

NB: Unofficial translation

© **Ministry of Justice, Finland**

Act on a European Order for Payment Procedure
(754/2008)

The following is enacted in accordance with the decision of Parliament:

Section 1 — *Scope of application*

This Act provides provisions that supplement Regulation (EC) No 1896/2006 of the European Parliament and of the Council creating a European order for payment procedure, referred to below as the *Regulation*.

Section 2 — *Competent court*

The application referred to in the Regulation is considered in Finland in the Helsinki District Court.

Section 3 — *Revocation of the claim*

If the District Court issues a partial order for payment on the basis of article 10(2) of the Regulation, the plaintiff is deemed to have revoked the remainder of his or her claim.

Section 4 — *Transfer of the case for consideration as a civil case*

If the defendant lodges a statement of opposition within the period provided in article 16(2) of the Regulation, the District Court shall notify the plaintiff that the application lodged in the procedure for a European order for payment is deemed an application for a summons in accordance with chapter 5, section 1 of the Code of Judicial Procedure. If necessary the District Court shall request the plaintiff to supplement the application for a summons in accordance with chapter 5, section 5 of the Code of Judicial Procedure.

If the District Court deems that it is not competent to consider the case as a civil case, the District Court shall with the consent of the plaintiff transfer the case to the competent District Court. The District Court may nonetheless refrain from transferring the case if the competent District Court cannot be determined without difficulty.

Decisions and other measures taken in the matter by the transferring District Court remain in force until the District Court to which the case is transferred decides otherwise. The transfer of the case is not subject to appeal.

Section 5 — *Court costs*

The provisions of chapter 21, section 8(c) of the Code of Judicial Procedure apply to legal costs decided in connection with a European order for payment.

Section 6 — *Trial fee*

If a trial fee has been charged in a European order for payment procedure and the same claim is subsequently submitted to the Court for consideration as a civil case, the trial fee charged in connection with the order for payment procedure shall be deducted from the trial fee for the civil case.

Section 7 — *Jurisdiction in a case concerning irreconcilable decisions or orders*

In the situation referred to in article 22(1) of the Regulation enforcement shall be refused by the Helsinki District Court.

Section 8 — *Jurisdiction in a matter concerning stay or limitation of enforcement*

The bailiff is the competent authority in a matter concerning a stay or limitation of enforcement referred to in article 23.

The district bailiff shall personally decide on the measures referred to in article 23.

Section 9 — *Translations*

When enforcement is sought from the bailiff in Finland of a European order for payment issued in another Member State in accordance with the Regulation, the applicant shall in accordance with article 21(2)(b) provide the bailiff with a translation of the European payment order in Finnish, Swedish or English.

Section 10 — *Entry into force*

This Act shall enter into force on 12 December 2008.