



# Finland

e-manual appendix





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## **What is enforced**

In Finland, enforcement, as a rule, is based on application grounded on a court judgment or other ground for enforcement. A multitude of obligations or injunctions in private law established in a civil or criminal case can be enforced. In general, the enforceable titles include:

1. an obligation to pay an amount of money or deliver goods,
2. an obligation to transfer real estate or specific chattels to another,
3. eviction,
4. an obligation to do something,
5. an injunction against doing something and an obligation to allow another to act,
6. a precautionary measure (seizure or security).

The enforcement authorities also handle the enforcement of decisions on child custody and right of access to a child, among other matters.

An enforcement matter is enforceable only if all the following conditionalities are met:

1. the applicant has a ground for enforcement,
2. the respondent has been subjected to an obligation or to a precautionary measure, and
3. the pertinent right has not expired owing to payment, the statute of limitations or some other reason.

The following documents serve as grounds for enforcement:

1. a court judgment in a civil or criminal matter,
2. a precautionary order issued by a court or a decision of an official entitled to detention on a temporary seizure of security,
3. an arbitral award and a settlement certified by such an award,
4. a bailiff's settlement protocol concerning installment trade, a confirmed alimony agreement and certain other statutory commitment or proof of receipt,
5. a decision of an administrative court and administrative authority,
6. a decision of the Government, a ministry, an agency belonging to the central government and a regional administrative agency.

Even if there is an enforceable document, enforcement has to be separately applied. The application can, however, be filed, without having to obtain a prior statement or certificate of enforceability. In some regulated cases, the holder of a security has the right to receive payment without a ground for enforcement.

As a rule, a legally final judgment can be enforced, and a non-final judgment can be enforced regardless of appeal, if the creditor provides a security. The measures are usually not completed, however, until the judgment has become final.

## **Who enforces**

In Finland, civil enforcement is the task of a public administrative authority, the National Enforcement Authority Finland (Ulosottolaitos). National Enforcement Authority Finland is an agency under the Ministry of Justice, charged with the independent performance of statutory enforcement duties. It enforces court judgments and collects directly enforceable receivables upon application, among other tasks. The Finnish enforcement system underwent a recent significant reform, which entered into force on 1 December 2020. The enforcement service was reorganised under a single authority with nationwide jurisdiction.

The National Enforcement Authority Finland has five regional extensive enforcement units, which take of some intricate areas of enforcement in their respective jurisdictions, such as selling of repossessed assets. In addition, it has a network of 64 offices covering the entire territory of Finland. Individual enforcement cases are handled independently by the enforcement units.

Enforcement services are provided by enforcement inspectors, senior enforcement inspectors and chief enforcement officers. "Enforcement officer", in this report also "bailiff", is a general term for officials who carry out enforcement duties. Each debtor has an enforcement officer in charge. Competence in individual enforcement cases always lies with the enforcement officer in charge of the matter.

The competences and decision-making powers of an enforcement officer are relatively wide and independent. Bailiffs have a duty to enforce court judgments or other grounds for enforcement laid down in legislation and cannot question their content. The tasks, rights, obligations and competences of an enforcement officer are regulated in considerable detail. However, an enforcement officer has a lot of discretionary powers in imposing measures and making decisions, as well. In addition to the legal requirements and limits to rights and competences, the discretion of an enforcement officer is guided by principles, such as the requirement of appropriateness. Accordingly, the bailiff is obligated to act properly and impartially in official actions. The bailiff has to promote the self-initiative of the respondent and conciliation between the parties in a manner appropriate to an enforcement matter. Moreover, the bailiff has an obligation to make reasoned decisions on enforcement.

## **Enforcement procedure**

The main source of Finnish civil enforcement is the Enforcement Code (ulosottokaari, Act 705/2007). It regulates how the enforcement procedure is to be conducted, among other matters.

Initiating enforcement proceedings requires the creditor to apply to the district court for a judgment concerning the matter. The validity of the

creditor's claims is investigated in court, which then rules on the debtor's liabilities. A court order does not automatically initiate enforcement proceedings. Enforcement proceedings are only started when there are grounds for enforcement and the creditor has made a written application for enforcement to the enforcement authority. The enforcement application can be filed in an electronic enforcement service.

Enforcement will then proceed with the measures decided on by the enforcement officer. The officer sends the debtor a notification and a demand for payment giving the debtor an opportunity to settle the debt voluntarily. The demand for payment sets a due date, normally in two weeks from the date of the demand. The debtor's assets may not be distrained before the due date of the payment demand, with the exception of tax refunds. If the debtor pays their entire debt by the due date of the payment demand, enforcement of the debt will end and no entry will be made in the enforcement register. Neither will the enforcement authority take measures to search for the debtor's assets.

If the debtor does not pay, the enforcement officer investigates the debtor's financial standing. The task of the enforcement officer is to take measures to search for and find assets belonging to the debtor in order to secure payment to the creditor. For special reasons, the enforcement officer may grant an extension of at the most three months to the payment time on the request of the debtor. The collection methods used in enforcement include sending payment demands, garnishment of income and distraint of assets. As a rule, all types of assets and income are subject to distraint or garnishment. Distrained assets are realized by way of an auction. The matter's pendency with the enforcement authorities usually ends either with the repayment of the debt or an impediment to enforcement discovered by the enforcement officer. The applicant can withdraw the application for enforcement. The process is similar for the enforcement of other obligations, as well.

The procedure of enforcement is to follow the provisions laid down in legislation. The requirements of appropriateness, openness and expediency apply. The bailiff has to, on his or her own initiative, inform the debtor of the debtor's rights and when necessary give the parties other guidance in the enforcement matter and information on the progress of the enforcement.

### **Duration of enforcement procedure**

Enforcement is to be conducted in accordance with the requirement for expediency. An enforcement proceeding is to be held and other enforcement measures shall be carried out without undue delay. However, enforcement may be postponed if this is to be deemed in the best interests of the respondent and if the postponement does not cause more than insignificant inconvenience to the applicant. If a time limit has been provided

for a proceeding, the said time is to be observed. The enforcement officer considers in each case what the requirement for expediency means. The timely scope of the process varies depending on the matter and the circumstances. The average processing time was 7.3 months in 2019 at the national level.

### Cost of enforcement procedure

In the Finnish system of enforcement, there is a liability to pay the necessary costs caused in the enforcement of the obligation in question. The costs are to be paid from the accrued assets. In other cases, they are collected from the respondent, and, as a last resort, from the applicant. The bailiff may, under certain restriction, demand that the applicant pay an advance. If the applicant does not pay the advance, the bailiff may order the enforcement to this extent lapse. An advance cannot be demanded if the applicant is a natural person and the costs can probably be covered by the accrued assets.

In addition to the enforcement costs, the system includes a host of enforcement fees which are public fees charged for the enforcement action. Enforcement fees include a scheduled fee, processing fee, disbursement fee, auction fee, execution fee and a fee for delayed assertion, as shown in the following table:

Fee	Amount
Scheduled fee	Collected receivable or part thereof: <ul style="list-style-type: none"> <li>▪ up to €14: €2.50</li> <li>▪ over €14 but no more than €27: €5.00</li> <li>▪ over €27 but no more than €67: €7.00</li> <li>▪ over €67 but no more than €165: €12.00</li> <li>▪ over €165 but no more than €335: €27.00</li> <li>▪ over €335 but no more than €670: €56.00</li> <li>▪ over €670 but no more than €1,680: €84.00</li> <li>▪ over €1,680 but no more than €8,400: €134.00</li> <li>▪ over €8,400: €210.00</li> </ul>
Processing fee	<ul style="list-style-type: none"> <li>▪ for regular enforcement: €10.00</li> <li>▪ for limited enforcement: €5.00</li> <li>▪ for the passive register, a supplementary processing fee: €10.00</li> </ul>
Disbursement fee	1.45% of the disbursed amount, no more than €500 per disbursement
Auction fee	<ul style="list-style-type: none"> <li>▪ real property: €1,100</li> <li>▪ shares in housing company etc.: €450</li> </ul>
Execution fee	<ul style="list-style-type: none"> <li>▪ eviction from residence: €110</li> <li>▪ other eviction: €225</li> </ul>

	<ul style="list-style-type: none"> <li>▪ executive assistance and remittance in hire-purchase remittance: <ul style="list-style-type: none"> <li>○ object value up to €840: €110</li> <li>○ object value more than €840: €225</li> </ul> </li> <li>▪ other enforcement: €225</li> </ul>
Fee for delayed assertion	Double the schedule fee
Fee for service of notice	€80

There are certain exemptions from fees. No fees are levied in the enforcement of, for example, fines and child maintenance payments. The fee is also waived for individuals exempted from handling charges pursuant to the Legal Aid Act.

