

FINLAND

Global litigation guide



About

Welcome to The Global Litigation Guide (the **“Guide”**) which has been prepared by DLA Piper’s civil litigation experts around the world for the purpose of presenting key aspects of civil litigation in jurisdictions in which DLA Piper operates.

For each country, the Guide focuses on the following aspects:

- Overview of court system
- Limitation
- Procedural steps and timing
- Disclosure and discovery
- Default judgment
- Appeals
- Interim relief proceedings
- Prejudgment attachments and freezing
- Costs
- Class actions

This global Guide provides practitioners, in-house counsel and clients with a comparative source of reference that covers some of the intricacies of civil litigation in 30 jurisdictions worldwide. DLA Piper has prepared separate guides that deal with matters that are closely related to civil litigation, such as DLA Piper’s guide to [Legal Professional Privilege](#) and (coming soon) DLA Piper’s guide to Third Party Funding. Criminal or administrative litigation (as well as litigation relating to other specialist areas of law that require different procedures such as tax and employment) are outside the scope of the Guide.

The Guide is not a substitute for legal advice. Should you have a civil claim, or if you would like further information, please contact any of the individuals listed in the Guide.

About DLA Piper

DLA Piper is a global law firm with lawyers located in more than 40 countries throughout the Americas, Europe, the Middle East, Africa and Asia Pacific, positioning us to help clients with their legal needs around the world.

For further information visit www.dlapiper.com.

Key contacts



Ewald Netten

Partner

DLA Piper Nederland N.V.

ewald.netten@dlapiper.com

T: +31 20 5419 865



Finland

Last modified 09 October 2023

Overview of court system

Finnish courts operate under the civil law system. Codified statutes take precedence over case law, but case law is still commonly relied on before the courts and provides important guidance on the interpretation of the codified statutes.

Litigation is conducted either in Finnish or Swedish, as the two official languages in Finland. In the home region of the Sámi people, it is also possible to use the Sámi language before the court. If a party in a civil matter requires interpretation or translation services during the proceedings, they must arrange it themselves and at their own expense unless the court, on considering the nature of the matter, orders otherwise. However, the court will ensure that the citizens of other Nordic countries receive any interpretation and translation assistance they require in proceedings.

Decisions of a District Court can be appealed to a Court of Appeal if leave for continued consideration is granted by the Court of Appeal. Decisions of the Court of Appeal can be appealed to the Supreme Court provided the Supreme Court grants leave to appeal. Lower courts are not legally bound by decisions of the higher courts in Finland, although the decisions of the Supreme Court have a strong and notable influence on the lower courts' decision-making. In Finland, there are 20 District Courts, five Courts of Appeal and the Supreme Court.

In addition, Finland has Administrative Courts which review decisions made by the authorities. Decisions of the Administrative Courts can be appealed to the Supreme Administrative Court which, in most cases, requires leave to appeal from the Supreme Administrative Court.

There are also certain specialist courts in Finland including:

- the Market Court (hearing, amongst other things, IP, competition and public procurement cases);
- the Labour Court;
- the Insurance Court; and
- the High Court of Impeachment.

Decisions of the Market Court and the Insurance Court can be appealed to the Supreme Court or the Supreme Administrative Court depending on the nature of the matter. Decisions of the Labour Court and the High Court of Impeachment are final and therefore non-appealable.

Limitation

In Finland, the general limitation period for initiating court proceedings in civil matters is three years, which may be interrupted by a notice to the other party. The limitation period begins to run from a certain due date (invoice, date of performance under a contract etc.), or when the claimant knew or should have known about the cause of the claim. Further, there is a parallel limitation period of ten years, which is irrespective of the knowledge of the claimant.

Procedural steps and timing

Ordinary civil law cases are initiated by filing a written application for a summons with the District Court registry. Following receipt of the application by the registry, the case becomes pending. To the extent possible, the application for a summons should indicate:

- the specified claim of the claimant;
- the circumstances on which the claim is based;
- claim for compensation of legal costs; and
- the evidence that the claimant intends to present.

If the matter is not in dispute and relates to a debt of a specified sum, the application for a summons only needs to include the circumstances on which the claim is based. In this situation, there is no need to identify or include the evidence in the application.

After receiving the application for a summons, the court will issue a summons which will need to be served on the defendant by post or by bailiff. The claimant can serve the summons on the defendant where: (i) the claimant asks to be entrusted with the service of a notice; and (ii) the court deems there to be good reason for the summons to be served by the claimant. There is no specific deadline to serve the summons on the defendant and the service process usually takes at least a few weeks. After service of the summons, the defendant is usually granted a period of 30 days to file their statement of defense, although this period can be extended at the defendant's request, for example to allow the defendant sufficient time to prepare the defense. Following the filing of the statement of defense, the court may request that the parties each provide the court with a written statement outlining the exact issues that are in dispute (i.e. the claimant will set out the issues it disputes from the statement of defense, and the defendant will set out the issues it disputes from the claimant's written statement). The submission of these written statements (if requested) completes the written phase of the proceedings.

The oral phase of the proceedings then begins with a preparatory hearing at which issues relating to the preparation of the hearing will be discussed, and after which an oral hearing will be scheduled. Timeframes vary greatly and depend on various factors, including the complexity of the case and the workload of the court. In general, in a straightforward civil law case, the time from filing the application for a summons until obtaining a judgment varies between 12 to 24 months, the average time in 2022 being approximately 15 months.

It is not mandatory to use an attorney or counsel in court proceedings, except in circumstances when a party applies for the annulment of a judgment or files a complaint on the basis of a serious procedural error in the Supreme Court. In the event that a party decides to use counsel, only an advocate (a member of the Bar), a public legal aid attorney or counsel who has obtained the license referred to in the Licensed Counsel Act (715/2011) are entitled to act as counsel. A layperson may act as counsel in non-contentious civil matters and in-house counsel may represent their employer.

Disclosure and discovery

In a civil law case, each party shall present the evidence it deems necessary in the case. A civil matter is initiated by a written application for a summons, in which the claimant should, as far as possible, indicate the evidence they intend to present in support of their action and what they intend to prove with each piece of evidence. It is also possible to present more evidence as the case moves forward. Parties and witnesses are generally not heard before the main hearing, but if it is necessary to hear a party or another person or to admit another account in order to clarify an issue on which an expert witness is to be heard, that may be done before the main hearing. Further, at a party's request, a witness or expert witness may be heard or a document or object presented or an inspection conducted in a District Court in a civil matter in which the proceedings are not yet pending, if the right of the applicant may depend on the admittance of the evidence or the conducting of an inspection.

The court may on its own initiative decide to obtain evidence in a civil matter that is not amenable to settlement. Also, regardless of the nature of the matter, the court has the right to obtain an expert opinion on its own initiative. In addition, the court may order a party or a non-party to bring an object or a document in its possession to court on the request of a party, provided that the object or document could be of evidential significance in the case. This procedure is not intended to facilitate fishing expeditions and so the requesting party must define the document or group of documents that the request covers carefully. After hearing the other party and/or the party the request is directed at, the court will decide whether to permit the request. Where the document requested includes, for example, commercially sensitive information of a company or other privileged information, the court may oblige a party to produce a redacted copy of the document.

Default judgment

Where a defendant fails to deliver its written statement of defense before the deadline set by the court, the relief sought by the claimant will be awarded in a default judgment unless the relief in question is evidently unfounded.

Default judgments may also be awarded at the request of either party if the opposing party does not attend the hearing. However, a default judgment will not be awarded: (i) against the claimant where the claim is evidently well-founded; and (ii) against the defendant where the claim is evidently unfounded.

The party against whom the default judgment has been rendered does not have a right to appeal on the judgment but has a possibility to have the matter returned back to the court for processing. Application regarding this must be done within 30 days of the date on which the appealing party received verifiable notice of the default judgment.

Appeals

Judgments of the District Court may be appealed to a Court of Appeal. A party who wishes to appeal a judgment of a District Court must declare its intention to appeal the judgment within seven days of the judgment being handed down. The deadline for filing the actual appeal is 30 days from the date of the District Court judgment.

Leave for continued consideration is required in all civil law cases and the party filing the appeal shall indicate the grounds for the appeal. Leave shall be granted if:

1. there is reason to doubt the correctness of the result of the decision of the District Court;
2. it is not possible to assess the correctness of the result of the decision of the District Court without granting leave for continued consideration;
3. in view of the application of the law in other similar matters, it is important to grant leave for continued consideration in the matter; or
4. there are other serious grounds for granting leave.

However, leave for continued consideration will not be granted solely in order to reassess the evidence unless there are reasonable grounds to doubt the correctness of the result of the decision of the District Court on the basis of the circumstances presented in the appeal. In general, the starting point is that a case can be completely reconsidered – on its merits and facts – on appeal, but in practice it may be easier to get leave for continued consideration (or leave to appeal from the Supreme Court) if the requested reassessment focuses on merits.

The Court of Appeal will usually decide whether to grant leave for continued consideration within two to three months of the request for leave for continued consideration. Thereafter, provided that leave for continued consideration is granted, the Court of Appeal will usually resolve the appeal within approximately 12 months, with the average time in 2022 being approximately seven months.

Leave to appeal must be requested from the Supreme Court in order to appeal a Court of Appeal judgment. Leave to appeal will only be granted on certain limited grounds which relate to the uniformity of legal practice and severe, procedural or other, errors that have occurred in previous phases. The Supreme Court has set a high threshold for granting leave to appeal; for example, in 2022, the court received 1,684 applications for leave to appeal in 129 cases. The appellant has 60 days from the date of the Court of Appeal judgment to: (i) apply for leave to appeal; and (ii) file the appeal. The Supreme Court will decide whether to grant leave to appeal within approximately six months of the request for leave to appeal. Thereafter, provided that the leave to appeal is granted, the Supreme Court will usually resolve the appeal in 14 months.

Interim relief proceedings

All Finnish courts have the power to grant interim relief and it is not mandatory to use an attorney or counsel when applying for the interim relief. Interim relief measures are usually meant to secure the object of the dispute before the resolution of the proceedings, or to prevent the defendant from dissipating its assets. The application for interim relief may be sought before or during court proceedings.

Common interim relief applications in Finland include applications to attach property, shares and/or receivables of the defendant (for further details please see [Prejudgment attachments and freezing orders](#)); prohibit the defendant from acting in a certain manner; order the defendant (or allow the applicant) to do something; or order other measures necessary to secure the applicant's right. In intellectual property matters, the court may be requested to issue a prejudgment attachment order in order to secure evidence before filing the claim on the merits.

Obtaining an interim relief judgment can be a relatively quick procedure. Usually, applications for interim relief will be made on notice, and the opposing party has the right to be heard. However, in cases of urgency, or in order to prevent the subject matter of the claim from being compromised, the application may be made ex parte. If the court considers that there are grounds to grant interim relief, namely: (i) the claimant has a prima facie right; and (ii) there is a risk of irreparable harm if the interim relief sought is not granted, the decision may be obtained in a few days. However, very urgent ex parte applications may be resolved by the court on an even shorter timeframe, including on the day of the application.

If the court grants the relief sought, the applicant can seek to enforce the relief order using the enforcement authorities. Before enforcement, a party seeking relief will, as a general rule, be obliged to provide security for any loss which the defendant may incur as a result of the relief.

The justification for the interim relief will be decided together with the court's decision on the merits. A party who has unnecessarily applied for interim relief is liable to compensate the opposing party for the damage caused by the measure and its enforcement, and to cover any expenses incurred in relation to it.

An interim relief order can usually be appealed separately. Such an appeal takes approximately two to three months to be resolved by the Upper Court. The appeal doesn't suspend the effect of the interim relief measure unless the court handling the appeal decides that it will do so.

Prejudgment attachments and freezing orders

All Finnish courts have the power to grant prejudgment attachments and freezing orders, which are precautionary measures that can be either interim or final. The application for any type of precautionary measure shall be delivered to the court where the proceedings of the main claim are pending or, where there are no court proceedings pending, the court of the defendant's domicile.

In practice, all kinds of property, shares and/or receivables belonging to an opposing party can be attached by the enforcement authorities up to an amount that secures the applicant's claim.

An applicant for precautionary measures must prove that:

- it is probable that they hold a debt or prior right to a property against the defendant; and
- there is a danger that the defendant will hide or destroy the property or otherwise endanger the payment of the debt if the measure is not granted.

In practice, the threshold for granting an injunctive measure or a freezing order is quite low.

As a general rule, an application will not be granted without giving the opposing party an opportunity to be heard (i.e. the applications will usually be made giving the defendant notice). However, to prevent the subject matter of the claim being compromised, the court may, on the request of the applicant, grant the relief sought, which shall remain in force until further notice. If the court determines that the requirements to grant the precautionary measures above have been met, the court may issue its decision within a few days of the application and without notice to the defendant. The decision will then be enforced by the enforcement authorities. In such cases, the defendant will be granted an opportunity to respond only after the decision on the interim relief has been made and enforced.

If no court proceedings are pending before granting the prejudgment attachment or freezing order, the applicant must bring a claim on the merits within one month of the relief order being issued by the court. Where proceedings are not initiated within the required period, or if the case is discontinued, the precautionary measure will be reversed. The court will later render its final decision on the relief based on the written statements of the parties and the evidence presented.

A party seeking relief will, as a general rule, be obliged to provide security for any loss that the defendant may incur as a result of the relief.

The expenses incurred on enforcement of the relief will initially be covered by the applicant. The question of who ultimately covers the expenses will be decided, at a party's request, as part of the final determination. A party who has unnecessarily resorted to a precautionary measure is liable to compensate the opposing party for the damage caused by the measure and its enforcement and to cover the expenses incurred in relation thereto.

The applicant will seek enforcement of the court's prejudgment attachment order from the enforcement authorities.

Costs

The costs of litigation can be divided into court fees and legal fees, the latter creating the most significant part of the costs. In a general civil law case, the court fee amounts to EUR530 in all court phases (EUR530 per court phase, i.e. a total of EUR1,590 if the case proceeds to the Supreme Court). The unsuccessful party will usually be ordered to reimburse all reasonable legal costs (i.e. lawyer's fees and disbursements) of the winning party.

Where several claims have been made in the same case and some have been decided in favor of one party and others in favor of the other, the parties are, as a general rule, liable for their own legal costs. The court may modify this rule to reflect the parties' relative successes and failures in the case. It is important to note that there is a rule, based Supreme Court practice, pursuant to which a court will not award costs to a successful party if the relief generally obtained is no more favorable than an offer that has been made by its opponent in the settlement negotiations.

Class actions

It is possible to file a class action in civil cases between a consumer and a company provided that several persons have claims against the same defendant and the claims are based on the same or similar circumstances. Further, it is required that the hearing of a class action claim is conducted expediently in view of:

- the size of the class;
- the subject-matter of the claims; and
- the evidence offered.

Either the Consumer Ombudsman or a qualified entity defined in the Act on Designation of Organizations Promoting of the Collective Interests of Consumers as Qualified Entities (implementing the Representative Actions Directive) shall represent the class, acting as a claimant.

The class action system is based on an opt-in procedure. The consumer must therefore expressly indicate their wish to participate in a representative action for redress. The opt-in right should be exercised by a written and signed notice of willingness to participate in the class action within the time limit set by the court, which may also grant an extension to the time limit. Further, the claimant may, on special grounds, accept a person as a class member if the person has submitted a notice of their willingness to participate in the class action after the expiry of the time limit but before the supplemented application for summons has been submitted to the court.

A decision issued in a class action can be appealed collectively and individually, meaning that if the claimant does not request a review of the decision issued in a class action, a member of the relevant class has the right to request a review in respect of their claim within 14 days of the end of the appeal period or the respective counter-appeal period.

A class action can be filed in disputes concerning a defect in consumer goods and interpretation of the terms of contract, disputes concerning sales and marketing of investment products, financial services and insurance as well as disputes relating to transport, data privacy and electronic communications.

Despite the fact that the Act on Class Actions came into force in 2007, no class actions have so far been filed in Finland.

Key contacts



Pia Bräysy

Partner
Head of Litigation and Arbitration
DLA Piper
pia.braysy@fi.dlapiper.com
T: +358 9 4176 0404

Disclaimer

This publication is intended as a general overview and discussion of the subjects dealt with. It is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation. DLA Piper will accept no responsibility for any actions taken or not taken on the basis of this publication. If you would like further advice, please contact your usual DLA Piper contact.