



Legal Update: New Obligation on Businesses to Inform of Alternative Dispute Resolution Entities

From 9 January 2016 onwards, traders are obligated to provide consumers with information on an alternative dispute resolution (ADR) body. The new domestic legislation originates from the ADR Directive (2013/11/EU).

Businesses who offer, sell or market goods and services to consumers subject to the Finnish Consumer Protection Act, must now inform consumers of at least one certified ADR entity and its website address. In Finland, these entities are confirmed to be the Consumer Disputes Board, the Finnish Financial Ombudsman Bureau (FINE) and the Traffic Accident Board. The traders should provide the information in a clear way on their website as well as in the standard contractual terms and conditions applicable between the trader and a consumer.

The Finnish Competition and Consumer Authority considers that businesses comply with the new information obligation if the businesses use the following standard wordings on their webpage and in their standard terms and conditions:

In English

If a dispute concerning a sales contract cannot be resolved through negotiation between the parties, the consumer can submit the matter to the Consumer Disputes Board (<http://www.kuluttajariita.fi/en/>) for resolution. Before taking the matter to the Consumer Disputes Board, the consumer should contact the Local Register Offices' Consumer Advisory Service (www.kuluttajaneuvonta.fi).

In Finnish

Jos kauppasopimusta koskevaa erimielisyyttä ei saada ratkaistuksi osapuolten välisillä neuvotteluilla, kuluttaja voi saattaa asian kuluttajariitalautakunnan (www.kuluttajariita.fi) ratkaistavaksi. Ennen asian viemistä kuluttajariitalautakunnan käsittelyyn kuluttajan tulee olla yhteydessä maistraattien kuluttajaneuvontaan (www.kuluttajaneuvonta.fi).

FINE and the Traffic Accident Board have not published similar standard wordings; however, FINE has updated its instructions due to the new legislation. It should also be noted that FINE does not handle disputes that are pending or resolved by the Consumer Disputes Board or in a court.

In addition, businesses selling goods and services to customers online, must provide a link on their website to the EU Commission's ODR Platform, which is a website offering a possibility to initiate consumer complaints concerning online purchases and which will become accessible to consumers and traders on 15 February 2016. This obligation is based on the the ODR Regulation (524/2013), effective in all Member States on 9 January 2016.

The related press release published by the Finnish Competition and Consumer Authority is available in English and in Finnish.

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Finland Ratifies the Unified Patent Court Agreement

Based on decision of the Council of State of Finland rendered on 7 January 2016, Finland deposited its instrument of ratification on 19 January 2016. Finland was the ninth Member State to participate in the enhanced cooperation regime.

As reported earlier, in order to become effective, the Agreement on a Unified Patent Court must be ratified by at least 13 Member States including France, Germany and the United Kingdom.

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