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## National ordinary courts

Finland

This section provides you with information on general and administrative courts in Finland.

### General and administrative courts – introduction

Finnish courts are divided into **general courts**, which deal with criminal and civil cases, **administrative courts** that provide judicial oversight of administrative acts, and certain **special courts**.

'**General courts**' refers to courts with general jurisdiction. In other words, they handle legal disputes that do not fall under the jurisdiction of any other court of law. Finnish general courts comprise

20 **district courts** (*käräjäoikeudet/tingsrätterna*),

5 **courts of appeal** (*hovioikeudet/hovrätterna*) and

**the Supreme Court** (*korkein oikeus/högsta domstolen*).

**Administrative courts** are the general administrative courts (*hallinto-oikeudet/förvaltningsdomstolarna*) in Finland.

General administrative courts are divided into the Supreme Administrative Court (*korkein hallinto-oikeus/högsta förvaltningsdomstolen*) and regional administrative courts. There are six regional administrative courts in Finland: the Administrative Courts of Helsinki, Hämeenlinna, Eastern Finland, Northern Finland, Turku and Vaasa. In addition, the Åland Islands have a separate administrative court, called the Administrative Court of Åland.

The Supreme Administrative Court is **the court of last resort in administrative cases**.

### District courts

**District courts** function as courts of first instance. They deal with criminal and civil cases and certain petitionary matters, such as divorces. At the moment, there are 20 district courts in Finland. They range in size considerably both in terms of personnel and case load. Annually, district courts handle around 550,000 cases (80,000 criminal cases, 420,000 civil cases and 50,000 petitionary matters). The district courts have around 1,900 employees in total. Provisions and regulations governing the operations and administration of district courts are set out in the **Courts Act** (*tuomioistuinlaki/domstolslag, 673 /2016*) as well as in the rules of procedure of the district courts. According to the act, the senior judge in a court of first instance is also the administrative head of the court in question.

A district court also has as other members lay judges who participate in deciding more serious criminal cases and matters concerning land rights cases. The municipal councils appoint the lay judges. The Ministry of Justice confirms the number of lay judges to be chosen by each municipality. Compensation is paid to lay judges from state funds.

### Procedure in district courts

A **civil procedure** in a district court has two stages: **preparation** and **main hearing**. Preparation begins with written statements of the parties. Cases concerning uncontested claims are often settled already during this stage. Oral preparation takes place in a preparatory hearing in front of one judge. If a settlement is not reached at this stage, the matter is referred to a separate main hearing. Either one or three judges can be present at the main hearing. Where possible, the main hearing is held immediately after the preparatory hearing.

In a **criminal case**, the composition of the court depends on the offence. If the offence is petty, the case can be heard by one judge, while more serious crimes are typically heard by a panel of one judge and two lay judges, or by three judges.

The **criminal procedure** follows the same principles as in civil cases. A criminal case may also begin with a preparatory hearing. The court can request the defendant to present their views on the case prior to the main hearing. The procedure is oral, and the judgment is based on the facts and evidence presented to the court by the parties. All evidence is received in the main hearing. In criminal cases as well, the main hearing is held immediately after the preparatory hearing, where possible. The composition of the court may not be changed during a main hearing. Some criminal cases may, under conditions laid down in the law, be considered by means of a written procedure without arranging a main hearing.

Where the court fails to reach a **consensus** on the judgment, a vote is taken; each member of the panel has one vote. If there is a tie in a civil case, the option favoured by the judge prevails; in a criminal case, the more lenient alternative prevails.

The judgment consists of a decision and a statement of reasons. In most cases, the judgment is usually pronounced at the end of the main hearing. In extensive or otherwise complex cases, however, the judgment may be handed down at most two weeks after the main hearing. In that case, the parties can collect the judgment in writing at the registry of the court.

### Courts of appeal

There are five **courts of appeal** in Finland: Helsinki, Eastern Finland (in Kuopio), Rovaniemi, Vaasa and Turku.

As courts of second instance, appeal courts consider appeals and complaints against decisions of district courts. In some cases, appeal courts can also act as the court of first instance. For example, they consider cases concerning offences in office involving judges or senior public officials of administrative courts within their jurisdiction.

Each court of appeal is also responsible for supervising the operation of the district courts within its jurisdiction, as well as for certain judicial administration matters, such as issuing a statement to the Judicial Appointments Board on the applicants for the position of district court or appeal court judge. The court of appeal must issue the statement in the composition prescribed in the law. The president of the court of appeal is responsible for the operations and productiveness of the court.

The court of appeal is divided into **departments**. A department consists of a department head and other judges. Cases are typically heard by a panel of three judges.

### Procedure in courts of appeal

In certain criminal and civil cases, the appellant needs the appeal court to grant leave for further consideration. The provisions concerning the granting of leave for further consideration are laid down by law. The consideration of the case takes place in written procedure or in an oral main hearing.

### Supreme Court

The **Supreme Court** is the **highest appellate court** in Finland. It is divided into chambers, which have a quorum with five members present.

To refer a case to the Supreme Court, a relevant party must apply for leave to appeal against a judgment of a court. The Supreme Court reviews the application and decides whether leave to appeal may be granted in the case in question. The decision is taken by a **panel** consisting of two or three members. Leave to appeal may only be granted under the conditions laid down in law.

Since 1980, the Supreme Court has been a precedent-setting institution. In practice, a decision of the Supreme Court creates a rule of law that other courts must follow in similar cases. Leave to appeal is not needed in cases where a court of appeal acted as the court of first instance.

The operations of the Supreme Court are presided over by its **president**. The other members of the Supreme Court are called justices. A matter may be presented by the secretary general, a referendary counsellor, a senior judicial secretary, or a judicial secretary.

In addition to the consideration of judicial procedure matters, the Supreme Court is responsible for appointing general court judges for fixed-term positions lasting more than one year. The Supreme Court also gives statements on bills and presidential pardons submitted to the President of the Republic for confirmation.

The **procedure** in the Supreme Court is usually **written**, but **oral hearings** may be arranged if necessary.

## **General administrative courts**

### **Administrative courts**

The Constitution of Finland requires the law to be strictly observed in all public activity. A person or a corporation who considers that a decision of a state or local authority in a matter concerning them is illegal has, as a rule, the right to appeal against the decision.

When making a decision, an authority must provide information on how and where to appeal against the decision. In many cases, it is possible first to seek rectification from the relevant administrative authority, after which a dissatisfied party may lodge an appeal with an **administrative court**. The judicial districts of the administrative courts are based on the Finnish regions, so that one district covers one or several regions.

On appeal, the administrative court reviews the legality of the decision of the authority. If the appellant is dissatisfied with the decision of the administrative court, it is in most cases possible to appeal further to the Supreme Administrative Court, or at least apply to the Supreme Administrative Court for leave to appeal.

Provisions on administrative courts are laid down in the Act on Administrative Courts (*hallinto-oikeuslaki/lag om förvaltningsdomstolarna*, 430/1999), Government Decree on the Jurisdictions of Administrative Courts (*valtioneuvoston asetus hallinto-oikeuksien tuomiopiireistä/statsrådets förordning om förvaltningsdomstolarnas domkretsar*, 865/2016) and in various rules of procedure. The procedural provisions applied to administrative courts are set out in the Administrative Judicial Procedure Act (*hallintolainkäyttölaki/förvaltningsprocesslag* 586/1996).

Some 20,000 appeals are lodged with the administrative courts annually. The majority of these cases concern appeals, but the administrative courts also consider administrative litigation and submission cases. The register classification includes nearly 300 different case categories, which demonstrates the wide variety of matters considered by the administrative courts. Administrative courts are general regional courts and, as a rule, deal with all matters of administrative justice. However, some matters are centralised to certain administrative courts:

the Administrative Court of Helsinki has exclusive competence over matters of value-added tax and customs duties;

the Administrative Court of Vaasa has exclusive competence over permit and compulsion matters under the Water Act and the Environmental Protection Act;

Hämeenlinna Administrative Court considers appeals concerning agricultural subsidies, support for rural development and structural support to agriculture;

Northern Finland Administrative Court considers appeals in matters concerning subsidies to reindeer husbandry and natural livelihoods, as well as appeals in certain matters decided under the Skolt Act (*koltlaki/skollag* 253/1995).

The members of an administrative court are the chief judge and the administrative court judges. The chief judge manages the work of the court and is responsible for its productiveness. An administrative court may divide itself into departments for its work. A department is headed by a legally trained judge appointed as department head. In addition to administrative court judges, the staff of the administrative courts include referendaries and office personnel.

The number of administrative court personnel totals around 550.

### **Administrative court decision compositions**

The administrative courts are collegial courts that normally have a quorum with three members present. The members of an administrative court are the chief judge and the administrative court judges. In certain matters, such as those involving mental health or taking a child into care, a part-time expert member also participates in the consideration and decision of the matter. Matters in accordance with the Environmental Protection Act and the Water Act are considered in a composition consisting of legally trained members, as well as experts in either natural sciences or engineering. The usual decision composition in such matters includes four members.

Administrative courts may also decide certain simple appeals in smaller compositions, provided that this does not risk the legal protection of the parties.

Certain appeals, listed in law, may be decided in a composition of two members when the issue is clear and does not require new interpretation of the law.

This includes certain appeals relating to income, real estate and vehicle taxes and building permits. If the members in a composition of two members disagree on the decision, the case must be decided by a normal composition of three members. One member may decide, for example, appeals relating to parking tickets, charges for towed vehicles, driving licences and public transport fines. One member may also make decisions on all provisional prohibitions on enforcement and prohibit or stay the enforcement of taxes or payments.

### **Procedure in administrative courts**

In administrative courts, the consideration of the case primarily takes place in written procedure, but oral hearings and judicial viewings have become more common in recent years. The number of oral hearings has especially increased in cases concerning child protection or foreign nationals.

As a rule, the appellant or applicant has the obligation to present their claims and grounds for the claims. However, the administrative court is *ex officio* responsible for ensuring proper examination of the case. According to the Administrative Judicial Procedure Act, the administrative court must review the case to the extent required by the impartiality and fairness of the procedure and the nature of the case.

Administrative courts aim to hear their cases in the order they are received. However, certain matters are heard urgently. Once a matter has become pending in an administrative court, the referendary prepares the case. Referendaries at the administrative courts include assistant judges and notaries, at times also administrative judges. The referendary is responsible for obtaining all the required statements or reports from the relevant authorities, as well as for hearing the parties.

Once the matter has become pending, the preconditions for the proceedings are examined and, in appeal cases, a statement and any relevant background documents are obtained from the authority responsible for the appealed decision. After this, any other parties and the appellant are heard.

The referendary prepares a draft decision on the case under consideration. The judges familiarise themselves with the documents and the draft decision, after which the case is decided in a session of the administrative court.

The administrative court takes all circumstances arising in the case into consideration and decides which circumstances are relevant to the decision. If the members participating in the decision do not reach a consensus, a vote is taken. The referendary has the right to state a dissenting opinion in the case. After the session, the statement of reasons may still be revised, and once it has been signed, the decision is then handed down to the parties.

## **Supreme Administrative Court**

The [Supreme Administrative Court](#) is the court of last resort in administrative cases and has the highest judicial powers in judicial procedure matters. The majority of the categories of cases handled by the Supreme Administrative Court are appeals concerning other administrative courts. In some cases, the appellant must first apply for leave to appeal to the Supreme Administrative Court.

In Finland, it is also possible to appeal against decisions made by the Government or a ministry, i.e. the bodies representing the highest executive powers. The Supreme Administrative Court may also give statements and submit proposals on legislative issues. It also supervises the judicial procedure within its field of competence. Its duty is to ensure that the administrative court system operates in unison and in an efficient manner. The Supreme Administrative Court is also responsible for appointing administrative court judges for fixed-term positions lasting more than one year.

The president leads the operations of the Supreme Administrative Court. The other members of the Supreme Administrative Court are called justices. The number of justices is around 20. In addition, the Supreme Administrative Court has around 50 referendaries and a corresponding number of other employees. The Supreme Administrative Court is divided into chambers. The Secretary General heads the office staff.

Around 6,000 appeals are lodged with the Supreme Administrative Court annually. The cases before the Supreme Administrative Court are generally decided by a panel of five judges. When refusing leave to appeal, the panel may be composed of three judges. In cases referred to in the Water Act and the Environmental Protection Act as well as in cases concerning certain intellectual property rights such as patents, the chamber is composed of legally trained members and two part-time expert members. Expert members have the status of an independent judge. In the Supreme Administrative Court, the consideration of the case primarily takes place in written procedure; the number of oral hearings and judicial viewings held each year is under 10.

#### **Legal databases and websites**

##### **Database name**

[Finlex website](#)

[Website of the Finnish Judiciary](#)

##### **Is access to the website or database free of charge?**

Yes, access is **free of charge**.

The website [Oikeus.fi](#) contains information on the judicial system of Finland. It is a centralised online service for those seeking information on the courts, prosecutors, bailiffs, legal aid bureaus and other public bodies dealing with the administration of justice in Finland.

It includes, for example, the latest case-law from the courts of appeal and administrative courts. More extensive databases concerning the Supreme Court, courts of appeal, administrative courts and special courts are available from the free [Finlex service](#) maintained by the Finnish Ministry of Justice.

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