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Decree on Mutual Assistance in Service of Documents in Civil Matters

(211/1982)

Scope of Application

Section 1

- (1) This Decree shall apply when an authority of a foreign State requests that a Finnish authority serve a document in a civil matter and when a Finnish authority sends a request for such a measure to an authority of a foreign State, unless otherwise agreed with the State making or receiving the request.
- (2) Separate agreements and provisions shall apply to mutual assistance among the Nordic countries in the service of documents.

Service in Finland

Section 2

- (1) The Central Authority referred to in Article 2 and the Authority referred to in article 9 of the Convention on the Service Abroad of Judicial and Extra-Judicial Documents in Civil or Commercial Matters, signed in the Hague on 15 November 1965 (Treaty Series of the Statute Book of Finland 51/1969) shall, in Finland, be the Ministry of Justice, which shall receive requests for service from the authorities of a contracting State.
- (2) If the request for service has been made by an authority of a State other than one referred to in paragraph (1), the request shall be received by the Ministry of Foreign Affairs unless otherwise agreed with the State making the request.

Section 3

The request for service shall not be granted if service of the document is incompatible with Finnish public policy (*ordre public*).

Section 4

- (1) The request shall state the authority which issued the document, the necessary information regarding the parties, the address of the recipient and the nature of the document to be served.
- (2) Two copies of the document to be served shall be annexed to the request.

Section 5

The Ministry receiving the request shall forward the documents referred to in the request to the County Government with jurisdiction over the area where service is to take place.

Section 6

- (1) If the County Government notes that service is to take place in another county, it shall send the documents to the competent County Government and notify the Ministry that received the request thereof.
- (2) If no service can take place due to other than a temporary bar, the County Government shall return the documents to the Ministry.

Section 7

Service of a document shall take place:

- (1) by a method provided by Finnish law for service of such a document; or
- (2) by a particular method requested by the applicant, unless such a method is incompatible with the law of Finland.

Section 8

If the document to be served has been drafted in a language other than Finnish or Swedish, a certified translation into one of these languages shall be annexed to it. However, notwithstanding the above, service of the document may take place if the person upon whom the document is to be served agrees to receive it or has sufficient command of the language in which the document or the translation thereof is written.

Section 9

After service has taken place, the County Government shall deliver the document with a certification of the service to the Ministry that received the request. The Ministry shall prepare, for the foreign authority, a certificate showing where and how service of the document took place. If the service took place under section 7(1), this shall be stated on the certificate.

Section 10

If service of the document could not take place or the requested procedure could not be followed in the service, the Ministry shall notify the foreign authority that made the request thereof.

Section 11

Expenses accruing from the service requested by a foreign authority shall be paid from State funds.

Service Abroad

Section 12

If service of a summons or subpoena to appear before the court is to take place abroad, the court shall request the service at the request of the person responsible for the service. A request for service of another document shall, when so requested, be made by the County Government.

Section 13

- (1) The request shall state the authority which issued the document, the necessary information regarding the parties, the address of the recipient, the purpose of the service and any special procedure which may be desired in the service. Two copies of the document to be served shall be annexed to the request.
- (2) If service is to take place in a State party to the Convention referred to in section 2(1), the request shall be drafted on a form complying with that given in the annex to the Convention.

Section 14

- (1) If service shall take place in a State party to the Convention referred to in section 13(2), the request for service together with the annexed documents shall be sent through the Ministry of Justice to the central authority designated by the State in question in accordance with the Convention.
- (2) Documents shall be sent to the authorities of a State other than one referred to in paragraph (1) through the Ministry of Foreign Affairs unless otherwise agreed or provided.

Entry into force

Section 15

- (1) This Decree shall enter into force on 1 June 1982.
- (2) This Decree shall repeal the Decree on Mutual Assistance Between Finnish and Foreign Authorities in Service of Documents in Certain Cases (175/1923).