

**Conference on Cross-Border Recognition and Enforcement of Judgments**

**Ministry of Justice of the Russian Federation in Saint Petersburg  
(11 St Isaac's Square)**

**17 June 2014**

**QUESTIONNAIRE**

The purpose of the Questionnaire is to collect information from States regarding the recognition and enforcement of foreign judgments and issues of international jurisdiction.

The concept for the roundtable discussion session stems from the work the Permanent Bureau is currently undertaking on two key aspects of private international law in cross-border litigation: international jurisdiction and the recognition and enforcement of foreign judgments. A detailed chronology setting out the background of the work undertaken by the Hague Conference in this area is located on the Hague Conference website < [www.hcch.net](http://www.hcch.net) > under "Specialised Sections" then "[Judgments Project](#)".

The Questionnaire has two parts: Part I contains questions regarding the recognition and enforcement of foreign judgments and Part II contains questions on jurisdictional issues in international litigation. Please note that the Permanent Bureau has used the same terminology in the Questionnaire as that which was used in the two detailed notes that the Permanent Bureau prepared for the work being undertaken in this area. These notes identify the issues for consideration in the study of the recognition and enforcement of foreign judgments and jurisdiction in international litigation. For more information on these two topics and for a contextual background to the Questionnaire, please refer to these two notes which are located on the Judgments Project webpage listed above. The notes are titled, "[Annotated Checklist of Issues to be discussed by the Working Group on Recognition and Enforcement of Judgments](#)" (Note 1) and "[Issues Paper on Matters of Jurisdiction including Parallel Proceedings](#)" (Note 2). A glossary of the terminology used is also located on the Judgments Project webpage, titled Annex I: [Glossary to the Annotated Checklist](#).

The detailed information provided in response to this Questionnaire will help the Hague Conference with its ongoing work on the Judgments Project and will hopefully be of use to participants beyond this Conference.

The Permanent Bureau would very much appreciate receiving your response to this Questionnaire by 30 May 2014. Responses should be sent by e-mail to < [secretariat@hcch.net](mailto:secretariat@hcch.net) > with the following heading and indication in the subject field: "Questionnaire concerning the Judgments Project – [name of State]". Your co-operation in responding to this Questionnaire is very much appreciated and will greatly assist during the roundtable discussion session.

**Identification (For follow-up purposes)**

**Name of the State: Finland**

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**PART I – RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT DECISION**

**NOTE:** If your State has a non-unified legal system (*i.e.*, two or more systems of law which apply in different territorial units), and the information is available, please indicate the jurisdiction/s referred to in your answers.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgments?

YES

NO

If yes, please specify.

Brussels I Regulation, Lugano Convention, Nordic judgments Convention, bilateral agreement with Austria

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State (*i.e.*, legislation or case law)?

YES

NO

If yes, please specify.

Unless multilateral conventions or bilateral agreements provide otherwise, Finland does not recognise or enforce third State judgments.

If no such agreement exists, enforcement in Finland requires a Finnish judgment. This means that even if the dispute has been decided by a foreign court, a new legal proceedings concerning the same subject matter has to be initiated in Finland. Within this new proceedings the third State judgment may be used as evidence concerning facts and circumstances of the case and the content of applicable foreign law. The court is however not bound by the findings in the foreign judgment and it is free to evaluate the significance of all evidence presented, including the foreign judgment, without restrictions.

Third State judgments are enforced in Finland mainly on the basis of the Lugano Convention and special conventions concerning specific matters. The procedure - including grounds for refusal - is regularly set out in the relevant convention.

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgments?

Please specify.

Not relevant.

4. Are there specific conditions that need to be met in order for a judgment to be recognised and enforced by a court in your State?

YES

NO

If yes, under what circumstances (*e.g.*, the jurisdiction of the foreign court must be recognised, the respondent to the application for recognition and enforcement must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

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Not relevant.

5. Can a court in your State refuse to recognise and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

- YES  
 NO

If yes, under what conditions (*e.g.*, procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

Not relevant.

6. Is recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

- YES  
 NO

If yes, please describe the procedure.

Not relevant.

7. What types of judgments are entitled to recognition and enforcement in your State?

Judgments entered in default  
Comments.

Provisional and protective measures  
Comments.

Non-money judgments  
Comments.

Judgments awarding non-compensatory damages  
Comments.

Other.

If other, please specify.

8. In your State, is it possible to appeal a court's decision to recognise and enforce a foreign judgment?

- YES  
 NO

If yes, under what circumstances.

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Not relevant.

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry; however such information may possibly be obtainable from the courts in your State.

- 0-5  
 5-10  
 10-20  
 more than 20.

Any comments.

10. How many applications for the recognition and enforcement of a foreign court decision are granted in your State?

- 0-5  
 5-10  
 10-20  
 more than 20.

Any comments.

**PART II – JURISDICTIONAL REQUIREMENTS**

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern issues of jurisdiction in international litigation?

- YES  
 NO

If yes, please specify.

**Brussels I Regulation, Lugano Convention, bilateral agreement with Austria.**

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation in your State? (*i.e.*, legislation or case law)

- YES  
 NO

If yes, please specify.

**Rules on international jurisdiction are included in Chapter 10 of the Finnish Code of Judicial Procedure (4/1734), see <http://www.finlex.fi/fi/laki/kaannokset/1734/en17340004.pdf>.**

3. Have the rules of international jurisdiction in your State recently been reviewed? (*e.g.*, by the legislators, law reform bodies, other professional bodies).

- YES  
 NO

Comments

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The general legislation on jurisdiction was revised year 2009. Specific rules on international jurisdiction were included in Chapter 10 of the Code of Judicial Procedure.

4. In which of the following situations would the courts in your State have jurisdiction:

where the defendant voluntarily submits to the jurisdiction

Comments

A Finnish court would be competent to consider the case, unless the judgment to be given by the Finnish court in the case could clearly not have legal relevance for the parties.

where the defendant is domiciled or resides in your State

Comments

Main rule.

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where the defendant carries out regular commercial activity in your State  
Comments

There is no general rule on activity based jurisdiction. However, a case that concerns the operation of a defendant branch, department, agency or other such place of business of a legal entity or of the place of business of an independent entrepreneur may be considered by the District Court with jurisdiction for the place where the business is located.

where the contract is performed or there is a breach of contract in your State  
Comments

where a contract is concluded executed between parties in your State  
Comments

where the parties to the dispute have designated the courts of your State for the purpose of deciding disputes between them?  
Comments

where an injury occurs to a person as the result of a tortuous act occurring in your State  
Comments

where damage occurs to tangible property as the result of a tortuous act occurring in your State  
Comments

where the defendant does not reside in your State, but the defendant's immovable property is held in your State  
Comments

Other  
Please specify

Rule on secondary jurisdiction:

If otherwise no (Finnish) court would have jurisdiction in the case:

(1) a case that concerns a claim to be brought against a natural person may be considered by the District Court with jurisdiction for the place where the defendant resides or last had his or her domicile or habitual residence;

(2) a case that concerns ordering the defendant to pay a specified amount of money may be considered by the District Court with jurisdiction for the place where the defendant has distrainable property;

(3) a case that concerns a right to movable property may be considered by the District Court with jurisdiction for the place where the property lies;

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5. Is the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?
- YES
- NO
- Comments.

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6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts  
Please indicate the relevant source of law and any comments.

where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)  
Please indicate the relevant source of law and any comments.

where the court determines that it is an inappropriate forum  
Please indicate the relevant source of law and any comments.

If jurisdiction is based on certain rules on alternative jurisdiction or rules on secondary jurisdiction, the court may decline jurisdiction if consideration of the case by a court of another State is clearly more appropriate, taking into consideration the connecting factors to different states, the evidence to be presented in the case, the costs to the parties and the other circumstances.  
[Code of Judicial Procedure, Chapter 10, Section 25(2)]

where it is in the interests of justice to do so  
Please provide any comments.

other  
Please indicate.

**A COURT MAY DECLINE JURISDICTION IF THE JUDGMENT TO BE GIVEN BY THE FINNISH COURT IN THE CASE COULD CLEARLY NOT HAVE LEGAL RELEVANCE FOR THE PARTIES.**