

Act on the Application of the Council Regulation on Maintenance Obligations (1077/2010)

Section 1 – *Scope of application*

This Act lays down supplementary provisions on the application of the Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, hereinafter *the Regulation*, in Finland.

Section 2 – *Right of the Social Insurance Institution of Finland to recover maintenance*

- (1) By derogation from what is provided in section 2(1)(1) of the Act on the Central Authority in Finland in Certain International Matters Relating to Maintenance (1076/2010, *laki Suomen keskusviranomaisista eräissä elatusapua koskevissa kansainvälisissä asioissa*), the Social Insurance Institution of Finland (Kela) is responsible for the recovery of maintenance in cases where the right to recover maintenance belongs to Social Insurance Institution under section 19 of the Act on child maintenance allowances (580/2008, *elatustukilaki*).
- (2) When dealing with a matter referred to in subsection 1, the Social Insurance Institution may make a request for specific measures, referred to in Article 53(1) of the Regulation, to the Central Authority in another EU Member State.

Section 3 – *Court of law confirming the recognition and enforceability of a decision*

- (1) An application for a declaration of enforceability of a maintenance decision, referred to in Article 27 of the Regulation, is examined by a district court. Provisions on the competent district court are laid down in paragraph 2 of the above-mentioned Article.
- (2) An application for recognition of a maintenance decision, referred to in Article 23(2) of the Regulation, is examined by the district court with jurisdiction in the place of habitual residence of one of the parties to the decision or, in the absence of such habitual residence in Finland, by Helsinki District Court.

Section 4 – *Review of a decision*

An application for a review of a maintenance decision issued in Finland, referred to in Article 19 of the Regulation, is examined by the court that issued the final maintenance decision in compliance with the provisions in Chapter 31, sections 3-5 and 14 a of the Code of Judicial Procedure, as appropriate.

Section 5 – *Document language*

- (1) If an extract from a court decision, referred to in Article 20(1)(b), Article 28(1)(b) or Article 40(2) of the Regulation, has been drawn up in a language other than

Finnish, Swedish or English, a translation thereof into Finnish, Swedish or English must be submitted to the Finnish authority.

- (2) A translation of a decision required by a Finnish authority by virtue of Article 20(2), Article 28(2) or Article 29(2) of the Regulation may, in addition to Finnish and Swedish, be submitted also in English.

Section 6 – Statement on fulfilling the prerequisites for legal aid

A statement referred to in Article 47(3) of the Regulation to the effect that a party under the Finnish law fulfils the prerequisites for legal aid shall be issued by a legal aid office referred to in the Act on State Legal Aid Offices (258/2002, *laki valtion oikeusaputoimistoista*).

Section 7 – Entry into force

This Act enters into force on 18 June 2011.