

Improve Justice Court to Court (IJustC2C -GA 101138174)



Study Visit to Helsinki, Finland

Date: 4 to 6 September 2024

Presents:

- **Rosa Lima** – Portuguese Contact Point Judge / Project Coordinator
- **Carlos Rosado** – Legal Advisor / Project Manager
- **Tiago Silva** – Legal Advisor / Project Manager
- **Anabela Gonçalves** – Guest Professor / Law School of University of Minho

Agenda

Day 1 Wednesday 4.9.2024

9:30 Visit to the Ministry of Justice (Address: Meritullinkatu 10, Helsinki)

Meeting with the Central Authority unit and the EJM Contact Points

- Opening words and introduction
- Presentation of the Finnish and Portuguese national networks (*Structure, working methods, events etc.*)
- Discussion on judicial cooperation in civil matters (sharing of experiences, best practices, challenges and statistics)

12:00 Lunch break

13:30 Visit to the Supreme Court (Address: Pohjoisesplanadi 3, Helsinki)

Day 2 Thursday 5.9.2024

11:45 Lunch with the local contact point judge

Restaurant Traba (Address: Kaapeliaukio 3, 00180 Helsinki)

13:00 Visit to the Helsinki District Court (Address: Porkkalankatu 13, 00180 Helsinki)

- The group will visit the District Court of Helsinki and discuss with judges who are dealing with the cross-border civil law matters.

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Day 3 Friday (half day) 6.9.2024

- 9:30 The annual meeting of the Finnish National Network,
National Court Administration (Address: Silkkitehtaantie 5 C, Vantaa)
- Presentation of the National Court Administration
 - Training of judges in Finland
 - Presentation of the Portuguese national network
(*Structure, working methods, events etc.*)
 - Presentation of the IJustC2C – project
- 12:00 Lunch with the members of the National Network

Report

The Portuguese Contact Point team visited Helsinki from 4th to 6th September 2024 to take part in a study visit to various justice institutions in Finland, as part of the Improve Justice Court-To-Court (IJustC2C) project, completing the cycle of exchange of experiences that began in 2022 after a Finnish delegation visited Portugal as part of a previous European project.

In addition to the Contact Point Judge, Rosa Lima, and the Legal Advisors, Carlos Rosado and Tiago Silva, the Portuguese delegation also included the Professor of the Law School of the University of Minho, Anabela Gonçalves¹, who has been accompanying the team in the training sessions on Community Law, since she is an expert in these matters, within the scope of this European project and which have taken place in the District Courts of Portugal.

¹ Anabela Susana de Sousa Gonçalves, completed her PhD in Legal Sciences, in 2012, at the Law School of the University of Minho (in 2012/03/02) and her Master's degree in 2003 at the Faculty of Law of the University of Coimbra. She has several national and international publications, several in peer review. She has supervised several master's theses and several doctoral theses. She has received 10 award (s) and / or honours. Anabela Gonçalves is currently Vice-President and Associate Professor at the Law School of the University of Minho. She is also: Director of the Professional Departments Office; member of the Scientific Council and the School Council of the Law School, member of the Law Degree Course Committee, member of the master's Committee on Children's, Family and Succession Law and the LLM in European and Transglobal Business Law Directive Committee. She has been appointed expert of the European Commission, since 2014, to evaluate the financing projects submitted to the Commission under the JUSTICE program, including projects about judicial cooperation in civil matters, and was appointed by the European Commission to the Experts Group for the Recast of Regulation No. 2201/2003 on International Jurisdiction and Recognition of decisions in matrimonial and parental responsibility matters. Currently, she is still a member of the European Research Council, as an evaluator, by appointment of the European Commission. She was also appointed by the Aarhus Institute of Advanced Studies to evaluate the proposals presented to the AIAS-COFUND II (EU Marie Skłodowska-Curie) fellowships 2020. Areas of interest: Civil Law (contract law and civil liability); Private International Law; International Civil Procedure; Judicial Cooperation in Civil and Commercial Matters, Data Protection.

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The members of the Portuguese delegation were received by the members of the Finnish Contact Point, the several Central Authorities, the Supreme Court of Justice and the Finnish National Court Administration, as well as the Helsinki District Court.

Several meetings were held during the visit, where the Portuguese delegation had the opportunity to present the working dynamics of the Portuguese Contact Point, learn about the national EJN's method of operation and the general lines of the IJustC2C project, its implementation and feedback. The Portuguese delegation also had the chance to see various presentations by their Finnish counterparts, exchanging experiences and important points of view for improving both systems.

Photos



Improve Justice Court to Court (IJustC2C -GA 101138174)





Annexes

- Working agenda
- Presentations used in the various meetings



MINISTRY OF JUSTICE
FINLAND

Department for Private Law and Administration of Justice
International Judicial Assistance

30.8.2024

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Improve Justice Court-to-Court (IJustC2C) - project

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Place Helsinki

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Postal Address	Office	Telephone	Fax	E-mail, internet
Ministry of Justice, Finland PL 25 FI-00023 Valtioneuvosto Finland	Meritullinkatu 10 00130 Helsinki Finland	0295 16001 Internat. +358 295 16001	09 160 67730 Internat. +358 9 160 67730	registry.om@gov.fi www.ministryofjustice.fi

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Mediation of custody disputes at the district court





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This brochure was prepared by the National Courts Administration in March 2022.
Pictures: National Courts Office and image bank picjumbo



Mediation as an alternative to a long trial

Court mediation is an alternative to a long and often strenuous trial in custody dispute cases. It is a special mediation service that parents may use when the assistance provided within other divorce services has proved to be insufficient.

Questions that may be brought up in the course of mediation are parents' disagreements concerning the custody, living arrangements, right of access and maintenance of a child. In addition, many such matters concerning the everyday life of a child that cannot be handled in a trial may be settled in the mediation. The goal of mediation is that the parents reach a durable agreement that is in the best interests of the child.

The mediator is a judge acquainted with family matters, and he or she is assisted by an expert in parenting and child development matters, usually a psychologist or a social worker. This kind of multi-professional working team is capable of supporting the parents in solving both the legal and psychological problems they may encounter in a divorce situation. The purpose of expert assistance is to ensure that questions that are essential with regard to the best interests of the child are handled in the course of mediation and that the settlement reached is in the best interests of the child.



In mediation, a matter is handled in an informal manner through discussion. Mediation mainly consists of discussions and negotiations conducted with both the parents present, but if need be, the mediator may also discuss with either of the parents in private. The mediator and the expert assistant may also discuss the matter with the child, if this is agreed upon with the parents.

The parents may engage the services of a legal counsel if they so wish.

Benefits of mediation

A settlement between the parents promotes the well-being of the child and usually helps the child to maintain a relationship with both the parents.

Mediation may be initiated quickly. The mediation session must be held within six weeks from the date of issue of the decision to initiate mediation.

Mediation is a faster procedure than a trial. It may require only one meeting to reach an agreement between the parents. If this does not happen, it is possible to proceed gradually and make short-term agreements to try out a certain arrangement before entering into a final agreement.

Mediation is always based on voluntariness. Initiation of mediation requires that both parents consent to it and either parent can terminate the mediation process at any stage.

A confirmed agreement is valid similarly to a court decision

The mediator may confirm an agreement reached in mediation. A confirmed agreement is valid similarly to a court decision and enforceable as such.



Mediation is an affordable option

A processing charge is charged for mediation. Parents may use the services of an expert assistant assigned by their home municipality free of charge. If the parent hires a legal counsel, he or she shall pay the counsel's fee. If the parent has been granted legal aid, the expenses of the counsel are paid from State funds. If a parent has been granted legal aid, the expenses for a legal counsel are paid by the State either partially or in full in accordance with the legal aid decision. Legal aid is applied for at the state legal aid offices.

How is mediation initiated?

Parents may apply for mediation by submitting a free-form application to the district court of the child's municipality of residence. Many district courts also provide specific application forms for this purpose. The application may be filed by the parents jointly or by one of the parents alone. The application must include the parties' names and contact information, the matters to be dealt with in the mediation and a short description of the dispute. If the application is filed by one of the parents alone, the district court will ask for the other parent's consent to the mediation.

The parties may also apply for mediation when court proceedings are already under way. If a matter is taken up for mediation, the trial is suspended until the mediation process has been concluded.

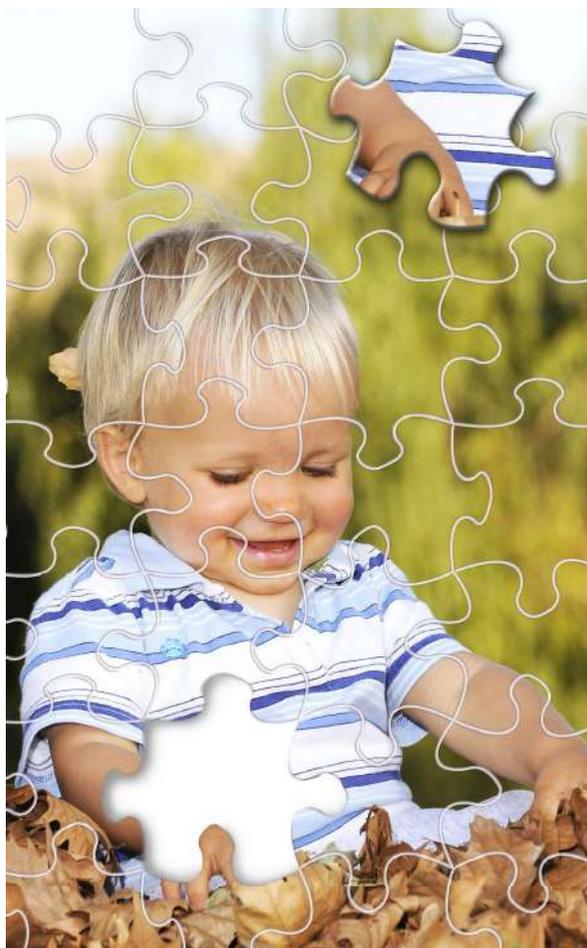


nationalcourtsadministration.fi | finnishcourts.fi



**National Courts
Administration**
Finland

Court mediation of custody disputes



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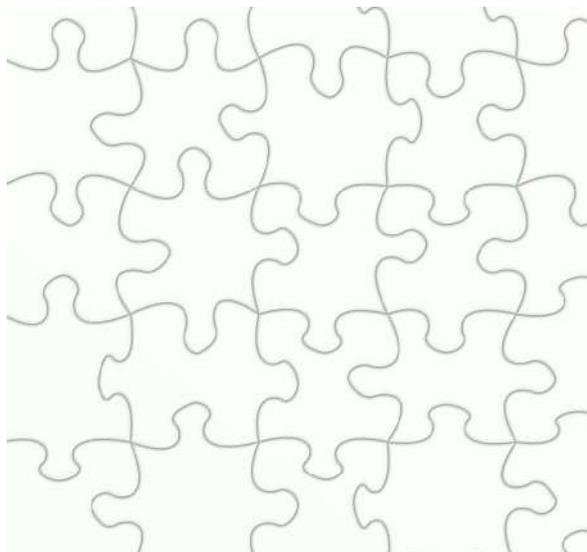
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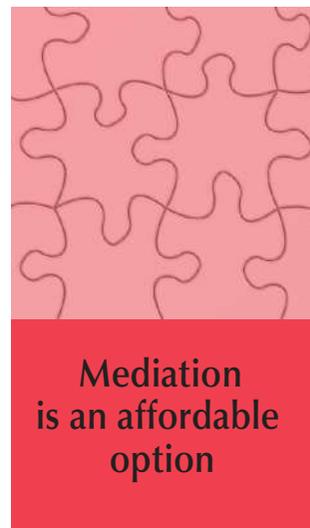


**Further information
is available
at the local
district courts**



**A confirmed
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Court mediation

an alternative to a trial



Flexible and fast

Costs less than a trial

Suitable for nearly all disputes

What is court mediation?

A trial is not always the best way to settle a dispute. A lighter and more inexpensive way is to request for mediation at the district court. The mediator is the judge of the court. The purpose of the mediator is to assist the parties in resolving their dispute in a manner that satisfies both parties. Mediation is voluntary, and it has proved to be very useful. In most cases, a settlement is reached that both parties can commit to.

DISPUTE



Trial

- can be expensive and slow
- the losing party may also have to pay the opposing party's legal costs
- is based on norms and rules
- a district court decision is often appealed in a court of appeal.



Court mediation

- inexpensive and fast
- parties are only responsible for their own costs
- serves the needs of the parties
- settlement often ends the dispute.

A case already subject to legal proceedings can be transferred to mediation.

If no settlement is reached, court proceedings can be initiated.

Suitable for nearly all disputes

What kind of disputes may be settled by mediation?

- Nearly all disputes. Disputes often concern employment, real estate, inheritance, child maintenance, debt, compensation for damage or business issues
- Disputes concerning child custody and right of access are settled in court mediation with an expert assistant
- Criminal cases cannot be settled in court mediation.

Costs less than a trial

What does mediation cost?

The parties are only responsible for their own expenses. The costs can be anticipated and controlled. The district court will charge a court fee. The amounts of the fees are available at <https://oikeus.fi/tuomioistuimet/karajaoikeudet/en/index/charges.html>

Flexible and informal

How to proceed?

- Submit a free-form application to the district court
- Mediation should be applied at an early stage of the dispute
- In a case already subject to legal proceedings before the court, you can request the judge for mediation orally if you wish.

The mediator is an impartial judge of the district court

What if no settlement is reached?

If the parties reach a settlement during the mediation, the mediator may confirm the settlement. A mediation process will be concluded if one of the parties or the mediator no longer wishes to continue it. The dispute can then be processed in trial.

A mediation session can be held in a few weeks upon request at its fastest.

A dispute can be settled in a number of ways. Court mediation is an alternative that serves the needs of both parties.



Flexible and fast

Costs less than a trial

Suitable for nearly all disputes

Court mediation



HELSINGIN KÄRÄJÄOIKEUS
HELSINKI DISTRICT COURT

Further information about court mediation

Helsinki District Court
Porkkalankatu 13, PL 650, 00181 Helsinki
helsinki.ko@oikeus.fi
Tel: 029 56 44 200



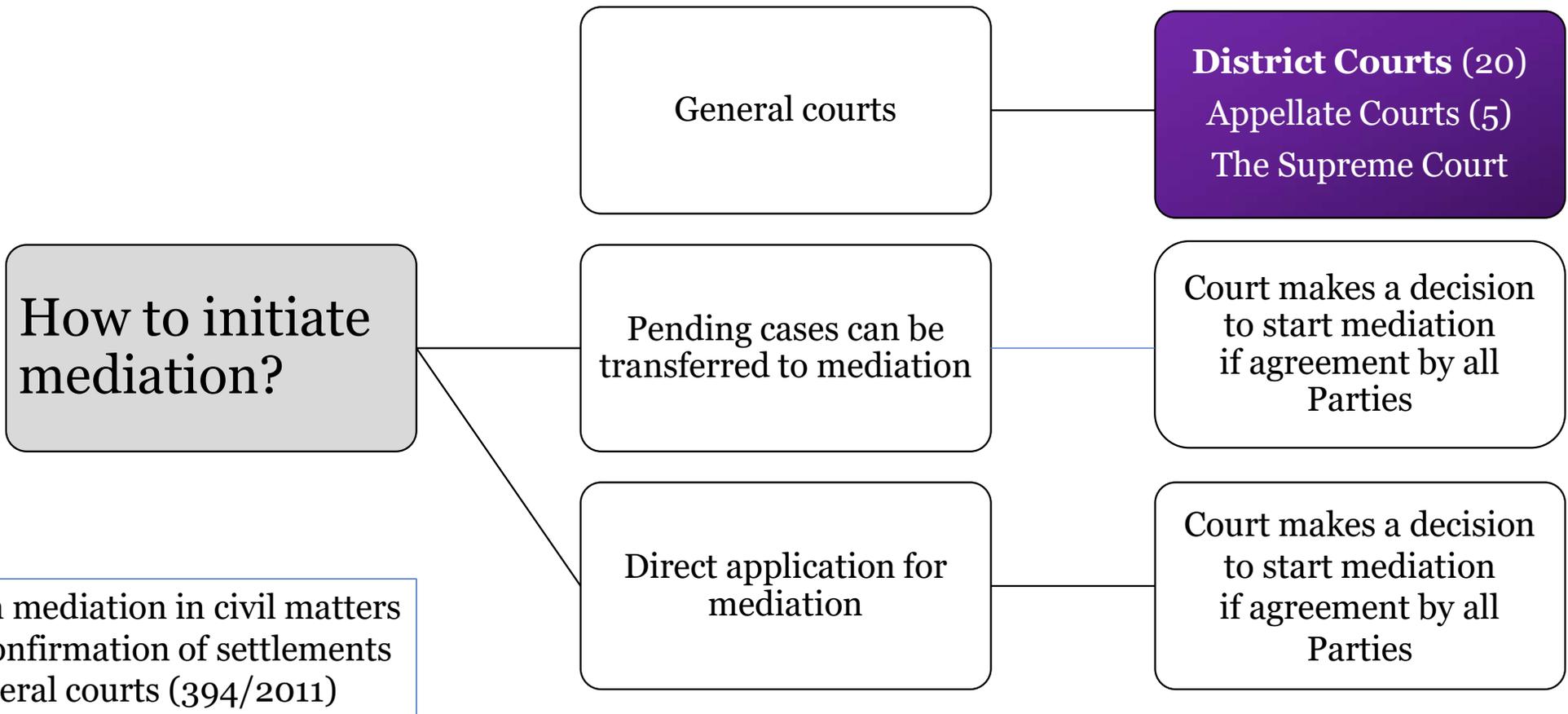
HELSINGIN KÄRÄJÄOIKEUS
HELSINGFORS TINGSRÄTT

The District Court of
Helsinki

Ms Kiira Viinamäki
Judge – Mediator



Court Mediation in Finland



Court mediation an alternative to a trial

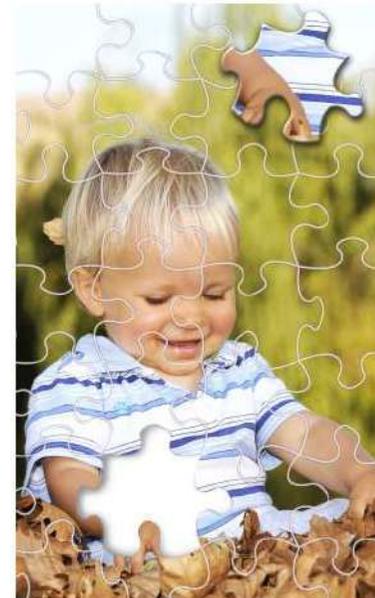


Flexible and fast

Costs less than a trial

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Court mediation of custody disputes



Court Mediation



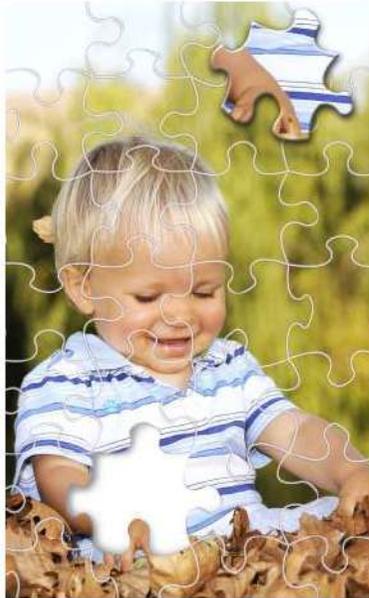
- Structured proceeding (5 stages)
- Facilitative vs evaluative?
- +35 Court Mediators (judges)
- Large-scale civil matters (also summary and petitionary matters)
- Culture developing, positive trend
 - 228 cases to mediation in 2020
 - 258 cases to mediation 11/2021
- Direct applications rare (< 5 %)
- Judges as gatekeepers?



Family mediation



Court mediation
of
custody disputes



- A well-known and widely used special mediation service
- Custody, living arrangements, visitation rights, alimony
- Judges co-mediate with an expert (psychologist, social worker)
- Mediation calendar
- Typically 2-3 mediation sessions
 - 100 new mediations in 2020
 - 188 sessions in 2020
- An enforceable agreement can be confirmed by the Court Mediator



Mediation culture and mediation projects

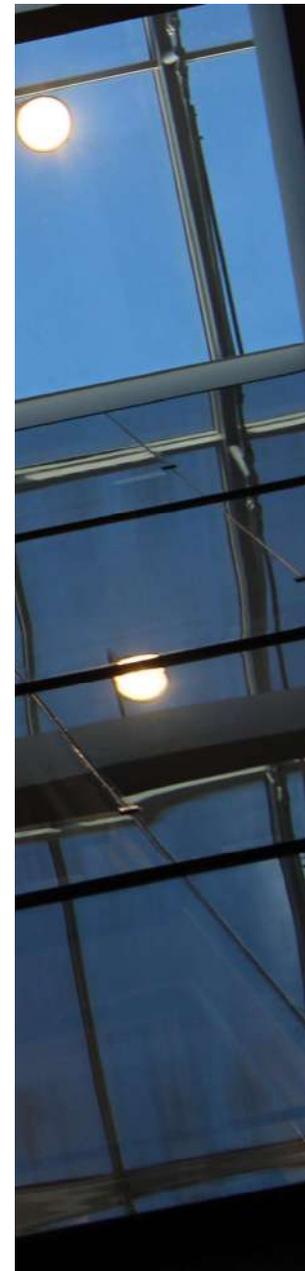
- Mediator training coordinated by the National Courts Administration
- Court specific mediation cultures and mediation projects
- Ongoing mediation project in the Helsinki District Court
 - Project team (4-5 members)
 - Steering Committee
 - Quantitative aims (civil cases)
 - 300 cases to mediation in 2021
 - 30 % cases to mediation 2022-
 - Qualitative aims
 - New mediation rooms in progress
- Dialogue between Courts and stakeholders



Thank you!

Kiira Viinamäki
Judge - Mediator
kiira.viinamaki@oikeus.fi





HELSINGIN KÄRÄJÄOIKEUS
HELSINGFORS TINGSRÄTT



HELSINGIN KÄRÄJÄOIKEUS
HELSINGFORS TINGSRÄTT

District Court of
Helsinki

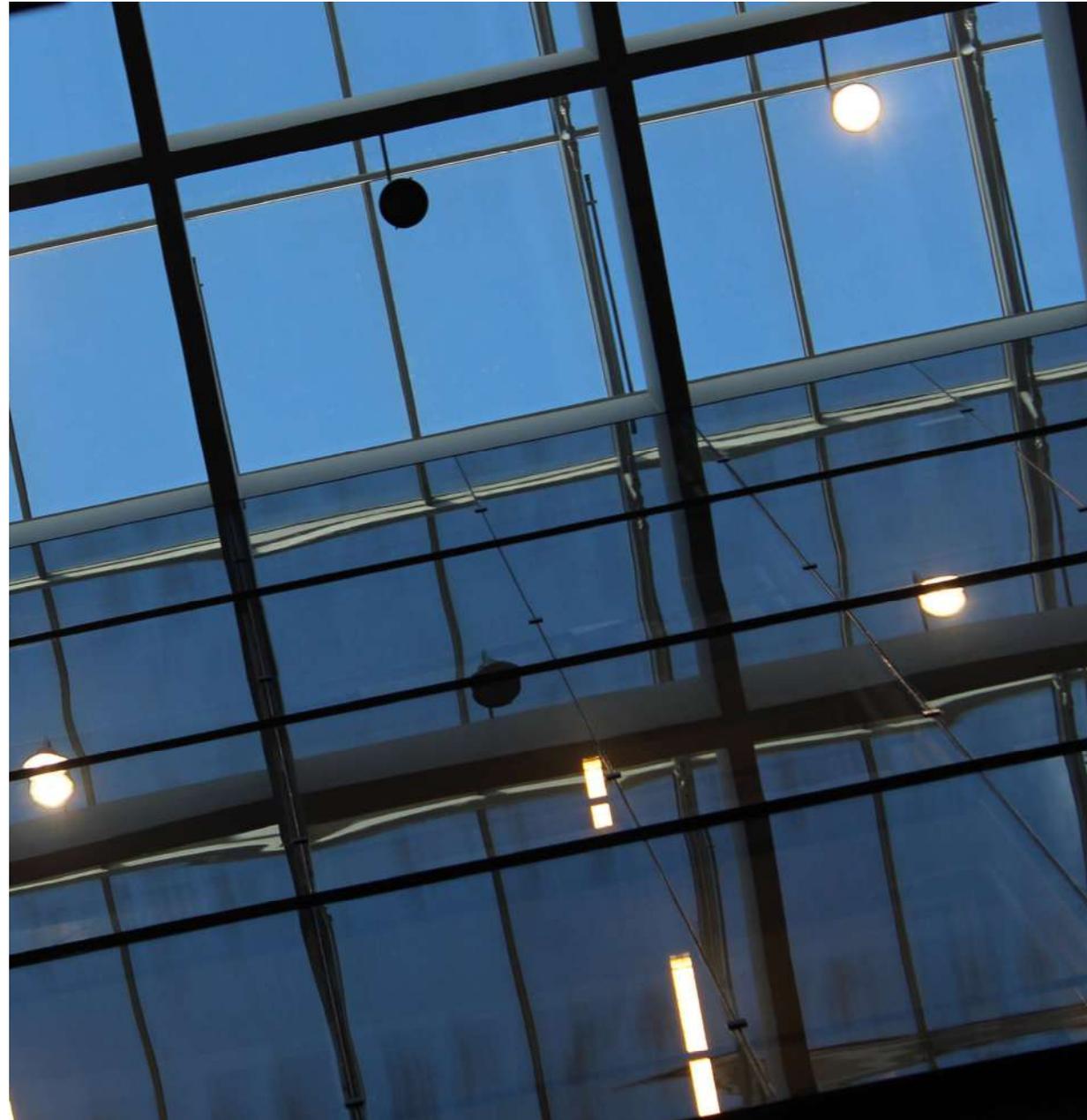




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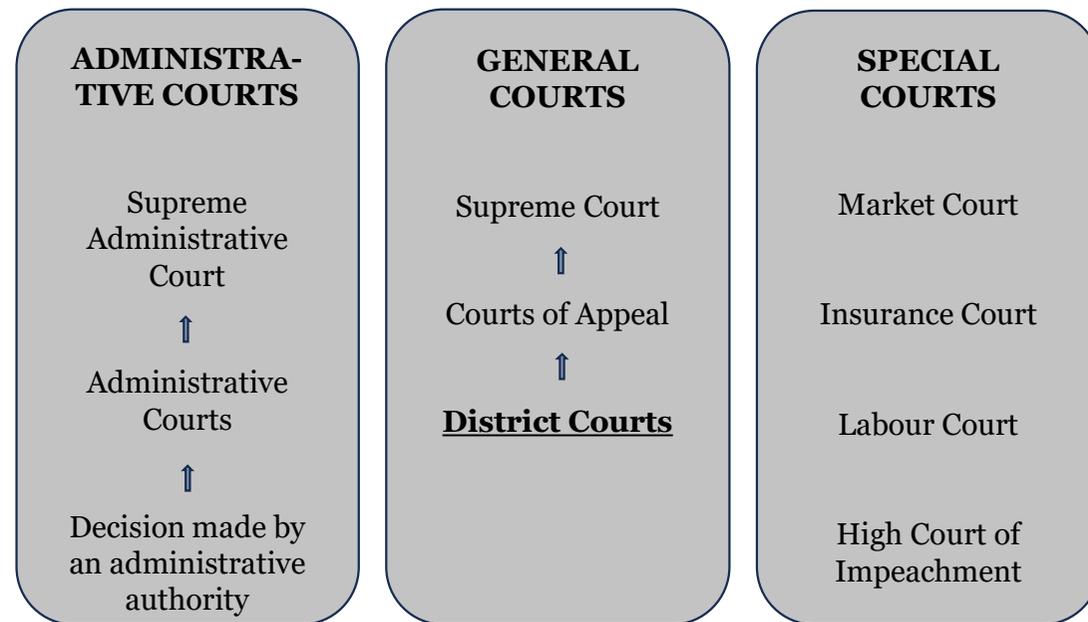
Ms Kiira Viinamäki
Judge – Mediator

Ms Noora Nykänen
Judge - Mediator



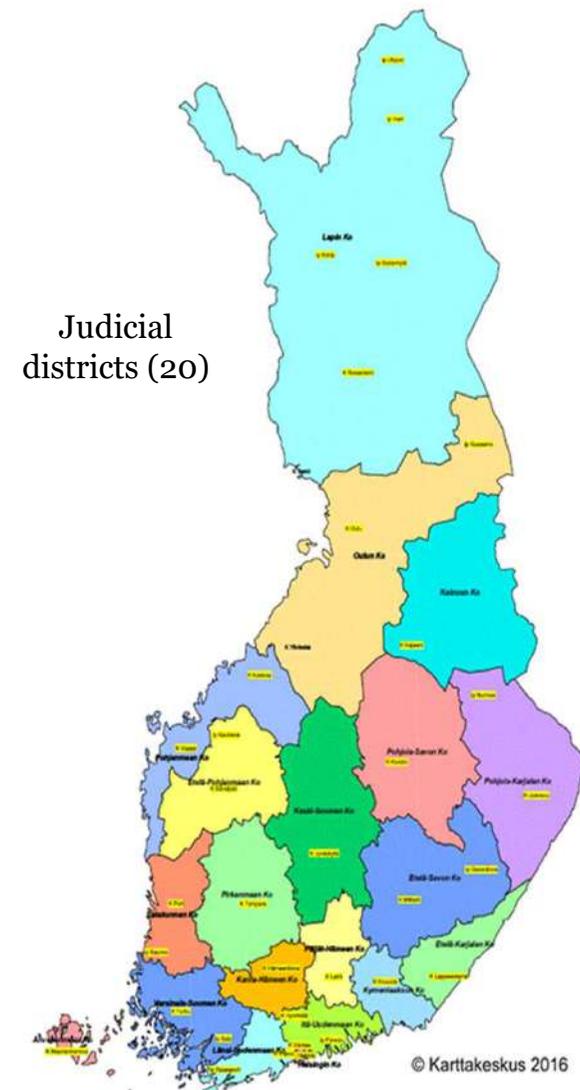
District Court of Helsinki

- The general courts consist of district courts, courts of appeal and the Supreme Court
- District Court of Helsinki is a court of first instance; an appeal against a district court decision is made to a court of appeal
- District Court of Helsinki is bilingual
- District Court of Helsinki provides legal protection for residents, companies and other communities in Helsinki



District Court of Helsinki

- There are 20 district courts and five courts of appeal in Finland
- District Court of Helsinki is the largest of the district courts
- District Court of Helsinki processes and decides petitionary, civil and criminal matters, as well as other special matters assigned to its jurisdiction, for example maritime matters
- Civil marriage ceremonies are conducted at District Court of Helsinki
- Seven departments:
 - Three for civil matters
 - Three for criminal matters
 - Administrative Department



CHIEF JUDGE

EXECUTIVE BOARD

COOPERATION COMMITTEE

DEPARTMENT
1

Civil and
petitionary
matters

DEPARTMENT
2

Civil matters
and
summary
proceedings

DEPARTMENT
6

Civil,
petitionary
and
insolvency
matters

DEPARTMENT
3

Criminal
matters

DEPARTMENT
4

"NOTO/
Fast-track
Department
"Criminal
and coercive
matters

DEPARTMENT
5

Criminal
matters

ADMINISTRATIVE DEPARTMENT

Customer service and registry
office, process servers, HR
and financial management
and facilities and security
unit

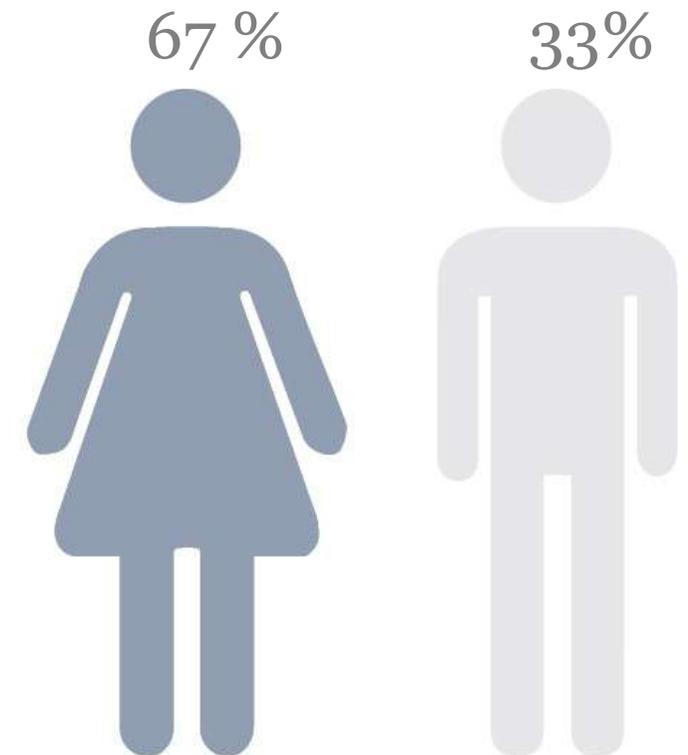


DEPARTMENT 1	<ul style="list-style-type: none"> • Handles civil matters, civil petitionary matters, family law petitionary matters and other matters specifically assigned to it. • Petitionary matters include, e.g., divorce, matters relating to child custody and right of access, appointment of a guardian and appointment of an estate distributor.
DEPARTMENT 2	<ul style="list-style-type: none"> • Handles civil matters, summary civil matters, recovery matters and other matters specifically assigned to it. There is a chancellery for summary matters in Department 2. • Summary civil matters refer to undisputed matters that the District Court decides through written proceedings. These include uncontested debt collection cases, such as unpaid rents, consumer credits, and phone and electricity bills, as well as undisputed matters concerning evictions, restoration of possession or a disrupted circumstance.
DEPARTMENT 6	<ul style="list-style-type: none"> • Handles civil matters, insolvency matters, disputed family law petitionary matters regarding child custody, housing and right of access and other matters specifically assigned to it. • Insolvency matters include matters regarding restructuring of private debts, bankruptcy, enforcement appeal and corporate debt restructuring.
DEPARTMENT 3	<ul style="list-style-type: none"> • Handles criminal matters.
DEPARTMENT 4 ("NOTO/FAST- TRACK DEPARTMENT")	<ul style="list-style-type: none"> • Handles criminal matters, coercive matters and other matters specifically assigned to it. The Department handles, e.g., summons issued by the prosecutor, some criminal cases committed by individuals under the age of 18 and criminal matters that are decided through written proceedings. There is a chancellery for coercive and fine conversion matters in Department 4. • Coercive measures that require a decision of the District Court are remand, travel ban imposed instead of remand, prohibition on alienation, confiscation for security and permission for traffic data monitoring, telecommunications interception and technical surveillance.
DEPARTMENT 5	<ul style="list-style-type: none"> • Handles criminal matters.
ADMINISTRATIVE DEPARTMENT	<ul style="list-style-type: none"> • Supports the Chief Judge, the Executive Board and the Judicial Departments in carrying out the tasks of the District Court. The Administrative Department is responsible for personnel and financial management, security and facility matters, planning and organising staff training, library and information services, IT support, information management, data protection, internal and external communications, process servers' functions and overall administration of the agency's operations.



Personnel

- Approximately 400 employees
 - Judges: 122 FTE
 - Clerical staff (court secretaries, customer service and registry office, administrative specialists): 214,2 FTE
 - Process servers: 50 FTE
 - Trainee District Judges: 25,3 FTE (12-month training)
- Average age is 44,9 years
- 125 men, 258 women

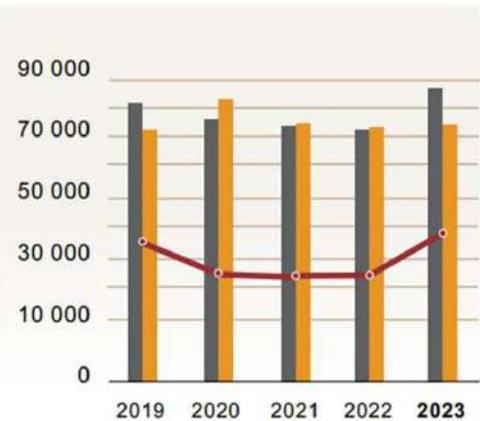


Cases in 2023

- District Court of Helsinki received in total 87 337 new cases and decided 72 382 cases
- At the end of the year, 39 872 cases were pending
- At District Court of Helsinki arrived, e.g.,
 - 8 255 criminal matters
 - 3 705 coercive matters
 - 1 516 large-scale civil matters
 - 63 734 summary proceedings (debt collection, eviction etc.)
 - 6 219 divorce and other petitionary matters (child custody, appointment of a guardian etc.)
 - 1 348 insolvency matters



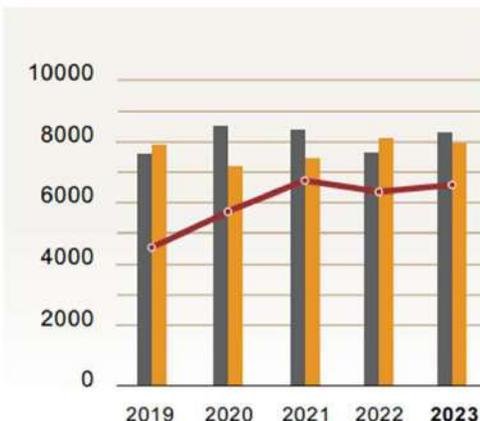
ALL CASES (2019–2023)



	2019	2020	2021	2022	2023
■ INCOMING	82 396	76 225	74 620	72 422	87 337
■ DECIDED	71 720	84 189	75 514	72 513	72 382
--- PENDING AT THE END OF THE YEAR	34 606	26 798	25 584	25 113	39 872

■ INCOMING ■ DECIDED --- PENDING AT THE END OF THE YEAR

CRIMINAL MATTERS (2019–2023)

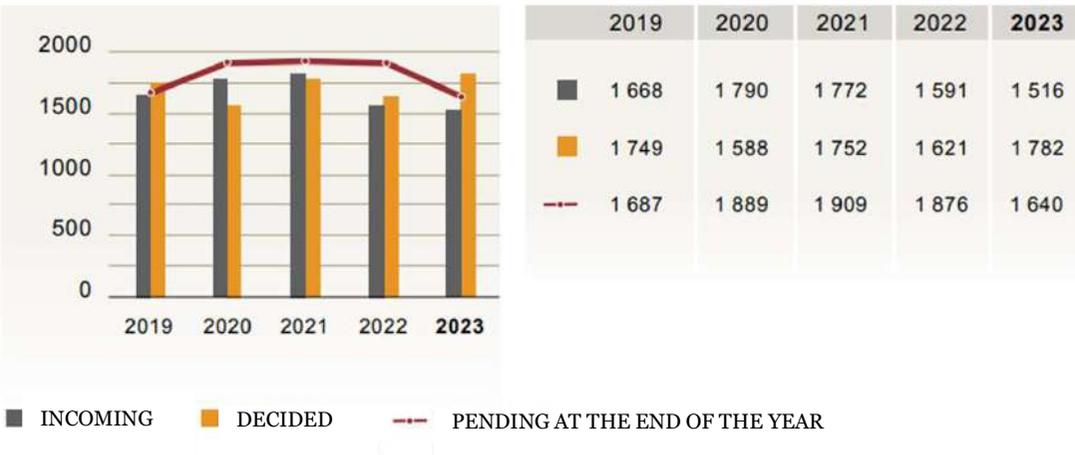


	2019	2020	2021	2022	2023
■ INCOMING	7 558	8 431	8 423	7 608	8 255
■ DECIDED	7 884	7 116	7 404	8 110	7 916
--- PENDING AT THE END OF THE YEAR	4 547	5 862	6 881	6 358	6 663

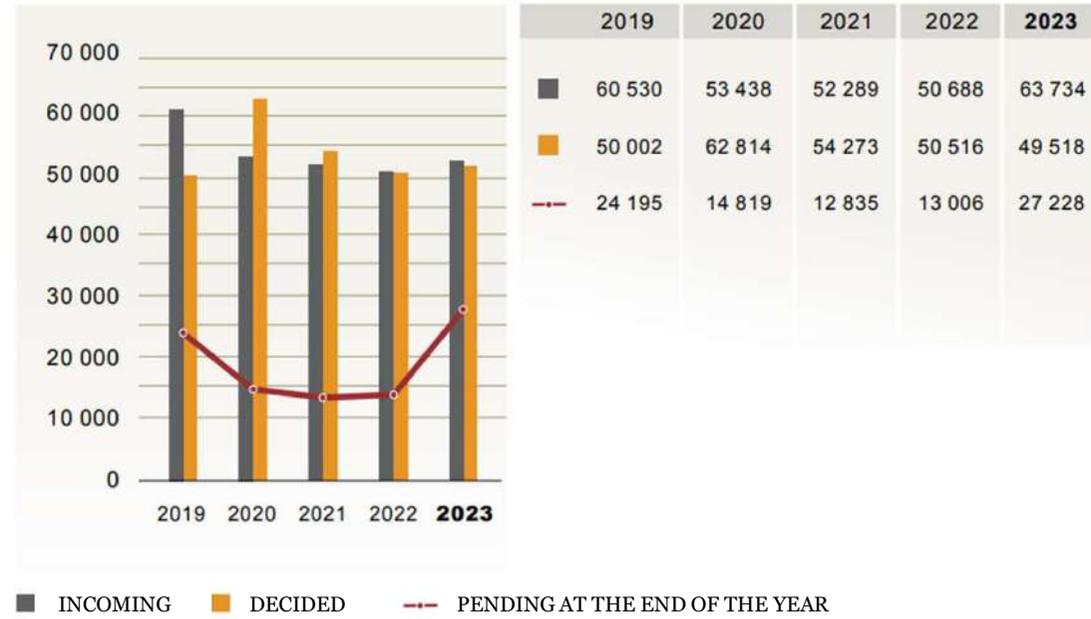
■ INCOMING ■ DECIDED --- PENDING AT THE END OF THE YEAR



LARGE-SCALE CIVIL MATTERS (2019–2023)



SUMMARY CIVIL MATTERS (2019–2023)



Processing times in 2023

- Processing time in criminal matters was 10,8 months (national processing time was 6,3 months)
- Processing time in large-scale civil matters was 13,5 months (national processing time was 10,2 months)
- The processing time in these matters doesn't significantly differ from the processing time in other district courts in the Helsinki capital region
- The result was good in many matters, such as summary debt collection and insolvency matters



DISTRICT COURT	ACTUAL PROCESSING TIMES (MONTHS) 2021				ACTUAL PROCESSING TIMES (MONTHS) 2022				ACTUAL PROCESSING TIMES (MONTHS) 2023				IN PERFORMANCE NEGOTIATIONS AGREED PROCESSING TIMES (MONTHS) FOR YEAR 2023			
	Criminal matters, decision on the merits	Large-scale civil matters	Summary proceedings	Debt adjustment matters	Criminal matters, decision on the merits	Large-scale civil matters	Summary proceedings	Debt adjustment matters	Criminal matters, decision on the merits	Large-scale civil matters	Summary proceedings	Debt adjustment matters	Criminal matters, decision on the merits	Large-scale civil matters	Summary proceedings	Debt adjustment matters
Total	5,9	9,7	2,6	5,8	6,3	10,1	2,3	5,4	6,3	10,2	2,6	5,2	5,8	10,4	2,5	5,7
Median	5,3	9,1	8,7	5,0	5,4	8,8	3,7	5,3	5,3	8,9	7,4	5,0	5,3	8,8	3,1	5,5
Average	5,4	9,4	7,4	5,5	5,7	9,8	4,2	5,3	5,6	9,6	7,0	5,0	5,2	9,7	5,0	5,6
District Court of Helsinki	8,9	13,2	3,3	4,9	10,3	12,7	3,1	4,8	10,8	13,5	3,6	4,5	9,1	13,0	3,1	5,0
District Court of Itä-Uusimaa	7,6	9,2	2,3	5,6	8,1	9,6	2,4	5,8	7,9	9,4	3,0	5,2	6,0	10,0	3,0	6,0
District Court of Länsi-Uusimaa	7,6	10,9	11,9	4,7	7,7	12,0	4,9	4,6	8,7	12,2	12,7	5,2	7,0	11,3	0,0	4,5



International-related matters in District Court of Helsinki

- Certain international-related matters are considered in the department 1
- 7 judges are specialized in international-related matters, for example:
 - Recognition and enforcement of foreign judgments
 - ToE (Taking of Evidence)
- District Court of Helsinki has the exclusive jurisdiction in certain cases, for example:
 - Recognition of foreign judgment (Marriage Act)
 - Recognition of decisions on parenthood issued in a foreign state (Parenthood Act)
 - Recognition of foreign adoption (Adoption Act)
 - Recognition and enforcement of decisions issued in another foreign state (Act on Child Custody and Right of Access)
 - Enforcement of decisions on maintenance issued in a foreign state
- **NB!:**
 - **Many other international-related matters are also considered in District Court of Helsinki**
 - E.g. Bryssel II b, EU Succession Regulation, SoD (Service of Documents), Small Claims, European payment order etc.



Duties / responsible judge in international-related matters

- Examples:
 - Sharing new information, legislation, legal cases etc. at the department
 - Organizing educational events and meetings, "helping/supporting" and orientating other judges
 - Participating in national and international meetings (e.g. EJN) and EJTN-exchange program (as a host)
 - Collaboration with interest groups
 - District court of Helsinki considers that especially international cooperation is very important



Court mediation

- = an alternative to a trial
- A lighter, more inexpensive and more efficient way to resolve the dispute
- Voluntary
- A party can submit a free-form application to the district court
 - In a case already subject to legal proceedings before the court, the party can request the judge for mediation
 - In practise the judge inquires if the parties are willing to start court mediation
- The mediator is the judge of the court. The purpose of the mediator is to assist the parties in resolving their dispute in a manner that satisfies both parties
- A dispute can be settled in a number of ways
- Parties are only responsible for their own costs





Thank You!

Ms Kiira Viinamäki
Judge – Mediator

kiira.viinamaki@oikeus.fi

Ms Noora Nykänen
Judge – Mediator

noora.nykanen@oikeus.fi



Ministry of Justice – Unit for International Judicial Assistance

IJustC2C visit



MINISTRY OF JUSTICE
FINLAND

The Ministry of Justice

- The Ministry of Justice is headed by the Minister of Justice. The Permanent Secretary directs the Ministry's activities together with the Minister of Justice.
- There are four departments at the Ministry: the Department for Administration and Oversight, the Department for Democracy and Public Law, the Department for Criminal Policy and Criminal Law, and the Department for Private Law and Administration of Justice. In addition, there is the Management Support and Core Services, which is outside the departmental division.

The Ministry of Justice

- The administrative branch of the Ministry of Justice comprises the court system, the National Prosecution Authority, the Criminal Sanctions Agency, the debt enforcement authorities, the legal aid offices, the financial and debt counselling services, and the public guardianship services. In addition, the Safety Investigation Authority, the Legal Register Centre, the Consumer Disputes Board, the European Institute for Crime Prevention and Control, and the Bankruptcy Ombudsman operate in the Ministry's administrative branch. The Ombudsman for Equality, the Data Protection Ombudsman, the Intelligence Ombudsman, the Non-Discrimination Ombudsman and the Ombudsman for Children also work in conjunction with the Ministry of Justice.

The Department for Private Law and Administration of Justice

- International Judicial Assistance
- Legal Protection Services
- Court Affairs
- Civil Law
- Private Law and Insolvency

Unit for International Judicial Assistance

- Functions as Central Authority under several civil and criminal law conventions for example the Hague conventions and the European Convention on Mutual Assistance in Criminal Matters
- The Central Authority transmits and receives requests that are made under international civil and criminal law conventions, counsels Finnish authorities as well as private people on matters relating to application of the international conventions etc. The main part of our work consists of operative case work. The role of the central authority as well as the task vary depending on the instrument.
- Contact point of the European Judicial Network (EJN) (in civil and criminal law matters)
- The unit has 10 employees

Unit for International Judicial Assistance

- At a yearly basis, the unit receives about 700 new applications under all instruments. At the end of 2023 there were 1286 cases pending. 926 concerned civil- and family matters and 360 concerned criminal matters.
- The unit coordinates an EU funded two-year project regarding cross-border cooperation in criminal matters. The project aims to develop and strengthen the work of the national EJM network in criminal matters. The project ends on 31 December 2024.

Thank you for your attention!



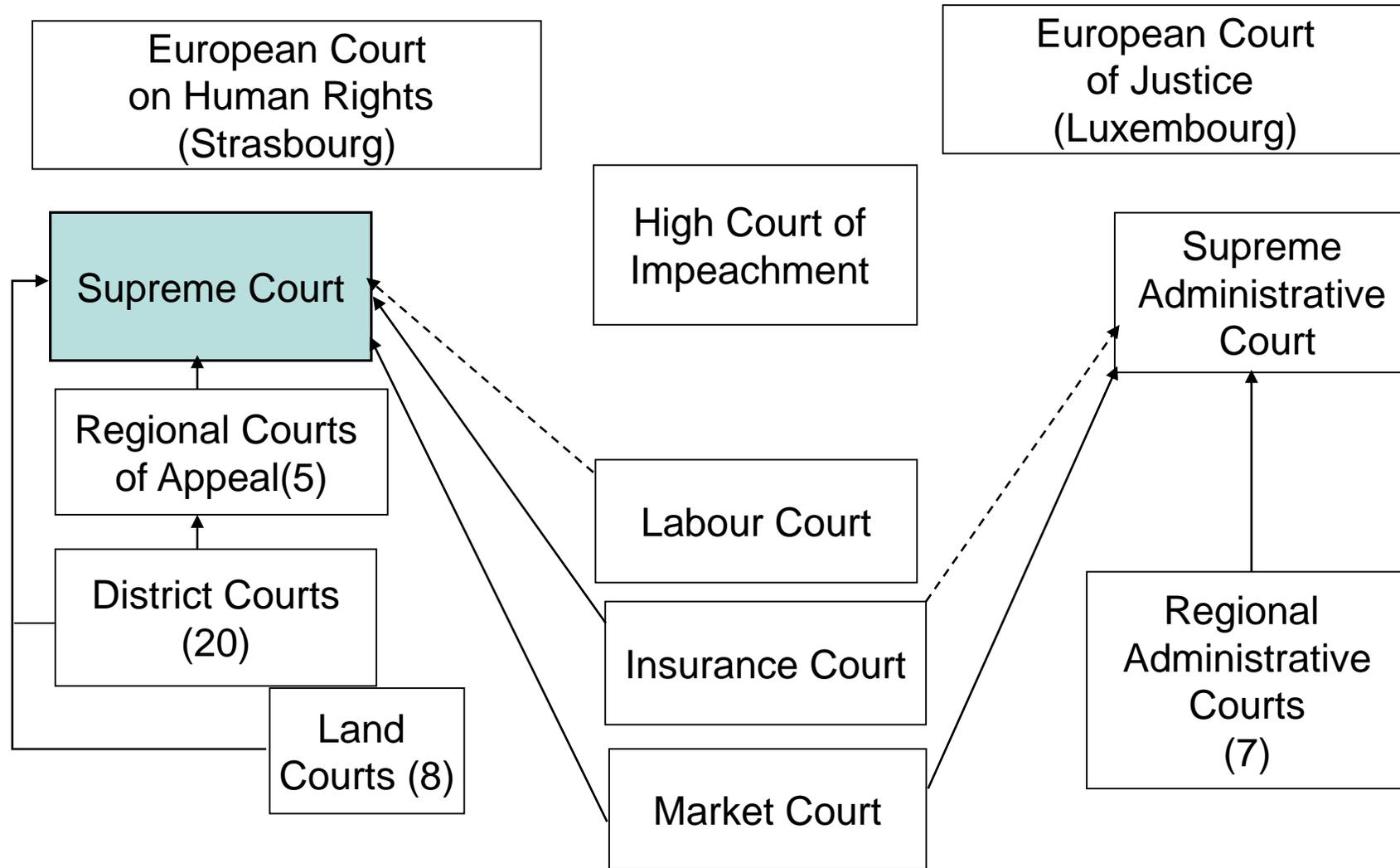
MINISTRY OF JUSTICE
FINLAND

www.ministryofjustice.fi

Supreme Court



The Finnish Court System



Which judgments can be appealed to the Supreme Court?

- **Courts of Appeal** (some without application)
- **District Courts** (note: only in cases concerning land law or in special cases of possible precedential relevance)
- **Insurance Court** (in special cases concerning accident indemnities)
- **Market Court** (in special cases concerning consumer protection)
- **Labour Court** (only extraordinary appeals)



Functions of the Court

- to serve as final instance in civil and criminal cases
- to guide case-law by establishing judicial precedents
- to exercise powers of extraordinary appeal
- to issue statements for the Ministries and the President of the Republic



Main focus in setting precedents



- Guidance of the jurisdiction of lower courts by setting precedents
- Admissibility of a case requires first granting of a leave to appeal

Grounds for granting a leave to appeal



- a precedent is necessary for application of the law in similar cases or for reasons relating to the consistency of case law
- a procedural error giving rise to annulment or nullification occurred when the case was considered in the lower courts
- there are other weighty reasons to grant leave to appeal

Extraordinary Appeal

Concerns judgements that have gained force of law

- A complaint on grounds of procedural error
- An application for annulment of a judgement
- An application of restoration of time limitation



Procedure

Two stages:

- Deciding on granting of a leave to appeal
- Deciding on the case

Written procedure

- Oral hearings if necessary (10 to 20 yearly)



Panels of Justices



- Decisions and judgements are made in panels of justices upon a presentation by a referendary
- Depending on the matter the panels can consist of 1,2,3,5 or 11 justices
- If ordered by the President the matter can be resolved in an extended panel or full plenum of justices

Panels of Justices

- **1 justice**
 - e.g. prohibition of enforcement
- **1–3 justices**
 - leave to appeal
- **1, 3 or 5 justices**
 - extraordinary appeal
- **5 justices**
 - appeal
- **11 justices or full plenum**
 - amendment of a previous precedent or an important matter of principle

Members and Staff

- President
- Justices (18)
- Chief of Staff
- Referendaries (approx. 25)
- Administrative and Secretarial Staff (approx. 29)

- Total of approx. 75 people



Plenary Session 13.9.2022



Referendaries



Referendaries

- Separate groups for civil and criminal matters
- Civil group (8 referendaries) also deals with insurance and land law cases
- Criminal group (17 referendaries) also deals with insolvency cases
- Both groups have a chief, who distributes the cases among referendaries
- Justices hear all types of cases



Referendaries – who are they?

- Previous positions usually as district judges or referendaries in courts of appeal
- Different levels and lengths of experience
- Usual length of service in the Supreme Court 4–6 years, no time limits
- Either consecutive fixed terms or permanent position
- Usually leave to become district judges or members of courts of appeal



Referendaries – what do they do?

- Work consists mainly of drafting case memos and presenting them to the justices
- When dealing with applications for leave to appeal, referendaries usually handle 18 cases a month split between three sessions (2-justice panels)
- Referendary is expected to present all relevant legal sources and make a suggestion on whether to grant leave to appeal



Referendaries – what do they do?

- If leave to appeal is granted, referendary shall carry out extensive research on the case and draft a background memo and the first version of the judgment for the 5-justice panel
- Thereafter the case is presented for the panel, and the draft judgment then circulates among all justices
- Referendaries also handle a large part of communication with the parties and numerous smaller matters connected to cases
- Referendaries are responsible for managing their own work load and schedule

Cases 2023

- Total received 1888
 - of which applications for leave to appeal 1685
- Leaves to appeal granted 124
- Precedents given 95
- Extraordinary appeals decided 140
- Total decided 1813

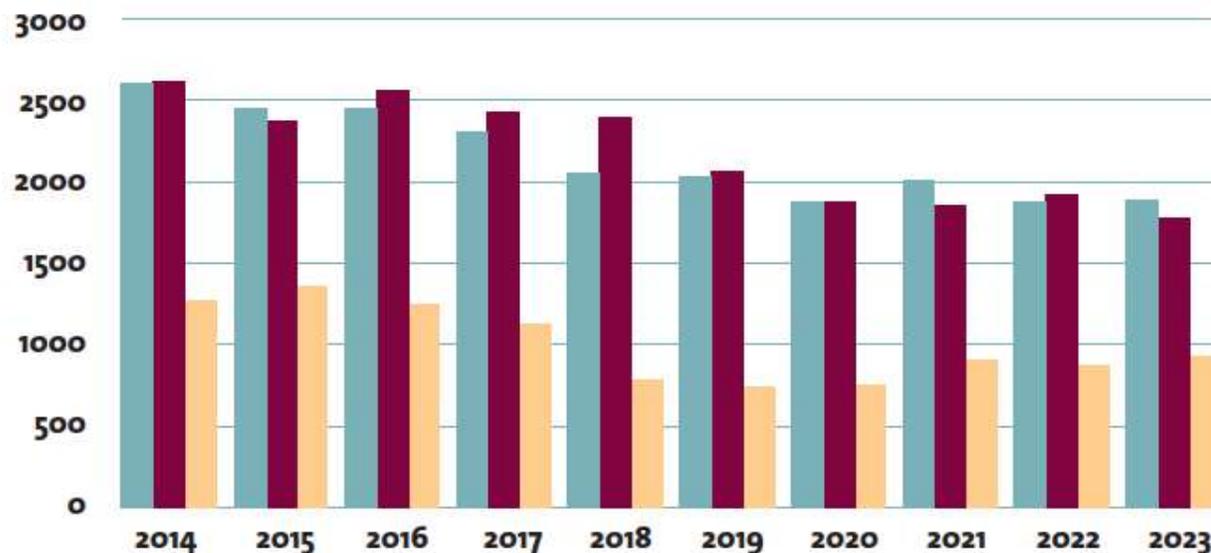


Cases submitted and resolved 2014–2023

Saapuneet, ratkaistut
ja ratkaisematta
olevat asiat

*Cases submitted,
resolved and pending
at year end*

■ Saapuneet
Submitted
■ Ratkaistut
Resolved
■ Ratkaisematta
Pending



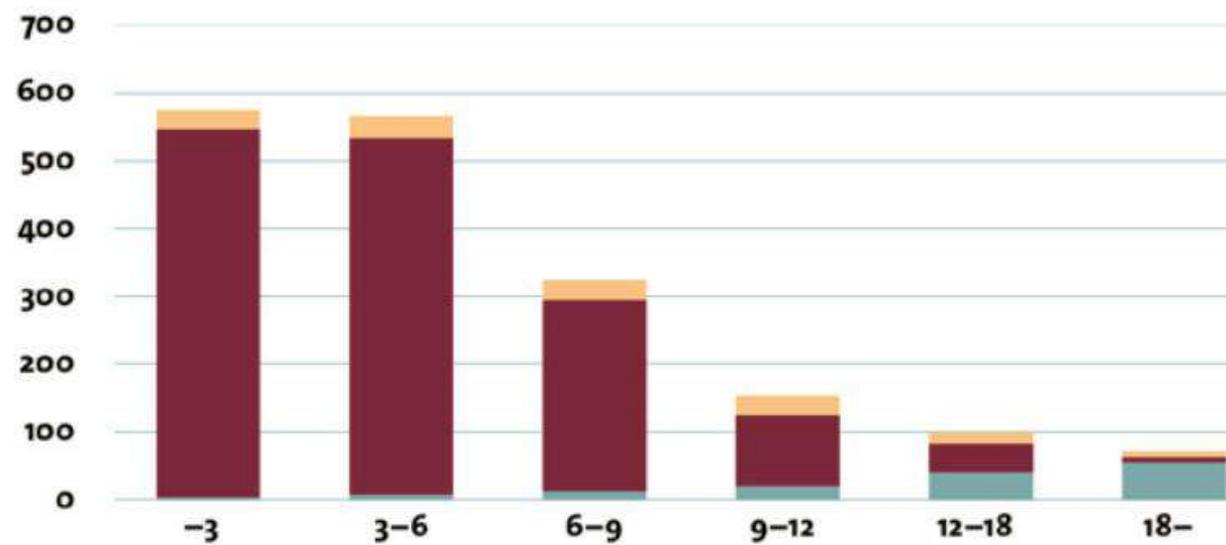
	Saapuneet Submitted	Ratkaistut Resolved	Ratkaisematta Pending
2014	2 611	2 617	1 271
2015	2 456	2 378	1 364
2016	2 449	2 563	1 248
2017	2 303	2 428	1 124
2018	2 055	2 395	788
2019	2 028	2 069	740
2020	1 882	1 876	750
2021	2 005	1 855	906
2022	1 876	1 917	868
2023	1 888	1 813	947

Average processing times in 2023

Keskimääräisiä käsittelyaikoja 2023

Average processing times 2023

- Ennakkopäätökset ja muut asiaratkaisut
Precedents and other cases resolved on the merits
- Valituslupahakemukset
Applications for leave to appeal
- Ylimääräisen muutoksenhaun asiat
Extraordinary remedies



Kk Months	Kaikki asiat All	Ennakkopäätökset ja muut asiaratkaisut Precedents and other cases resolved on the merits	Valituslupahakemukset Applications for leave to appeal	Ylimääräinen muutoksenhaku Extraordinary remedies
-3	591	1	539	33
3-6	569	6	527	33
6-9	326	11	283	29
9-12	158	17	108	29
12-18	90	38	42	20
18-	71	54	9	7



Length of proceedings 2023

- **Leaves to appeal**
(not granted):
4,7 months
- **Judgements**
(leave to appeal + judgements):
17,6 months



More information

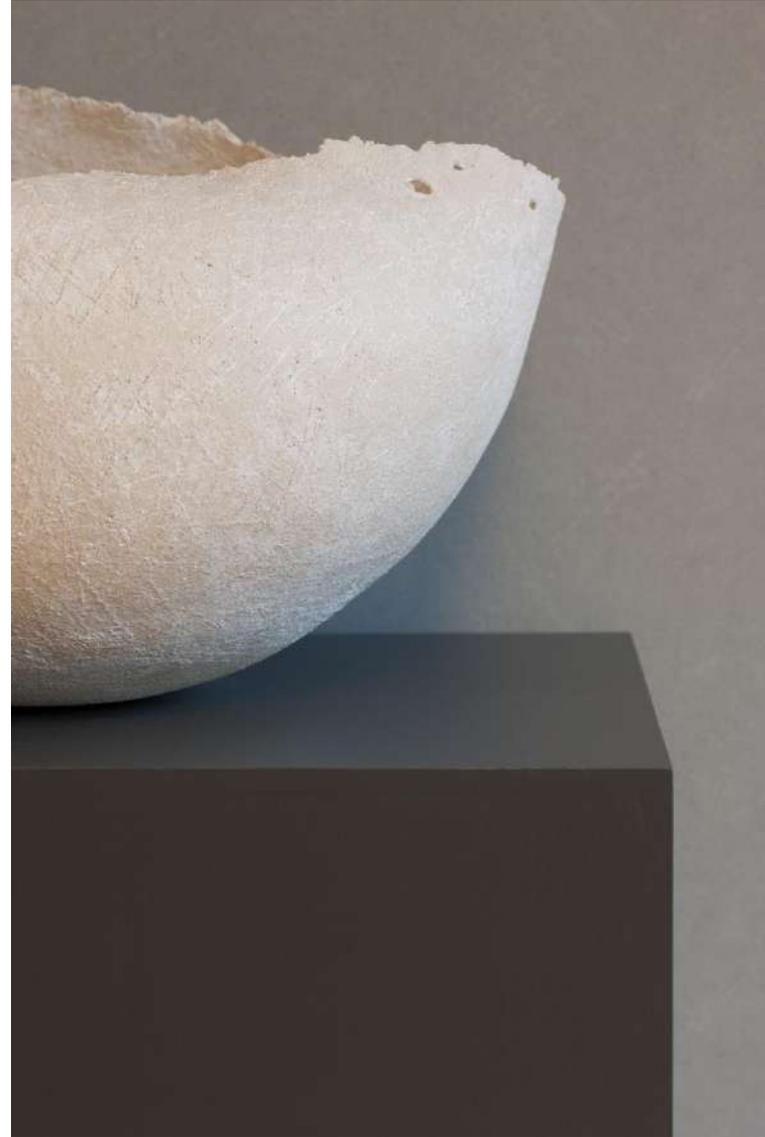
www.supremecourt.fi

- latest precedents on the days of issuing
- general information, press releases etc.

www.finlex.fi

Twitter [@korkein_oikeus](https://twitter.com/korkein_oikeus)

Thank you!





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IMPROVE JUSTICE
EUROPEAN JUDICIAL NETWORK



Ponto de Contacto de PORTUGAL
Rede Judiciária Europeia
em matéria civil e comercial



CSM
Conselho Superior
da Magistratura



REPÚBLICA
PORTUGUESA

JUSTIÇA



The Portuguese Contact Point

Study visit to Helsinki, Finland – 4 - 6 September 2024

Rosa Lima – Judge of Appeal Court

rosa.r.lima@redecivil.mj.pt

Portuguese Contact Point of the European Judicial Network in Civil and
Commercial Matters

www.redecivil.csm.org.pt

Contact Point Team



Rosa Lima
Portuguese Contact Point Judge

Judge at the Lisbon Court of Appeal, currently serving on a service commission as the Portugal Contact Point for the European Judicial Network in Civil and Commercial Matters, since 1 January 2022.

She also holds the position of Portuguese Contact Point for the International Legal and Judicial Cooperation Network of Portuguese-Speaking Countries and IberRede - Ibero-American Network for Judicial Cooperation.

Joined the Centre for Judicial Studies in 1996 and worked as a judge in various courts - Sabugal General Court, Lamego, Fundão, Viseu, Covilhã; Castelo Branco Labour Court and Castelo Branco Central Civil Court.

Held the position of Deputy Judge in the Support Office for the Vice-President and members of the Superior Council of the Judiciary from 15 July 2019 to 31 August 2022.

Was a trainee judge at the Centre for Judicial Studies from 2006 to 2010 and coordinating judge at the Castelo Branco District Court from 2014 to 2015.

Has a Law degree from the Faculty of Law of the Catholic University of Porto; a Master's degree in Legal and Forensic Sciences from the Faculty of Law of the University of Coimbra and an Erasmus Postgraduate Course in European, Global and Comparative Law at the Faculty of Law of the University of Lisbon.



Carlos Rosado
Legal Advisor

Has a Law degree from the Manuel Teixeira Gomes Higher Institute.

Also has a Master's degree in Legal and Forensic Sciences from the the Faculty of the Lusófona University of Lisbon.

Worked as a Clerk between December 2017 and November 2021.

Since then, has been working as a Legal Advisor at the Portugal Contact Point.



Tiago Silva
Legal Advisor

Graduate in Solicitors from the Polytechnic Institute of Cávado and Ave of Barcelos.

Has a Law degree from the Faculty of Law of the Lusíada University of Oporto.

Also has a Master's degree in IT Law from Faculty of Law of the Minho University.

Worked as a Clerk between September 2015 and January 2024.

Since then, has been working as a Legal Advisor at the Portugal Contact Point.



PORTUGUESE CONTACT POINT

Is appointed by the High Judicial Council and performs their functions on the premises of this Council and under its responsibility

(Protocol between the HJC and the Ministry of Justice)

Others Networks



IberRed

Ibero American Network
for International Legal
Cooperation

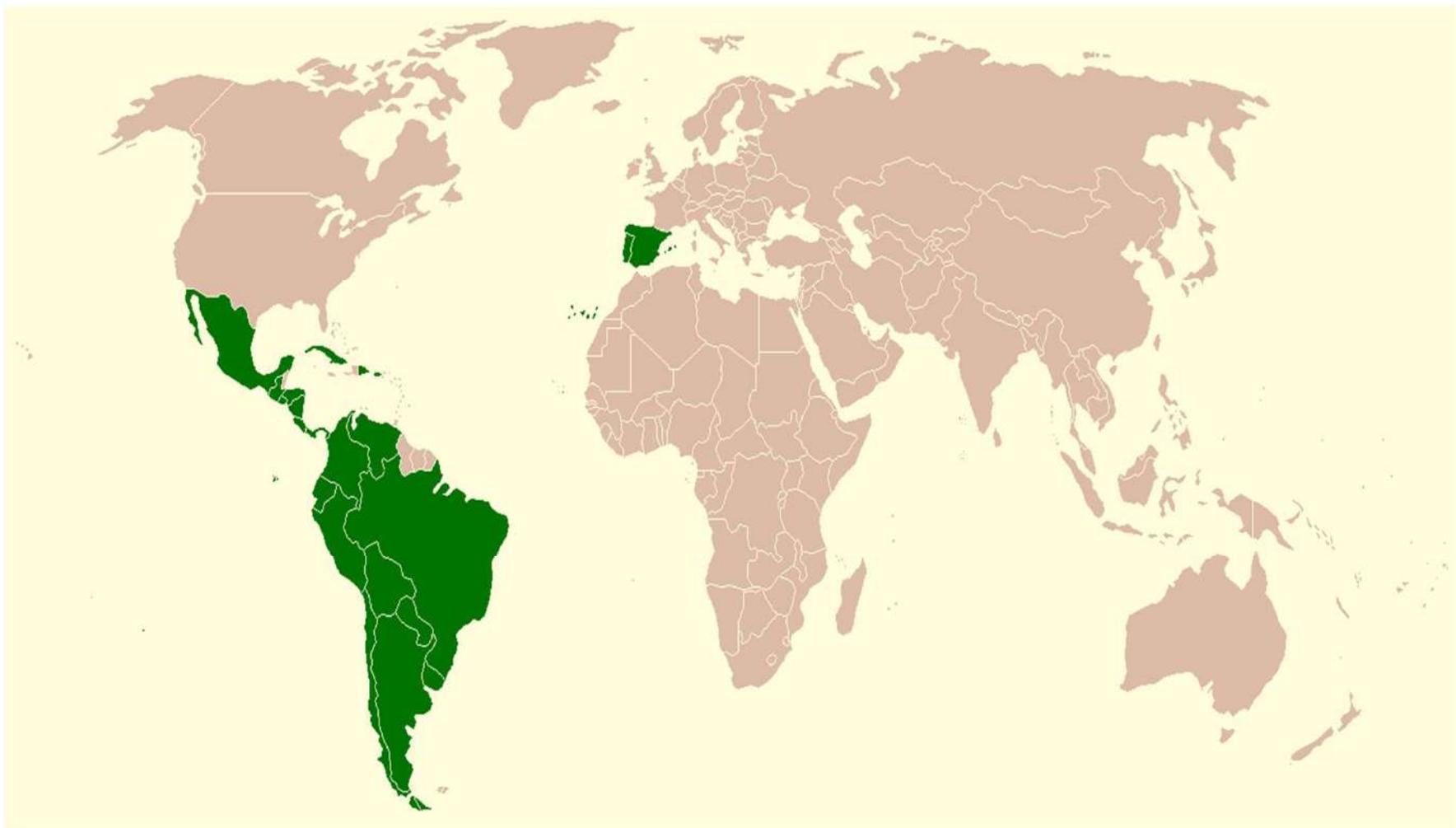


CPLP

Community of Portuguese-
speaking Countries



IberRed





CPLP



- 1) Directorate-General for Justice Policy;
- 2) Directorate-General for the Administration of Justice;
- 3) Institute for Financial Management and Justice Equipment;
- 4) Commission for the Protection of Victims of Crime;
- 5) Institute of Registries and Notaries;
- 6) Council of Justice of the Peace;
- 7) Social Security Institute;
- 8) Bar Association;
- 9) Order of Notaries;
- 10) Order of Solicitors and Enforcement Agents;
- 11) Liaison Judge of the International Network of Judges of the Hague Conference;
- 12) General Prosecutor's Office

PORTUGUESE NATIONAL MEMBERS OF EJN



PORTUGUESE NATIONAL MEMBERS OF EJN

- The Contact Point meets every three months with the Portuguese national members of EJM, with the aim of finding solutions to facilitate the practical application of the European Union's legal instruments





MEETINGS

Also participates in the meetings of the contact points of the CPLP Judicial network.





MEETINGS

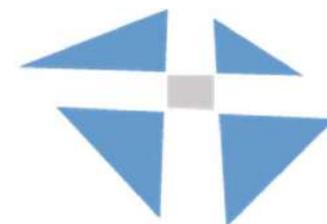
Participates in the meetings of the contact points and central authorities of IberRed (IberNetwork) - around two meetings a year.



- The Portuguese Contact Point is also the National Coordinator of the *Cumbre Judicial IberoAmericana*, which is appointed by the High Judicial Council
- That is a structure for co-operation, agreement and exchange of experiences, which is articulated through the highest levels of the Ibero-American Judicial Powers



CUMBRE JUDICIAL IBEROAMERICANA



CUMBRE JUDICIAL
IBEROAMERICANA

- The Portuguese Contact Point Judge is also the Contact Point of the Ibero-American Network for Judicial Integrity
- This is made up of nine members and an executive secretary, elected by the Judicial Summit in plenary session
- Aims to strengthen the economic independence of judges and fulfil the mandate of the United Nations Convention against Corruption, signed in New York on 31 October 2003.

IBERO-AMERICAN NETWORK FOR JUDICIAL INTEGRITY



- The Portuguese Contact Point also carries out functions as Secretary General of the Permanent Commission of the Forum of High Judicial Councils of the CPLP
- That is an international cooperation organization between the judicial management bodies of 8 countries: Angola, Brasil, Cabo Verde, Guiné-Bissau, Moçambique, Portugal, São Tome e Príncipe and Timor Leste

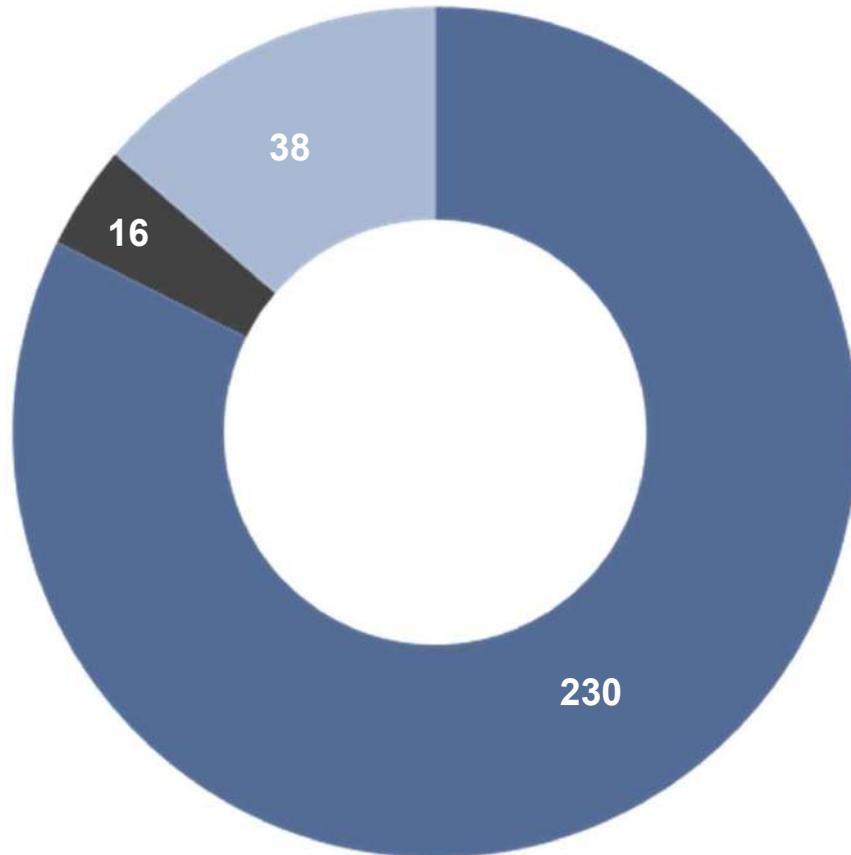


FORUM OF THE SUPERIOR COUNCILS OF JUSTICE OF THE CPLP





NUMBER OF REQUESTS (in 2023)



EJM CIVIL

230



CPLP

38



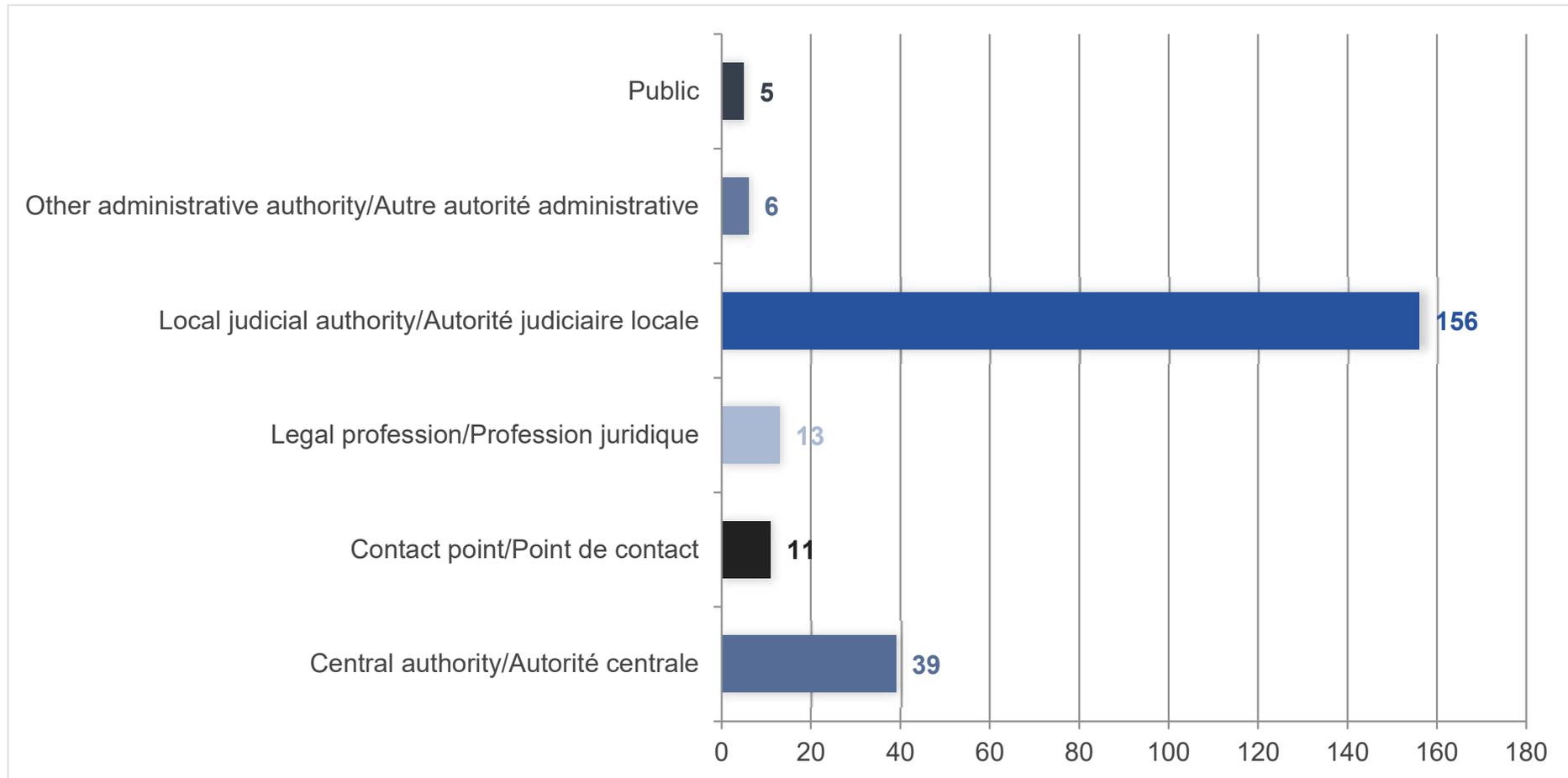
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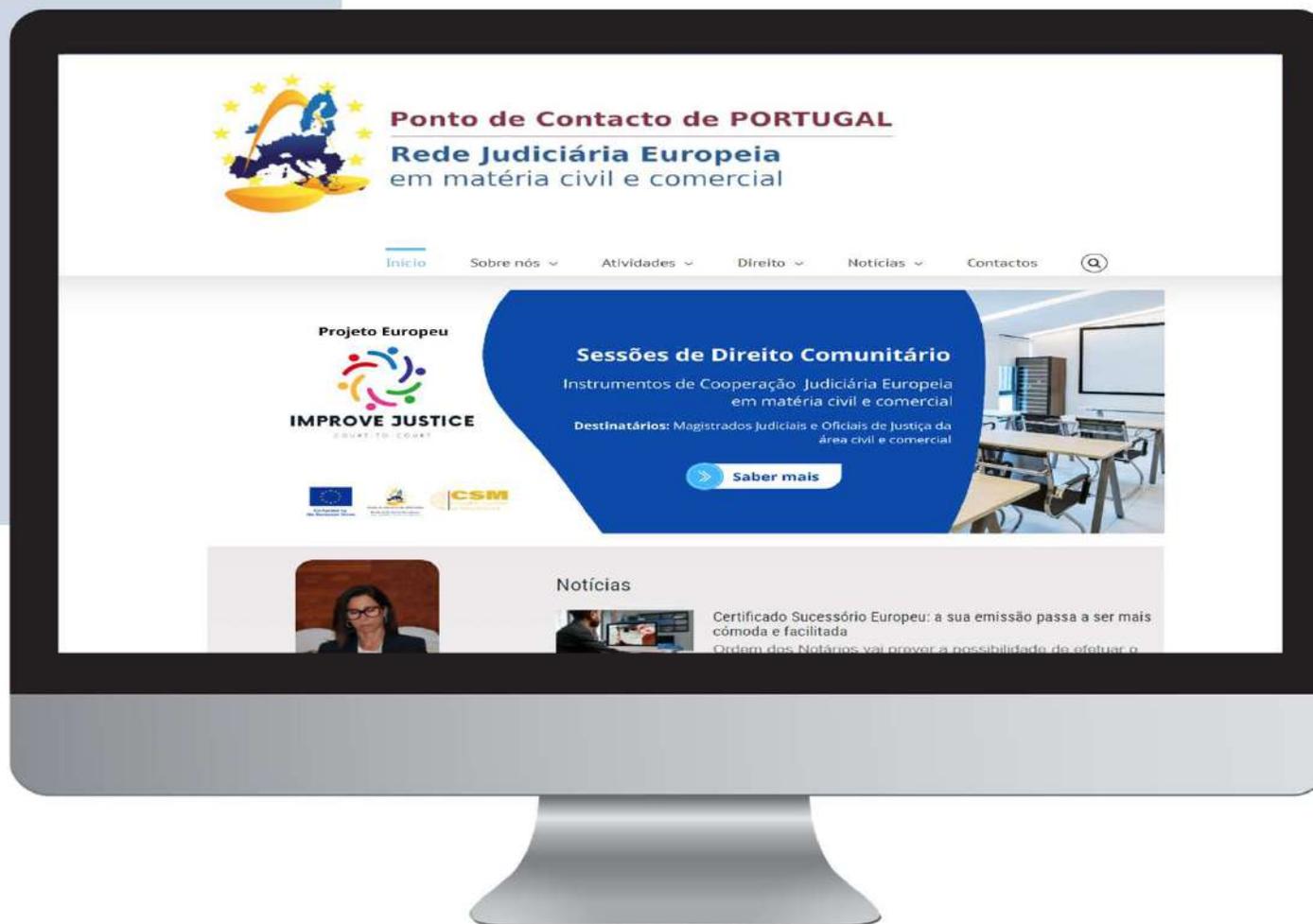


Total 284

NUMBER OF REQUESTS (in 2023)



WEBSITE



www.redecivil.csm.org.pt

PONTO DE CONTACTO

NEWSLETTER

N.º 92 | MARÇO DE 2024

WWW.REDECIVIL.CSM.ORG.PT



NOTÍCIAS

- 9.ª REUNIÃO DOS PONTOS DE CONTACTO DA REDE JUDICIÁRIA DA CPLP
- 6.ª REUNIÃO DA COMISSÃO PERMANENTE - FÓRUM DOS CONSELHOS SUPERIORES DE JUSTIÇA DA CPLP
- 22.ª REUNIÃO ANUAL DA RJE CIVIL E COMERCIAL
- 94.ª REUNIÃO EJM BRUXELAS REGULAMENTO INSOLVÊNCIA

EM DESTAQUE

ARRANQUE DO PROJETO EUROPEU
IJUSTC2C - IMPROVE JUSTICE COURT TO COURT
GRANT AGREEMENT - 101138174

ACÓRDÃO DO TRIBUNAL DE JUSTIÇA UE (C-81/23)



IMPROVE JUSTICE
COURT-TO-COURT

RELATÓRIO DE ATIVIDADES

JÁ SE MOSTRA DISPONÍVEL O RELATÓRIO ANUAL DE
ATIVIDADES DE 2023



Ponto de Contacto de PORTUGAL
Rede Judiciária Europeia
em matéria civil e comercial



NEWSLETTER



The Portugal Contact Point has a regular newsletter, where it shares its activities and important information.

All numbers are available:

<https://www.redecivil.csm.org.pt/newsletters/>

EJN Visibility



WEBSITE

www.redecivil.csm.org.pt



LINKEDIN

[linkedin.com/in/ponto-de-contacto-de-portugal-rje-civil-253b0419a/](https://www.linkedin.com/in/ponto-de-contacto-de-portugal-rje-civil-253b0419a/)



FACEBOOK

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INSTAGRAM

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THANK YOU

Rosa Lima – Judge of Appeal Court
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www.redecivil.csm.org.pt





Court-to-Court



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IMPROVE JUSTICE
COURT-TO-COURT



Ponto de Contacto de PORTUGAL
Rede Judiciária Europeia
em matéria civil e comercial



REPÚBLICA
PORTUGUESA
JUSTIÇA



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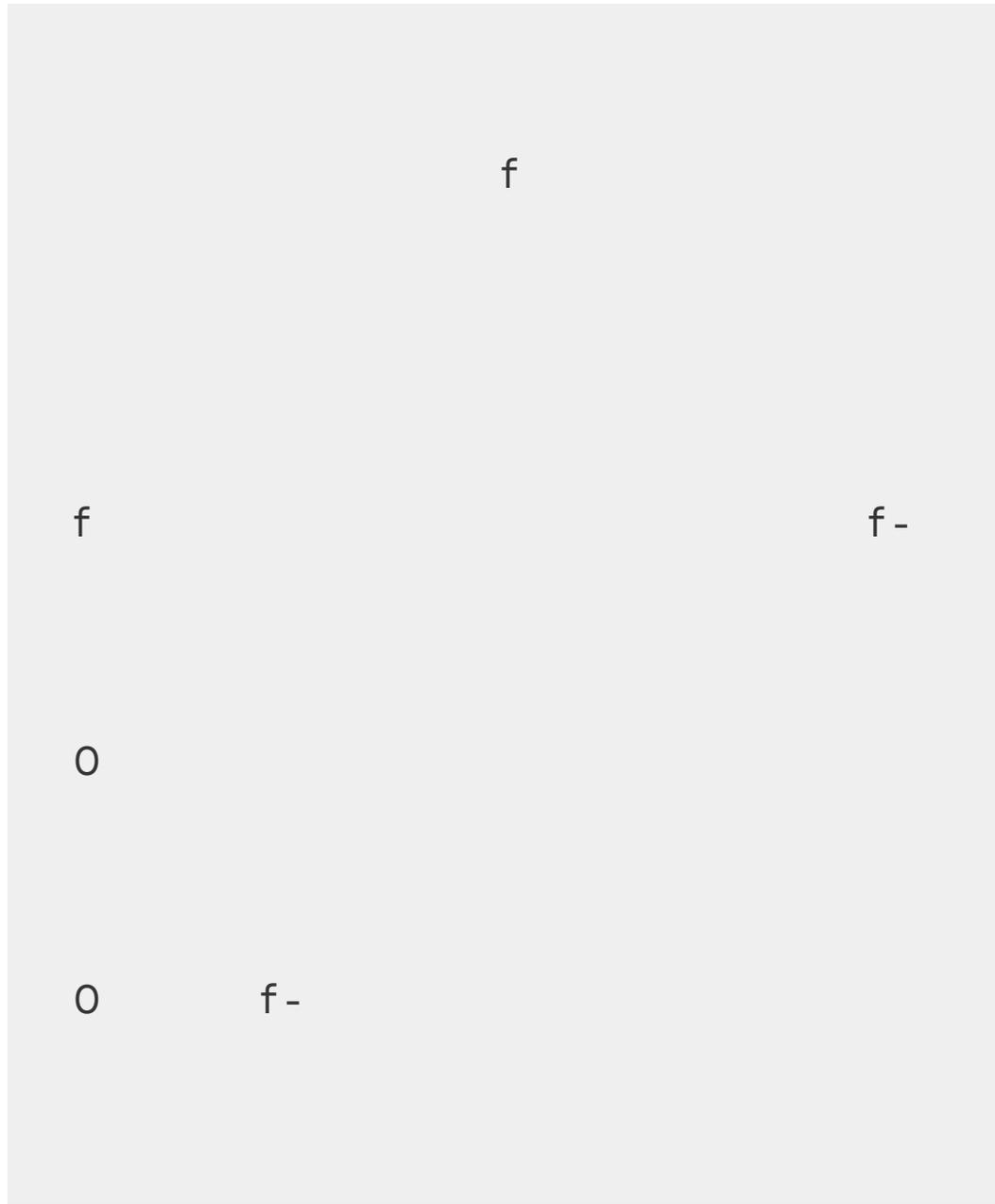
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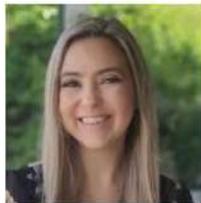
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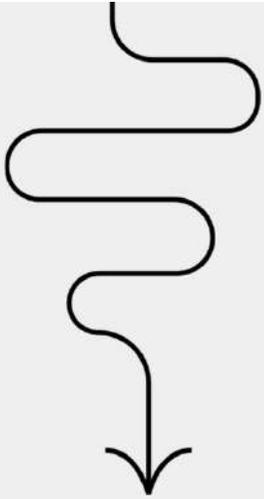
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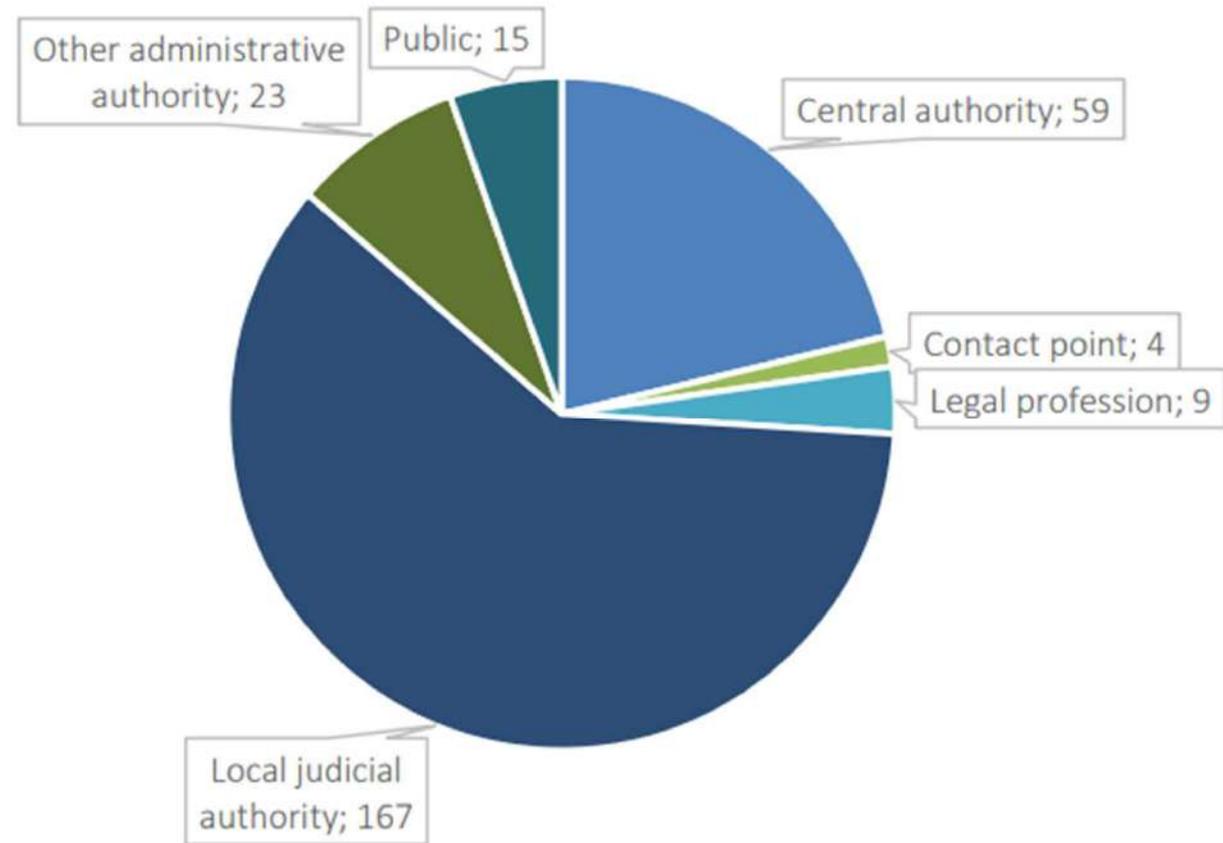
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Request by Authority (in 2022)





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TRAINING SESSIONS



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½ day – clerks

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European Instruments requested – Judges

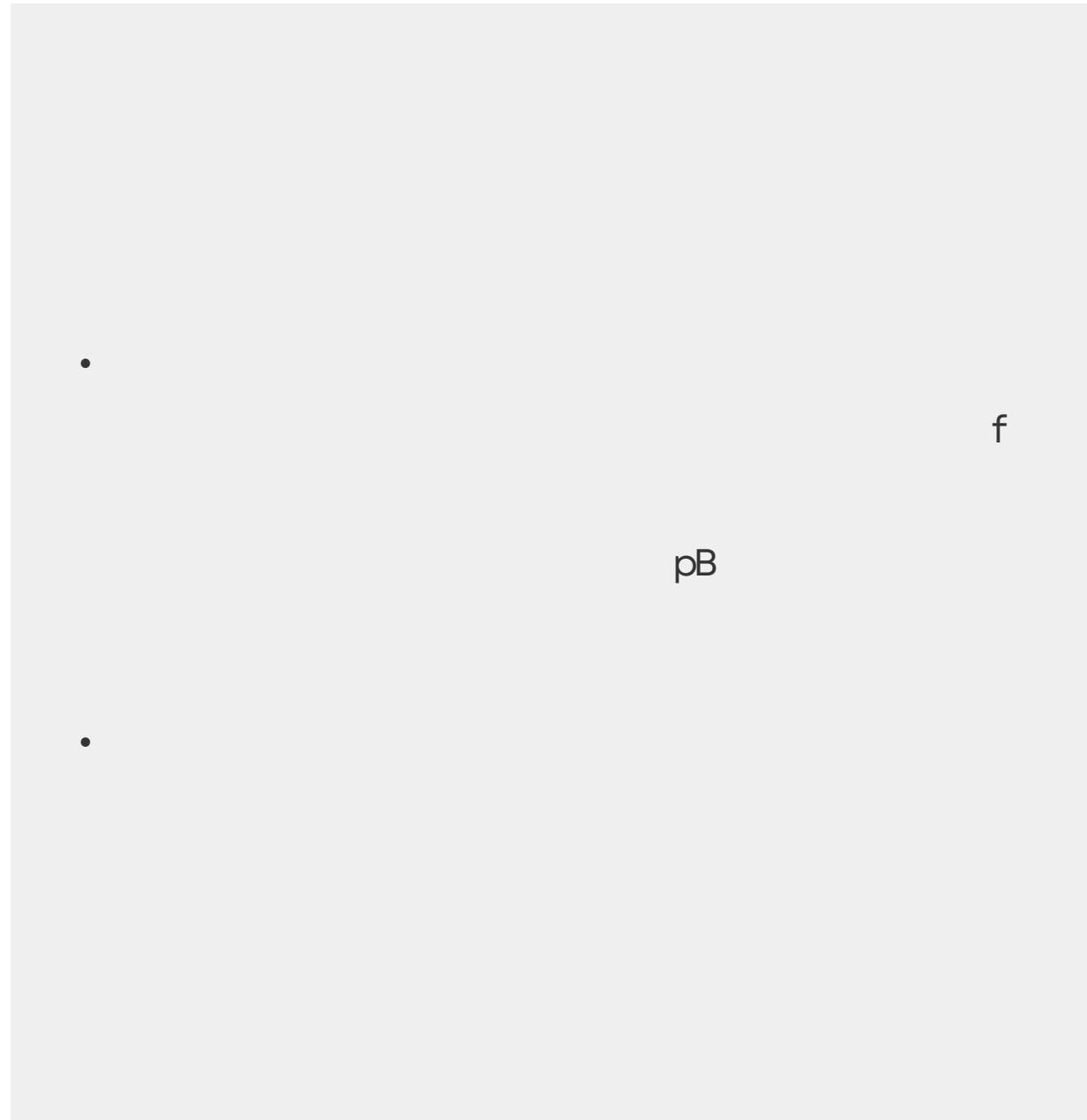
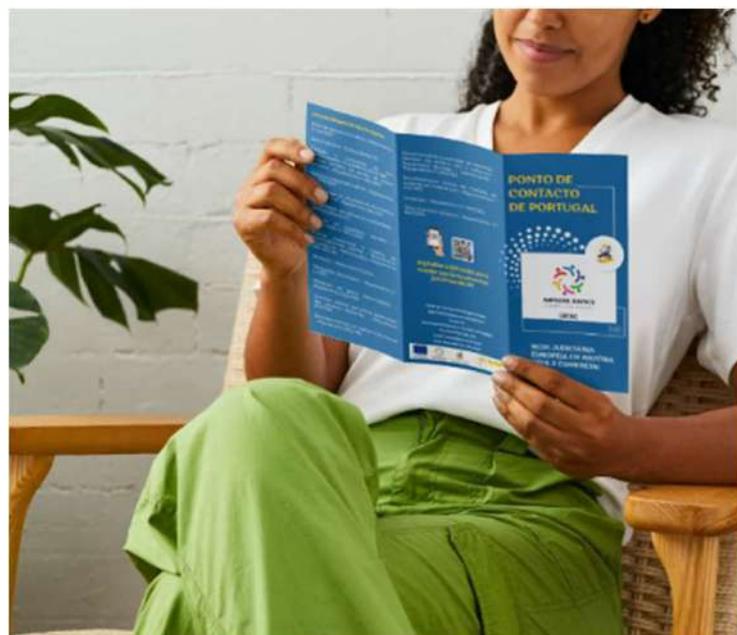




European Instruments requested - Clerks







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Lista dos Regulamentos Europeus:

Ações de pequeno montante – Regulamento n.º 861/2007

Apoio Judiciário – Diretiva 2003/8/CE

Citações e notificações de atos (reformulação) – Regulamento 2020/1784
Decisão europeia de arresto de contas bancárias – Regulamento n.º 655/2014

Divórcio e Separação Judicial – Regulamento n.º 1259/2010

Simplificação da circulação de documentos públicos na UE - Regulamento 2016/1191

Indemnização das vítimas da criminalidade – Diretiva 2004/80/CE

Injunção de pagamento europeia – Regulamento n.º 1896/2006

Matéria matrimonial e matéria de responsabilidade parental - Regulamento Bruxelas II-B – (reformulação) – Regulamento (UE) 2019/1111

Mediação – Diretiva 2008/52/CE

Obrigações Alimentares – Regulamento n.º 4/2009

Obtenção de prova (reformulação) - Regulamento 2020/1783

Questões relativas aos efeitos patrimoniais das parcerias registadas – Regulamento 2016/1104

Questões relativas aos regimes matrimoniais – Regulamento 2016/1103

Reconhecimento e execução de decisões - Decisões em matéria civil e comercial - Regulamento Bruxelas I (reformulado) - Regulamento n.º 1215/2012

Reconhecimento mútuo de medidas de proteção em matéria civil – Regulamento n.º 606/2013

Sucessões – Regulamento n.º 650/2012

Titulo Executivo europeu – Regulamento n.º 805/2004



Digitalize o QR code para aceder aos instrumentos jurídicos da UE

Ponto de Contacto de Portugal da Rede Judiciária Europeia em matéria Civil e Comercial

Rua Duque de Palmela, n.º 23 1250-097 LISBOA

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Web: www.redecivil.csm.org.pt



PONTO DE CONTACTO DE PORTUGAL



IMPROVE JUSTICE
COURT-TO-COURT

IJC2C

REDE JUDICIÁRIA EUROPEIA EM MATÉRIA CIVIL E COMERCIAL

Quem somos?

A Rede Judiciária Europeia em Matéria Civil e Comercial apoia e facilita a aplicação dos instrumentos de justiça civil da UE a nível nacional e as relações entre autoridades judiciais nacionais através de pontos de contacto em cada Estado-Membro.

Em que situações?

Sempre que estamos perante um caso transfronteiriço.

O que é um caso transfronteiriço?

É um caso onde existe a ligação com, pelo menos, dois Estados-Membros.

Como proceder num Caso Transfronteiriço?

Identificar:

- O regulamento aplicável à execução do pedido formulado por Tribunal ou outra entidade portuguesa a um Tribunal ou entidade de outro estado membro ou a situação inversa
- Os formulários, linguas aceites e despesas cobradas pelo Estado-Membro;
- A Autoridade Central ou autoridade competente para tramitar o pedido.



Digitalize os QR codes para assistir aos nossos vídeos informativos ou
Aceda ao nosso canal do Youtube em:
[youtube.com/@pontodecontactoportugal9677](https://www.youtube.com/@pontodecontactoportugal9677)

Exemplos Práticos:

Obtenção de prova



Obtenção de prova - Videoconferência



Citação e Notificação



No caso da Citação e Notificação, a DGAJ disponibiliza uma ferramenta de informação sobre os instrumentos aplicáveis e declarações e reservas efetuadas pelos Estados. Não dispensa a consulta dos portais oficiais e da legislação aplicável.



Como proceder num Caso Transfronteiriço quando estão em causa países terceiros à UE? (Dinamarca e Reino Unido são situações excecionais)

Podem ser aplicáveis:

Conferência da Haia de Direito Internacional Privado

Exemplos Práticos:

Citação e notificação



Acordos de Cooperação Jurídica e Judiciária entre Portugal e Países da CPLP ou países ibero-americanos

Exemplos Práticos:

Obrigações Alimentares

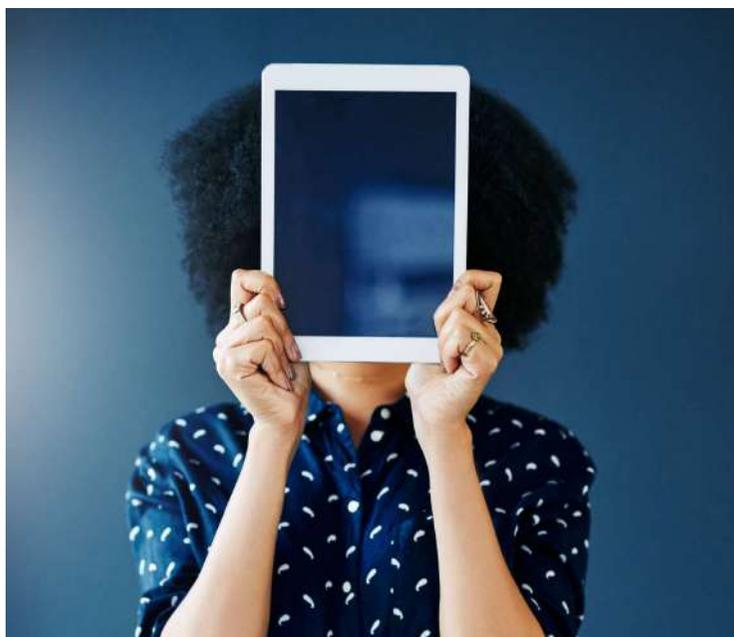


Nos casos transfronteiriços, quando não se aplica nenhum dos acordos acima mencionados dever-se-á seguir a via diplomática.

Caso ainda persistam dúvidas consulte o site do Ponto de Contacto de Portugal:

redcivil.csm.org.pt/

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www.redecivil.csm.org.pt/ijustc2c

The screenshot shows the homepage of the Portuguese Point of Contact for the European Judicial Network in civil and commercial matters. The header features the logo of the network, which includes a stylized figure holding a scale, surrounded by stars. The text reads: "Ponto de Contacto de PORTUGAL" and "Rede Judiciária Europeia em matéria civil e comercial". Below the header is a navigation menu with the following items: "Início", "Sobre nós", "Atividades", "Direito", "Notícias", and "Contactos". The main content area features a blue banner with the text "Sessões de Direito Comunitário" and "EU law sessions". Below this, it mentions "Instrumentos de Cooperação Judiciária Europeia em matéria civil e comercial" and "European Judicial Cooperation Instruments in civil and commercial matters". The banner also includes the "IMPROVE JUSTICE" logo and the "CSM" logo. A photograph of a modern courtroom is visible on the right side of the banner.



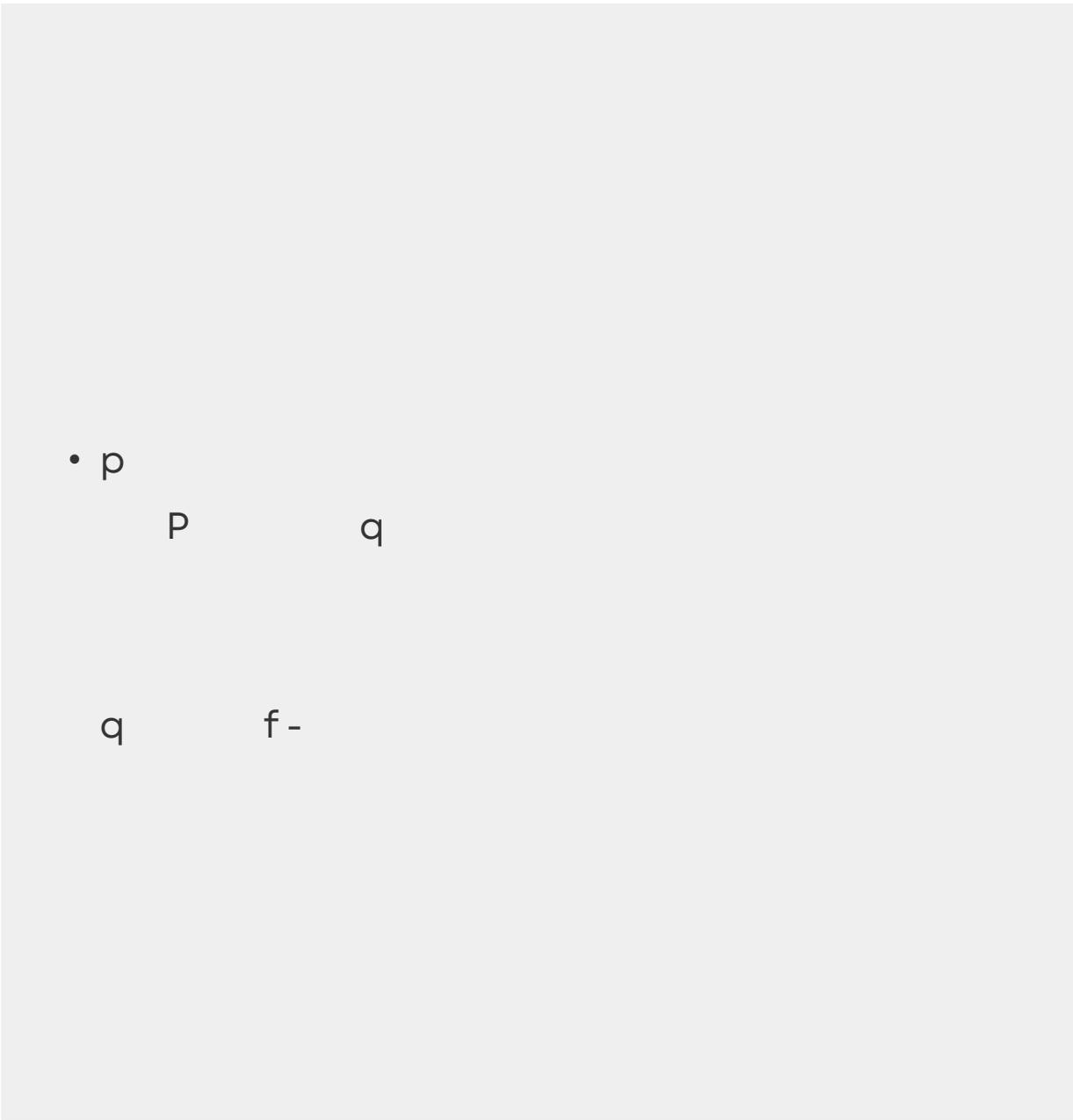
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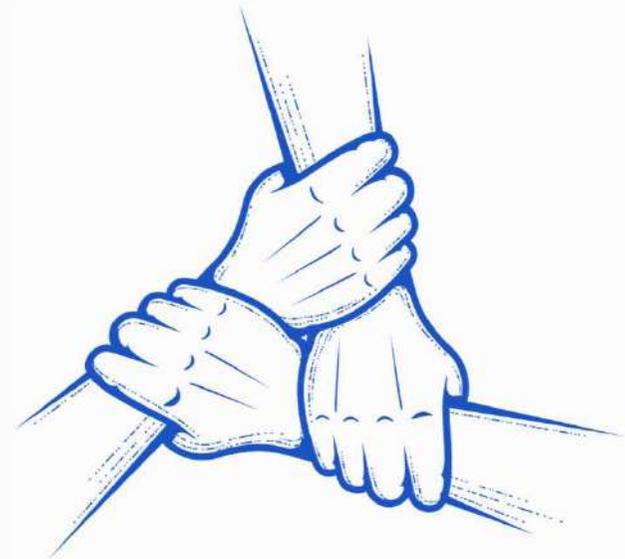
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IMPROVE JUSTICE

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