

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

The Rectification procedure referred to in Article 10(2) subparagraph a

According to section 2 of Act (825/2005) on a European Enforcement Order concerning uncontested claims the procedure for rectification is as follows:

Rectification of a material error in the European Enforcement Order certificate

If the judgment, settlement agreement approved by a court or authentic instrument 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.

A rectification application can be made by using the standard form in Annex VI of the Regulation. The correction should be made on the original certificate. If it is not possible to correct the original certificate a new certificate must be issued to the debtor. The correction must as far as possible be notified to parties whom have requested a copy of the certificate. If there has been an appeal in the matter the correction must be notified to the appeal court.

The Withdrawal procedure referred to in Article 10(2) subparagraph b

According to section 3 of Act (825/2005) on a European Enforcement Order concerning uncontested claims the procedure for rectification is as follows:

Withdrawal of the European Enforcement Order certificate

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.

The application of withdrawal can be made by using the standard form in Annex VI of the Regulation. 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 shall as far as is possible be notified to all parties whom have requested a copy of the certificate. If there has been an appeal 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 in Chapter III of the Regulation are to be applied to judgments which fall under Article 3(1) (b) and (c) based on the default of the defendant. According to Article 12(2) Chapter III is also applicable when judgment in default was handed down by an appeal court. Where judgment has been given in default, in circumstances fulfilling the conditions as specified in Article 3(1) (b) and (c), the debtor must under certain circumstances be entitled to apply for a review of the judgment under Article 19(1), in order for the judgment to be certifiable as a European Enforcement Order. In Finland the passivity of the debtor in the District Court (*käräjäoikeus*) results in a default judgment. The debtor has under Chapter 12 §15 of the Code of Judicial Procedure the right to apply for a re-trial within thirty days from the date when he received verifiable notice of the judgment.

For the application of this provision, the debtor's actual knowledge of the default judgment is of no importance. The time limit of thirty days does not start running until the judgment in default has been served upon the debtor. Hence the rule is broader than the minimum standard provided for in Article 19. In addition, the extraordinary modes of appeal in Chapter 31 of the Code of Judicial Procedure are available for judgments in default, including § 1 complaint on the grounds of a procedural error and § 7 application for annulment on grounds of substantive error. Furthermore, the particular extraordinary mode of appeal in Chapter 31 § 17, application for restoration of lapsed time, is available.

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

A European Enforcement Order certificate 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) are the maintenance agreements endorsed and thus certified by the Social Board of each town or municipality. The Social Boards will also issue a European Enforcement Order certificate for such agreements.

A list of the towns and municipalities in Finland is available in electronic format on the web pages maintained by the Ministry of Justice www.oikeus.fi. The addresses of the towns and municipalities may also be found through the web pages of the Association of local and regional authorities www.kunnat.net.

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