

Domov>Denarni zahtevki>Spori majhne vrednosti

Small claims

Finska

1 Existence of a specific small claims procedure

Finland's current legislation does not include procedural regulations that depend on the monetary amount pursued by the claimant. However, a suitable form of procedure may be ordered for a case on the basis of its nature. A case will only go through all the different stages of full legal proceedings if there are grounds for this and the interested parties so wish. A case may, for example, be resolved by a single judge, without an oral preparatory session, or by an entirely written procedure. Non-contentious civil cases also have their own specific procedure. For the processing of uncontested claims, see 'Order for payment procedures – Finland' and 'Automatic processing – Finland'.

1.1 Scope of procedure, threshold

As has been stated above, the monetary value of the claim is irrelevant. The form of procedure depends on the qualitative content of the case.

1.2 Application of procedure

Proceedings in civil cases are initiated by filing a written application for a summons with a district court (*käräjäoikeus*). Uncontested claims can also be filed using an electronic application (see 'Order for payment procedure – Finland').

1.3 Forms

There are no forms at a national level, apart from a form for giving notice of intent to appeal a district court's decision. Certain district courts have produced forms for specific kinds of correspondence; these are usually application forms or response forms. There is no obligation to use forms.

Uncontested claims can be filed using an electronic application form (see 'Order for payment procedure – Finland').

1.4 Assistance

Court registries provide procedural advice if necessary.

1.5 Rules concerning the taking of evidence

If the claim is uncontested, no evidence is required. If an entirely written procedure is used, only written evidence will be examined. There are no special provisions stating that specific rules would apply to the taking of evidence in small claims cases.

1.6 Written procedure

A case may be resolved without an oral hearing purely on the basis of written evidence. Noncontentious cases are always resolved in this manner.

Contested claims can be resolved on the basis of written evidence alone if the nature of the case is such that no main hearing is necessary and none of the interested parties objects to the use of a written procedure.

1.7 Content of judgment

There are no specific provisions on the content of judgments in small claims cases.

1.8 Reimbursement of costs

As a rule, the losing party will be ordered to pay all reasonable legal costs incurred by his or her adversary in taking any necessary steps in the matter.

However, ceilings have been decreed for the amount of costs to be reimbursed in the case of uncontested claims and in cases involving residential rent. In these cases, the maximum amount of costs that an unsuccessful defendant can be ordered to pay the claimant is taken from a cost table.

1.9 Possibility to appeal

The nature of the case has no bearing on the right to appeal. The appeal procedure is the same for all cases. Notice of intent to appeal a district court's decision must be given within a deadline, and the appeal is heard by a Court of Appeal (*hovioikeus*).

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