality's or other public corporation's social and health care services in return for a customer charge provided by law and using a vehicle in possession of the service.

However, a person with no goods transport licence is allowed to transport goods in Finland by tractor with a maximum authorised speed of 60 kilometres per hour. A person with a passenger transport licence may also transport goods by bus. Additionally, goods transport operations in Finland that have a minor impact on the transport market because of the nature of the goods carried or the short distances involved may be exempt from the licensing requirement by a government decree.

Section 2

Taxi and vehicle -for-hire services

In order to provide a taxi or vehicle-for-hire service, a taxi, passenger, or goods transport licence referred to in section 1 above is required. A passenger transport or goods transport licence holder shall submit a notification to the Finnish Transport Safety Agency on operating a taxi or vehicle-for-hire service.

However, no taxi transport licence is required to:

1) provide passenger transport services internally for a corporate group or a similar undertaking, or a public corporation using vehicles in their possession, or

2) transport passengers as part of a municipality's or other public corporation's social and health care services in return for a customer charge provided by law and using a passenger car in possession of the service.

Section 3

Granting of passenger and goods transport licences

The Finnish Transport Safety Agency shall grant upon application a passenger transport licence and a goods transport licence to a natural person:

1) who is of age, whose competency has not been restricted under section 18 of the Guardianship Services Act (442/1999), and who does not have a guardian appointed to him or her under section 8, subsection 1 of this Act;

2) who meets the requirements set for pursuing the occupation of a road transport operator in Articles 4 and 6–8 of the EU Road Transport Operator Regulation;

3) where he or she, or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act (746/2012), has not been declared bankrupt while they have been operating in a sector where a passenger transport, taxi or goods transport licence is required over the last two years;

4) who has not neglected his or her obligations related to his or her taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs, or other debts subject to enforcement proceedings that are not minor in view of his or her ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;

5) on whom a ban or a temporary ban on business activities has not been imposed;

6)) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;

7) unless previous conduct by the applicant as referred to in paragraphs 2 - 6 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

The Finnish Transport Safety Agency shall grant upon application a passenger transport licence and a goods transport licence to a legal person:

1) who meets the requirements listed in Articles 4 and 6–8 of the EU Road Transport Operator Regulation for pursuing the occupation of road transport operator and for professional competence;

2) where this person, or an organisational person referred to in section 2 of the Act on the Grey Economy Information Unit (1207/2010), or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act, has not been declared bankrupt while they have been operating in a sector where a passenger transport, taxi, or goods transport licence is required in the last two years;

3) who has not neglected his or her obligations related to taxes, statutory pension, accident or unemployment insurance payments or fees charged by Finnish Customs nor other debts subject to enforcement proceedings that are not minor in view of the applicant's ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;

4) whose managing director or general partner has not had a ban on business operations or a temporary ban on business operations imposed on them;

5) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;

6)) unless previous conduct by the applicant as referred to in paragraphs 2–5 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

In addition to what is provided in subsections 1 and 2, a passenger or goods transport licence may only be granted if the person appointed responsible for the transport services by the licence holder meets the requirements listed in subsection 1, paragraphs 2 and 5. The managing director and general partners of the undertaking that applies for the licence shall be of good repute as referred to in section 6.

A licence for the transport of passengers or goods granted by a competent authority in Åland also includes the right to this type of transport between Åland and mainland Finland.

Section 4

Granting of taxi licences

The Finnish Transport Safety Agency shall grant upon application a taxi licence to a natural person :

1) who is of age, whose competency has not been restricted under section 18 of the Guardianship Services Act, and who does not have a guardian appointed to him or her under section 8, subsection 1 of the same Act;

2) who is of good repute as referred to in section 6;

3) whose licence referred to in this Act has not been withdrawn under Part VI, chapter 1, section 2 paragraph 2 of this Act in the last year;

4) where this person, or an entity in which he or she has control as referred to in chapter 2, section 4 of the Securities Market Act, has not been declared bankrupt while they have been operating in a sector where a passenger, taxi or goods transport licence is required over the last two years;

5) who has not neglected his or her obligations related to his or her taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs, or other debts subject to enforcement proceedings that are not minor in view of his or her ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;

6) on whom a ban or a temporary ban on business activities has not been imposed;

7) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds; and

8) unless previous conduct by the applicant as referred to in paragraphs 3–7 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

The Finnish Transport Safety Agency shall grant upon application a taxi licence to a legal person:

1) who is of good repute as referred to in section 7;

2) whose transport licence has not been withdrawn under Part VI, chapter 1, section 2, subsection 2 in the last year;

3) where this person, or an organisational person referred to in section 2 of the Act on the Grey Economy Information Unit, or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act (746/2012), has not been declared bankrupt while they have been operating in a sector where a passenger, taxi, or goods transport licence is required over the last two years;

4) who has not neglected his or her obligations related to taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs nor other debts subject to enforcement proceedings that are not minor in view of the applicant's ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;

5) whose managing director or general partner has not had a ban on business operations or a temporary ban on business operations imposed on them;

6) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;

7) unless previous conduct by the applicant as referred to in paragraphs 2–6 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

In addition to what is provided in subsections 1 and 2, a taxi license can only be granted if the licence applicant has an effective and stable establishment in Finland, and the person appointed responsible for transport services by the licence applicant is of good repute as referred to in section 6. The managing director and general partners of the undertaking that applies for the licence shall also be of good repute as referred to section 6.

taxi licence issued by a competent authority in Åland also gives the right to provide taxi or vehicle-for-hire services between Åland and mainland Finland.

Section 5

Transport manager

The holder of a taxi, passenger, or goods transport licence shall have a transport manager who effectively and continuously manages the company's business activities and represents the company, unless otherwise provided in the EU Road Transport Operator Regulation. In a group or a similar undertaking, the same person may be appointed as the transport manager for several legal persons.

Section 6

Good repute of a natural person

A natural person serving as a transport manager or as an applicant or holder of a licence is not of good repute if:

1) he or she has been sentenced over the last two years for at minimum four infringements of provisions on employment relationships or wage payment, accounting, taxation, extortion, transport operation, road or vehicle safety, environmental protection or other professional responsibility, or infringements of the provisions referred to in Article 6(1)(b) of the EU Road Transport Operator Regulation;

2) he or she has incurred a penalty other than imprisonment or a fine in the last year for at minimum four serious infringements referred to in Article 6(1) of the EU Transport Operator Regulation; or

3) he or she has been sentenced over the last two years to imprisonment or a fine, and/or he or she has incurred penalties for at minimum four infringements referred to in subsection 1 or 2.

A transport manager and a licence applicant or holder who is a natural person shall, however, be deemed to be of good repute if the infringements referred to in subsection 1 do not indicate that he or she is manifestly unfit to operate vehicles in commercial transport. The following may indicate manifest unfitness:

1) a large number of infringements;

2) the seriousness of an infringement;

3) the premeditated nature of an infringement;

4) if the infringement targeted an object to be transported or an authority;

5) if the infringement was committed while providing commercial transport services;

6) if the infringement had the effect of undermining road safety;

7) if the infringement otherwise shows indifference to personal or road safety; or

8) if the infringement is one of the most serious infringements of the community rules referred to in Annex IV of the EU Road Transport Operator Regulation.

Section 7

Good repute of a legal person

A legal person who is an applicant for or a holder of a taxi licence, a passenger transport licence or a goods transport licence is not of good repute if:

1) the undertaking has been sentenced to pay a corporate fine in the last year; or

2) the undertaking's managing director or general partner does not fulfil the requirement of good repute laid down in section 6.

A legal person shall be deemed to be of good repute, however, if the infringement for which the sentence referred to in subsection 1, paragraph 1 was given does not indicate that the applicant is manifestly unfit to operate vehicles in commercial transport as referred to in section 6, subsection 2.

Section 8

Period of validity of the licence

Taxi, passenger and goods transport licences shall be valid for 10 years from their date of issue.

Section 9

Changes to or renewal of a licence

A taxi, passenger and goods transport licence can be modified or the licence can be renewed by submitting an application to the Finnish Transport Safety Agency. The provisions on the issuing of a licence shall also apply to renewing a licence. When changing a licence, the conditions for issuing a licence provided in subsections 3–7 shall be taken into account insofar as they may have a bearing on changes made to the licence.

If an application for the renewal of a passenger or a goods transport licence was submitted at the latest one month before the last day of validity of the licence, the provision of transport services may be continued under the licence to be renewed until a decision has been made on the matter.

A licence holder shall immediately notify the Finnish Transport Safety Agency of any changes to the conditions that apply to the granting of the licence.

Section 10

Entitlement of an estate to continue transport operations

If a natural person who is the holder of a taxi, passenger or goods transport licence dies, his or her estate may continue transport operations for at most six months following the date of death if it, within three months of that date, notifies the Finnish Transport Safety Agency of a transport manager who fulfils the conditions provided in this Act.

Section 11

Undertakings classed as posing an increased risk

The holder of a passenger or goods transport licence shall be considered an undertaking posing an increased risk as referred to in Article 12 of the EU Road Transport Operator Regulation if the licence holder has been sentenced to criminal sanctions or has incurred penalties for offences or infringements referred to in section 6, subsection 1 or section 7, subsection 1 and the number of these offences or infringements equals the number stated in the said legal provisions. A passenger transport or goods transport licence holder shall also be

considered an undertaking posing an increased risk, if its transport manager, managing director or general partner has been sentenced to criminal sanctions, or if its transport manager, managing director or general partner has incurred penalties for offences or infringements referred to in section 6, subsection 1 and the number of these offences or infringements equals the number stated in the said legal provision.

A holder of a passenger and goods transport licence ceases to be an undertaking posing an increased risk if the undertaking or its transport manager, managing director and general partner has not, in the last year, been sentenced for new offences or infringements, or if the total number of offences and infringements has declined to a level lower than the figure laid down in section 6, subsection 1 or section 7, subsection 1.

Section 12

Goods transport customer's obligation to verify

In this section, goods transport customer refers to a trader who is the customer ordering the transport and who, under section 3, subsection 1 of the Trade Register Act (129/1979), has the duty to file a basic notification to the trade register, as well as to the central government, a local government, a joint municipal authority, the region of Åland, a municipality and a joint municipal authority in the Åland Islands, a parish, a federation of parishes, other religious community, other legal person under public law and a corresponding foreign actor.

Before arranging transport, the goods transport customer or their representative shall verify that:

1) the transport operator has the necessary licence or the right to provide transport as cabotage operations under Regulation 1072/2009 (EC) of the European Parliament and of the Council on common rules for access to the international road haulage market (*EU Road Haulage Regulation*); and

2) the transport operator is entered in the VAT register referred to in the Value Added Tax Act (1501/1993) if they have the duty to do so with regard to the transaction in question.

A contract may not be concluded unless the conditions laid down in subsection 2 are fulfilled. Neither may a contract be concluded if the transport customer knows or if they should know that the other party to the contract does not intend to meet their statutory obligations as an employer.

The checks referred to in subsection 2 above need not be carried out if:

1) the contracting party is the central government, a local government, a joint municipal authority, the region of Åland, a municipality or a joint municipal authority in the Åland Islands, a parish, a federation of parishes, the Social Insurance Institution or the Bank of Finland;

2) less than three months have elapsed since a similar check for the same contracting party was previously carried out; or

3) the contractual relationship between the customer and the contracting party may be regarded as established as a result of transport services provided earlier during the current year, in which case the checks shall be carried out once every calendar year.

The customer or their representative are also exempted from the duty to carry out the check referred to in subsection 2 if the agreed price of transport is less than EUR 500 excluding VAT in transport contracts concluded within three months, or if the remuneration for a subcontracting agreement on transport within Finland in compliance with section 1, subsection 3 is at most EUR 10,000 excluding VAT.

Section 13

Brokering and dispatch service providers' obligation to verify and notify

A brokering and dispatch service provider shall ensure that the transport operator has the necessary taxi, passenger, or goods transport licence.

The brokering and dispatch service provider or its representative located in Finland shall notify the Finnish Transport Safety Agency by the end of January each year of the total sum of remuneration known to it that the providers of passenger and goods transport services have received for goods and passenger transport services brokered by it, unless the authorities can access this data provided in a comparable notification submitted to the Finnish Tax Administration.

Section 14

Obligation to register

A service provider supplying commercial road transport services of goods with a vehicle or combination of vehicles the maximum permissible laden mass of which exceeds 2,000 kilogrammes but not 3,500 kilogrammes shall be registered with the Finnish Transport Safety Agency. However, the obligation to register shall not apply if, pursuant to section 1, subsection 3, no licence is required for the operation in question.

Section 15

A vehicle used in transport services

A taxi, passenger or goods transport licence holder and a service provider referred to in section 14 shall see to it that any vehicle it uses in road transport is entered in the register referred to in the Vehicular and Driver Data Register Act (541/2003) and that its intended use is listed as being subject to licence.

The provisions in subsection 1 shall not apply to transport with a replacement vehicle due to a short-term, temporary breakage of the registered vehicle.

Chapter 2

International goods transport

Section 1

Transport licence for international operations

A transport licence for international operations means a licence under which a truck or a heavy trailer registered abroad may be operated in Finland, or a truck or a heavy trailer registered in Finland may be operated abroad.

Section 2

Granting of transport licences required in Finland

The Finnish Transport Safety Agency shall grant a transport licence for international operations to an applicant who provides transport services using a truck and a combination of vehicles consisting of a truck and a trailer the laden mass of which exceeds 3,500 kilograms registered outside Finland, or registered in Finland but leased for operation outside Finland, as

required under international conventions or obligations that are binding to Finland, or European Union legislation.

By virtue of a reciprocity provision included in an international obligation and convention that binds Finland, the Ministry of Transport and Communications may agree to minor exceptions to the licence arrangements.

In individual cases, the Finnish Transport Safety Agency may, for a compelling reason, allow a transport operation that is not compliant with an international convention.

Section 3

Granting of transport licences required for operation outside Finland

International transport licence required for operating outside Finland are granted by the Finnish Transport Safety Agency. Any information requested by the licensing authority and needed to process the application shall be provided in the licence application. If, due to the small number of licences, licenses can only be granted to some of the applicants, a licence shall be issued to the applicant in whose operations the transport authorisation contained in the licence applied for will be utilised the most efficiently.

Section 4

Return of a transport licence

A transport licence holder has the duty to return to the licensing authorities without delay a transport licence referred to in section 2 or 3 that will be or has been left unused. The licensing authority may demand that the transport licence be returned if the licence holder is not using it and does not start using it within a reasonable delay set by the licensing authority.

Chapter 3

Requirements affecting drivers

Section 1

Requirements affecting taxi drivers

A driver in a taxi or vehicle-for-hire service (a taxi driver) shall have a taxi driving licence. The Finnish Transport Safety Agency shall grant upon application a taxi driving licence to a natural person:

1) who has a valid right to drive, however at least a category B right to drive obtained one year previously; in addition to a driving licence issued in Finland, a driving licence issued in another European Union Member State or a European Economic Area state that is recognised in Finland is accepted as granting a right to drive a vehicle;

2) who meets the health requirements that apply to a Group 2 driving licence permit as provided in section 18 of the Driving Licence Act (386/2011);

3) who has passed the taxi driver's examination organised by the Finnish Transport Safety Agency; in addition to each taxi service provider's duty to see to and ensure that the driver has the required skills and knowledge as referred to in Part III, chapter 1, section 2, the purpose of the taxi driver's examination is, at the time the licence is applied for, to prove that the driver is able to look after passenger safety regardless of the vehicle in use and take any restrictions to

the passenger's functional capacity into account, and has the necessary knowledge of the primary operating area.

However, the Finnish Transport Safety Agency shall not grant a taxi driving licence to a person who, as indicated by his or her criminal record, has over the five years prior to applying for a taxi driving licence has been sentenced for the following offences:

1) a sexually offensive act referred to in chapter 17, section 18, 18a or 19; a sex offence referred to in chapter 20; homicide and bodily injury referred to in chapter 21, sections 1—3, or section 6; human trafficking referred to in chapter 25, section 3; aggravated human trafficking referred to in section 3 a; aggravated robbery as referred to in chapter 31, section 2; or a narcotics offence referred to in chapter 50 of the Criminal Code (39/1889);

2) homicide and bodily injury referred to in chapter 21, sections 4, 5, 6a or sections 7—15; theft, embezzlement and unauthorised use of property referred to in chapter 28, sections 1–9, 11 and 12; robbery referred to in chapter 31; or receiving or money laundry offences referred to in chapter 32, sections 1–10 of the Criminal Code;

3) causing an aggravated hazard to traffic referred to in section 2; driving while intoxicated referred to in section 3; driving while seriously intoxicated referred to in section 4; or operation of a vehicle without a licence referred to in section 10 of chapter 23 of the Criminal Code; or

4) an offence similar to offences referred to in paragraphs 1–3, on which a court decision has been entered in the applicant's criminal record pursuant to section 2, subsection 2 of the Criminal Records Act (770/1993).

The Finnish Transport Safety Authority shall also not grant a taxi driving licence to a person who has, according to the register of fines, been found guilty of:

1) an offence referred to in subsection 3, paragraph 3 above; or

2) an offence referred to in subsection 3, paragraphs 1, 2, or 4 above if the offence shows that he or she is manifestly unfit to act as a taxi driver.

The Finnish Transport Safety Agency may provide more detailed orders on the requirements for the taxi driving licence examination referred to in subsection 2, paragraph 3.

Section 2

Period of validity and renewal of a taxi driving licence

A taxi driving licence is valid for five years from the date of issue. However, after a taxi driver reaches the age of 68, he or she shall ensure that he or she meets the health requirements for Group 2 driving licence permit. A taxi driving licence can be renewed by submitting an application to the Finnish Transport Safety Agency. The provisions on the issuing of a taxi driving licence shall also apply to renewing a permit.

PART III

SERVICES

Chapter 1

Passenger transport services

Section 1

Obligation to provide information

A licence holder who provides passenger transport services as well as a provider of brokering and dispatch services or integrated mobility services shall ensure that at minimum the following information is available to the passengers in an electronic format:

1) information on whether the passengers and goods transport services are provided subject to a licence or if the service has been exempt from having a licence;

2) the primary operating area, the services provided including times of service, as well as any changes or cancellations;

3) prices or the basis for calculating the prices;

4) the payment methods in use;

5) services and assistance available for disabled passengers, accessibility of the fleet, and equipment that facilitates passengers in boarding the vehicle and interaction with the driver; and

6) instructions for providing customer feedback and procedures in case of errors.

A licence holder who provides passenger transport services does not, however, need to provide the information in an electronic format if this is not appropriate or reasonable due to the small size or local operating area of the company. In this case, however, the information shall be publicly available in a printed format.

In order to ensure that the information is commensurable and comparable, the Finnish Transport Safety Agency may give more detailed orders on providing access to the data.

Section 2

Obligations applicable to taxi and vehicle -for-hire services

A licence holder who provides passenger transport services is responsible for ensuring that when taxi or vehicle-for-hire services are provided:

1) the driver has the taxi driving licence referred to in Part II, chapter 3, section 1;

2) the driver ensures that the passengers can board and alight safely and offers the passengers any assistance that may be required;

3) the driver has sufficient interaction and language skills;

4) the driver has the ability to take into consideration any special needs arising from a passenger's restricted functional capacity;

5) the name and contact details of the licence holder and the driver's name are posted in a location where the passenger can see them;

6) the driver chooses the route that is the most inexpensive and appropriate for the passenger when the price is calculated on the basis of the length or duration of the journey, if the passenger leaves the choice to the driver, or the driver follows the route approved or suggested by the passenger in advance, when the journey was booked; and 7) the passenger has the right to pay for the journey in cash and using the most commonly

7) the passenger has the right to pay for the journey in cash and using the most commonly accepted payment cards, unless a certain method of payment has been clearly specified as referred to in section 1, and this method was accepted by the passenger when the journey was ordered or booked.

Section 3

Pricing of taxi and vehicle-for-hire services

A passenger transport licence holder and a provider of brokering and dispatch services shall, before the taxi journey begins or the order is confirmed, inform the passenger of the total price including tax of the taxi journey or, if it is not possible to give an accurate price in advance, the basis for calculating the price including tax. The total price, or the basis for calculating the price, shall be announced in a clear and unambiguous manner that is easy for passengers to understand. Information on prices shall be presented so that it can be easily noticed by the passenger.

The Finnish Transport Safety Agency may issue more detailed orders on informing consumers of prices as referred to in subsection 1 and on advertising price information.

The Finnish Transport Safety Agency shall monitor the pricing of taxi and vehicle-for-hire services offered to passengers. The Finnish Transport Safety Agency may issue more detailed orders on the total price of a taxi and vehicle-for-hire service which, when this price is exceeded or it is expected that it will be exceeded, obliges the taxi and vehicle-for-hire-service provider to expressly agree on the price. In the determination of the aforementioned price, the Finnish Transport Safety Agency shall take into consideration the general price level of taxi and vehicle-for-hire-services, the different pricing models of taxi and vehicle-for-hire-services, the general consumer price level, and the general income level of the population. The determined total price shall be reviewed once a year.

If a dispute arises on whether the price has been expressly agreed on, the service provider shall be able to show proof of this claim. If the price has not been agreed on expressly, it cannot exceed the total price determined by the Finnish Transport Safety Agency referred to in subsection 3.

The Finnish Transport Safety Agency may set a maximum price for the most commonly used taxi and vehicle-for-hire-services, including services provided for special groups, if the rise in total prices is not significantly greater than the development of the general consumer price index and taxi transport cost index. The maximum price set by the Finnish Transport Safety Agency shall be based on costs, including a reasonable profit margin. The maximum price shall be reviewed once a year.

Chapter 2

Interoperability of data and information systems

Section 1

Essential data concerning mobility services

Regardless of the mode of transport, a provider of passenger mobility services shall ensure that essential, up-to-date data on its services is freely available from an information system (*open interface*) in a standard, easy to edit, and computer-readable format. At minimum, this essential data shall include information on routes, stops, timetables, prices, availability and accessibility.

The Finnish Transport Safety Agency shall be notified of the web addresses of an interface referred to in subsection 1 above and web addresses of any additional information needed to use the interface as well as any address updates before operation is initiated or, with regard to updates, as soon as a new address is known.

The Finnish Transport Agency shall offer a technical service through which the data referred to in subsection 1 may alternatively be provided.

More detailed provisions on essential data referred to in subsection 1 and the requirements for keeping this information up to date, as well as on technical interoperability may be laid down by a government decree.

Section 2

Interoperability of ticket and payment systems

Providers of road and rail passenger transport services, providers of brokering and dispatch services, or actors managing a ticket or payment system on behalf of these shall give mobility service providers and providers of integrated mobility services access to the sales interface of their ticket and payment systems, through which it is possible to:

1) purchase a ticket product at a basic price that, at minimum, entitles the passenger to a single trip; the travel right based on this ticket shall be easily verifiable using generally applied technology; or

2) reserve a single trip or a transportation, the exact price of which is unknown when the service begins or which for some other reason will be paid by mutual agreement after the service has been provided.

A service provider who only provides passenger transport services other than those procured by the competent authority referred to in Part IV, chapter 1, sections 4 and 5 of this Act, the Act on Public Procurement and Concession Contracts (1397/2016), hereinafter referred to as the *Public Procurement Act*, or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors (1398/2016), may deviate from the requirement in subsection 1 if requirement is not technically feasible or reasonable due to the company's small size or operating area.

A service provider obligated to open a ticket and payment system interface pursuant to subsection 1 and a mobility and integrated mobility services provider that utilises the interface shall work in co-operation to facilitate the necessary practical arrangements.

Section 3

Promoting interoperability in public procurements

When procuring mobility services or ticket or payments systems associated with them pursuant to this Act, the Public Procurement Act, or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors, a competent authority referred to in Part IV, chapter 1, section 4 and 5 of this Act shall see to it that the invitation to tender, the contract notice and the contract contain the following requirements:

1) the service provider has described how they have fulfilled their obligations outlined in section 1;

2) verifying the travel rights based on the service provider's ticket products shall be made possible by contacting a back office system through a telecommunication network shall be possible, and generally applied technologies shall be used for the verification; and

3) where the travel right is verified by contacting the back office system of another service provider, communication between the back office systems shall be possible through an interface.

A competent authority shall approve all such systems used by service providers that meet the requirements listed in subsection 1, paragraph 2. Additionally, a competent authority shall ensure that its activities promote interoperability of the ticket and payment systems also in other respects.

Section 4

General requirements related to the opening of interfaces

Access to data and information systems offered through the open interfaces referred to in sections 1 and 2 above and any support services, terms and conditions of use, software, licences and other services that may be required to access them shall be offered on fair, reasonable and non-discriminatory terms.

Service providers obliged to open interfaces referred to in sections 1 and 2 above shall ensure that the interface can be opened without compromising the service's information security or privacy.

Section 5

Interoperability of services that link services and interfaces

Service providers who provide technical links between the open interfaces on which provisions are laid down in this chapter and the actors responsible for maintaining back office systems associated with verifying travel rights shall, when developing their services and systems, ensure that they are interoperable with other similar services. The service providers referred to above shall also in other respects work together in order to deliver the technical interoperability required to form travel chains.

Providers of integrated mobility services shall open the interfaces needed to verify travel rights and ensure that the travel rights may be verified using generally applied technologies.

More detailed provisions on ensuring the interoperability referred to in subsection 1 and 2 may be laid down by a government decree.

Section 6

Deployment of intelligent transport systems

The principles adopted in Annex II to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of ITS in the field of road transport and for interfaces with other modes of transport (*the ITS Directive*) shall be complied with in the application of the specifications adopted by the Commission under Article 6 concerning the priority areas referred to in Article 2 and priority actions referred to in Article 3.

The Finnish Transport Safety Agency shall assess and ascertain whether the service providers, authorities and other operators implementing the priority areas referred to in Article 2 and the priority actions referred to in Article 3 of the ITS Directive comply with the requirements laid down in and by virtue of the directive.

Where necessary, the Finnish Transport Safety Agency will issue more detailed technical orders on how actors may demonstrate that they fulfil the requirements referred to in subsection 2 and how they may apply for an assessment.

Chapter 3

Contract award procedures and the awarding of exclusive rights

Section 1

Contract award procedures

The contract award procedures set out in this chapter shall be applied when concluding concession contracts that concern road transport and track-guided transport other than rail transport. The contract award procedures set out in this chapter shall be applied when concluding contracts on rail transport, regardless of whether they are concession contracts or other public service contracts referred to in Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by

rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (*the Public Service Contract Regulation*). Provisions on awarding a contract without a competitive tendering procedure are contained in Articles 4–8 of the Public Service Contract Regulation.

To public service contracts other than those referred to in subsection 1, procurement procedures laid down in the Public Procurement Act or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors shall be applied. The Public Service Contracts Regulation shall apply to these contracts, excluding the provisions in its Articles 5(2-6) and 8(2-4).

The competent authorities referred to in Part IV, chapter 1, sections 4 and 5 of this Act may, when awarding concession contracts, follow a procedure where all operators referred to in the Public Service Contract Regulation may submit a tender (*single-stage procedure*) or a procedure where all the cited operators may submit a request to participate, after which the competent authority selects from among the operators who have submitted a request to participate those candidates who can submit a tender in the next phase of the procedure (*two-stage procedure*).

Section 2

Publication of the contract and minimum deadlines

In addition to the provisions in Article 7 of the Public Service Contract Regulation, the competent authority shall make public any concession contracts to be entered into following the procedures set out in section 1, subsection 3. The notices shall be submitted for publication to the website www.hankintailmoitukset.fi. Additionally, the provisions laid down in chapter 8 of the Public Procurement Act shall be applied to information exchange related to procurements.

When setting the deadlines for contract award procedures, the scale of the procurement, the duration of the contract as well as the time required to prepare and submit tenders shall be taken into account. The deadlines shall be calculated from the day following the date on which the contract notice was sent for publication. If a two-stage procedure is used by the competent authority, the time limit for submitting tenders shall be calculated from the date on which the invitation to tender is sent out.

In a two-stage procedure, at minimum 30 days shall be reserved for submitting requests to participate. In a single-stage procedure, the time limit for submitting tenders shall be at minimum 45 days, and in a two-stage procedure, at minimum 40 days.

Section 3

Invitation to tender

The invitation to tender shall be prepared in writing and so clearly that commensurable and comparable tenders may be submitted on its basis. In the invitation to tender, operators are requested to submit their tenders by the deadline.

The invitation to tender and, where applicable, the contract notice, shall contain:

1) a definition of the contract subject and minimum requirements set on its quality;

2) a reference to the published contract notice;

3) the deadline for submitting tenders;

4) the address to which written tenders should be submitted;

5) the language or languages in which the tenders should be prepared;

6) the requirements concerning the operators' economic and financial standing, technical and professional capacity and other requirements and a list of documents to be submitted;

7) tender selection grounds; and

8) the period of validity of tenders.

In addition, provisions laid down in sections 71–74 of the Public Procurement Act shall be applied to procurements; these provisions apply to the description of the procurement, the use of labels in the description of the procurement and to proving compliance with requirements. Additionally, the provision on the obligation to publish the contract award notice contained in section 58 of the aforementioned Act shall apply to contracts on rail transport other than concession contracts.

Section 4

Selection of tenderers

In a two-stage procedure, the tenderers shall be selected, and in a single-stage procedure, tenderer eligibility shall be assessed, on the basis of grounds related to the tenderer's economic and financial standing, technical capacity, and professional competence and/or on the basis of other objective and non-discriminatory grounds.

Transport operators who do not have the technical, financial or other capacities for fulfilling the contract, or who have been guilty of offences referred to in section 80 of the Public Procurement Act, shall be excluded from the tendering process. A transport operator may be excluded under section 81 of the aforementioned act.

Section 5

Negotiations after tender submission

Pursuant to Article 5(3) of the Public Service Contract Regulation, a competent authority may initiate negotiations with transport operators who have submitted tenders where it was not possible to draw up the invitation to tender with adequate accuracy to allow the selection of the best tender, or if the contents of the tenders do not comply with the invitation to tender. An additional requirement is that no essential modifications are made in the contract terms stated in the invitation to tender.

The purpose of the negotiations referred to in subsection 1 above is to select the best tender. The competent authority shall engage in negotiations in order to modify tenders to meet the requirements stated in the contract notice or the invitation to tender. The negotiations can be completed in stages, applying the tender selection grounds in order to restrict the number of participating transport operators during the negotiations.

Section 6

Tender selection

The tender that, on the basis of comparison grounds associated with the contract subject, is the most economically advantageous for the competent authority, or the one offering the cheapest price, shall be selected. Comparison criteria for selecting the most economically advantageous tender may comprise the requirements that apply to the service, including the quality of the tendered service, the quality of the fleet, accessibility, service integration, price, the volume of supply, passenger prices, environmental friendliness and compliance with environmental requirements.

When using economical advantageousness as selection grounds, the comparison criteria and their relative weightings shall be given in the contract notice or in the invitation to tender documents. The weightings may also be expressed by giving a reasonable range. If giving the relative weightings of the comparison criteria is not possible for some justified reason, the criteria shall be listed in order of importance.

Section 7

Additional orders and extending the contract period

A competent authority may place an additional order without proceeding to a competitive tendering process if the additional order corresponds to a contract awarded previously in a single-stage or two-stage procedure. An additional requirement is that the contract notice for the original contact contained a reference to a potential later contract that may be awarded directly and that the contract duration, including the period of the additional order, does not exceed the maximum duration laid down in Article 4 section 3 of the Public Service Contract Regulation.

A concession contract may contain contract terms related to the targets towards which the operations will be developed during the contract period. The targets may be relevant to implementing a service level or increasing passenger numbers. The selection of the methods needed to achieve the targets may be left to the transport operator, either partly or fully, in the contract terms.

The original duration of a concession contract may be extended if the contract contains terms referred to in subsection 2 and the targets set in the terms have been fully or partly achieved by measures taken by the transport operator. An additional requirement is that the contract notice for the original contract contained a reference to the possibility of extending the contract, the contract duration, including the extended duration, does not exceed the maximum duration laid down in subsection 1, and the operator receives no other reimbursement for reaching the target achievement.

Section 8

The contract award decision and publicity of documents

The contracting entity shall make a justified written decision on any rulings that affect the position of the candidates and tenderers, and the contract award decision. The decision or documents attached to it shall clearly show any factors that had an essential impact on the decision, which include, at minimum, the grounds for rejecting a candidate, a tenderer or a tender as well as the grounds on which the comparison of accepted tenders was made. The decision or the documents attached to it shall also indicate the period after which the contract may be concluded. Sections 126 and 127 of the Public Procurement Act shall also apply to a decision concerning a contract.

Following a contract award decision, a competent authority shall conclude the public service contract, as referred to in Article 3(1) of the Public Service Contracts Regulation. Provisions on the mandatory content of the public service contract are contained in Article 4 of the aforementioned Regulation. A public service contract may be concluded and a contract award decision may be implemented no earlier than 21 days after the date on which a transport operator who participated in the competitive tendering process received, or they are deemed to have received, notification of the decision and the instructions for appealing. However, the contract may be concluded earlier, if this is essential for compelling reasons of public interest or due to an unexpected reason beyond the competent authority's control. The delay need not be observed if the public service contract is concluded with the only transport operator having submitted an acceptable tender and no other tenderers or candidates remain in the competitive tendering process whose position would be affected by the selection of the contracting partner.

Section 138 of the Public Procurement Act shall apply to the publicity of contract documents.

Section 9

The obligation to keep separate accounts

A transport operator subject to the obligation to keep separate accounts as referred to in Annex 5 of the Public Service Contract Regulation shall provide detailed information on the methods used to allocate the profits and costs to different activities. The information to which this obligation to provide information is relevant shall be kept on file for a minimum of ten years after the end of the financial year.

The profit and loss accounts pertaining to the separate accounts referred to in paragraph 5 of the Public Service Contract Regulation are public, and they shall be included in the attachments to the final accounts of a transport operator subject to the obligation to keep separate accounts.

Notwithstanding the non-disclosure provisions in the Act on the Openness of Government Activities (621/1999), the Ministry of Transport and Communications as well as the competent authorities referred to in Part IV, chapter 1, sections 4 and 5 of this Act have the right to obtain the information referred to in the Public Service Contract Regulation from a transport operator subject to the obligation to keep separate accounts in order to perform their tasks referred to in the Regulation.

Notwithstanding the non-disclosure provisions, the Ministry of Transport and Communications also has the right to make the information it has obtained under subsection 3 available to the European Commission within the scope of the obligation of transparency laid down in the Public Service Contract Regulation in order to assess whether the compensation paid is in compliance with the said Regulation.

Section 10

Decision to apply the Public Service Contract Regulation and award of exclusive rights

The competent authority referred to in Part IV, chapter 1, sections 4 and 5 of this Act may make a decision to arrange the passenger transport services in its area of authority or part of it pursuant to the Public Service Contract Regulation in order to ensure the provision of public services that are, among other things, more frequent, more reliable, higher in quality or lower in price than services that could be provided on market terms alone.

Additionally, the competent authority may, when necessary, make a decision on awarding exclusive rights pursuant to the Public Service Contract Regulation. A decision to award exclusive rights grants a separately chosen public transport operator the opportunity to operate public passenger transport on certain routes, in a certain network or in certain areas, excluding other possible transport operators. A competent authority shall publish the decision to award exclusive rights on its website.

Exclusive rights can be awarded in connection with all types of contracts that apply to public procurements.

Chapter 4

Public support for transport services

Section 1

Uses of central government funding

Appropriations allocated to the procurement and development of the services referred to in this Act in the central government budget may be paid out as compensation, support or subsidies for the following purposes:

1) to transport operators as provided in European Union legislation;

2) to transport service users, where the competent authority undertakes to compensate the costs of a transport service up to a pre-determined value; and

3) to municipalities, joint municipal authorities and non-profit organisations as compensation for development, planning and research related to transport services.

More detailed provisions on the purpose and allocation procedure of discretionary government grants referred to in subsection 1 may be issued by a government decree.

Section 2

Allocation and use of appropriations

The Ministry of Transport and Communications may use the appropriations contained in the central government budget for purposes referred to in section 1, subsection 1, paragraph 1 within the limits of its competence laid down in Part IV, chapter 1, section 5, subsection 1 of this Act and for a purpose referred to in section 1, subsection 1, paragraph 3 of this chapter for projects of strategic importance.

The Finnish Transport Agency shall make the decisions on granting the appropriation or parts thereof to competent Centres for Economic Development, Transport and the Environment and, where necessary, decide on its allocation to purposes other than those laid down in subsection 1 cited in section 1, subsection 1. The Finnish Transport Agency may itself use the appropriation for purposes referred to in section 1, subsection 1, paragraph 3. It may also grant discretionary government transfers to a municipality or a joint municipal authority for the same purpose.

Competent Centres for Économic Development, Transport and the Environment may use the appropriation allocated to them by the Finnish Transport Agency for the purposes referred to in section 1, subsection 1, paragraphs 1–3. They may also grant a state subsidy to a municipality or a joint municipal authority for the purposes stated in the aforementioned section.

Section 3

The recovery of paid compensation

The competent authority shall order that the payment of compensation out of a central or local government budget be terminated and the compensation amounts already paid be recovered fully or in part if the beneficiary has:

1) failed to return a compensation amount or part thereof that has been paid to it by error, in excess or manifestly without grounds;

2) provided incorrect or misleading information for the purposes of the granting, payment or supervision of compensation, and this practice has had an essential influence on the granting, amount, or terms of the compensation, or if it has concealed information on an essential matter;

3) essentially used the compensation for a purpose other than that for which it was paid; or

4) in a manner comparable to that stated in paragraphs 1-3, otherwise infringed the rules of the compensation or terms related to its payment.

A competent authority may order that the payment of compensation out of a central or local government budget be terminated and that the compensation amounts already paid be recovered fully or in part if:

1) the beneficiary has refused to provide the information, documents and other material or assistance required for the payment and control of the compensation in an act or an agreement; or

2) the compensation has been paid on incorrect grounds or groundlessly, in a manner other than what is stated in subsection 1.

The beneficiary shall pay annual interest on the amount to be repaid or recovered starting from the date on which the compensation was paid, as indicated in section 3(2) of the Interest Act (633/1982), increased by three percentage points.

If the amount to be recovered is not paid at the latest on the due date set by the competent authority, annual interest on it is due as provided in section 4 of the Interest Act.

PART IV:

AUTHORITIES AND SUPERVISION

Chapter 1

The activities of the authorities

Section 1

Finnish Transport Safety Agency as a general supervisory authority

Unless otherwise provided in this Act, the Finnish Transport Safety Agency shall supervise compliance with this Act and the provisions, orders and decisions issued by virtue of it.

The Finnish Transport Safety Authority assesses the effectiveness of the transport system and the impacts of this Act and regularly reports on the status of the transport system.

Section 2

Monitoring and coordination duties of the Finnish Transport Agency

The Finnish Transport Agency shall monitor the demand for and supply of mobility services and coordinate their development.

Regardless of business and professional secrets, a transport service provider has the obligation to periodically submit information on the offer of and actual demand for the transport services provided by them to the Finnish Transport Agency for the performance of the tasks referred to in subsection 1 and for statistical and research purposes. A provider of passenger transport services shall also regularly notify the Finnish Transport Agency of beginning and discontinuing a service and of any essential changes to it at the latest 60 days before the plan is put into effect insofar as this information is unavailable across the interfaces referred to in Part III, chapter 2, section 1. The information shall be supplied free of charge.

Notwithstanding the duty of non-disclosure, the Finnish Transport Agency has the right to disclose information obtained by it to another authority if the information is essential in order for this authority to perform its statutory duties. The Finnish Transport Agency may disclose information across a technical interface or by other electronic means. Notwithstanding the duty of non-disclosure, the Finnish Transport Agency has the right to obtain information from

another authority that is essential in order for it to be able to perform its duties referred to in subsection 1.

Section 3

The Police, the Customs and the Border Guard as road traffic supervisory authorities

The Police, the Customs and the Border Guard supervise compliance with this Act, each in their own areas of responsibility.

Section 4

Competent authorities in road transport referred to in the Public Service Contract Regulation

The competent authorities in road transport referred to in the Public Service Contract Regulation include the competent Centres for Economic Development, Transport and the Environment as well as the local authorities referred to in subsection 2 and the regional authorities referred to in subsection 3.

Hyvinkää, Imatra, Kajaani, Kokkola, Kouvola, Lappeenranta, Mikkeli, Rauma, Riihimäki, Rovaniemi, Salo, Savonlinna, Seinäjoki and Vaasa are competent authorities in road transport referred to in the Public Service Contract Regulation, each in their own area.

The following regional authorities are competent authorities in road transport referred to in the Public Service Contract Regulation, each in their geographical area of competence:

1) The joint municipal authority of Helsinki Region Transport Authority in the area consisting of the municipalities of Espoo, Helsinki, Kauniainen, Kerava, Kirkkonummi, Sipoo and Vantaa;

2) the City of Hämeenlinna in the area consisting of the municipalities of Hattula, Hämeenlinna and Janakkala;

3) the City of Joensuu in the area consisting of the municipalities of Joensuu, Kontiolahti and Liperi;

4) the City of Jyväskylä in the area consisting of the municipalities of Jyväskylä, Laukaa and Muurame;

5) the City of Kotka in the area consisting of the municipalities of Hamina, Kotka and Pyhtää;

6) the City of Kuopio in the area consisting of the municipalities of Kuopio and Siilinjärvi;

7) the City of Lahti in the area consisting of the municipalities of Asikkala, Hartola, Heinola, Hollola, Hämeenkoski, Kärkölä, Lahti, Nastola, Orimattila, Padasjoki and Sysmä;

8) The regional municipal public transport authority of Meri-Lappi in the area consisting of the municipalities of Kemi, Keminmaa, Simo, Tervola and Tornio;

9) the City of Oulu in the area consisting of the municipalities of Ii, Kempele, Liminka, Lumijoki, Muhos, Oulu and Tyrnävä;

10) the City of Pori in the area consisting of the municipalities of Harjavalta, Kokemäki, Nakkila, Pori and Ulvila;

11) the City of Tampere in the area consisting of the municipalities of Kangasala, Lempäälä, Nokia, Orivesi, Pirkkala, Tampere, Vesilahti and Ylöjärvi;

12) the City of Turku in the area consisting of the municipalities of Kaarina, Lieto, Naantali, Raisio, Rusko and Turku.

If the competent authorities operate in the field of public passenger transport as referred to in Part III, chapter 3, section 10, they shall primarily plan the services as subregional or regional entities and strive for the coordination of all forms of passenger transport. As part of the planning, services generated on market terms responding to the customers' mobility needs and publicly procured services shall be coordinated. When planning mobility services, the authorities shall consult the providers of passenger transport services operating in the area and work together with other authorities and municipalities.

The competent authority has the right to include information obtained from the Finnish Transport Authority in compliance with section 2(3) in an invitation to tender for a competitive tendering procedure that concerns the provision of transport services. However, the invitation to tender may not disclose the business or professional secrets of individual companies.

A municipality or a joint municipal authority other than those referred to in subsections 2 or 3 may procure the transport services referred to in the Public Service Contract Regulation in compliance with the Act on Public Procurement and Concession Contracts in order to complement the mobility services in its area.

A transport service organised by a competent municipal authority may to a minor degree extend to beyond the authority's actual competence area.

Section 5

Competent authorities in rail transport referred to in the Public Service Contract Regulation

The Ministry of Transport and Communications and the joint municipal authority of Helsinki Regional Transport Authority in its area of competence are the competent authorities referred to in the Public Service Contract Regulation in matters that concern rail transport. In matters that concern transport by other track-based modes, the competent authorities are the local and regional authorities listed in section 4, subsections 2 and 3 in their areas of competence.

If the competent authorities operate in the field of public passenger transport as referred to in Part III, chapter 3, section 10, they shall primarily plan the services as subregional or regional entities and strive for the coordination of all forms of passenger transport. As part of the planning, services generated on market terms on the basis of the customers' mobility needs and publicly procured services shall be coordinated. When planning the transport operation, the authorities shall consult the providers of passenger transport services operating in the area and work together with other authorities and municipalities.

Section 6

Competent authorities referred to in the EU Road Transport Operator Regulation

The Finnish Transport Safety Agency and the relevant competent authority in the region of Åland are competent authorities referred to in Article 10 of the EU Road Transport Operator Regulation. In addition, the Police, the Occupational Safety and Health Administration, the Tax Administration and the Customs may take part in the checks referred to in paragraph 1(d) of the said Article, exercising the competence they have under other acts. The Finnish Transport Safety Agency shall serve as the national contact point referred to in Article 18 of the Regulation.

The Finnish Transport Safety Agency may use an external expert to draw up assignments for and organise a compulsory examination for demonstrating professional competence referred to in Article 8 of EU Road Transport Operator Regulation. Persons who fulfil the requirements cited in Article 9 of the EU Road Transport Operator Regulation do not need to take the examination referred to in Article 8(1).

Documents referred to in Article 19(1) and certificates referred to in Article 19(2) of the EU Road Transport Operator Regulation are issued by the Police in the company's true and permanent place of business.

A certificate referred to in Article 21(1) of the EU Road Transport Operator Regulation shall be issued by the Finnish Transport Safety Agency and a competent authority in Åland to persons who have acceptably passed an examination organised by the Agency, or who have a university of applied sciences degree that contains the studies in the field of logistics required under the Regulation.

Section 7

Competent authorities referred to in the EU Regulation on International Coach and Bus Services

The competent authorities referred to in Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006 (*EU Regulation on International Coach and Bus Services*) are the Finnish Transport Safety Agency and the competent authority in Åland. The competent inspection authorities referred to in Articles 4(3), 18(2) and 19 of the Regulation are the Police, the Customs and the Border Guard.

The Finnish Transport Safety Agency is the competent authority responsible for regular services referred to in chapter III of the EU Regulation on International Coach and Bus Services. In the region of Åland, authorisations for regular services are granted by the competent authority in Åland.

Section 8

Authority that requests a cabotage safeguard procedure

The safeguard procedure that applies to cabotage operations referred to in Article 10 of the Regulation (EC) No 1072/2009 of the European Parliament and of the Council on common rules for access to the international road haulage market (*EU Road Haulage Regulation*) shall be requested from the Commission by the Ministry of Transport and Communications. More detailed provisions on the measures that, under paragraph 4 of the said Article, shall be taken in respect of resident hauliers during the safeguard procedures adopted by the Commission may be issued by a government decree.

Section 9

Authorities supervising passenger and consumer rights

In addition to the provisions laid down on the competence of the Finnish Transport Safety Agency above, the Consumer Ombudsman supervises compliance with the provisions of this Act to the extent that they apply to consumer protection as provided in the Consumer Protection Act (38/1978).

In addition to the provisions contained in other Acts on the competence of the Consumer Ombudsman and the Consumer Disputes Board, the Finnish Transport Safety Agency shall be the competent authority referred to in Article 28(1) and (3) of Regulation (EU) No 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004 (*EU Regulation on the rights of passengers in bus and coach transport*). The Finnish Transport Safety Agency is also competent to handle passenger complaints related to violations of the provisions laid down in Part III, chapter 1 of this Act, unless the Consumer Disputes Board is competent to give a recommended decision in the matter pursuant to the Act on the Consumer Disputes Board (8/2007).

Section 10

Designation of terminals referred to in the EU Regulation on the rights of passengers in bus and coach transport

The bus and coach terminals where assistance for disabled persons and persons with reduced mobility shall be provided referred to in Article 12 of the EU Regulation on the rights of passengers in bus and coach transport shall be appointed by the Finnish Transport Safety Agency after consulting the competent authorities referred to in section 4, terminal managing bodies and the representatives of local disability organisations.

Section 11

National authority referred to in the ITS Directive

The Finnish Transport Safety Agency is the competent national authority for priority areas referred to in Article 2 and priority actions referred to in Article 3 of the ITS Directive.

Section 12

Authorities referred to in the Interbus Agreement

The Finnish Transport Safety Agency shall issue control documents for occasional services exempted from the authorisation referred to in Article 6 of the Interbus Agreement on the international occasional carriage of passengers by coach and bus and authorisations referred to in Article 15 of the Agreement and enter into a contract referred to in Council Decision 2002/917/EC on the conclusion of the Interbus Agreement. The inspecting authorities referred to in Article 18 of the Agreement shall be the Police, the Customs and the Border Guard.

Section 13

Authorities referred to in bilateral road transport agreements

Authorisations for occasional international bus and coach services abroad based on a bilateral agreement between Finland and another state, and authorisations for routes that cross the national boundaries based on bilateral agreements shall be issued by the Finnish Transport Safety Agency.

Section 14

Authorities supervising a goods transport customer's obligation to check

The Police and the Customs shall supervise compliance with the customer's duty to check referred to in Part II, chapter 1, section 12.

Chapter 2

Performance of official duties

Section 1

The Finnish Transport Safety Agency's right to inspect

In order to perform its duties referred to in this Act and to supervise compliance with the Act and EU Regulations, the Finnish Transport Safety Agency has the right to access the premises and areas of a service provider referred to in this Act and the vehicles and facilities used in commercial transport in order to carry out an inspection. However, the right of access does not apply to premises used for residence of a permanent nature. The provisions contained in section 39 of the Administrative Procedure Act (434/2003) shall be complied when conducting inspections.

The service provider shall make available the facilities and equipment required for carrying out the inspection and also otherwise assist in the inspection.

The Finnish Transport Safety Agency shall have the right to take possession of documents to be inspected, or a copy of such documents, for an inspection carried out elsewhere if this is essential with regard to assessing the circumstances that are the object of the inspection and possible without causing unreasonable inconvenience. The documents shall be returned as soon as they are no longer needed.

Section 2

The inspection authority's general right to obtain information

Notwithstanding the non-disclosure provisions, the Ministry of Transport and Communications, the Finnish Transport Safety Agency, the Consumer Ombudsman and any other authority supervising compliance with the provisions of this Act shall have the right to obtain information essential for the performance of its duties laid down in this Act from service providers and licence holders and other actors and persons whose rights and obligations the provisions of this Act concern.

The information shall be handed over without delay, in the format requested by the authority, and free of charge.

Notwithstanding the non-disclosure provisions, the Finnish Transport Safety Agency has the right to obtain free of charge from an authority or a party performing a public duty information that is essential for the performance of its duties laid down in this Act on an licence, applicant holder transport and а of а a transport manager, a company's managing director, a general partner, as well as on a taxi driver referred to in Part II, chapter 3, an organisational person referred to in section 2, subsection 2 of the Act on the Grey Economy Information Unit, or an organisation referred to in subsection 1 of this section where the applicant's organisational person is or has been in the position of an organisational person. The right to obtain information also applies to criminal records and the register of fines. The information shall be submitted using a technical interface or in some other electronic format.

Additionally, the Finnish Transport Safety Agency shall have the right to receive from the Police information that is essential for assessing compliance with the licence requirements related to the service users' safety or when performing other inspection or supervision duties referred to in this Act.

Section 3

Performance of taxi driving licence duties

The Finnish Transport Safety Authority may procure the services required for the performance of duties related to taxi driving licences referred to in Part II, chapter 3, section 1,

subsection 2 from private and public service providers that operate in Finland as laid down in sections 8a–8d of the Driving Licence Act (386/2011).

Section 4

Performance of Police, Customs and Border Guard duties

In addition to the duties that the Police, the Customs and the Border Guard have pursuant to the EU Road Haulage Regulation and the EU Regulation on International Coach and Bus Services, the Police, the Customs and the Border Guard have the right to inspect the documents required for transport operation under this Act and EU regulations that apply to operations referred to in this Act if the information is not available across a technical interface or by other electronic means.

The Police, the Customs and the Border Guard may interrupt a transportation if the documents or information referred to in subsection 1 above are not available, unless there is a specific reason to allow the transport to continue.

Notwithstanding the non-disclosure provisions, the Police shall notify the Finnish Transport Safety Agency without delay of any matters coming to their knowledge that may lead to the withdrawal of a licence referred to in Part II, chapter 1 or the issuance of a reprimand or a warning.

Section 5

Right to executive assistance

In order to perform a duty assigned to it under this Act, the Finnish Transport Safety Agency has the right to receive executive assistance from the Police, the Border Guard, the Customs, the Occupational Safety and Health Administration, and the Tax Administration.

PART V:

TRANSPORT REGISTERS

Chapter 1

Transport licence register

Section 1

Purpose of the register and the registration authority

The transport licence register is a national registry maintained for the licences referred to in this Act and the registrations referred to in Part II, chapter 1, section 14, which contains separate sections for public data and data for restricted use.

The transport licence register shall be maintained by the Finnish Transport Safety Agency. The Agency may use the register for performing its statutory tasks and duties, or duties which have been assigned to it or which it has been ordered to perform under the law.

In addition, the provisions in Article 16 of the EU Road Transport Operator Regulation shall apply to register data associated with passenger and goods transport licences and their disclosure.

Section 2

Data to be entered in the register

The public section of the transport licence register shall contain data on licences that have been granted and withdrawn and changes made to the licences. The public section shall also contain the licence holder's name and contact details, the company's business ID, the licence ID, and the period of validity of the licence. In case of a person designated as responsible for the transport service, his or her name and contact details shall be entered in the register. The contact data for a natural person refers to information which makes it possible for others to contact him or her during office hours.

Information concerning a legal person's managing director, general partners and ownership relations shall be stored in the section of the transport licence register with restricted access. A natural person's personal identity code or, in the absence of a personal identity code, his or her date of birth, municipality of birth, country of birth, nationality, municipality of residence and home address as well as information on his or her mother tongue and preferred language, and on whether the person is alive or has deceased shall be entered in the section of the register with restricted access. Similar information shall be recorded for a company. The following data shall also be saved in the section of the register with restricted access to the extent that saving the data is necessary for the performance of the duties and tasks assigned to the Finnish Transport Safety Agency by law:

1) the criteria for granting licences referred to in Part II, chapter 1, sections 3 and 4 and information concerning good repute referred to in Part II, chapter 1, sections 6 and 7;

2) data on whether the company is considered an undertaking classed as posing an increased risk referred to in Part II, chapter 1, section 11;

3) data concerning professional competence referred to in Part IV, chapter 1, section 6;

4) data received by the Finnish Transport Safety Agency by virtue of Part IV, chapter 2, sections 2 and 4; and

5) data on administrative penalties referred to in Part IV, chapter 1.

The data on the applicant referred to in subsections 1 and 2 shall be entered in the section of the transport licence register with restricted access. Furthermore, data on service providers subject to an obligation to register referred to in Part II, chapter 1, section 14 shall be entered in the section of the transport licence register with restricted access. In this case, the data on a natural person saved in the register will include the natural person's name, personal identity code and contact information including the home address. The information saved on a legal person shall include its name, business ID and contact information.

Section 3

Storage of data

The data entered in the transport licence register shall be kept on file for two years after a licence has been withdrawn or a passenger or goods transport licence has expired, unless other provisions are laid down on the period of storage. However, information obtained by the Finnish Transport Safety Agency under Part IV, chapter 2, section 2, subsection 4 from the criminal records, the register of fines, and the Police Information System shall be destroyed as soon as it no longer is needed.

Section 4

Disclosure of data

Data entered in the public section of the transport licence register, such as the name of the company or organisation holding a licence, data on a valid licence and contact information intended for public use can be published as such electronically or across a technical interface.

Notwithstanding non-disclosure provisions, the Finnish Transport Safety Agency has the right to disclose data from the register's section with restricted access to another authority, if this data is essential for the performance of its statutory duties. However, the Finnish Transport Safety Agency may not disclose classified data that it has obtained under Part IV, chapter 2, section 2, subsection 4 from criminal records, the register of fines or the Police Information System.

Unless otherwise provided in this Act, the Act on the Openness of Government Activities shall be applied to the non-disclosure and disclosure of the register data, and the Personal Data Act (523/1999) shall be applied to other processing of personal data.

An order of non-disclosure for personal safety reasons entered in Finland's Population Information System will not prevent the disclosure of personal data in the transport licence register to authorities. Provisions on an authority's obligation to give notification of an order of non-disclosure for personal safety reasons are contained in section 37, subsection 2 of the Act on the Population Information System and the certificate services of the Population Register Centre (661/2009).

Section 5

Notification of changes

The holder of a transport license shall notify the Finnish Transport Safety Agency without delay of any changes to their contact information and of changes to the contact information for the transport manager. Notification shall also be given of changes regarding a legal person's general partners.

The Finnish Transport Agency shall arrange the possibility of submitting this information across a technical interface or by other electronic means.

PART VI

Sanctions, appeals and penal provisions

Chapter 1

Administrative sanctions and appeals

Section 1

Scope

The provisions on licences contained in this chapter shall apply to licences and other approvals granted by the authorities referred to in this Act issued to natural and legal persons. Unless otherwise provided in European Union legislation or in international treaties that bind Finland on administrative sanctions applicable to authorisations and licences referred to in this Act, the provisions in this chapter shall apply.

Section 2

Withdrawal of a licence, a reprimand and a warning

The licence holder may give notification of the suspension or discontinuation of activities referred to in the licence. After receiving notification of discontinuation, the Finnish Transport Safety Agency shall withdraw the licence.

The Finnish Transport Safety Agency may withdraw a licence if:

1) the licence holder has repeatedly and seriously infringed the provisions of this Act or orders issued by virtue thereof, or the provisions set out in regulations of the European Union referred to in this Act that are applicable to the licence holder's activities, and the issuance of a reprimand or warning is not considered sufficient; or

2) the conditions for granting the licence are no longer fulfilled, and the errors or shortcomings in the fulfilment of the conditions are not rectified within the set deadline.

The Finnish Transport Safety Agency can issue a reprimand or a warning to a licence holder referred to in this Act if the licence holder, in a manner other than that referred to in subsection 2, paragraph 1 above, intentionally and repeatedly or seriously neglects to comply with the provisions or orders referred to in the said paragraph. A warning may be issued if a reprimand cannot be considered sufficient taking into account the overall circumstances of the matter.

A reprimand shall be issued by spoken word or in written form. A warning shall be issued in written form and entered in the register.

Section 3

Withdrawal of a taxi driving licence for a fixed period, temporarily or until further notice and a warning issued by the Police

The Police shall decide on the withdrawal of a taxi driving licence for a fixed period, temporarily or until further notice. The Police are also responsible for supervising the driving health and driving ability of a licence holder and may in this respect decide on measures ensuing from these supervisory activities pursuant to what is provided in this Act.

If the holder of a taxi driving licence has been guilty of offences referred to in Part II, chapter 3, section 1, subsection 3, the Police shall withdraw their licence for a fixed period of no less than two months and no more than five years. In particular, the seriousness and circumstances of the offence or offences based on which the licence is withdrawn shall be taken into account when determining the length of this period. If the holder of a taxi driving licence has committed offences referred to in subsection 1 or 2 or other offences similar to those referred to in subsection 1 or 2 in a manner referred to in section 4, the taxi driving licence shall be withdrawn for a minimum of six months. If there is a justified reason for mitigating the penalty, the taxi driving licence may be withdrawn for a shorter period than that referred to above.

If it is probable that the holder of a taxi driving licence has committed an offence referred to in Part II, chapter 3, section 1, subsection 3, paragraph 1 and the safety of passengers so requires, the police may withdraw the licence temporarily. Regardless of an appeal, a temporary withdrawal shall be valid until a final court decision has been delivered in the matter. If the criminal action expires, the taxi driving licence shall be returned to its holder immediately, if there is no other reason for withdrawing the permit.

If a driving ban is imposed on the holder of a taxi driving licence until further notice or if he or she no longer meets the health requirements for a taxi driving licence, his or her tax driving licence may be withdrawn until further notice.

When withdrawn, a taxi driving licence shall be handed over to the police. A taxi driving licence that has been withdrawn for a fixed period will be returned to its holder when the fixed period comes to an end. If a taxi driving licence is withdrawn until further notice, it may only

be returned if the holder can prove that the reason for the withdrawal no longer exists. However, a taxi driving licence will not be returned if its term of validity has expired. Before a taxi driving licence is returned, the licence holder's fitness to drive shall be reassessed in the manner referred to in Part II, chapter 3, section 1. Offences referred in subsections 3 and 4 of the section in question that have come to the knowledge of the licensing authority after the taxi driving licence has been withdrawn shall be taken into account.

Instead of withdrawing a taxi driving licence for a fixed period, the police may issue a warning if the withdrawal of the licence may be considered an unreasonable penalty and the infringement does not appear to be due to disregard for a taxi driver's duties or general compliance with provisions and orders or penalties previously imposed on the driver.

Section 4

Notice of a conditional fine, notice of enforced compliance and notice of enforced suspension

Should anyone infringe this Act, the EU regulations applicable to the activities referred to in this Act, or provisions or orders issued by virtue of this Act, the Finnish Transport Safety Agency may oblige them to rectify their error or negligence. A notice of a conditional fine may be imposed to enforce the decision, or a notice of suspending the activities partly or fully, or of having the neglected measure carried out at the expense of the interested party may be issued.

If a competent authority has made a decision to award exclusive rights pursuant to the provisions in Part III, chapter 3, section 10, the competent authority may prohibit activities that cause a continuous and serious nuisance to the transport protected by exclusive rights. The authority may reinforce the prohibition by imposing a notice of a conditional fine.

Provisions on notices of a conditional fine, notices of enforced suspension and notices of enforced compliance are contained in the Penalty Payments Act (1113/1990).

The costs of an action performed by enforced compliance are paid from central government funds and recovered from the party who was guilty of the neglect in the order prescribed in the Act on the Enforcement of Taxes and Charges (706/2007).

Section 5

Appeals

Recovery of compensation referred to in Part III, chapter 4, section 3 above, the withdrawal of a license referred to in section 2 of this chapter, decisions concerning a notice of a conditional fine, enforced compliance and enforced suspension referred to in section 4 of this chapter, as well as decisions made by virtue of the EU Regulation on International Coach and Bus Services, the EU Road Haulage Regulation, and the EU Road Transport Operator Regulation, may be appealed against to the Administrative Court as is provided in the Administrative Judicial Procedure Act (586/1996).

Claims for a revised decision other than those referred to in subsection 1 concerning decisions issued under this Act shall be submitted to the authority having made the decision as provided in the Administrative Procedure Act. A decision issued to a claim for a revised decision may be appealed to the Administrative Court as provided in the Administrative Judicial Procedure Act.

A decision of the Administrative Court may only be appealed if a leave to appeal is granted by the Supreme Administrative Court.

A decision made under this Act, the EU Regulation on International Coach and Bus Services, the EU Road Transport Operator Regulation and the EU Road Haulage Regulation may be implemented regardless of an appeal unless otherwise ordered by the appeal authority.

The provisions on legal remedies in sections 132–134; section 145, subsection 1; section 146, subsections 1 and 2; section 147, subsections 1 and 3; sections 148, 149, 151 and 152; the preamble to section 154, subsection 1 and paragraphs 1–4; sections 155 and 160–163; section 165, subsections 1 and 2; and sections 167 and 169 of the Public Procurement Act shall be applied regardless of the value of the contract in a procurement matter referred to in Part III, chapter 3, section 1 of this Act. In addition to what is provided in section 145, paragraph 2 of the Public Procurement Act, the Ministry of Transport and Communications may subject a procurement to a hearing by the Market Court in a matter that concerns a European Union infringement procedure. A Market Court decision by which the Market Court imposes a sanction referred to in section 154, subsection 1, paragraphs 1–3 of the Public Procurement Act shall be complied with regardless of any appeal unless otherwise ordered by the Supreme Administrative Court. A Market Court decision on imposing a sanction referred to in section 154, subsection 1, paragraph 4 of the said Act may only be enforced by a final court decision.

Chapter 2

Penal provisions

Section 1

Provision of commercial road transport services without a licence

A person who intentionally or due to gross negligence

1) provides commercial road transport services without holding a taxi, passenger, or goods transport licence and/or a transport licence for international operations, a community licence referred to in Article 4 of the EU Regulation on International Coach and Bus Services or a licence for regular services referred to in section 5 of the Regulation, or the community transport licence referred to in Article 4 of the EU Road Haulage Regulation, or does so in violation of the cabotage provisions referred to in chapter III of the EU Road Transport Operator Regulation and chapter V of the EU Regulation on International Coach and Bus Services; or

2) operates occasional international passenger transport services referred to in Article 7 of the Interbus Agreement or international transport between Finland and another country subject to a bilateral agreement referred to in Part IV, chapter 1, section 13 of this Act without the authorisation required by the bilateral agreement

shall be sentenced to a fine or imprisonment of at most six months for *the provision of* commercial road transport services without a licence.

Section 2

Infringement related to ordering a transport service

A customer who commissions a goods transport service or a representative of the customer referred to in Part II, chapter 1, section 12 of this Act, who intentionally neglects his or her duty to check as provided in the said section when ordering the service or who, having performed the duty to check, knows that the operator providing the transportation does not meet the requirements referred to in Part II, chapter 1, section 12, subsection 2 shall be *sentenced to a fine for an infringement related to ordering a transport service*. However, if the Act on the Contractor's Obligations and Liability when Work is Contracted Out (1233/2006) is applied to the transports service then no notification will be made of an infringement related

to ordering a transport service, no charges will be filed and no penalty will be imposed, and a negligence fee pursuant to section 9 of the said Act may be issued.

Section 3

Violation of the provisions on a driver's professional competence

A person who intentionally or due to negligence

1) acts as a driver in taxi or vehicle-for-hire services without holding the taxi driving licence referred to in Part II, chapter 3, section 1;

2) allows another party to operate a vehicle in violation of the provisions in Part III, chapter 1, section 2, subsection 1, paragraph 1,

shall be sentenced to a *fine for a violation of the provisions on a driver's professional competence*, unless a more severe penalty is provided elsewhere in the Act.

PART VII

ENTRY INTO FORCE

Chapter 1

Transitional provisions and entry into force

Section 1

Entry into force

This Act enters into force on 1 July 2018. However, Part III, chapter 2, sections 1–5 of the Act will enter into force on 1 January 2018, and Part III, chapter 2, section 6 as well as Part IV, chapter 1, section 11 will enter into force on 1 October 2017. The definitions referred to in Part I, chapter 1, section 1, the provisions on the activities of authorities in Part IV, chapter 1, sections 1, 2, 6 and 7, as well as the provisions on the performance of an authority's duties referred to in Part IV, chapter 2, section 2 will enter into force on 1 January 2018, with regard to the application of and compliance with Part II, chapter 2, sections 1–5.

This Act repeals:

1) the Act on Transport of Goods on the Road (693/2006);

2) the Taxi Transport Act (217/2007);

3) the Act on the Professional Competence of Taxi Drivers (695/2009); and

4) the Public Transport Act (869/2009).

Section 2

Transitional provisions that apply to personnel

The public-service employees referred to in Part II, chapter 1, sections 3 and 4 above who perform the duties to be transferred to the Finnish Transport Safety Authority as well as the corresponding public posts will be transferred to the Finnish Transport Safety Authority as this Act enters into force. Provisions on the public-service relationship of personnel are laid down in sections 5a–5c of the State Civil Service Act (750/1994).

Section 3

Other transitional provisions

However, any licences and authorisations, approvals, prohibitions and decisions that are valid as this Act enters into force shall remain in force, so that:

1) the taxi licenses that entitle their holder to taxi operations shall be deemed the taxi transport licences referred to in Part II, chapter 1, section 2, and the provisions of this Act shall be applied to them; the Finnish Transport Safety Authority may combine the taxi licences granted to one holder into one taxi transport licence;

2) licences that entitle the holder to provide passenger and goods transport services shall be deemed the passenger transport licences and goods transport licences referred to in Part II, chapter 1, section 1, and the provisions of this Act shall apply to them; and

3) taxi driver permits shall be deemed the taxi driving licences referred to in Part II, chapter 3, section 1, and the provisions of this Act shall apply to them.

In addition to what is provided in Part II, chapter 1, section 1, goods may also be transported for a period of 10 years from the date on which the Act enters into force by a vehicle-specific licence granted under the provisions that were in force before 2 October 1999, which entitles the holder to provide commercial transport services of goods in Finland, with the exception of the region of Åland (*domestic goods transport licence*). A change in a licence entitling the operator to provide transport services due to a change in the company type shall also be regarded as a renewal of the domestic goods transport licence.

Any contracts concerning passenger transport concluded under the Acts repealed by this Act shall remain in force as stated in the contract.

When this Act enters into force, the competent authority referred to in Part IV, chapter 1, section 4 of this Act may prohibit bus and coach passenger transport services that were operated in accordance with the provisions previously in force, and reinforce the prohibition by imposing a notice of a conditional fine, on the condition that:

1) the authority has organised public passenger transport services by road in compliance with the Public Service Contract Regulation;

2) the passenger transport service causes continuous and serious nuisance to transport services provided in accordance with the Public Service Contract Regulation; and

3) a contract award procedure was initiated or a contract on transport service was concluded in order to organise transport in compliance with the Public Service Contract Regulation before the entry into force of the Act.

The Ministry of Transport and Communications Decree on Quality Requirements Applicable to the Accessible Fleet used in Provision of Taxi Services (723/2009) issued by virtue of the Taxi Transport Act repealed by this Act shall be complied with until it is repealed separately.

Should another Act or a provision laid down by virtue of it, or a decision issued under an Act repealed by this Act, contain a reference to an Act repealed by this Act, the reference shall be deemed to refer to the corresponding provision of this Act.

The obligation of transport operators to establish disability-related training procedures as referred to in Article 16(1 b) of the EU Regulation on the rights of passengers in bus and coach transport shall be applied starting on 1 March 2018.

The EU Regulation on the rights of passengers in bus and coach transport shall be applied to regular coach transport between Finland and Russia and Finland and Norway as from 1 March 2021.

Helsinki DD Month YYYY

President of the Republic

First name Last name

Title First name Last name