

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 testimony requests. 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 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 justified 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 inquiries**4.1 Under Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters, 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 addressee no longer resides at the address known to the requesting authority?**

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-data 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 place of domicile may be used as filter search terms.

Addresses are supplied for individual, clearly identified persons over 15 years of age who have not withheld permission for their addresses 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 landline/mobile call-waiting charges (EUR 1.98/minute as at 16.5.2020).

The service may only be called 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 of the address should be indicated in the enquiry.

Addresses may also be found by searching for commercial addresses.

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 organisations. The service is available in Finnish, Swedish and English. Further information may 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 How do the authorities in this Member State deal with a request sent under the Council Regulation (EC) No. 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters aimed at discovering a person's current address?

Council Regulation (EC) No 1206/2001 is not the primary procedure for obtaining address details.

Please see question 4.2 on finding address details for individuals or organisations in Finland.

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 response, may also be served by sending them by standard post to the address indicated by the relevant party to the court. 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 part 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 by that lawyer or public legal counsel to the recipient. 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 upon request by the authority or by 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 foreseen? 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 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 he/she does 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.

According to Section 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.

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 is in Finland 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 over 15 years of age 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 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 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 and proof of receipt from the post office or refuses to receive them, 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 by law are fulfilled. The recipient may refuse to receive the served documents *inter alia* when the documents are not in Finnish or Swedish or in 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 kauppa-oikeuden alalla*)).

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 14 of the Service 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 14 of the Service 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 by post for service and in return for proof of receipt, the post office withholds these documents itself and sends the recipient a notification to the effect that there is an item for him/her 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 party 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 14 of the Service Regulation No. 1393/2007, 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*) for 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 him/her 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 that he/she has 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 person does not appear in court or does not provide the written response requested of him/her, 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 this is not necessary owing to the error being a small one.

11 Do I have to pay for service of a document, and if so, how much?

The service of documents by a bailiff costs EUR 80.

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