

Most-Favoured-Nation (MFN) Clause in Finland

Pursuant to the Finnish Competition Act (948/2011), MFN cases are assessed under the general prohibition on agreements distorting competition. According to Section 5 of the Competition Act,

All agreements between undertakings, decisions by associations of undertakings, and concerted practices by undertakings which have as their object the significant prevention, restriction or distortion of competition or which result in a significant prevention, restriction or distortion of competition shall be prohibited. In particular, agreements, decisions, or practices which directly or indirectly fix purchase or selling prices or any other trading conditions [...] shall be prohibited.

As the national law is, in practice, identical to Article 101 TFEU, the Finnish Competition and Consumer Authority (the FCCA) usually refers to the Vertical Block Exemption Regulation (VBER) and the Guidelines on vertical agreements in its decisions. Reliance on the Commission's practice would be likely also in cases concerning MFN. However, so far, the FCCA has not made any decisions where MFN clauses would have been specifically addressed. There are also no guidelines by the FCCA on MFN clauses.