

“Order for payment” procedures - Finland

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1 Existence of an order for payment procedure

In Finland there is a special order for payment procedure, which is designed specifically for collecting uncontested debts. In these cases the defendant can be ordered to pay his or her debt to the claimant by a so-called default judgment.

Actions can also be brought using an electronic application for a summons, which is submitted using an electronic form on the website of the Finnish judicial administration (<https://oikeus.fi/en/>). For more information, see “Automatic processing – Finland”.

1.1 Scope of procedure

1.1.1 What types of claims are eligible (e.g. only pecuniary claims, only contractual claims etc.)?

The procedure can be used for all types of pecuniary claims that parties can agree on contractually between themselves.

1.1.2 Is there an upper limit regarding the value of the claim?

No. There is no upper or lower limit on the value of the claim.

1.1.3 Is the use of that procedure optional or obligatory?

The procedure is voluntary.

1.1.4 Is the procedure available if the defendant lives in another Member State or in a third country?

There is, in principle, no rule that stipulates that the defendant must live in Finland. However, a Finnish court must have jurisdiction for it to be possible to apply the procedure. For example, under the Brussels I Regulation, the forum is determined according to the main rule so that a case involving a demand for payment must be processed in a court of the defendant's place of residence.

1.2 Competent court

The competent court in these matters is the general court of first instance. In Finland, these courts are known as district courts (*käräjäoikeus*). The general rule is that the competent court is the district court of the locality where the defendant has his or her place of residence. The normal provisions concerning jurisdiction apply to the order for payment procedure (see "Jurisdiction – Finland").

1.3 Formal requirements

1.3.1 Is the use of a standardised form obligatory? (if yes, where can that form be obtained?)

Applications for a summons must be in writing and they must include specific details: the claim, the grounds (briefly), any claim for the costs of bringing the action and contact details for the claimant and the defendant. Applications for a summons must be signed.

No forms exist on a national level. Certain district courts have produced forms but there is no obligation to use these.

Uncontested claims can also be filed using an electronic application for a summons, which is submitted using an electronic form on the website of the Finnish judicial administration (<https://oikeus.fi/en/>).

1.3.2 Is representation by a lawyer required?

Neither the claimant nor the defendant needs to use a lawyer. However, using a lawyer is always allowed.

1.3.3 In how much detail do I have to describe the reason for the claim?

The grounds for the claim must be identified so that it can be distinguished from other claims.

1.3.4 Is it necessary to present written evidence of the claim at issue? If yes, which documents are admissible as proof?

No evidence is required in cases involving the collection of an uncontested debt. The claimant must only present sufficient evidence if the defendant contests the claim.

1.4 Rejection of application

In practice, one impediment to a default judgment is if the defendant, with reasonable cause, contests the claim set out in the application for a summons, whereby the claim will no longer be uncontested. Other situations that can arise include the application for a summons being dismissed; this mainly happens if the district court in question does not have jurisdiction or if the claimant, despite being urged to do so, fails to remedy shortcomings in his or her application for a summons. In principle, it is also possible for an action to be rejected immediately by a judgment if the claim is clearly groundless, i.e. the claim has absolutely no basis in law. The court will not otherwise examine the validity of the claim.

1.5 Appeal

The claimant has no recourse to appeal against a finding that a claim cannot be processed as uncontested if the defendant decides to contest the claim. In these circumstances, the case will be processed by the district court in a normal civil proceeding. The claimant can, however, appeal against a dismissal or a rejection of his or her claim.

1.6 Statement of opposition

This question has been formulated with the kind of system in mind in which a "default judgment / order to pay" is issued first and only then is the defendant given an opportunity to object. In Finland the claim is first sent to the defendant and, if the defendant does not contest the claim, a default judgment is then given.

The district court will urge the defendant to respond to the action in writing by a specific deadline. The deadline will be set by the district court, and it is usually between two and three weeks. The defendant's response must indicate whether he or she contests the claim and, if so, on what grounds. The defendant can also indicate in the response which evidence, if any, he or she intends to present and make a claim for costs. The defendant must also disclose his or her contact details and sign the response.

1.7 Effect of statement of opposition

If the defendant submits his or her statement of opposition within the deadline, the claim will no longer be uncontested and a default judgment cannot be given. In these circumstances, the case will automatically proceed to a normal civil proceeding.

1.8 Effect of lack of statement of opposition

1.8.1 What needs to be done in order to obtain an enforceable decision?

If the defendant does not contest the claim within the deadline, a default judgment in the amount claimed is given. The judgment is enforceable immediately.

1.8.2 Is this decision final or is there still a possibility for the defendant to appeal against that decision?

The defendant cannot appeal against a default judgment to a Court of Appeal (*hōvioikeus*), but he or she has the option of filing an application with the district court for what is known as “recovery”. An application for recovery means that the case will be returned to the district court that issued the default judgment, for reconsideration. Applications for recovery must be submitted within 30 days of the date on which the defendant received notice of the default judgment. If no application for recovery is submitted, the default judgment will stand.

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