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> Finland

Service of documents: official transmission of legal documents



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European Judicial Network
(in civil and commercial matters)

1 What does the legal term "service of documents" mean in practical terms? Why are there specific rules regarding the "service of documents"?

'Service of documents' means a notification issued to a specific natural or legal person in a way that can be verified and in the form regulated by law. The aim of the rules relating to the service of documents is to ensure that documents are served credibly to the relevant person and that such service can be verified.

2 Which documents need to be served formally?

The documents that are served are usually documents relating to judicial proceedings, such as summonses and requests for testimony. A request for evidential service of documents may also relate to documents other than those for judicial proceedings, such as wills.

3 Who is responsible for serving a document?

For judicial proceedings, the court is generally responsible for the service of documents. Upon a request by the relevant party, the court may entrust that party with responsibility for the service of documents if the court considers that there are appropriate grounds for doing so.

In other cases, the party in whose interests the documents are to be served is responsible for service of the documents.

4 Address enquiries

4.1 Does the requested authority in this Member State on its own initiative, try and establish the whereabouts of the addressee of the documents to be served if the address indicated is not correct? See also notification under Article 7(2)(c) of the Service of Documents Regulation.

Yes. The bailiffs of the district court (*käräjäoikeus*) have access to the population-data system, where they can check for up-to-date address details.

4.2 Do foreign judicial authorities and/or parties to judicial proceedings have access to registers or services in this Member State enabling the establishment of the person's current address? If yes, which registers or services exist and what procedure must be followed? What fee, if any, should be paid?

The Address Service (*osoitepalvelu*) allows you to search for up-to-date addresses for nearly all permanent

residents in Finland. The Service's information is based on the information in the Population Information System maintained by the Digital and Population Data Services Agency (*Digi- ja väestötietovirasto*).

Addresses are searched for using the individual's forename and surname. This may be a previous or current name. Things such as the individual's age, date of birth and current or former municipality of residence may be used as filter search terms.

Addresses are provided for individual, clearly identified persons who have reached the age of 15 and have not withheld permission for their address to be supplied.

Finnish-language address service: tel. 0600 0 1000;

Swedish-language address service: tel. 0600 0 1001;

These services are available every day from 8:00 to 22:00.

The service costs EUR 2.50/ minute + local network charge/mobile charge and local network/mobile call-waiting charges (EUR 1.98/minute up until 16 May 2020).

The service may be called only from Finland.

Address enquiries may also be submitted to the Digital and Population Data Services Agency by e-mail. They may be submitted in Finnish, Swedish or English using the e-mail address: vtj-todistus@dvv.fi. Enquiries may also be made in writing to the Digital and Population Data Services Agency, PL 123, 00531 Helsinki. A fee is charged for the service. The purpose for which the address is to be used should be indicated in the enquiry.

The Finnish Patent and Registration Office (Patentti- ja rekisterihallitus - PRH) and the Finnish Tax Administration (Verohallinto) have a shared service at <https://www.ytj.fi> where you can search for the business details of companies and corporations. The service is available in Finnish, Swedish and English. Further information can be found at <https://www.prh.fi/fi/index.html> (in Finnish), <https://www.prh.fi/sv/index.html> (in Swedish) and <https://www.prh.fi/en/index.html> (in English).

4.3 What type of assistance in address enquiries from other Member States do the authorities of this Member State provide under Article 7(1) of the Service of Documents Regulation? See also notification under Article 7(1) of the Service of Documents Regulation.

Please see the answer to the previous question.

5 How is the document normally served in practice? Are there alternative methods which may be used (other than substituted service referred to in point 7 below)?

According to Section 3 of the Code of Judicial Procedure (*Oikeudenkäymiskaari 4/1734*), where the court is responsible for the service of documents in judicial proceedings, the documents are primarily served by post. A letter may be sent by registered post with proof of receipt. Alternatively, it may be sent directly to the individual's home. In such cases, proof of receipt is enclosed with the letter, and the recipient must sign it and return it to the court. Documents relating to judicial proceedings, other than summonses and the first request for a reply, may also be served by sending them by standard post to the address indicated to the court by the relevant party. The recipient will be considered to have been served a document sent by standard post on the seventh day after it was posted.

According to Section 4 of the Code of Judicial Procedure (4/1734), documents may be served by a bailiff if service by post is unlikely to be successful.

According to Section 2 of the Code of Judicial Procedure (4/1734), the court may, with the consent of the relevant party, entrust that party with responsibility for the service of documents if the court considers that there are justified grounds for doing so. In such cases, the court will notify the relevant party of the deadline for the service of documents and for sending proof to the court. According to Section 4 of the Code of Judicial Procedure

(4/1734), documents are served by a bailiff in such cases.

According to Section 4 of the Code of Judicial Procedure (4/1734), if the court has entrusted the relevant party with responsibility for the service of documents, and if the relevant party is represented by a lawyer or public legal counsel, the documents may also be served in person to the recipient by that lawyer or public legal counsel. In such cases, the recipient will sign the proof that the documents have been received. This service method may not be used in criminal cases.

Documents other than those relating to judicial proceedings will be served by a bailiff at the request of an authority or an individual.

6 Is electronic service of documents (service of judicial or extrajudicial documents through remote means of electronic communication, such as e-mail, internet based secured application, fax, sms etc.) permitted in civil proceedings? If so, for which types of proceedings is this method provided for? Are there restrictions with regard to the availability/access of this method of service of documents depending on who the addressee is (legal professional, legal person, company or other business actor, etc.)?

According to Section 11(3) of the Code of Judicial Procedure (4/1734), where the court or the prosecutor is responsible for the service of documents, the document may be served by sending it to the relevant party as an electronic communication in the manner specified by the recipient, if it can be assumed that the recipient will be informed about the document and return proof of receipt by the deadline.

According to Section 11(3b) of the Code of Judicial Procedure (4/1734), where the court is responsible for the service of documents, and if the case relates to a debt of a specific amount, the restoration of possession or disrupted conditions, or eviction, and the plaintiff states that they do not consider the case to constitute a dispute, the documents may also be served by telephone. An additional requirement is that service by telephone be appropriate given the scope and quality of the document in question and that the recipient be informed about the document in question and understand the significance of its service, beyond any doubt. Once a document has been served by telephone, it must immediately be sent as a letter or electronic communication to the address specified by the recipient, unless this is manifestly unnecessary for special reasons. Proof that a document has been served by telephone will also be produced.

6.1 What type of electronic service within the meaning of Article 19(1) of the Service of Documents Regulation are available in this Member State where service is to be effected directly on a person, who has a known address for service in another Member State?

Please see the answer to the previous question about the service of documents by electronic means.

6.2 Has this Member State in accordance with Article 19(2) of the Service of Documents Regulation specified additional conditions under which it will accept electronic service via e-mail referred to in Article 19(1)(b) of that Regulation? See also notification under Article 19(2) of the Service of Documents Regulation.

No.

7 'Substituted' service

7.1 Does the law of this Member State allow for other methods of service in cases where it has not been possible to serve the documents to the addressee (e.g. notification to the home address, to the bailiff office, by postal service, or by poster advertising)?

According to Section 7 of the Code of Judicial Procedure (4/1734), when a bailiff has sought a person for the

purposes of the service of documents and whose place of residence in Finland is known, but the bailiff has not found that person or anyone who is entitled to receive served documents on that person's behalf, and it may be assumed on the basis of the circumstances that the person in question is avoiding the service of documents, the bailiff may serve the documents by delivering them to any member of the same household who has reached the age of 15 or, if the recipient of the documents runs a business, to any individual in the service of that person's business. If none of the above can be found, the documents may be served by handing them over to the local police force.

When the procedure set out in paragraph 1 has been followed, the bailiff must send notification of this to the recipient of the documents served, using the recipient's address. The documents shall be regarded as having been served when the notification within the meaning of paragraph 2 is posted.

In criminal cases, a summons may not be served to the defendant using the procedure set out in this paragraph.

According to Section 9 of the Code of Judicial Procedure (4/1734), if no information as to the recipient's whereabouts can be obtained, the court will be responsible for serving the documents by public notice. In criminal cases, a summons may not be served on the defendant by public notice.

7.2 If other methods are applied, when are the documents deemed to have been served?

Please see the reply to question 7.1.

7.3 If another method of service is the deposit of the documents in a particular place (e.g. at a post office) how is the addressee informed of that deposit?

Please see the reply to question 7.1.

7.4 If the addressee refuses to accept service of the documents, what are the consequences? Are the documents regarded as effectively served if the refusal wasn't legitimate?

If the recipient does not collect the served documents from the post office or refuses to receive the served documents sent with proof or receipt, the request is returned to the sender. In such cases, the documents are deemed not to have been served (please see, for example, Decision 50:1997 of the Supreme Court (*korkein oikeus*)). Similarly, if the document that is to be served has been posted directly to the home, it shall be deemed not to have been served if the recipient does not return the signed proof of receipt to the court.

The recipient may only refuse to receive the documents served by the bailiff if certain conditions listed in legislation are fulfilled. The recipient may refuse to receive the served documents inter alia when the documents are not in Finnish, Swedish or another language that the recipient understands. (For example: (the Act on International Legal Assistance in Criminal Matters (*Laki kansainvälisestä oikeusavusta rikosasioissa*) or the Act on International Legal Assistance and the Recognition and Enforcement of Judgments in Civil and Commercial Law (*Laki kansainvälisestä oikeusavusta sekä tuomioiden tunnustamisesta ja täytäntöönpanosta siviili- ja kauppaoikeuden alalla*)). If the recipient unjustifiably refuses to receive served documents, the documents will nevertheless be deemed to have been served.

If there are grounds in law for refusing the service of documents, the bailiff will return the documents. In such cases, the bailiff will provide written evidence to the effect that the recipient has refused the service of documents, and an explanation of the grounds for such refusal.

8 Postal service from abroad (Article 18 of the Service of Documents Regulation)

8.1 If the postal service delivers a document sent from abroad to an addressee in this Member State in a situation where acknowledgment of receipt is required (Article 18 of the Service of Documents Regulation), does the postal service deliver the document only to the addressee

himself/herself or may it, in accordance with national rules of postal delivery, deliver the document also to another person at the same address?

When documents are sent to Finland for service by post against an acknowledgement of receipt, the post office retains these documents and sends the recipient a notification to the effect that there is an item for the recipient for them to collect from the post office. Only the recipient or a person authorised by the recipient may collect these documents from the post office. It is possible for the documents to be handed over exclusively to the recipient in person if the person requesting service of the documents so requests.

8.2 Under the rules of postal delivery in this Member State how can the service of documents from abroad, under Article 18 of the Service of Documents Regulation, be effected if neither the addressee nor any other person authorised to receive the delivery (if possible under national rules of postal delivery – see above) has been reached at the address of delivery?

If the recipient does not collect the documents from the post office, they are returned to the sender.

In such cases, the sender may send the documents and the request for service of documents to the district court (*käräjäoikeus*) of the recipient's place of domicile or residence. Once the request is received, the district court's bailiffs will try to serve the documents on the recipient in person.

8.3 Does the post office allow a specific period of time for collection of the documents before sending the documents back as undelivered? If yes, how is the addressee informed that there is mail for him to collect at the post office?

The post office sends the recipient notification to the effect that there is an item for them to collect from the post office. The notification will also state the date by which the recipient must collect the documents.

The post office will keep documents for the duration of the week in which they arrive plus two (2) full calendar weeks.

9 Is there any written proof that the document has been served?

The bailiff will provide proof of having served the documents. Proof is also given for service of documents by post.

10 What happens if something goes wrong and the addressee does not receive the document or the service is effected in violation of the law (e.g. the document is served on a third person)? Can the service of the document nevertheless be valid (e.g. can violations of the law be remedied) or must a new effort to serve the document be made?

If documents have been served incorrectly and the relevant party does not appear in court or does not provide the written response requested of them, the documents must be served again. There is no need to serve the documents again, however, if the error is minor.

If the relevant person claims that the documents have been served incorrectly, the case will be adjourned unless the minor nature of the error obviates the need for this.

11 If the addressee refuses to accept a document based on the language used (Article 12 of the Service of Documents Regulation) and the court or authority seised of the legal proceedings decides upon verification that the

refusal was not justified, is there a specific legal remedy to challenge that decision?

The legal remedy is an appeal in the principal case.

12 Do I have to pay for service of a document, and if so, how much? Is there a difference where the document is to be served under domestic law and where the request for service originates from another Member State? See also notification under Article 15 of the Service of Documents Regulation, concerning service of a document from another Member State.

The service of documents by a bailiff, and the proof for it, cost EUR 85. No fee is applicable where the court is responsible for the service of the documents.

The service of documents on the grounds of a request for legal aid from abroad is free of charge.

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