

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

**Act on International Legal Assistance and Recognition and Enforcement of Judgments
in Civil and Commercial Matters**

(426/2015; amendments up to 808/2018 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Scope of application

The provisions of this Act apply to international legal assistance and recognition and enforcement of judgments in civil and commercial matters.

International legal assistance referred to in this Act includes:

- 1) service of judicial documents and other documents;
- 2) hearing of witnesses, experts and parties, obtaining expert opinions, conducting judicial inspections, obtaining documents and objects to be presented as evidence, as well as taking and submitting of any other evidence for the purpose of proceedings in civil and commercial matters;
- 3) other legal assistance needed for the purpose of proceedings in civil and commercial matters.

The provisions of this Act apply, unless otherwise provided by another Act, legislation of the European Union or an international agreement binding on Finland.

Section 2

Central Authority

The Ministry of Justice is the Central Authority responsible for the duties falling within the scope of application of this Act.

In the capacity of the Central Authority, the Ministry of Justice shall:

- 1) when needed, receive requests for legal assistance sent by foreign authorities;
- 2) execute, either directly or through the competent Finnish authorities, requests for legal assistance transmitted by foreign authorities;
- 3) when needed, transmit requests for legal assistance made by competent Finnish authorities to foreign authorities;
- 4) see to the translation of documents as provided in this Act; and
- 5) perform the other duties of the Central Authority.

Section 3

Requests for legal assistance to Finnish authorities

A request for legal assistance shall be sent by a foreign authority directly to the authority competent to execute the request. The request may also be sent to the Ministry of Justice.

If a request has been sent to the Ministry of Justice, the Ministry shall, without delay, forward it to the authority competent to execute the request.

If a request is made to an authority other than those referred to in subsection 1 or 2, the request shall be forwarded to the authority competent to execute the request.

Section 4

Requests for legal assistance to foreign authorities

A request for legal assistance to a foreign state may be made by a court, the Ministry of Justice, or another competent judicial authority.

The request shall be sent to a foreign state in compliance with the procedure required by the foreign state and taking into account the provisions of any treaties in force between Finland and the foreign state. In the absence of a treaty between Finland and the foreign state regarding requests for legal assistance, the request shall be sent to the foreign state through the Ministry for Foreign Affairs.

Chapter 2

Providing legal assistance

Section 5

Form and content of a request for legal assistance

A request for legal assistance by a foreign authority to a Finnish authority shall be in writing. The request may also be sent as an electronic message. If the authenticity or the contents of a request or any related document sent as an electronic message raise doubts, the Ministry of Justice or the authority competent to execute the request may require necessary verification in writing. If the request for legal assistance concerns service of a document, the request shall be in writing and accompanied by the document to be served. Unless there is a special reason, requests for legal assistance and the related documents need not be legalised.

The following information shall be included in the request:

- 1) the requesting authority and the authority requested to execute the request;
- 2) names and contact information of the parties and, where necessary, their representatives;
- 3) nature and subject of the judicial proceedings, and a brief account of the matter; or if the request concerns service of a document, the nature of the document;
- 4) the contents of and reasons for the request.

If the request concerns taking of evidence, it shall also include information referred to in section 21.

A request for legal assistance may be executed even if it does not meet the requirements laid down in subsection 2 or 3 if the nature of the deficiencies does not prevent execution.

Section 6

Language of requests for legal assistance

A request for legal assistance addressed to Finland shall be set out in Finnish, Swedish or English, or, if requested, be accompanied by a translation into one of these languages. Similarly, the documents related to the request shall be in either Finnish, Swedish or English, or be accompanied by a translation into one of these languages, unless otherwise provided below in this Act.

If the request for legal assistance, or any accompanying documents, is in a language other than those referred to in subsection 1, the authority competent to execute the request may, at its discretion, execute the request, provided there is no impediment to this under this Act.

Section 7

Execution of requests for legal assistance

The execution of a request for legal assistance shall be carried out following the procedure laid down by Finnish law, unless otherwise provided below. The request shall be executed without delay, and the time limits set or implied in the request shall be observed as far as possible.

If the request or the accompanying documents are incomplete to the extent that the request cannot be executed, the requesting foreign authority shall without delay be asked to supplement the request or to provide additional information on the matter.

If the request cannot be executed or the execution of the request is delayed, the requesting foreign authority shall be notified of this without delay, and simultaneously be informed of the reasons for the non-execution or the delay.

Section 8

Following a special procedure referred to in a request for legal assistance

When executing a request for legal assistance, a special form or procedure referred to in the request may be followed unless such a procedure is deemed to be contrary to the Finnish legislation.

If the request cannot be executed following the procedure specified in the request, the authority of the requesting foreign state shall be notified of this without delay and inquired whether the request should nonetheless be executed.

Section 9

Restrictions on the use of coercive measures

If the service of a summons to appear before a foreign authority is requested, the Finnish authority cannot oblige the concerned person to obey the summons nor use any coercive measures due to his or her failure to appear.

Provisions on the obligation of witnesses and injured parties to obey a summons to appear in court issued by a court of another Nordic country are laid down in the Act on the Duty to Appear before the Court of Another Nordic Country in Certain Cases (349/1975).

Section 10

Mandatory grounds for refusal

Legal assistance shall be refused if the execution of a request could violate the sovereignty of Finland or compromise the security or other essential interests of Finland. Similarly, legal assistance shall be refused if the execution of a request would conflict with Finnish public policy.

Section 11

Decision to refuse legal assistance

The decision to refuse legal assistance is made by the authority competent to execute the request. Where the request for legal assistance has been sent to the Ministry of Justice acting as the Central Authority, the Ministry may, without transmitting the request to the authority competent to execute it, decide to refuse legal assistance, if it is evident that legal assistance cannot be afforded in the matter.

A decision in which the request for legal assistance by a foreign authority is refused may not be appealed against.

Section 12

Costs and expenses for providing legal assistance

No reimbursement for costs or expenses incurred in the execution of a request for legal assistance by a foreign authority may be claimed from the requesting foreign state, unless otherwise provided below in this Act.

Chapter 3

Providing legal assistance in the service of documents

Section 13

Request for service

A request by an authority of a foreign state to effect service may be transmitted to the Ministry of Justice or directly to the district court competent to effect the service.

Section 14

Competent authorities

Service of a document shall be effected by the district court for the place of domicile of the addressee or by a court which otherwise may expediently effect the service. Where the request has been transmitted to a court which is not responsible to effect the service, that court shall promptly transmit the request and the accompanying documents to the competent district court, unless the court considers that it may itself effect the service.

Section 15

Service of documents

Service of a document is effected in accordance with the procedure used in the service of corresponding documents under Finnish law, or in accordance with a particular procedure specified in the request, unless such a procedure is deemed to be contrary to Finnish legislation. However, a document may not be served by way of a public notice or in another similar manner.

Service of a document is effected in accordance with subsection 1, if the document to be served is in Finnish or Swedish or accompanied by a translation into either of these languages. This notwithstanding, the document may be served if the person on whom the document is to be served agrees to receive it, or understands the language of the document or its translation.

Section 16

Notice of non-service of documents

Where service cannot be effected since the whereabouts of the addressee are unknown, the addressee is not present in Finland, or for any other reason, the authority of the requesting foreign state shall be without delay notified of this and of the reasons that have prevented the execution of the request.

Section 17

Service effected by a consular officer

Service in Finland may also be effected, without using coercive measures, by a consular officer of a foreign state or by a diplomatic agent of a foreign state performing consular functions.

Chapter 4

Request for legal assistance for the service of documents

Section 18

Requests by a Finnish authority to the authority of a foreign state

If judicial documents need to be served abroad, the court will send a request for service to the authority of the foreign state. On request, a district court may send requests for the service of other documents.

Section 19

Form and content of a request for service

A request for legal assistance for the service of documents shall be set out in a language approved by the requested authority. The documents to be served shall be appended to the request. [The](#)

request shall include information on the authority that issued the document, all necessary information regarding the parties concerned, the recipient's address, the nature of the document to be served, and any special procedure to be followed when serving the document.

The appended documents shall, where necessary, be translated into a language approved by the requested authority. The court is responsible for the translation of documents issued by it. The parties concerned shall arrange the translation of any other documents.

Chapter 5

Providing legal assistance in the taking of evidence

Section 20

Taking of evidence and hearing of parties in court

If the request for legal assistance by a foreign authority concerns hearing of witnesses or experts, presentation of documents, execution of a judicial inspection or taking of other evidence or hearing of parties, and the execution of the measure pertains to a court, a district court shall be responsible for the taking of evidence or the hearing of the parties. Taking of evidence requires that legal proceedings concerning the matter are pending in a court of the requesting foreign state, in arbitration proceedings, or in another similar dispute resolution procedure.

Evidence shall be taken and parties heard in the district court for the place where the person to be heard is domiciled or habitually resident, or where the evidence can otherwise be taken in an appropriate manner.

Section 21

Form and content of a request for legal assistance for the taking of evidence

In addition to the information referred to in section 5, subsection 2, a request for legal assistance for the taking of evidence shall include the following information:

- 1) where the request concerns the hearing of a person, the person's name and address, questions to be put to the person or a statement of the facts about which the person shall be heard, a reference to a right to refuse to give evidence provided in the legislation of the requesting state, if

applicable, request to take evidence under oath or affirmation and the specific form to be used for such purpose, and any other information deemed relevant by the requesting authority;

2) where the request involves other forms of taking of evidence, the documents and other objects to be inspected; and

3) information regarding following a specific procedure in the taking of evidence, and any necessary information pertaining to this.

Section 22

Presence and participation when evidence is taken

Unless otherwise provided, the competent authority of the requesting state, the parties, and any other persons concerned have the right to be present when witnesses, experts or parties are being heard or when some other requested measure is being carried out.

The authority of the requesting state shall be informed of the time and place of the execution of the requested measure well in advance.

Section 23

Right to refuse to give evidence

A person to be heard as a witness or expert in a Finnish court pursuant to a request made by an authority of a foreign state has the right to refuse to give evidence or to make a statement, if the person is so entitled or obliged under Finnish law or the law of the requesting state. The law of the foreign state shall be taken into account, if the right or duty to refuse to give evidence has been stated in the request for legal assistance made by the foreign state, or if such information is confirmed by the requesting foreign authority upon the request of a Finnish court, or if the right or duty otherwise is known to the court.

A person who has a duty, pursuant to a request made by a foreign authority, to present a document or an object in court, has the right to refuse to present the document or object, if the person has the right or obligation to do so under Finnish law or the law of the requesting state.

Section 24

Coercive measures

Coercive measures may only be used to oblige a person referred to in section 23 to appear before court or to execute a measure if the use of coercive measures for such purposes is permitted by Finnish law.

Section 25

Reimbursement of expenses

A person obliged to appear in court on the basis of a request for legal assistance made by a foreign state is entitled, on request, to a reasonable reimbursement from State funds for necessary travel and subsistence expenses and financial loss as provided in the State Compensation to Witnesses Act (666/1972). Expenses incurred by the parties are not reimbursed from State funds.

Compensations paid under subsection 1 are borne by the State.

A person obliged to appear in court on the basis of a request for legal assistance made by a foreign state, or to execute other measures referred to in the request for legal assistance, may ask the party to the proceedings for compensation for the costs and expenses arisen from the execution of the requested measures. In this case, the court responsible for executing the request for legal assistance is required to make a record of the request for compensation and forward it to the requesting authority.

Chapter 6

Request for legal assistance for the taking of evidence

Section 26

Decision to request legal assistance

In a pending civil and commercial matter, the court may, at the request of a party or *ex officio*, decide to make a request for legal assistance for the taking of evidence in a foreign state.

If the authority of a foreign state requires that its expenses be reimbursed, such expenses shall be paid from State funds. If the request for legal assistance was made at the request of a party and

the amount of expenses to be reimbursed is significant, the court may, at its discretion, order the party in question to reimburse the costs incurred by the State in full or in part.

Section 27

Form and content of a request for legal assistance for the taking of evidence

A request for legal assistance to an authority of a foreign state shall include the information referred to in section 5, subsection 2, and in section 21.

A request for legal assistance shall be made in a language approved by the requested authority. The court is responsible for the translation of the request, and any expenses incurred will be borne by the State. If the costs of translating the request for legal assistance are significant, the court may, at its discretion, order the party requesting a request for legal assistance to be made to reimburse the costs incurred by the State in full or in part.

If the court deems it necessary to append documents to the request, these documents shall be translated into a language approved by the requested authority. The party concerned shall bear the costs of translating the documents to be appended to the request.

Chapter 7

Providing legal assistance at the request of a party other than an authority

Section 28

Taking of evidence for the purpose of an entitlement in a foreign state

If a matter within the scope of application of this Act is not pending in a foreign court or similar dispute resolution body but the provision of legal assistance to the person requesting assistance is necessary for the purpose of substantiating an entitlement in a foreign state, that person may ask for the hearing of a witness or he or she may affirm that an account, report, notification or testimony is correct.

The district court for the place where the person to be heard or, if the matter does not involve the hearing of a witness, the person who made the request, is domiciled or habitually resident, or where the evidence can otherwise be taken in an appropriate manner is responsible for the hearing of the witness or the affirmation of an account, report, notification or testimony.

On request, evidence may be taken or an affirmation made following a special form or procedure, unless such a procedure is deemed to be contrary to Finnish legislation.

Section 29

Certification of documents

A district judge or a notary public may certify signatures, certificates and other documents needed for purposes referred to in section 28.

A notary public may certify the authenticity of a formal written account, report or notification as provided in section 2, subsection 2 of the Act on Notary Public (420/2014).

Chapter 8

Recognition and enforcement of judgments

Section 30

Recognition and enforcement of foreign judgments

A judgment or a decision in a civil or commercial matter of a court in a foreign state is recognised and enforced in Finland on the basis of a specific agreement on this or if so provided by law.

The provisions of this Act apply to the recognition and enforcement of judgments unless otherwise agreed or provided by law.

Section 31

Procedure

An application to declare a judgment issued in a foreign state enforceable shall be submitted to a district court. The provisions of chapter 8 of the Code of Judicial Procedure on petitionary matters apply, as appropriate.

If a judgment issued in a foreign state has, on application, been declared enforceable in Finland without hearing the opposing party and without notifying the opposing party of the decision in accordance with chapter 8, section 11 of the Code of Judicial Procedure, the opposing party shall be served with the decision. The district court is responsible for the service of the decision in

accordance with the provisions of chapter 11 of the Code of Judicial Procedure on the service of a summons.

Section 32

Request for review

A review of a decision to declare a judgment issued in a foreign state enforceable may be requested in accordance with the provisions on requesting a review of a judgment of the court in question. If the applicant's opposing party was served with the decision in accordance with the provisions of section 31, subsection 2, the decision is, for the purpose of applying the provisions on requesting a review, deemed to have been issued on the date on which the opposing party was served with the decision.

Section 33

Enforcement of decisions on legal costs

A decision in a civil or commercial matter issued by a court of a state party to the Convention on Civil Procedure (Finnish Treaty Series 2/1957) or the Convention on International Access to Justice (Finnish Treaty Series 47/1988), ordering the plaintiff or the intervening party to pay legal costs, is enforceable in Finland after it has, on application, been declared enforceable.

An application to declare a decision enforceable shall be submitted to a district court unless otherwise agreed with the foreign state in question.

The following documents shall be attached to the application:

- 1) a certified copy of those sections of the decision that indicate the nature of the matter, the names of the parties and their status in the proceedings, and their obligation to pay legal costs; and
- 2) a certificate indicating that the decision is final and enforceable in the state in which it was issued.

If the decision is in a language other than Finnish or Swedish, the application shall be accompanied by a certified translation into either of these languages, unless the district court grants an exemption.

Section 34

Declaring a decision on legal costs enforceable

The district court shall resolve a matter referred to in section 33 without hearing the parties. If the application meets the specified formal requirements, the district court shall declare the decision on legal costs enforceable. In this case, the decision is enforced in the same way as a final judgment of a Finnish court, unless otherwise ordered by a higher-ranking authority.

At the request of a party, the district court shall confirm the costs arising from the translation of the decision and the certification of the translation, and order such costs recoverable through execution as provided in subsection 1 on legal costs.

No fee is charged for the proceedings or the copy of the decision.

The district court for the place of enforcement is competent in the matter. The provisions of section 31 apply to the proceedings, unless otherwise provided in another act or in an agreement concluded with a foreign state.

Section 35

Certificate of the enforceability of a decision issued in Finland

If a judgment, decision or settlement issued in Finland is to be enforced in a foreign state, the court or authority that issued the judgment or other decision, or confirmed the settlement, shall on request issue a certificate of the enforceability of the decision or settlement in Finland.

Chapter 9

Miscellaneous provisions

Section 36

Further provisions

Further provisions on the fees charged for the translation of documents to be appended to a request for legal assistance and for the service of documents and other related costs may be issued by government decree.

Section 37

Entry into force

This Act enters into force on 1 October 2015.

This Act repeals:

- 1) Act on the cooperation between Finnish and foreign authorities in legal proceedings and on the enforcement in certain cases of a decision issued by a foreign court (171/1921);
- 2) Act on giving evidence for the enforcement of law in a foreign state (4/1927);
- 3) Decree on executive assistance provided by Finnish authorities to certain international bodies (214/1930);
- 4) Decree on the payment of compensation in matters regarding the provision of executive assistance to foreign judicial authorities or certain international bodies (215/1930);
- 5) Decree on Mutual Assistance in Service of Documents in Civil Matters (211/1982);
- 6) Section 2 of the Act (881/1977) on the approval of certain provisions of and application of the Convention between the Nordic countries on the recognition and enforcement of judgments concerning claims under private law, as it stands in Act 800/1996.

The reciprocal arrangements made under section 20 of the Act referred to above in subsection 2, paragraph 1, shall remain in effect as agreed.

This Act does not apply to requests for legal assistance or applications made or received before the entry into force of the Act.