

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Justice, Finland

Administrative Procedure Act
(434/2003; amendments up to 893/2015 included)

By decision of Parliament, the following is enacted:

PART I
GENERAL PROVISIONS

Chapter 1
Objectives and scope of application of the Act

Section 1
Objectives of the Act

The objective of this Act is to implement and promote good administration and protection under the law in administrative matters. A further objective of the Act is to promote the quality and performance of administrative services.

Section 2
Scope of application

This Act lays down provisions on the foundations of good administration and on the procedure to be applied in administrative matters.

This Act applies to central government authorities, municipal authorities, autonomous institutions governed by public law, the agencies operating under Parliament, and the Office of the President of the Republic (*authorities*).

This Act applies to unincorporated state enterprises, associations governed by public law, and private entities, whenever they perform public administrative duties.

Section 3

Application to administrative contracts

In the application of this Act, an administrative contract means a contract, within an authority's competence, concerning the performance of a public administrative duty, or a contract relating to the exercise of public authority.

In entering into an administrative contract, the foundations of good administration shall be complied with, the rights of the persons concerned in matters covered by the contract shall be adequately protected when the contract is drafted, and the opportunities for influencing the contents of the contract shall be adequately protected.

Section 4

Restrictions on the scope of application

This Act does not apply to the administration of justice, criminal investigations, police investigations or enforcement. Neither does the Act apply to military orders or to other internal administrative orders relating to the performance of a task or of some other measure.

The provisions of this Act do not apply to oversight of legality carried out by the supreme overseers of legality, unless otherwise separately provided.

Subsection 3 was repealed by Act 368/2014.

Section 5

Relationship with other legislation

If another act contains provisions that deviate from those in this Act, the provisions of the other act shall prevail over those of this Act.

The Act on Electronic Services and Communication in the Public Sector (13/2003) lays

down provisions on the filing and processing of administrative matters by electronic means and on the service of decisions by electronic means.

The Church Act (1054/1993) lays down provisions on the procedure to be complied with in administrative matters in the Evangelical Lutheran Church of Finland.

Chapter 2

Foundations of good administration

Section 6

Legal principles of administration

An authority shall treat equally those to whom it is providing services in administrative matters and shall exercise its competence only for purposes that are acceptable under the law. The acts of an authority shall be impartial and proportionate to the objectives sought. These acts shall protect expectations that are legitimate under the legal order.

Section 7 (368/2014)

Service principle and appropriateness of services

An authority shall seek to arrange the use of its services and the consideration of matters in such a way that those to whom it is providing services in administrative matters receive administrative services appropriately and the authority can perform its duties effectively.

Section 20, subsection 2 of the Act on the Openness of Government Activities (621/1999)

lays down provisions on the duty of an authority, within its area of responsibility, to publicise information about its activities and services and the rights and obligations of private individuals and corporations.

Section 8

Advice

An authority shall, within its competence, provide its customers, as necessary, with

advice on dealing with administrative matters and respond to questions and enquiries concerning the use of its services. Advice shall be provided free of charge.

If a matter does not fall within the competence of an authority, it shall seek to refer the customer to the competent authority.

Section 9

Requirement of appropriate language

An authority shall use language that is clear, easy to understand and to the point.

The right of customers to use their own language in dealings with authorities is governed by separate provisions of the law and is subject to treaties binding on Finland.

Section 10

Cooperation between authorities

An authority shall, within its competence and to the extent required by the matter, assist another authority, at its request, in performing an administrative duty and shall also otherwise seek to promote cooperation between authorities.

Separate provisions are laid down on executive assistance given by one authority to another.

Chapter 3

Status as a party and exercise of the right to be heard

Section 11

Party

A party to an administrative matter is anyone who has a right, interest or obligation affected by the matter.

Section 12

Attorney and counsel

The services of an attorney or a counsel may be used in an administrative matter. However, the client shall appear in person if this is necessary for examining the matter. An attorney shall produce a power of attorney or supply other credible proof of his or her authorisation to represent the client. If there is doubt as to the authorisation or its extent, the power of attorney shall, on the order of the authority, present specific details. Advocates and public legal aid attorneys need produce a power of attorney only if the authority so orders.

If an attorney or a counsel is unsuitable for his or her task, the authority may prohibit him or her from representing the client in the matter before that authority. The client shall be notified of the prohibition and provided with an opportunity to use a new attorney or counsel.

An authority's decision to prohibit such representation may be appealed against separately to the authority competent to consider a request for a review of the decision on the matter. In all other respects, the provisions of the Administrative Judicial Procedure Act (586/1996) apply to a request for a review. A request for a review of such a prohibition does not prevent the continued consideration of the matter at hand, unless the reviewing authority otherwise orders.

Section 13

Secrecy obligation of attorney and counsel

An attorney or a counsel shall not disclose without permission any confidential information that the client has entrusted to him or her for dealing with the matter.

The Act on the Openness of Government Activities (621/1999) applies to the secrecy obligation and prohibition of use in respect of information otherwise received by an attorney or a counsel for performing his or her task, even if the information had been received from an authority other than that which is considering the matter.

The provisions in subsections 1 and 2 also apply to interpreters and translators used in the consideration of the matter. The same provisions apply similarly to other persons who, commissioned or otherwise, are involved in dealing with the client's matter.

Section 14

Right of a person without legal capacity to be heard

The right of a person without legal capacity to be heard shall be exercised by his or her guardian, the person who has custody of him or her, or his or her other legal representative. However, a person without legal capacity has the right to exercise alone the right to be heard in a matter concerning income or assets administered by him or her.

A person without legal capacity who is aged eighteen years or more shall exercise alone the right to be heard in a matter concerning his or her person if he or she is able to understand the significance of the matter.

A minor aged fifteen years or more and the person who has custody of him or her, or his or her other legal representative, both severally have the right to be heard in a matter concerning the minor's person or personal interests or rights.

Section 15

Right of a guardian to be heard

A guardian appointed for a person with legal capacity shall, in addition to the client, exercise an independent right to be heard in matters falling within the scope of his or her responsibilities. If the guardian and the client disagree when exercising their right to be heard, the opinion of the client shall prevail if he or she is able to understand the significance of the matter.

If a client's legal capacity has been restricted other than by being declared to lack legal capacity, the guardian shall alone exercise the client's right to be heard in matters beyond the client's legal capacity. However, the guardian and the client shall jointly exercise their right to be heard in matters which are to be decided by them together.

PART II

PENDENCY OF AN ADMINISTRATIVE MATTER AND ITS CONSIDERATION BY AN AUTHORITY

Chapter 4

Submitting documents to an authority and pendency of an administrative matter

Section 16

Contents of a document

A document to be submitted to an authority shall indicate what the matter is about. The document shall contain the name of the sender and the contact details needed for dealing with the matter.

Section 17

Responsibility of the document sender

A document shall be submitted to the contact address of the competent authority at the responsibility of the sender. If a time limit has been set for the delivery of the document, the sender shall ensure that the document arrives at the authority within the time limit.

The document sender shall, upon request, be issued with an acknowledgement of the registration or other record made of the document.

Section 18

Document's arrival date

A document is considered to have arrived at an authority on the date it was received by the authority.

In the case of a document sent by post, the arrival date is also considered to be the date when the postal item arrived at the authority's post office box or when the authority was given notification of the item's arrival at the postal company.

Section 19

Filing a matter

A matter is filed with an authority by submitting it in writing, stating the claims and the grounds for them. By the consent of the authority, a matter may also be filed orally.

Section 20

Pendency of a matter

An administrative matter becomes pending when the document signifying the filing of the matter arrives at the competent authority or, in the case of oral filing, when the matter is presented to the authority and the information needed for beginning consideration of the matter is registered.

Section 21

Transferring a document

If an authority has been erroneously submitted a document requesting consideration of a matter beyond its competence, the authority shall transfer the document without delay to the authority it considers to be competent. The document sender shall be notified of the transfer.

When an authority transfers a document, there is no need for it to make an official decision about the inadmissibility of the matter.

When a document that is to be submitted to an authority within a time limit is transferred, the time limit is considered to have been observed if the competent authority receives the document within the time limit.

Section 22

Supplementing the information in a document

If a document submitted to an authority is defective, the authority shall request the sender to provide supplementary information within a prescribed time limit, unless this is unnecessary for a decision to be made on the matter. The document sender shall be informed about the supplementary information required.

It is not necessary for an authority to request the addition of a signature on an unsigned document received by it if the document contains information on the sender and there is no reason to doubt its authenticity and integrity.

Parties may also, on their own motion, supplement the information in an application of theirs or in another document submitted by them for the consideration of a matter and, during the consideration, submit documents to the authority that are needed for a decision to be made on the matter.

Chapter 5

General requirements in the consideration of a matter

Section 23

Consideration without delay

A matter shall be considered without undue delay.

Upon the request of a party, the authority shall inform the party about the estimated date of issue of a decision and respond to queries about the progress of consideration.

Section 23a (368/2014)

Determining the duration of consideration

In the main categories of matters within its area of responsibility, an authority shall determine the expected duration of consideration for those matters requiring an administrative decision that can become pending only on the motion of a party. This does not apply to the consideration of matters with a statutory time limit.

Section 24

Openness of consideration

Consideration of a matter shall be publicly accessible if this has been so provided by law or decided pursuant to a specific provision.

Provisions on access to documents and a party's right of access to information are laid

down in the Act on the Openness of Government Activities.

Section 25

Considering matters jointly

If a decision to be made by an authority could have a significant effect on the decision in another matter pending before the same authority at the same time, the authority shall prepare the matters jointly and make decisions on them concurrently, unless such joint consideration would cause detrimental delay or unless it is unnecessary in view of the type or nature of the matter.

Section 26

Interpretation and translation

An authority shall arrange for interpretation and translation in matters that an authority may consider on its own motion if:

- 1) a party using the Romani language, sign language or another language is not competent in the Finnish or Swedish language used by the authority; or
- 2) a party cannot be understood because of disability or illness.

The matter may be interpreted or translated into a language that the party can be considered to understand sufficiently in view of the nature of the matter.

For examining the matter or safeguarding the rights of a party, the authority may also arrange for interpretation and translation in matters other than those referred to in subsection 1.

The Language Act (423/2003) lays down provisions on the right of a person using Finnish or Swedish to interpretation and translation arranged by an authority. Separate provisions apply to interpretation and translation into Saami. An authority shall also ensure that citizens of other Nordic countries have access to interpretation and translation needed in matters considered by it.

Section 27

Disqualification

A public official shall not participate in the consideration of a matter or be present during such consideration if he or she is disqualified.

The provisions on the disqualification of a public official also apply to members of multi-member bodies and other persons participating in the consideration of a matter, as well as inspectors in their inspection duties.

Section 28

Grounds for disqualification

A public official is disqualified if:

- 1) he or she or a person close to him or her is a party to the matter;
- 2) he or she or a person close to him or her serves as counsel for or represents a party or a person who can be expected to experience a particular gain or loss from the decision on the matter;
- 3) he or she or a person close to him or her as referred to in subsection 2, paragraph 1 can be expected to experience a particular gain or loss from the decision on the matter;
- 4) he or she is employed by, or, in relation to the matter under consideration, works on the commission of, a party or a person who can be expected to experience a particular gain or loss from the decision on the matter;
- 5) he or she or a person close to him or her as referred to in subsection 2, paragraph 1 is a member of the board of directors, board of administration or a comparable body, or is the managing director or holds an equivalent position, in a corporation, foundation, unincorporated state enterprise or public body which is a party or can be expected to experience a particular gain or loss from the decision on the matter;
- 6) he or she or a person close to him or her as referred to in subsection 2, paragraph 1

is a member of the board of management or a comparable body of an agency or public body and the matter in question relates to the guidance or supervision of the agency or public body; or

7) confidence in his or her impartiality is endangered for another particular reason.

In subsection 1, a person close to a public official refers to:

1) the public official's spouse, a child, grandchild, sibling, parent or grandparent of the public official, or a person who is otherwise particularly close to the public official, or the spouse of any of these;

2) a sibling of a parent of the public official or the spouse of such a sibling, a child of a sibling of the public official, or a former spouse of the public official; or

3) a child, grandchild, sibling, parent or grandparent of the public official's spouse, the spouse of such a person, or a child of a sibling of the public official's spouse.

A corresponding step-relative is also considered to be a person close to the public official. The term 'spouse' refers to a marriage partner or a person living in marriage-like circumstances or in a registered partnership with the person concerned.

Section 29

Decision on disqualification

Any issue about disqualification of a public official shall be decided without delay.

The decision on disqualification shall be made by the public official himself or herself. However, a decision on the disqualification of a member or a presenting officer of a multi-member body shall be made by the body. A multi-member body shall also decide on the disqualification of any other persons entitled to attend. A member or a presenting officer may participate in the consideration of an issue concerning his or her disqualification only if the body would otherwise not be quorate and if he or she cannot be replaced by a qualified person without considerable delay.

No request may be made for a separate administrative or judicial review of a decision on disqualification.

Section 30

Continued consideration of a matter

A public official who is not disqualified shall be assigned without delay to replace a disqualified public official. However, the public official may consider an urgent matter where the decision cannot be affected by his or her disqualification.

Chapter 6

Examining a matter and hearing the views of parties

Section 31

Examination duty

An authority shall ensure that a matter is sufficiently and appropriately examined, by acquiring the information and evidence necessary for a decision to be made on the matter.

Parties shall provide evidence of the grounds for their claims. They shall also, in other respects, cooperate in the examination of the matter which they have filed.

Section 32

Request for evidence

A request for a statement or for other evidence shall specify the particular points that the evidence is required to cover.

Section 33

Time limit for submitting evidence

A time limit sufficient in view of the nature of the matter shall be set for supplementing the information in a document and for submitting an explanation and presenting evidence.

Parties shall be notified that failure to observe the time limit will not prevent a decision on the matter. The time limit may be extended at the request of the party if this is necessary for examining the matter.

Section 34

Hearing the views of parties

Before a matter is decided, each party shall be provided with an opportunity to express an opinion on the matter and to submit an explanation of claims and of evidence which may influence the decision.

A matter may be decided without hearing the views of a party if:

- 1) the claim is ruled inadmissible or immediately rejected as groundless;
- 2) the matter concerns admission to employment or to voluntary education or training;
- 3) the matter concerns the granting of a benefit based on an assessment of the applicant's attributes;
- 4) the hearing of views may jeopardise the achievement of the purpose of the decision, or the delay to the consideration of the matter as a result of the hearing of views would cause considerable detriment to public health, public safety or the environment; or
- 5) a claim which does not concern any other parties is approved, or the hearing of views is manifestly unnecessary for another reason.

Section 35

Hearing the views of a client and a guardian or a person who has custody of another

When a guardian, a person who has custody of another, or another legal representative exercises the right to be heard, the client's views shall also be heard, and, correspondingly, when a client exercises the right to be heard, the views of the

guardian, the person who has custody of the client, or another legal representative shall also be heard if such hearing of views is necessary in the interests of the client or for examining the matter.

Section 36

Informing parties about the hearing of views

Parties shall be informed about the purpose of hearing their views and the time limit for providing an explanation. When necessary, the request regarding the hearing of views shall specify the points on which the explanation is being requested. Parties shall be provided with the documents, in the original or as copies, on which their views are to be heard, or shall otherwise be provided an opportunity to study the documents.

Section 37

Oral claims and evidence

On request, an authority shall provide a party with an opportunity to submit his or her claims or evidence orally if this is necessary for examining the matter and if a written procedure would cause unreasonable inconvenience to the party. The other parties shall be summoned to be present at the same time if this is necessary for safeguarding the rights or interest of the parties.

At the request of a party, an authority may provide an opportunity to submit orally any information necessary for examining the matter, also in situations other than that referred to in subsection 1.

Section 38

Site visit

An authority may conduct a site visit if this is necessary for examining a matter. The parties shall be provided with an opportunity to be present at the visit and to express an opinion on points that arise. If necessary because of the nature of the matter, an authority whose statutory duty it is to oversee the activity in question or whose expertise is needed for a decision to be made on the matter shall also be summoned to the site visit. The site visit shall be conducted without undue detriment to the object of

the visit or its possessor.

A record of the site visit shall be drawn up, covering the main observations made by the authority and the comments made by the party. The record shall be served without delay on the party and the others summoned to the site visit.

A site visit shall be public. The authority may restrict public access to the visit if this is necessary because of the nature of the matter or the nature of the activity being examined during the visit. A site visit shall not be conducted in premises that are subject to domestic privacy provisions, unless otherwise separately provided by law.

Section 39

Inspection

An authority shall notify a party directly affected by the matter of the starting time of an inspection that is within its competence, unless such notification would jeopardise the achievement of the purpose of the inspection. The party referred to above has the right to be present during the inspection and to express his or her opinions and ask questions about points related to the inspection. During the inspection the party shall, if possible, be informed about the objectives and conduct of the inspection, and the follow-up measures. The inspection shall be conducted without undue detriment to the object of the inspection or its possessor.

The inspector shall draw up a written report on the inspection without delay, describing the progress of the inspection and the essential observations made by the inspector. The inspection report shall be served on the parties entitled to be present during the inspection.

Section 40 (801/2015)

Taking oral evidence

For a special reason in an administrative matter, the views of a witness may be heard under affirmation and the views of a party may be heard orally. The parties directly affected by the decision to be made on the matter shall be provided with an opportunity to be present when the views of a witness or a party are being heard. The parties have

the right to pose questions to the person whose views are being heard and to express their view on the person's statement.

Executive assistance for the use of oral forms of evidence is provided by the particular administrative court in which the views of the witness or the party can be heard most conveniently. In a matter of judicial administration considered by a court, the court in question arranges the hearing.

The provisions of the Administrative Judicial Procedure Act apply to the disqualification of a witness and the right of a witness or a party to refuse to testify.

Section 41

Provision of opportunities to exert an influence

If the decision made on a matter could have a significant effect on the living environment, work or other conditions of persons other than the parties, the authority shall provide such persons with an opportunity to obtain information on the bases and objectives of the consideration of the matter and to express their opinion on the matter.

Information on the pendency of the matter and on exercising opportunities to exert an influence shall be provided in a manner consistent with the significance and extent of the matter.

However, no information need to be provided on the pendency of the matter if this would jeopardise achievement of the purpose of the decision, cause other significant detriment or be manifestly unnecessary.

Section 42

Registering information

Any details of orally submitted claims and evidence that may influence the decision to be made on the matter shall be registered or otherwise recorded. The same applies to information obtained from a personal data file referred to in the Personal Data Act (523/1999).

Chapter 7

Deciding a matter

Section 43 (581/2010)

Form of decision

An administrative decision shall be issued in writing.

The decision may be issued orally if the urgency of the matter so requires.

An oral decision shall also be issued in writing without delay, along with instructions for requesting an administrative or a judicial review. The time limit for requesting an administrative or a judicial review begins from the receipt of the written decision, as separately provided.

Section 44

Contents of decision

A written decision shall indicate clearly:

- 1) the authority that made the decision and the date when it was made;
- 2) the parties whom the decision directly concerns;
- 3) the reasons for the decision and specific information about what a party is entitled or obliged to do or how the matter was otherwise decided; and
- 4) the name and contact details of the person from whom a party may request further information on the decision, if necessary.

When an oral decision is issued, the party shall be informed about how the matter was decided and shall be given an explanation of the reasons for the decision.

Section 45

Stating the reasons for a decision

The reasons for a decision shall be stated. The reasons shall indicate the circumstances and evidence that influenced the decision and specify the provisions applied.

No reasons need to be stated for a decision if:

- 1) an important public or private interest requires that a decision be issued immediately;
- 2) the decision concerns an election conducted by a municipal multi-member body;
- 3) the decision concerns admission to voluntary education or training or the granting of a benefit based on an assessment of the applicant's attributes;
- 4) the decision approves a claim that does not concern any other party and others do not have the right to request a review of the decision; or
- 5) a statement of reasons is manifestly unnecessary on other special grounds.

However, the reasons shall be stated in the situations referred to in subsection 2 if the decision constitutes an essential change of an established practice.

Section 46 (581/2010)

Instructions for requesting an administrative review

If an administrative review of a decision is required by a separately provided administrative review procedure before requesting a judicial review of (i.e. appealing against) the decision, instructions for using such a means of administrative review shall be provided at the same time as the decision.

Instructions for requesting an administrative review shall also be provided if separate provisions have been laid down on submitting an administrative decision to an authority for consideration other than as a matter of review.

The provisions of sections 47 and 49 concerning instructions for requesting a judicial review apply to the contents of the instructions for requesting an administrative review.

Section 47

Instructions for requesting a judicial review

A decision on which a judicial review may be requested shall be accompanied with instructions for requesting a judicial review (i.e. appeal instructions). They shall indicate:

- 1) the appellate authority;
- 2) the authority to which the appeal document is to be submitted; and
- 3) the time allowed for appeal and the date from which it is calculated.

The appeal instructions shall explain the requirements concerning the contents and annexes of the appeal document and its delivery.

Section 48

Notice of prohibition of appeal and of ineligibility for appeal

If an appeal is prohibited under a special provision or if no appeal may be made against the decision, the decision shall specify the provision under which an appeal is not possible.

Section 49

Correction of appeal instructions

If no appeal instructions have been given or a decision has erroneously indicated that no appeal may be made against the decision, the authority shall provide new, lawful instructions.

If the appeal instructions are erroneous, the authority shall issue new instructions, provided that this is requested within the time allowed for appeal indicated in the instructions or laid down by law.

The time allowed for appeal begins from the provision of the new instructions.

Chapter 7a (581/2010)

Procedure for requesting an administrative review

Section 49a (581/2010)

Application of the chapter's provisions and its relationship with other legislation

This chapter lays down provisions on the procedure for considering a request for an administrative review. The provisions also apply if a matter decided by a public official is required to be submitted for consideration to the authority concerned before a judicial review of the decision may be requested.

Unless otherwise provided in this chapter or separately elsewhere by law, this Act applies to the consideration of a request for an administrative review.

Section 49b (893/2015)

Submitting a request for an administrative review, and prohibition of appeal

Separate provisions are laid down by law on decisions for which an administrative review may be requested. No request may be made for a judicial review of such decisions.

An administrative review may be requested by anyone to whom the decision applies or whose right, obligation or interest is directly affected by the decision. Furthermore, an authority may request an administrative review if so provided by law or if the right to request such a review is necessary because of a public interest overseen by the authority.

A judicial review of a decision made concerning a request for an administrative review may be requested as provided in the Administrative Judicial Procedure Act or another act.

Section 49c (581/2010)

Time limit for requesting an administrative review

A request for an administrative review shall be submitted within 30 days from the receipt of the decision.

If a request for an administrative review has not been submitted within the time limit, the request will be ruled inadmissible.

Section 49d (893/2015)

Form and content of request for an administrative review

A request for an administrative review shall be submitted in writing to the authority or other entity performing a public administrative duty which made the decision. The document requesting an administrative review shall indicate the particular decision for which the review is requested, the amendment that is being sought in the review requested and the grounds for requesting the review.

Section 49e (581/2010)

Urgency of consideration

A request for an administrative review shall be considered urgently.

Section 49f (893/2015)

Enforceability of a decision

A decision for which an administrative review may be requested shall not be enforced until it has become final.

However, a decision may be enforced before it has become final if so provided by law or if the nature of the decision is such that it has to be enforced immediately or if the deferral of enforcement would not be in the public interest.

When a request for an administrative review has been submitted, the authority considering it may prohibit the enforcement of the decision or order that the enforcement be suspended. No separate request may be made for a review of a decision to prohibit or suspend enforcement.

Section 49g (581/2010)

Deciding on a request for an administrative review and correcting an error

When an authority has admitted for consideration a request for an administrative review, it may decide to amend the administrative decision, rescind it or reject the request for review. The decision on the request for an administrative review shall set out a reasoned response to the claims presented in the request. Section 45, subsection 2 does not apply to the reasons given for the decision on the request for a review.

The authority deciding on the request for an administrative review may, at the same time and without a separate request, also make a decision on the correction of an error as provided in sections 50–53.

Chapter 8

Correcting an error in a decision

Section 50 (581/2010)

Correcting a material error

An authority may annul its erroneous decision and make a new decision on a matter if:

- 1) the decision is clearly based on erroneous or insufficient evidence;
- 2) the decision is based on a manifestly incorrect application of the law;
- 3) a procedural error has occurred in the decision making; or
- 4) new evidence has been received that may significantly affect the decision on the matter.

In situations referred to in subsection 1, paragraphs 1–3, the decision may be corrected to the benefit or the detriment of a party. The consent of a party is required if the correction would be to his or her detriment. However, the consent of the party is not required if the error is obvious and has arisen from the party's own conduct. In

situations referred to in subsection 1, paragraph 4, the decision can be corrected only to the benefit of the party.

Section 51

Correcting a typographical error

An authority shall correct an obvious typographical or arithmetical error or other clear error comparable to these in its decision.

However, an error shall not be corrected if the outcome of the correction would be unreasonable to a party and the error has not arisen from the party's own conduct.

Section 52

Pendency and consideration of a correction matter

An authority shall consider a correction matter on its own motion or if requested by a party. The motion or request shall be made within five years from the date of the decision.

The correction of a material error will require renewed consideration of the matter and the making of a new decision on it. A typographical error shall be corrected by replacing the document containing the error with a corrected document. A party shall be provided with an opportunity to be heard before the correction of a typographical error, unless this is unnecessary.

A note that a material or typographical error has been corrected shall be marked on the archival copy of the original decision or recorded in the information system used by the authority. The new or corrected document shall be issued to a party free of charge.

Section 53

Supplementary provisions on the correction procedure

When considering the correction of a material or typographical error, an authority may prohibit the enforcement of the decision until further notice or order that the enforcement be suspended.

If an administrative or other review has been requested concerning a decision to be corrected or a separate statutory procedure is pending in respect of the decision, the authority in question shall be notified of the admission of the correction matter for consideration, and the eventual decision on it shall be delivered to the authority. The consideration of a correction matter shall have no effect on the running of the time allowed for appeal or any other time limit.

No appeal may be made against a decision of an authority to reject a request for the correction of an error.

Chapter 8a (368/2014)

Administrative complaint

Section 53a (368/2014)

Filing an administrative complaint

Anyone may file, with the authority that oversees the respective activities, an administrative complaint concerning the unlawful conduct of an authority, a person employed by an authority or another entity performing a public administrative duty, or about their failure to fulfil an obligation.

An administrative complaint shall be filed in writing. With the consent of the supervisory authority, the complaint may be filed orally. The complainant shall state the grounds for considering the conduct to be wrong and, wherever possible, provide information about the time of occurrence of the act or omission in question.

Section 53b (368/2014)

Considering an administrative complaint

The supervisory authority shall take the measures that it considers appropriate on the basis of the administrative complaint. If the complaint does not require any measures to be taken, the complainant shall be notified of this without delay.

In considering an administrative complaint, the foundations of good administration shall

be complied with and the rights of the persons directly affected by the matter shall be protected.

An administrative complaint concerning a matter dating back more than two years shall not be admitted for examination without a special reason.

The provisions of this Act apply to a decision on a complaint matter and to the service of the decision.

Section 53c (368/2014)

Administrative guidance issued as a result of an administrative complaint

In its decision on an administrative complaint matter, a supervisory authority may draw the attention of the supervised entity to the requirements of good administration or inform it of the authority's understanding of lawful conduct. If this is not found sufficient in view of the circumstances influencing the overall assessment of the matter, the supervised entity may be given an admonition, unless the nature or severity of the act forming the subject of the complaint requires measures to institute a procedure provided in another act. In the latter case, the consideration of the complaint shall cease.

Section 53d (368/2014)

Prohibition of request for review

No appeal may be made against a decision given in an administrative complaint matter.

PART III

SERVICE OF ADMINISTRATIVE DECISIONS AND OTHER DOCUMENTS

Chapter 9

General provisions on service

Section 54

Duty of service

An authority shall serve its decision without delay on the party concerned and on other known persons who have the right to request an administrative or judicial review of the decision. The authority shall also serve decisions to which a prohibition of request for review applies.

During the consideration of a matter, the authority shall ensure that service of notifications, summonses and other documents influencing the consideration of the matter is effected.

A document is served in the original or as a copy. If a document to be served is accompanied with documents accumulated during the consideration of the matter and these cannot be given to the addressee, the authority shall provide the addressee with an opportunity to study the accompanying documents at the premises of the authority or of the process server. When the document is being served, the addressee shall be informed where and until when the accompanying documents are available.

Section 55

Methods of service

Service is effected as either standard or verifiable service or, if it cannot be so effected, as service by publication.

Service by publication may also be effected when a document has to be served on more than thirty known persons or when the number of addressees is unknown.

Section 56

Service on private individuals

Service on private individuals shall be effected on the individuals themselves or their legal representatives. If the addressee and the representative both have the right to be heard in the matter, the service shall be effected on each of them separately.

In a matter concerning two or more parties jointly, service shall be effected on the contact person specified in the joint document. If no contact person has been specified, the service shall be effected on the first signatory of the document. The addressee shall

inform the other signatories of the service.

Service shall be effected on a person authorised by a party, unless the right of the authorised person to receive service has been specifically restricted or unless the service is to be effected on the party personally. The authorised person shall be informed of service effected on the client.

Section 57

Service on corporations, foundations, estates of deceased persons and bankruptcy estates

Standard service on a corporation or foundation shall be effected at the address that it has indicated. Verifiable service on a corporation or foundation shall be effected on a person entitled to receive service on its behalf.

Service on the estate of a deceased person shall be effected on the joint owner in possession of the estate or on the estate administrator. If the estate is administered jointly by several joint owners, service may be effected on any of them. The joint owner shall inform the other joint owners of the service.

Service on a bankruptcy estate shall be effected on the estate administrator.

Section 58 (1408/2009)

Service on authorities

A document shall be served on the authority that exercises the right to be heard in the matter. If there is doubt about which authority exercises the right of the state to be heard, the document shall be served on the relevant regional state administrative agency.

Verifiable service on a municipality shall be effected on the chief executive or on the chairperson of the body exercising the right of the municipality to be heard in the matter. The service may also be effected on another person entitled to receive service on behalf of the chief executive or the chairperson of the body.

The provisions above concerning service on private individuals apply to service on a private entity performing a public administrative duty.

Chapter 10

Service procedures

Section 59

Standard service

Standard service is effected by post, by a letter to the addressee.

The addressee is considered to have been informed of the matter on the seventh day after the sending of the letter, unless otherwise proven. However, an authority is considered to have been informed of a matter on the date the letter arrives.

Section 60

Verifiable service

Service shall be effected by post against an acknowledgement of receipt if it concerns a binding decision for which the time limit for requesting a review, or other time limit influencing a right of the addressee, applies from the date of service.

Acknowledgements of receipt can also be used if this is otherwise necessary for safeguarding the rights of a party. The acknowledgement of receipt shall indicate the person effecting the service and the addressee and date of the service.

Documents may also be handed over to the addressee or his or her representative. In this event, a written certificate of service shall be drawn up, indicating the person effecting the service and the addressee and date of the service.

If an authority considers it necessary, service may be effected by a process server. The provisions in chapter 11 of the Code of Judicial Procedure apply, where appropriate, to service effected by a process server. Such service may also be effected by an official who is employed by a central government or municipal authority and who, by a special order, is entitled to effect such service in matters within the area of responsibility of that authority. The provisions of this Act on disqualification apply to the disqualification of a

person effecting such service.

Section 61

Substituted service

If the addressee of verifiable service or his or her representative cannot be found, the document may be handed over in a sealed envelope to the following, with their consent:

- 1) a person aged fifteen years or more and living in the same household as the addressee;
- 2) the employer of the addressee or a representative of the employer;
- 3) a person employed by the business if the addressee pursues a business in a permanent place; or
- 4) an office employee of an addressee corporation or foundation.

A written certificate of substituted service shall be drawn up, indicating the person effecting the service, the person to whom the document was handed over, and the date of service. A copy of the certificate of service shall be sent to the addressee of the service without delay.

Service is considered to have been effected on the third day after the date indicated on the certificate of service for the substituted service. Substituted service cannot be effected unless it can be assumed that the addressee will receive the document within a reasonable time.

Section 62

Service by publication

Service by publication is effected by keeping the document available for the addressee on the premises of the authority for a specified period.

A notice of the availability of the document shall be published in the Official Gazette and

shall also be published on the official bulletin board of the authority or in a particular newspaper where it can be assumed the addressee will best receive the information. The notice shall indicate what the matter is about and where and until which date the document will be kept available.

The notice shall indicate that the service is considered to have been effected on the seventh day after the publication of the notice in the Official Gazette.

Section 63

Service abroad

Service abroad is effected in accordance with this Act or the legislation of the foreign state in question, subject to treaties and international obligations binding on Finland.

If an intended service abroad cannot be effected, the document shall be served in Finland by publication.

PART IV

MISCELLANEOUS PROVISIONS AND ENTRY INTO FORCE

Chapter 11

Miscellaneous provisions

Section 64

Costs of an administrative matter and costs of presenting evidence

In an administrative matter, everyone bears his or her own costs.

Separate provisions are laid down on charges for administrative decisions and costs of service. The Legal Aid Act (257/2002) lays down provisions on legal aid payable from state funds.

Witnesses are paid compensation in compliance with the provisions of the State Compensation for Witnesses Act (666/1972), as appropriate. The compensation is paid from the funds available to the authority. If there is a reason to do so, the authority

may oblige a party to fully or partially reimburse it for the compensation paid from these funds.

Section 65

Disqualification of an interpreter or a translator

A person whose relationship with a party or the matter is such as to compromise his or her credibility shall not be used as an interpreter or translator.

Section 66

Dispute over an administrative contract

A dispute over an administrative contract shall be considered in an administrative court as a matter of administrative litigation, as provided in the Administrative Judicial Procedure Act.

Section 67

Administrative consequences

An authority may reinforce a prohibition, obligation or requirement imposed by it by way of a notice of conditional fine, notice of enforced compliance or notice of enforced suspension, or another administrative consequence, as separately provided.

Section 68

Liability for damages for failure to forward the service of a document

Persons obliged to provide information under section 56, subsection 2 and section 57, subsection 2 and addressees of a substituted service referred to in section 61, subsection 1 are liable to compensate for a loss arising from failure to provide information or to forward a document or from a delay in the forwarding of a document, in so far as this is considered reasonable in view of the nature of the failure and other circumstances.

The authority shall attach to the document to be served a notice on the obligation of the recipient referred to in subsection 1 above to forward the document or to provide

information, and on the liability for damages arising from failure to comply with the obligation.

Section 69

Breach of the secrecy obligation of an attorney and a counsel

The punishment for breach of the secrecy obligation provided in section 13 is imposed in accordance with chapter 38, section 1 or 2 of the Criminal Code, unless the act is punishable under chapter 40, section 5 of the Criminal Code or unless a more severe punishment for the act is provided elsewhere in the law.

Chapter 12

Entry into force and transitional provisions

Section 70

Entry into force

This Act enters into force on 1 January 2004.

This Act repeals the following, as later amended:

- 1) the Administrative Procedure Act of 6 August 1982 (598/1982);
- 2) the Act on the Delivery of Documents of 26 February 1954 (74/1954); and
- 3) the Act on Service in Administrative Matters of 15 April 1966 (232/1966).

Section 71

Transitional provisions

The provisions in force at the time of the entry into force of this Act apply to administrative matters that are pending at that time. However, the provisions of this Act apply to matters returned for renewed consideration. This Act applies to administrative contracts concluded after its entry into force.

After the entry into force of this Act, a reference in another act or decree to the Administrative Procedure Act, to the Act on the Delivery of Documents or to the Act on Service in Administrative Matters means a reference to this Act.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.