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European enforcement order

Finland



Finland

FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

1. Procedures for rectification and withdrawal (Art. 10(2))

Article 10(2)(a) Rectification procedure

The Act on the European Enforcement Order for uncontested claims (825/2005) lays down the procedure for rectification as follows:

Rectification of a material error in the European Enforcement Order certificate (Section 2)

If the judgment, court settlement, or authentic instrument referred to in the Regulation has been falsely represented in the certificate issued on the basis of the Regulation, the court which issued the certificate or other authority must upon application rectify the discrepancy.

An application for the rectification of a European Enforcement Order certificate may be made using the standard form in Annex VI. The rectification should be made on the original certificate. If it is not possible to rectify the original certificate, then a new certificate must be issued to the creditor. The rectification must as far as possible be notified to the parties who requested a copy of the certificate. If an appeal was lodged in the matter, the rectification must be notified to the appeal court.

Article 10(2)(b) Withdrawal procedure

The Act on the European Enforcement Order for uncontested claims lays down the procedure for withdrawal as follows:

Withdrawal of the European Enforcement Order certificate (Section 3)

If the certificate, certifying the judgment, settlement agreement approved by a court or authentic instrument as a European Enforcement Order has been clearly wrongly granted with regard to the requirements laid down in the Regulation the court which issued the certificate or other authority must on application withdraw the certificate.

An application for the withdrawal of a European Enforcement Order certificate may be made using the standard form in Annex VI. The parties shall be given an opportunity to be heard unless this is clearly unnecessary.

The withdrawal shall be endorsed on the original certificate if possible. The withdrawal must as far as possible be notified to the parties who requested a copy of the certificate. If an appeal was lodged in the matter, the

withdrawal must be notified to the appeal court.

2. Procedures for review (Art.19 (1))

According to Article 12(1), the minimum standards laid down in Chapter III of the Regulation apply to judgments referred to in Article 3(1)(b) and (c) based on the debtor's default of appearance. According to Article 12(2) of the Regulation, Chapter III of the Regulation also applies to judgments based on the debtor's default of appearance delivered by the court of appeal.

Where a court has delivered a judgment based on the debtor's default of appearance within the meaning of Article 3(1)(b) and (c), in the situations referred to in Article 19(1) the debtor must be entitled to apply for a review of the judgment in order for the judgment to be certified as a European Enforcement Order. In Finland, the debtor's passivity in the district court results in a default judgment. Section 15 of Chapter 12 of the Code of Judicial Procedure provides that the party against whom the case has been decided by a judgment by default has the right to appeal it within 30 days of the date on which the appealing party received notice of the default judgment.

For the purposes of the application of that provision to appeal, it does not matter when the debtor received notice of the default judgment. The statutory time-limit for appeal does not start to run until the debtor has received notice of the default judgment. This provision is less stringent than the minimum requirements laid down in Article 19 of the Regulation. Moreover, the provisions of Chapter 31 of the Code of Judicial Procedure on extraordinary channels of appeal also apply to a default judgment. These include complaints based on a procedural error (Section 1 of Chapter 31) and reversal of a final judgment (Section 7 of Chapter 31). Section 17 of Chapter 31 of the Code of Judicial Procedure contains a separate provision on the granting of a new deadline.

3. Accepted languages (Article 20(2)(c))

European Enforcement Order certificates may be provided translated into Finnish, Swedish or English.

4. Authorities designated for the purpose of certifying authentic instruments (Art. 25)

In Finland, authentic instruments as provided for in Article 4(3)(b) of the Regulation are maintenance agreements enforced and thus certified by the municipal social welfare boards. The municipal social welfare board that enforces the maintenance agreement also enforces it as a European Enforcement Order.

A list of Finland's municipalities is available in electronic format on the <https://oikeus.fi> website maintained by the Ministry of Justice. The contact details of the municipalities may also be found on the <http://www.kunnat.net> website.

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