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Which country's court is responsible?

Finland

1 Should I apply to an ordinary civil court or to a specialised court (for example an employment labour court)?

In Finland civil actions are handled by general courts. Special courts are generally either appellate instances or else they hear cases other than those brought by individual citizens.

2 Where the ordinary civil courts have jurisdiction (i.e. these are the courts which have responsibility for such cases) how can I find out which one I should apply to?

2.1 Is there a distinction between lower and higher ordinary civil courts (for example district courts as lower courts and regional courts as higher courts) and if so which one is competent for my case?

The general court of first instance in civil actions in Finland is the district court (*käräjäoikeus*). Courts of Appeal (*hovioikeus*) principally act as appellate courts.

2.2 Territorial jurisdiction (is the court of city/town A or of city/town B competent for my case?)

2.2.1 The basic rule of territorial jurisdiction

The main rule is that actions are brought to the general court of first instance of the defendant's place of residence. This also applies in situations where the defendant is a legal person. Only a small minority of actions are handled elsewhere.

2.2.2 Exceptions to the basic rule

2.2.2.1 When can I choose between the court in the place where the defendant lives (court determined by the application of the basic rule) and another court?

Cases where this is possible include the following:

Actions regarding divorce, termination of cohabitation or the validity of marriage, or the division of property in circumstances other than following the death of a spouse, can be brought to a court of first instance in a judicial district where either of the spouses has his or her place of residence or domicile.

Actions regarding the operations of a branch, department, representative or other such place of business of a legal person or the operations of a place of business of a sole trader where said legal person or sole trader is the defendant can also be brought to a court of first instance in the judicial district where the place of business concerned is located.

A claim brought by a consumer against a trader on the basis of consumer protection legislation can also be heard by a court of first instance in the judicial district where the consumer concerned has his or her place of residence or domicile.

The Market Court (*markkinaoikeus*) acts as the court of first instance for disputes, applications and complaints relating to industrial rights and copyrights.

Actions regarding employment contracts can also be brought to a court of first instance in the judicial district where the work governed by the contract concerned is usually performed. In cases where work is generally not performed within the same judicial district, a claim brought by an employee against his or her employer can also be heard by a court of first instance in the judicial district where the employer has his or her place of business.

Actions regarding compensation on other than contractual grounds can also be brought to a court of first instance in the judicial district where the act or negligence giving rise to the claim occurred or where the resulting loss was incurred. The aforementioned kinds of actions can also be brought to a court of first instance in the judicial district where the claimant has his or her place of residence or domicile, if the claim is based on the Motor Liability Insurance Act (*liikennevakuutuslaki*), the Patient Injury Act (*potilasvahinkolaki*), the Product Liability Act (*tuotevastuulaki*), the Environmental Damage Insurance Act (*laki ympäristövahinkovakuutuksesta*) or the Rail Traffic Liability Act (*raideliikennevastuulaki*).

Actions regarding immovable property can also be brought to a court of first instance in the judicial district where the immovable property is located.

Actions regarding maintenance can also be brought to a court of first instance in the judicial district where the claimant or recipient of maintenance has his or her place of residence.

In international cases, jurisdiction rules laid down in EU regulations or international treaties may apply.

2.2.2.2 When do I have to choose a court other than that in the place where the defendant lives (court determined by the application of the basic rule)?

The competent court will not always be the court of the defendant's place of residence. For example,

Actions regarding the establishment of paternity must be brought to a court of first instance in the judicial district where the mother has her or the child has his or her place of residence or domicile. Actions regarding the revocation of paternity must be brought to a court of first instance in the judicial district where the child has his or her place of residence.

Actions regarding child custody and right of access must be brought to a court of first instance in the judicial district where the child has his or her place of residence.

Actions regarding the enforcement of custody and right of access orders must be brought to a court of first instance in the judicial district where the child or the respondent has his or her place of residence or where either is temporarily residing.

Actions regarding the appointment of guardians or the termination of guardianship or the restriction of legal capacity or the removal or amendment of such restrictions must be brought to a court of first instance in the district where the individual whose legal capacity is being restricted has his or her place of residence.

Actions regarding the confirmation of adoption must be brought to a court of first instance in the judicial district where the adoptive parent has his or her place of residence or domicile.

Actions regarding inheritance and estates must be brought to a court of first instance in the judicial district where the deceased had his or her place of residence or domicile.

2.2.2.3 Can the parties themselves attribute jurisdiction to a court that would not be competent otherwise?

In civil actions (but not in non-contentious proceedings) the interested parties can, subject to certain conditions, choose a court other than the normally competent court (court of first instance).

The right of consumers, employees or individuals claiming or receiving maintenance to file actions with the court indicated by the Code of Judicial Procedure (*oikeudenkäymiskaari*) cannot be restricted by agreements conferring jurisdiction except in cases where such agreements are made after the dispute arose.

Agreements conferring jurisdiction must be made in writing, and they can be limited to a specific dispute or cover any subsequent disputes arising from a specific legal relationship.

3 Where specialised courts have jurisdiction how can I find out which one I have to address?

The Market Court acts as the court of first instance for disputes, applications and complaints relating to industrial rights and copyrights. Otherwise a special court system is only used in Finland for litigation cases in exceptional circumstances.

Links

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