

**Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

**Act on the Designation of Organisations Promoting the Collective Interests of Consumers as Qualified Entities**

*(1102/2022)*

By decision of Parliament, the following is enacted:

**Section 1**

**Qualified entity**

An organisation promoting the collective interests of consumers may, upon application, be designated as a qualified entity referred to in Directive (EU) 2020/1828 of the European Parliament and of the Council on representative actions for the protection of the collective interests of consumers and repealing Directive 2009/22/EC, hereinafter the *Representative Actions Directive*, for the purpose of bringing:

- 1) domestic representative actions for injunctive measures;
- 2) cross-border representative actions for injunctive measures;
- 3) domestic class actions for redress measures; or
- 4) cross-border representative actions for redress measures.

An organisation may apply for designation for the purpose of bringing actions of one or more of the types referred to in subsection 1.

## **Section 2**

### **Application**

An application for designation as a qualified entity shall be addressed to the Ministry of Justice. The application shall contain the information necessary for assessing compliance with the criteria laid down in section 3.

The application shall specify which types of action referred to in section 1, subsection 1 the application concerns.

## **Section 3**

### **Criteria concerning qualified entities**

An organisation promoting the collective interests of consumers may be designated as a qualified entity if:

- 1) it is a registered association referred to in the Associations Act (503/1989);
- 2) it has had at least 12 months of actual public activity in the protection of consumer interests prior to submitting its application for designation;
- 3) its statutory purpose demonstrates that it has a legitimate interest in protecting consumer interests as provided for in the provisions of Union law referred to in Annex I to the Representative Actions Directive;
- 4) it has a non-profit-making character;
- 5) it has not been declared bankrupt;
- 6) it is independent and not influenced by persons other than consumers, in particular by traders or external funding providers, who have an economic interest in the bringing of any representative action;

7) it has established procedures to prevent influence by persons other than consumers, as referred to in paragraph 6, and to prevent conflicts of interest between itself, its funding providers and the interests of consumers;

8) it makes publicly available in plain and intelligible language by any appropriate means, at least on its website, information that demonstrates that the association complies with the criteria referred to in paragraphs 1–7 and information about the sources of its funding in general, its organisational, management and membership structure, its statutory purpose and its activities.

## **Section 4**

### **Designation**

If an organisation promoting the collective interests of consumers complies with the criteria laid down in section 3, the Ministry of Justice shall designate it as a qualified entity. The designation decision shall contain information on which of the types of action referred to in section 1, subsection 1 the qualified entity is designated to bring and on the statutory purpose of the qualified entity.

## **Section 5**

### **Changes to information**

If the information referred to in section 2 changes, the qualified entity shall notify the Ministry of Justice of this without undue delay. If the qualified entity no longer complies with the criteria for designation due to the change or for some other reason, the Ministry of Justice shall revoke the designation.

## **Section 6**

### **Updating information**

After having been designated, a qualified entity shall provide the Ministry of Justice with the information referred to in section 2, subsection 1 every five years. If the information is not provided despite an exhortation to do so, the Ministry of Justice shall revoke the designation.

Unless otherwise follows from the information provided, the qualified entity continues to act as a qualified entity without separate decision.

## **Section 7**

### **Duty to notify**

The Ministry of Justice shall communicate to the European Commission the names of the qualified entities designated to bring cross-border representative actions and their duties for the purpose of compiling the list referred to in Article 5(1) of the Representative Actions Directive. The Ministry of Justice shall notify the Commission of any changes that require updating the list.

The Ministry of Justice shall make publicly available information about the qualified entities designated to bring domestic representative actions and class actions and their duties.

## **Section 8**

### **Contact point**

The Ministry of Justice acts as the contact point referred to in Article 5(5) of the Representative Actions Directive.

A request by the European Commission or another Member State to investigate whether an organisation designated as a qualified entity for the purpose of bringing cross-border representative actions complies with the criteria for designation shall be submitted to the Ministry of Justice. The Ministry of Justice shall investigate compliance with the criteria for designation as provided in this Act. If an organisation designated as a qualified entity no longer complies with the criteria for designation, the Ministry of Justice shall revoke the designation.

## **Section 9**

### **Monitoring**

The Ministry of Justice shall provide the information referred to in Article 23(2) of the Representative Actions Directive to the European Commission as provided in that paragraph.

## **Section 10**

### **Entry into force**

This Act enters into force on 25 June 2023.