Hoe kan ik de naleving van een uitspraak afdwingen?
How to enforce a court decision

Finland

1 What does 'enforcement' mean in civil and commercial matters?

Enforcement refers to the enforcement of an obligation ordered by a court or of directly enforceable grounds for enforcement. In most instances, this is enforcement to recover debts. Another key enforcement measure is eviction, i.e. the obligation to move out of a building or part of it. Grounds for enforcement may also include an obligation to transfer certain assets to another party, an obligation to do something, or an injunction to stop doing something. Court-ordered seizures or other precautionary measures can also be enforced. The National Enforcement Authority Finland is an agency under the Ministry of Justice that independently and impartially performs statutory enforcement duties.

Enforcement in matters pertaining to legislation regarding children

In matters pertaining to legislation regarding children, enforcement refers to the implementation of court orders, such as handing over a child. An agreement confirmed by the social services may also be grounds for enforcement. It is worth noting that, in Finland, visitation rights are the rights of the child, not of the parent. Enforcement of a court decision concerning child custody and/or visitation rights is governed by the Act on the Enforcement of Decisions on Child Custody and Right of Access (619/1996). This Act also applies to the enforcement of any temporary orders. Enforcement is also carried out in accordance with this Act in instances where a judgment or decision issued abroad is enforceable in Finland under Council Regulation (EC) No 2201/2003.

A bailiff may enforce an order concerning custody if the decision on the matter was issued within the previous three months. In other circumstances, an application for an enforcement order must be made to a court. The court may only reject an application for enforcement if it would go against the child's best interests. In the enforcement of orders concerning custody, the court obligates the other party to hand over the child to the claimant on pain of a penalty payment. Alternatively, an order may be issued for the child to be collected from a given location. In the enforcement of orders concerning visitation, the other party is obligated to permit visits and take any other specific steps deemed necessary to make visits possible.

2 Which authority or authorities are competent for enforcement?

The contact details of the National Enforcement Authority Finland can be found on its website in Finnish, Swedish, and English.

In Finland, bailiffs are government officials. Claimants cannot choose the enforcement unit or bailiff handling their case: the order in which cases are dealt with is decided ex officio.

The enforcement tasks of the National Enforcement Authority Finland are performed by enforcement units.

Most debt recovery cases are handled electronically by the national Basic Enforcement Unit, making it unnecessary to meet debtors in person.

The Authority's five regional Extensive Enforcement Units are responsible for the sale of seized assets and other more demanding enforcement tasks in their respective jurisdictions.

The national Special Enforcement Unit manages time-consuming enforcement tasks that require a great deal of investigation. It works closely with other authorities and contributes to the fight against the grey economy and financial crime.

3 What are the conditions under which an enforceable title or decision may be issued?

3.1 The procedure

Enforcement proceedings commence when the claimant applies for enforcement and, if necessary, encloses a copy of the grounds for enforcement. There is no enforcement fee to be paid by the claimant in advance.

More information on the application procedure in Finnish,, Swedish and English.

Applications for enforcement can be made electronically using the following online service: https://asiointi2.oikeus.fi/ulosotto/#/

Enforcement can also be applied for via a traditional written application or an electronic message:

Finnish claimants:

In Finnish: https://www.ulosottolaitos.fi/fi/index/tietoaulosotosta/tietoavelkojalle/ulosotonhakeminen.html

In Swedish: https://www.ulosottolaitos.fi/sv/index/informationomutsokningen/informationtillborgenarer/utsokningsansokan_1.html

Enforcement application form for foreign claimants (in English): https://oikeus.fi/en/index/oikeuslaitos/forms/enforcement.html

Applications by email from abroad: ulosotto.uo(at)oikeus.fi

https://oikeus.fi/en/index/oikeuslaitos/submittingdocuments.html />

Instructions for sending a secure email (in English):

Bailiffs have a duty to comply with court judgments and other grounds for enforcement provided for in legislation and cannot examine their content. In order for enforcement proceedings to commence, the claimant must have grounds for enforcement as defined in legislation, with an obligation imposed on the defendant. Bailiffs check that the debt has not expired since the court's judgment was given, for example due to payment or the expiry of a statute of limitations. The right of holders of collateral rights (e.g. a mortgage) to be paid is provided for in a separate provision.

3.2 The main conditions

In civil and commercial matters, enforcement is usually based on a judgment or ruling of a general court of law. There is no need for a specific enforcement order from the court. General courts of law include district courts as courts of first instance and, at the appellate level, courts of appeal and the Supreme Court. An arbitral award can also provide grounds for enforcement. In practice, an important basis for enforcement is a maintenance agreement confirmed by a relevant municipal authority. On the other hand, Finland does not recognise documents drawn up between private parties as grounds for enforcement. Judgments that have been appealed against may be enforced if the claimant provides the security specified by the bailiff for any damage that may befall the defendant. However, no funds may be made available to the claimant until both the grounds for enforcement and any distraint and garnishment decisions are final.

The main provisions on the enforceability of judgments issued outside Finland can be found in EU law (e.g. the Brussels I Regulation [No 44/2001] and the Brussels IIa Regulation [2201/2003]) and the convention on the recognition and enforcement of judgments in the Nordic countries. Further information on cross-border enforcement can be found on the website of the Ministry of Justice in Finnish, Swedish and English.

4 Object and nature of enforcement measures

4.1 What types of assets can be subject to enforcement?

When enforcement proceedings commence, the debtor is sent a notice of proceedings and a demand for payment. If the debtor does not make the payment in accordance with the demand and does not voluntarily contact the enforcement office regarding the payment, the enforcement office will start an investigation to establish the debtor's income and assets on the basis of register data.

Making bank enquiries is an essential part of this investigatory work. It is most often employment income and funds in bank accounts that are garnished. Instead of withholding a sum from wages paid at regular intervals, it is also possible to draw up a repayment plan. Measures for establishing the debtor's income and assets, as well as any further investigations, are regulated by law. Bailiffs have wide-ranging rights under the law that enable them to access information on the debtor's financial situation from a variety of registers. Bailiffs are also obligated to seek out assets belonging to the debtor. Enforcement measures must be carried out without undue delay. For example, if the debtor receives regular employment income, the first payment is normally released to the creditor within about two months of the beginning of proceedings. The debtor has the right to appeal, but collection of payment will not be interrupted unless this is ordered separately by a court.

Applications can be for full enforcement or limited enforcement. Creditors can also ask the National Enforcement Authority to monitor a debt for a period of two years, through passive registration, if it is not possible to collect the debt immediately. There is no need to hire a lawyer or a legal adviser for the purpose of enforcement.

Any movable and immovable assets of the debtor that are not protected or are not within the scope of the right to exclusion may be distrained, as may rights, receivables or objects *of* financial value. If the creditor has applied for limited enforcement, only assets that are ascertainable from registers and do not require liquidation can be distrained. If distrained assets need to be liquidated, they are usually sold at enforcement sales, which are normally announced in local newspapers and online.

Links to sales notes:

https://www.ulosottolaitos.fi/myynti-ilmoitukset/fi/index.html (in Finnish and Swedish)

https://huutokaupat.com/ulosotto/

The Finnish Enforcement Act also contains a special provision, whereby the district bailiff may decide to disregard the artificial arrangement of assets. A claim that assets belong to a third party shall not prevent the distraint of assets if:

1) it is found that the status of the third party is based on asset or other arrangements with a legal status that does not correspond to their true nature or purpose, considering that the authority of the debtor is comparable to that of an owner, the acts of the debtor are comparable to those of an owner, as well as the benefits of the arrangement to the debtor and other similar factors, and

2) the legal status is clearly being used to avoid enforcement or to ensure that assets are kept beyond the reach of creditors, and

3) the debt owed to the claimant is otherwise unlikely to be recovered from the debtor within a reasonable period of time.

However, distraint proceedings may not be carried out if the third party involved in the arrangement puts forward a reasonable case that their genuine rights could be violated by the distraint. The bailiff must consult the debtor and the third party as well as the claimant, if necessary and in an appropriate manner, unless doing so will render enforcement considerably more difficult.

4.2 What are the effects of enforcement measures?

While the commencement of enforcement proceedings have some effects, it is garnishment and distraint that produce significant legal consequences. Once assets have been distrained, the debtor may not destroy, dispose of or pawn those assets or make other decisions concerning them to the detriment of the creditor. Any action taken in violation of this injunction has no legal power in respect of the creditor. However, the transferee or a third party may enjoy bona fide protection. Bailiffs have extensive access to information obtained not only from the debtor but also from third parties, such as banks. Once a bank has been informed that a debtor's funds have been frozen, the bank may not release funds from the debtor's bank account to anyone except the bailiff. Payment of a receivable or wages or salaries in violation of this injunction is a criminal offence.

The ownership of objects changes as a result of the sale of assets carried out during an enforcement procedure. Funds accrued as the purchase price are transferred to the claimant as soon as possible.

Assets are distrained up to the amount that is necessary to settle the debt to the claimant. In cases where enforcement has been sought by several creditors or the distrained assets are subject to mortgages, for example, the funds are divided among the creditors in order of priority as laid down in legislation. The enforcement fees payable to the State are usually charged to the debtor. If the enforcement attempt fails, the creditor will have to pay a small processing fee. Similarly, a fee will be charged to the creditor for the transfer of funds. A fee will not be charged in maintenance allowance cases, and maintenance allowances take priority. Payments transferred to the claimant may vary each month, depending on fluctuations in the debtor's income and on the amount of debt.

Further information on enforcement fees in Finnish,, Swedish and English.

4.3 What is the validity of such measures?

In accordance with legislation, bailiffs must perform their duties expeditiously and without undue delay. If the debtor has no assets or income that can be distrained or garnished, the case will be referred back to the creditor as barred for one of the following reasons: lack of assets, lack of assets and unknown, or another impediment to recovery as specified separately. In such situations, information on income and assets is always sought from the principal registers. The enforcement proceedings will come to a close, but the creditor may request enforcement at a later date, and in that case the debtor's financial situation will be investigated once again. For example, the claimant may request enforcement of a decision by submitting a new application in a timely manner, in order to ensure garnishment from a source such as the debtor's year-end tax refund. The claimant may also request that the debt be entered in the passive register. If, during the investigation of another case, it is found that the debtor has garnishable income or distrainable assets, or that they may be receiving a tax refund, a debt entered into the passive register will be taken into consideration in the enforcement proceedings. The passive registration will remain valid for two years from the date of issue of the impediment certificate showing lack of means.

5 Is there a possibility of appeal against the decision granting such a measure?

A bailiff's enforcement measures or decisions may be appealed against by anyone whose rights are affected by said measure or decision. Appeals are lodged with the district court. The appeal period is three weeks, calculated usually from the date of the decision or the date on which the party in question was notified of the decision.

Filing an appeal does not usually interrupt the enforcement procedure, unless the court rules otherwise. If the appeal is accepted, the court will annul or amend the bailiff's decision. In some cases, bailiffs may also correct any obvious errors themselves.

If resolving an argument or claim presented in connection with enforcement requires the extensive hearing of oral evidence, the case may have to be resolved through civil proceeding in a court of law (contested enforcement).

6 Are there any limitations on enforcement, in particular related to debtor protection or time limits?

Legislation provides for bans on enforcement, for example on social grounds. There are a number of social security benefits that cannot be garnished. If the debtor in the proceedings is a natural person, then objects, benefits and rights separately provided for in legislation cannot be distrained. Additionally, assets

may not be distrained if, given their value and other circumstances, the claimant or claimants would only receive a negligible sum following payment of enforcement costs, bailiff's fees, and debts owing on the assets.
The portion of the debtor's income and assets that is protected by law must always be taken into consideration in enforcement actions and payment plans. This is the sum left over to cover living costs. Generally, no more than one third of a debtor's net wage or salary may be garnished. The established protected portions of income and assets, with examples, can be found on the website of the National Enforcement Authority Finland in Finnish,, Swedish, and English.
Grounds for enforcement, where a payment obligation has been imposed on a natural person, remain enforceable for 15 years (*limitation period for grounds for enforcement*). The limitation period is 20 years if the creditor specified in the grounds for enforcement is a natural person or if the claim is based on a crime for which the debtor was sentenced to imprisonment or community service.
The limitation period for monetary debts based on an agreement with a natural person is 20 or 25 years. The limitation period is applied regardless of whether or not there are grounds for recovery of the claim. The provision only applies to the monetary debts of natural persons. A monetary debt becomes time-barred not later than 20 years after the debt fell due. The limitation period is 25 years if the creditor is a natural person.
If a natural person also has grounds for recovering a monetary claim based on an agreement, the limitation period is calculated according to the limitation period that ends first.
A court judgment or other grounds for enforcement may no longer be enforced if the right conferred thereby has subsequently lapsed due to the debt having been paid or the statute of limitations having expired, or for some other reason.
For further information:
Website of the National Enforcement Authority Finland in Finnish,, Swedish and English.
Website of the Ministry of Justice - Enforcement of Civil Judgments: in Finnish,, Swedish and English
Enforcement Code in Finnish and Swedish

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