

Legalisation of Public Documents within the EU Member States

FINLAND

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PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

OVERVIEW OF PART I Error! Reference source not found.

PART I.A. General

I.A.1. European Community Law

I.A.1.1. Introduction Error! Reference source not found.

I.A.1.2. Implementation of specific measures Error! Reference source not found.

Area of Justice - judicial cooperation in civil matters (Article 61(c) EC)

Article 19 of Regulation (EC) No 1346/2000

This EC Regulation was supplemented by the Finnish law 581/ 2002 (the Government Bill 77/2002). Also Communications of the Government Plenary Session E 143/2004 and E 28/2006 relate to Regulation (EC) No 1346/2000. Nothing in the law or in Communications of the Government Plenary Session supplements or affects Article 19.

Article 4(4) of Regulation (EC) No 1348/2000

Two Government reports (U 46/2005 and U 20/2005) and the Communication of the Government Plenary Session (E 96/2002) relate to Regulation (EC) No 1348/2000, but nothing in Reports or in Communication of the Government Plenary Session supplements or affects Article 4(4).

Article 56 of Regulation (EC) No 44/2001

This EC Regulation was supplemented by the Finnish law 825/2005 (The Government Bill 137/2005). Also Government reports (E 96/2002 and E 137/2002) and Communications of the Government Plenary Session (U 31/2002, U 20/2005 and U 15/2006) relate to Regulation (EC) No 44/2001. Nothing in the law or in Government reports s or in Communications of the Government Plenary Session supplements or affects Articles 56, 57 and 58.

Article 57 of Regulation (EC) No 44/2001

See above

Article 58 of Regulation (EC) No 44/2001

See above

Article 46 Regulation (EC) No 2201/2003

This EC Regulation was supplemented by the Finnish laws [1153/2004](#), [1154/2004](#), [1155/2004](#), [1156/2004](#), 1157/2004 and [1158/2004](#) (The Government Bill 186/2004). Nothing in the laws supplements or affects Article 46.

Article 52 of Regulation (EC) No 2201/2003

This EC Regulation was supplemented by the Finnish laws [1153/2004](#), [1154/2004](#), [1155/2004](#), [1156/2004](#), 1157/2004 and [1158/2004](#) (The Government Bill 186/2004). Nothing in the laws supplements or affects Article 52.

Article 52 Regulation (EC) No 2201/2003, certificates drawn up in the standard forms of ANNEX I (Article 39), II (Article 39), III (Article 41) or IV (Article 42)

See above.

Article 27 of Regulation (EC) No 805/2004

This EC Regulation was supplemented by the Finnish law 825/2005 (The Government Bill 137/2005). Also Communication of the Government Plenary Session U 15/2006 relates to Regulation (EC) No 805/2004. Nothing in the law or Communication of the Government Plenary Session supplements or affects Article 27.

ANNEXES I (Article 9 - judgments), II (Article 24 – court settlements) and III (Article 25 – authentic instruments) of Regulation (EC) No 805/2004

See above

Article 13(5) of Directive 2002/8/EC

According to the Government Bill 180/2004 *Article 13(5) did not call for any Finnish regulation, since Finland does not apply any legalisation requirements or similar formal requirements for documents to be competent.*

National provisions concerning the Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes, are Amendment (972/2004) of Legal Aid Act (257/2002) and Amendment (997/2004) of Government Decree on Legal Aid (338/2002). In compliance with Section 19 of the Amendment of Government Decree on Legal Aid *public legal aid offices are competent transmitting authorities and added to this, concerning family law matters the Ministry of Justice is a competent transmitting authority. Competent receiving authority is Helsinki public legal aid office.*

Helsinki public legal aid office
Porkkalankatu 13 G, 2 krs.
00180 Helsinki, Finland
Postal address: PO Box 600
00181 Helsinki, Finland
phone number: +358 10 36 60100
telefax number: +358 10 36 60139
e-mail address:helsinki.oikapu@om.fi

According to the same Section 19, *in addition to Finnish and Swedish, English is acceptable language to the competent receiving authority for completion of the legal aid applications to be received.*

Free movement of goods (Article 23 EC)

Article 250 of Regulation (EEC) No 2913/92

This Regulation has not been specifically supplemented. Four Communications of the Government Plenary Sessions (U 44/1995, U 48/1997, U 13/1999 and U 43/2003) relate to this regulation, but there is nothing in those above mentioned documents that affects article 250.

Free movement of workers - social security (Article 42 EC)

Article 85 Regulation (EEC) No 1408/71 read in conjunction with Regulation (EEC) No 574/72

There are some supplementing rules, but none of them relates direct to Article 85

I.A.1.3. Judicial control Error! Reference source not found.

There is not Finnish case law relevant to Community law mentioned above.

I.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

I.A.2.1. Status Error! Reference source not found.

The information of the status of the Convention in Finland is correct.

I.A.2.2. Scope Error! Reference source not found.

In Finland the geographical scope of application of the provisions of the Apostille Convention has not been extended beyond the states party to the convention. The way to avoid extension is the definite distribution of the work concerning legalisation and issuing of Apostille. Competent authorities concerning Apostille are local register offices

whereas legalisation is the duty of Ministry for Foreign Affairs. However in practise, apostilles are not required for documents meant for the authorities of the Nordic Countries and Great Britain. For instance incoming documents from Belgium and from the Netherlands seem to be equivalent to Finnish documents.

The material scope of application of the convention has not been limited or extended by any authority. According to the local registrars, purpose of the authorities is not to extend or limit the material scope, but in practise it is sometimes difficult to categorise documents.

I.A.2.3. Legislative implementation Error! Reference source not found.

The convention was implemented in Finland by an act on Approving of the Convention abolishing the requirement of legalisation for foreign public documents (675/1985). Draft legislation includes The Government Bill 27/1985, the Report of the Foreign Affairs Committee 8 /1985 and The Report of the Grand Committee 40/1985.

I.A.2.4. Practical implementation Error! Reference source not found.

1. In principle an Apostille can be requested in person, by mail and by registered mail. Prevailing practice varies, some local register offices accept Apostille requests by mail only from abroad.
2. Most of the Apostilles are given to the documents issued by other Finnish authorities or to notarial acts. In practise most of the actors are known by notaries public and there are no specific measures taken in order to avoid fraud. If some document is unknown or of doubtful quality, the document will be revised thoroughly.
3. The Apostille used in Finland (with English translation) is in annex IV.
4. The Apostille is placed on an allonge.
5. If the public document consists of multiple pages, Apostille placed on an allonge will be attached to the document as a last page and all pages will be sealed. Prevailing practice varies also in one insignificant detail; some local offices use state official watermark paper in apostilles but some offices do not so.
6. Languages used in Apostille are the official languages of Finnish authorities; Finnish and Swedish.
7. The system used for the issuance of an Apostille is mechanical.
8. Most of the Apostilles are given to the documents issued by other Finnish authorities or to notarial acts. In practise most of the actors are known by notaries public and there are no specific measures taken in order to avoid fraud. If some document is unknown or of doubtful quality, the document will be revised thoroughly.
9. At the present moment there are no plans to modernize the system in Finland, but Finland is willing to follow the e-Apostille proposal. Basically there are technological basis and legislation, which provides for e-Apostille, at the ready. Besides the Population Information Centre is willing to participate in the project. Finland considers the participation, but at the moment due to lack of funds the project is not yet current. Also more information on the project is needed in order to participate in it.
10. The total process generally takes about ten to twenty minutes. Normally, the Apostille will be issued while waiting.
11. The fee for issuing an Apostille is 9 euro. It is being enacted in Section 3 of the Ministry of the Interior Decree (1065/2005) on Fees for services produced by Notary Public, by virtue of Section 8 of the Act on the Charge Criteria of the State (150/1992) enacted on 21 February 1992, as amended by Act No 348/1994, and

by virtue of Section 34 of the Act on the Openness of Government Activities (621/1999), as amended by Act No 495/2005. The fee is purely for covering costs.

Registration or card index requirement:

1. The register is stored mechanically. Apostille issued is being copied and the register consists of copies. Also in this subject matter, the prevailing practise varies. In some local register offices both the Apostille and the document (or some part of it) are being copied.
2. See above, answer 9
3. The register can be consulted by mail, by fax and by phonecall. There are only few requests per year. They come mainly from the Baltic Countries and from Spain. If consultation is requested, the Finnish authority sends by fax a copy of apostille in question.

Competent authorities:

1. -2. In accordance with the Ministry of Justice Decree 893/1996 there are 36 local register offices in Finland designated as Competent Authorities under Article 6 of the Apostille Convention. The operational area of each local register office is comprised of one or more jurisdictional districts. In addition, the local register offices have a number of service units in order to ensure that register services are as available to the public as possible. Twenty-four of the local register offices operate as departments of jurisdictional districts and 13 as their own separate bureaux. In the Åland Islands, the county government is responsible for carrying out the same tasks. Contact information on local register offices can be found at <http://www.maistraatti.fi>, they are also listed at http://www.hcch.net/upload/auth12_fi.pdf. Contact information list is also in annex V.
3. The approachable contact person (related to Apostille Convention) is district registrar, notary public Peter Oljemark, who works at the local register office of Helsinki. His contact details are: email address peter.oljemark@eslh.intermin.fi and phone number +358 9 6954 4222.

The same system described above is used by all authorities.

I.A.2.5. Judicial control Error! Reference source not found.

There is not Finnish case law relevant to the Haag Convention.

I.A.2.6. Empirical analysis Error! Reference source not found.

In Finland it is not possible to categorise to which kind of public documents an apostille has been attached, this subject matter is not recorded. The local register office of Helsinki issued 239 Apostilles during the week 38, (73 on Monday, 49 on Tuesday, 27 on Wednesday, 48 on Thursday and 42 on Friday). In a year 2006 time scale, the local register office of Helsinki has issued on average 283 Apostilles per week and that office issues approximately one third of all the apotilles issued in Finland.

I.A.3. Parallel international agreements

I.A.3.1. Status Error! Reference source not found.

Finland is party to following Conventions:

The Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children, The Hague Convention on

Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters, The Hague Convention on Civil Aspects of International Child Abduction and The Hague Convention on International Access to Justice.

The Hague Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations (1973) is also in force in Finland. According to article 17 of the Convention *no legalisation or other like formality may be required*. Convention (1973) substitutes for the Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children (1958) with the exception of those states, which are not party to convention 1973.

1968 Council of Europe Convention for the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular officers is not in force in Finland.

1987 Brussels Convention Abolishing the Legalisation of Documents in the Member States of the European Communities is not in force in Finland.

The Hague Convention concerning the International Administration of the Estates of Deceased persons is not in force in Finland.

The implementation of the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children is being prepared.

Agreements abolishing the requirement of legalisation for foreign public documents between two countries:

All treaties mentioned here below are found in Finnish at www.finlex.fi. Substantive regulations concerning legalisation are translated into English in this report. Finland has concluded the following bilateral agreements:

Finland and Austria have concluded an agreement on the simplification of legal aid according to the Hague Convention on Civil Procedure (1954), (Collection of treaties 29/1988). The agreement was signed on 17 November 1986 and ratified on 22 April 1988. The agreement entered into force on 1 July 1988. In compliance with Section 8 of the agreement *all public and private documents as well as copies thereof, certified by notary public, by administrative authority or by the court of the contracting state, will be exempt from legalisation or any analogous formality*.

Finland and Greece have concluded an agreement on Social Security (Collection of treaties 30-31/1991). The convention was signed on 11 March 1988, ratified on 9 June 1989, and it entered into force on 1 May 1991. According to Section 33 of the agreement *documents and certificates necessary for applying this convention, need not to be legalised by diplomatic or consular agents*.

Finland and Hungary have concluded an agreement on Legal Protection and Legal Aid in Civil, Family law and Criminal Matters (Collection of treaties 39-40/1982). The convention was signed on 22 May 1981, ratified on 24 June 1982, and it entered into force on 1 August 1982. According to Section 11 of the agreement *in the context of this convention, the contracting party shall accept public document or copy thereof, issued by competent authority of the adverse party, without any requirement of legalisation or other*

equivalent formality.

Finland has concluded an agreement on Legal Protection and Legal Aid in Civil, Family law and Criminal Matters with Poland (Collection of treaties 67-68/1981). The agreement was signed on 27 May 1980 and ratified on 12 June 1981. The convention entered into force on 16 October 1981. In compliance with Section 11 of the agreement *concerning the providing of legal aid, public documents given by contracting party shall be accepted without any requirement of legalisation or other equivalent formality*

There is also one old convention pertaining to legalisation, which is still in force, but in practise it does not have any significance; in 1928 Finland and Italy made an agreement on Provision of Information on Marital Status (Collection of treaties 26/1928). The agreement was signed on 21 August 1928 and it entered into force on 11 January 1929. In the agreement there is not an actual mention on abolishing legalisation, but according to Section 4 *the copies provided by this agreement shall be probatory, if they are verified by the authority of the issuing country and stamped by diplomatic or consular agents*

I.A.3.2. Scope Error! Reference source not found.

The geographical scope of the application has not been extended beyond the states party to the Conventions in question. Neither has the material scope been extended.

I.A.3.3. Legislative implementation Error! Reference source not found.

Legislative implementation of the Conventions mentioned above in 1.A.3.1:

The Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children (1958) (Collection of treaties 41-42/1967) was signed on 14 April 1958 and ratified on 26 June 1967. The agreement entered into force on 28 August 1967. The agreement was implemented by Finnish acts 339/1967 and 340/1967.

The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1969) (Collection of treaties 51/1969) was signed on 15 November 1965 and ratified on 11 September 1969. The agreement entered into force on 10 November 1969. The agreement was implemented by a Finnish act 701/1969.

The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1972) (Collection of treaties 37/1976) was signed on 18 March and ratified on 7 April 1976. The agreement entered into force on 6 June 1976. The agreement was implemented by a Finnish act 574/1976.

The Hague Convention on Civil Aspects of International Child Abduction (1980) (Collection of treaties 57/1994) was signed on 25 October 1980 and ratified on 25 May 1994. The agreement entered into force on 1 August 1994. The agreement was implemented by a Finnish act 644/1994.

The Hague Convention on International Access to Justice (1988) (Collection of treaties 47/1988) was signed on 25 October 1980 and ratified on 13 June 1988. The agreement entered into force on 1 September 1988. The agreement was implemented by a Finnish act 743/1988.

About the legislative implementation of bilateral agreements see above 1.A.3.1.

I.A.3.4. Practical implementation Error! Reference source not found.

The same procedure applies to all documents and to all States party to particular agreement.

Competent/ central authorities of certain Conventions:

In Finland the Helsinki Court of appeal is the central authority referred to in article 13 of The Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations towards Children.

Helsinki Court of appeal

Radanrakentajantie 5

00520 Helsinki, Finland

Postal address. PO BOX 76, 00521 Helsinki

telephone number +358 10 36 40500

telefax number +358 10 36 40512

e-mail address: helsinki.ho@om.fi

Referred to in other Hague Conventions, the Ministry of Justice is the central authority in Finland. Ministry of Justice

International Affairs

Eteläesplanadi 10

00130 HELSINKI

Postal address: PO Box 25

00023 GOVERNMENT, Finland

telephone number: +358 9 160 03

telefax number: +358 9 1606 7524

e-mail address: central.authority@om.fi

I.A.3.5. Judicial control Error! Reference source not found.

There is not Finnish case law relevant to the Convention mentioned above.

I.A.4. National Law

I.A.4.1. Legislative framework Error! Reference source not found.

In Finland, the basic regulation on the legalisation is in the Act on Notary Public (287/1960). Travaux preparatoires of the Notary Public Act are The Report of the Legal Affairs Committee 5 / 1960, The Report of the Grand Committee 34/1960 and Response of the Parliament to the Government Bill. The Parliament passed the Government Bill with proposed alterations by the Legal Affairs Committee. Amendments did not pertain to legalisation. There is not any act solely on legalisation but the basic regulations are in the Act on Notary Public. In compliance with Section 7 of the Act on Notary Public, the Head of the Legal Department of the Ministry for Foreign Affairs of Finland, or a state official appointed by him, has competence to the issue of certificates for the authorities of other states.

The only section about legalisation in the Act is the before mentioned Section 7, whereby the authorised body to legalise is the Ministry for Foreign Affairs. Thus, as far as legalisation is concerned, all the act says is that the Ministry for Foreign Affairs has competence to the issue of certificates for the authorities of other states. The original text of act is available at www.finlex.fi. Regulation relates to all public documents requiring

legalisation.

I.A.4.2. Scope Error! Reference source not found.

A legalisation certificate can be issued for official documents (with an official's original signature and a stamp) from other Finnish authorities. If a document is signed by a private person, the name has to be certified by Notary Public, before to be legalised by Ministry for Foreign Affairs.

Regulation relates to all public documents requiring legalisation.

I.A.4.3. Practical implementation Error! Reference source not found.

1. The ministry for Foreign Affairs of Finland. In compliance with Section 7 of the Act on Notary Public, the Head of the Legal Department of the Ministry for Foreign Affairs of Finland, or a state official appointed by him, has competence to the issue of certificates for the authorities of other states.

2. Legalisation can be requested in person or by mail. Privates and companies usually operate in person, but for instance organisations organising international adopt use to operate by mail. Legalised documents, requested by mail, shall be returned with collect on delivery.

3. The same procedure applies to all documents and to all states when legalisation is necessary. In practice certificates for the authorities of other EU member states are exceptional, because of the Apostille Convention and EU conventions mentioned above.

4. Only the document that is to be legalised.

5. The main measures taken in order to avoid fraud are following: Firstly in the Ministry for Foreign Affairs there are examples of the signatures of every notary public working in local register offices. Secondly there are two significant registers, register of authorized translators and trade register, in order to check the capacity in which the person signing the document has acted. Thirdly, the Ministry for Foreign Affairs sends the examples of signatures of authorities its own competent to legalise documents to every embassy.

6. Legalisation will be issued while waiting except for situations when more than ten legalisations at the same time are needed. The legalisation fee is 20 euro per one stamp of legalisation.

I.A.4.4. Judicial control Error! Reference source not found.

There is not Finnish case law relevant to this subject.

PART I.B. Specific

I.B.1. Introduction Error! Reference source not found.

I.B.2. Specific documents

1. Documents proving involuntary unemployment Error! Reference source not found.

Some general remarks:

The system in Finland is based on registers. Many significant documents used in Finland are extracts from different registers. The local register offices are responsible for maintaining their regional Population Information System and their local information services, as well as for acting as both the local authority handling Trade Register and the Register of Associations matters and the guardianship authority. The Population

Information System is one of the most central databases in Finland. It contains up-to-date information on all Finnish citizens as well as foreigners living permanently in Finland. In addition to personal details (name, identity number, address, nationality, native language, family relations, birth, death), the system also contains data on real estate, buildings and apartments. The Population Information System provides data for the administrative authorities and courts of law as well as for statistical and research purposes. The system is maintained by the Population Register Centre, Local Register Offices and the Local Register Office Unit of the Åland County Administration. Information stored in the Population Information System holds public credibility in Finland.

1. Documents proving involuntary unemployment

Certificates of unemployment daily benefit issued by the Social Insurance Institution of Finland or by unemployment fund and certificates proving the resumption of unemployment issued by the employment authority are the documents proving involuntary unemployment in Finland. Employment authorities are under the supervision of the Ministry of Labour. The Social Insurance Institution of Finland (KELA) provides basic security for all persons resident in Finland, covering the different stages of their lives. Besides residents of Finland, it serves persons who, while living outside Finland, are covered by the Finnish social security legislation. KELA operates under the supervision of Parliament. It was founded on 16 December 1937. Documents proving involuntary unemployment do not induce problems or difficulties.

2. Documents proving a family relationship or other durable relationship Error! Reference source not found.

Documents proving a family relationship or other durable relationship, documents proving a person's death or date of birth, documents proving or contesting a parent-child relationship and documents proving the name and forenames of a child or adult are all extracts from the Population Information System. Some problems follow from that that the authorities of some countries demand some exact document, for instance document proving a person's date of birth. In Finland it is possible to get a document proving a person's date of birth from the hospital where a person was born. Still, the more reliable document is the extract from the Population Information System.

3. Documents proving or contesting a parent-child relationship Error! Reference source not found.

See above 1.B.2.2

4. Documents proving the name and forenames of a child or adult Error! Reference source not found.

See above 1.B.2.2

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship Error! Reference source not found.

Documents proving annulling or terminating a marriage or civil partnership or other durable relationship are court orders in Finland. Up to date information on the civil status is always available also from Population Information System. Difficulties with incoming documents concerning marriage or civil partnership are related to the definitions of these partnerships. Sometimes it is difficult to specify, if the relationship proved in some incoming public document is equivalent to the relationship defined in Finland

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities Error! Reference source not found.

Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities are certificates of various instances. Documents proving a person's professional qualifications are in Finland certificates of various schools. Difficulty with these documents is that in Finland they are usually signed by machine language. If the apostille or legalisation is requested, the certificate with the authentic signature has to be provided.

7. Documents proving a person's professional qualifications (diplomas) Error! Reference source not found.

See above 1.B.2.6

8. Documents proving a person's death Error! Reference source not found.

See above 1.B.2.2

9. Documents proving a person's date of birth Error! Reference source not found.

See above 1.B.2.2

10. Documents proving the establishment by incorporation of a company Error! Reference source not found.

Documents proving the establishment by the incorporation of a company and documents proving the constitution of a company are in Finland equivalent to extracts from the Trade Register. The Trade Register is under the supervision of The National Board of Patents and Registration which comes under the administrative sector of the Ministry of Trade and Industry. The Trade Register provides official information on businesses in the whole country, including data from current and old register entries, articles of association, partnership agreements or rules and financial statements. The exceptional status of the Finnish Trade Register in relation to other registers is based on the fact that the judicial effects of Trade Register entries are specified by Finnish law. The judicial effects consist of the effect of publicity, establishing a right and the protection of

registered company names. Extracts from the Trade Register may include information on incorporation, rules, financial statements et cetera.

11. Documents proving the constitution of a company, including any official translation thereof Error! Reference source not found.

See above 1.B.2.10

12. Documents proving the latest banking accounts of a company Error! Reference source not found.

The banking accounts are not public documents, but they are issued by private banks. The same problem is connected with the documents proving the latest banking accounts of a company and documents proving the deposit of the cash or certificates of the deposit. These documents are usually signed by machine language and issued by banking companies. Also in this case the authentic signature has to be provided, if the apostille or legalisation is requested.

13. Documents proving the deposit of cash or certificates of deposit Error! Reference source not found.

See above 1.B.2.12

PART II – Incoming documents: Effects in the Member State’s legal order

OVERVIEW OF PART II Error! Reference source not found.

II.A.1. European Community Law

II.A.1.1. The effect of the implementation of Community law Error! Reference source not found.

In Finland, foreign public documents, which fall under the scope of the Community law provisions referred to in the questionnaire, have a legal status equivalent to comparable domestic public documents. In the legal order of Finland the foreign public documents at issue have the same status as domestic public documents.

II.A.1.2. Admissibility and evidentiary weight in judicial proceedings Error! Reference source not found.

Foreign public documents also produce the same evidentiary weight in judicial proceedings and administrative matters as the analogous domestic public documents. According to Section 2 of Chapter 17 of the Code of Judicial Procedure (4/1734) *after having carefully evaluated all the facts have been presented, the court shall decide what is to be regarded as the truth in the case.* Thereby the weight of public documents as evidence shall be evaluated case by case. In the legal order of Finland, the foreign public

documents at issue have the same status as domestic public documents.

One thing worth mentioning is that in Finland pertaining to some registers kept up by state authorities the state has strict liability. For example a person , who has confidence in public documents issued by land register, has protection provided by good faith. Above-mentioned matter does not relate only to judicial proceedings but also is generally valid.

**II.A.1.3. Admissibility and evidentiary weight in administrative matters Error!
Reference source not found.**

See above II.A.1.2

II.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

**II.A.2.1. The effect of completion of the requirements of the Hague Convention Error!
Reference source not found.**

In the legal order of Finland, the foreign public documents attached with apostilles have the same status as domestic public documents.

II.A.2.2. Admissibility and evidentiary weight in judicial proceedings Error! Reference source not found.

See above II.A.1.2

**II.A.2.3. Admissibility and evidentiary weight in administrative matters Error!
Reference source not found.**

See above II.A.1.2

II.A.3. Parallel international agreements

**II.A.3.1. The effect of completion of the requirements of parallel agreements Error!
Reference source not found.**

In Finland, foreign public documents, which fall under the scope of the Conventions referred to in the questionnaire, have a legal status equivalent to comparable domestic public documents. In the legal order of Finland the foreign public documents at issue have the same status as domestic public documents.

II.A.3.2. Admissibility and evidentiary weight in judicial proceedings Error! Reference source not found.

See above II.A.1.2

**II.A.3.3. Admissibility and evidentiary weight in administrative matters Error!
Reference source not found.**

See above II.A.1.2

II.A.4. National Law

**II.A.4.1. The effect of the completion of the requirements of national law Error!
Reference source not found.**

In Finland, foreign public documents, which fall under the scope of the regulations referred to in the questionnaire, have a legal status equivalent to comparable domestic public documents. In the legal order of Finland the foreign public documents at issue have the same status as domestic public documents.

II.A.4.2. Admissibility and evidentiary weight in judicial proceedings Error! Reference source not found.

See above II.A.1.2

II.A.4.3. Admissibility and evidentiary weight in administrative matters Error!
Reference source not found.

See above II.A.1.2

PART III – Incoming documents: Difficulties

PART III.A. General

III.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

III.A.1.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

III.A.1.2. Practical Error! Reference source not found.

There are some problems with apostille concerning incoming documents. In principle there is a list of competent authorities under the Apostille Convention at hcch web site. Despite the fact, it is sometimes difficult to know the exact competent authority at issue. Also the low number of apostilles, with only a few per year, arriving in Finland from some countries make it difficult to recognise their validity. When considering apostille convention the third problem is that it seems to be an automation to get an apostille. One possibility to improve on the reliability of the convention is the e-Apostille proposal. If the whole document would be scanned onto the e-Apostille register, the reliability would increase. Apostille in some other language than Finnish or Swedish is often requested. E-Apostille proposal might enable the possibility to give apostille in language asked for.

III.2. Parallel international agreements

III.A.2.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

III.A.2.2. Practical Error! Reference source not found.

No general difficulties have been identified so far.

III.3. National law

III.A.3.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

III.A.3.2. Practical Error! Reference source not found.

No general difficulties have been identified so far.

PART III.B. Specific

1. Documents proving involuntary unemployment

The documents mentioned below are processed by various authorities. No general legal difficulties have been identified so far.

2. Documents proving a family relationship or other durable relationship

Difficulties with incoming documents concerning marriage or civil partnership are related to the definitions of these partnerships. Sometimes it is difficult to specify, if the

relationship proved in some incoming public document is equivalent to the relationship defined in Finland.

3. Documents proving or contesting a parent-child relationship

No general legal difficulties have been identified so far.

4. Documents proving the name and forenames of a child or adult

No general legal difficulties have been identified so far.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

No general legal difficulties have been identified so far.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

No general legal difficulties have been identified so far.

7. Documents proving a person's professional qualifications (diplomas)

No general legal difficulties have been identified so far.

8. Documents proving a person's death

No general legal difficulties have been identified so far.

9. Documents proving a person's date of birth

No general legal difficulties have been identified so far.

10. Documents proving the establishment by incorporation of a company

No general legal difficulties have been identified so far.

11. Documents proving the constitution of a company, including any official translation thereof

No general legal difficulties have been identified so far.

12. Documents proving the latest banking accounts of a company

No general legal difficulties have been identified so far.

13. Documents proving the deposit of cash or certificates of deposit

No general legal difficulties have been identified so far.

PART IV – Outgoing documents: Difficulties

OVERVIEW OF PART IV Error! Reference source not found.

PART IV.A. General

IV.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention) Error! Reference source not found.

IV.A.1.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

IV.A.1.2. Practical Error! Reference source not found.

Apostille in some other language than Finnish or Swedish is often requested, but only the official languages of Finnish authorities, Finnish and Swedish, are used in Apostille.

IV.A.2. Parallel international agreements Error! Reference source not found.

IV.A.2.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

IV.A.2.2. Practical Error! Reference source not found.

No general difficulties have been identified so far.

IV.A.3. National law Error! Reference source not found.

IV.A.3.1. Legal Error! Reference source not found.

No general legal difficulties have been identified so far.

IV.A.3.2. Practical Error! Reference source not found.

No general difficulties have been identified so far.

PART IV.B. Specific

1. Documents proving involuntary unemployment

Some general remarks:

The documents mentioned below are processed by various authorities. In Finland there is not any published research about problems at issue, only a few problematic instances are known and they are introduced below in this chapter.

Involuntary unemployment:

No general legal difficulties have been identified so far.

2. Documents proving a family relationship or other durable relationship

No general legal difficulties have been identified so far.

3. Documents proving or contesting a parent-child relationship

Some problems follow from that that the authorities of some countries demand some exact document, for instance document proving a person's date of birth. In Finland it is possible to get a document proving a person's date of birth from the hospital where a person was born. Still, the more reliable document is the extract from the Population Information System.

4. Documents proving the name and forenames of a child or adult

See above, answer 3

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

No general legal difficulties have been identified so far.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

No general legal difficulties have been identified so far.

7. Documents proving a person's professional qualifications (diplomas)

No general legal difficulties have been identified so far.

8. Documents proving a person's death

See above, answer 3

9. Documents proving a person's date of birth

See above, answer 3

10. Documents proving the establishment by incorporation of a company

No general legal difficulties have been identified so far.

11. Documents proving the constitution of a company, including any official translation thereof

No general legal difficulties have been identified so far.

12. Documents proving the latest banking accounts of a company

The same problem is connected with the documents proving the latest banking accounts of a company and documents proving the deposit of the cash or certificates of the deposit. These documents are usually signed by machine language and issued by banking companies. Also in this case the authentic signature has to be provided, if the apostille or legalisation is requested.

13. Documents proving the deposit of cash or certificates of deposit

See above, answer 12

PART V – Justification of legalisation or other similar or equivalent requirements identified in Part I

OVERVIEW OF PART V Error! Reference source not found.

PART V.A. General

V.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

V.A.1.1 Requirements and procedures Error! Reference source not found.

1. Any requirements or rules at issue in Finnish law that overtly discriminate on the grounds of nationality have not been identified.
2. Neither otherwise discriminatory requirement has been identified.
3. In theory any requirements liable to hinder free movement have not been identified. One thing, worthy of mentioning, is that in practise there might be some uncertainty about the need for legalisation or Apostille or other such requirements, and this uncertainty might affect ordinary people's intention to move.
4. The rationale for demands for legalisation is the certification of the competence of document. The main problem with the demand for legalisation and other such demands is that instead of certifying the contents of a document only the signature or equivalent is certified. This would need serious consideration.
5. The requirements do not appear irrational, but when considering apostille convention the problem is that it seems to be an automation to get an apostille.
6. Most of the requirements operate effectively, since not many problems have arisen.
7. There are some problems with apostille. In principle there is a list of competent authorities under the Apostille Convention at hccch web site. Despite the fact, it is sometimes difficult to know the exact competent authority at issue.

There also seems to be some uncertainty of applying some regulations as far as

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Community law is concerned. As mentioned above, there are some problems on application of Regulations. For example application procedure of Regulation (EC) 44/2001 varies somewhat. The regulation states to use certificates defined in its annex. These are not always attached, only a copy of the court order or of the settlement is delivered to Finland.

8. The Apostille Convention is working out fairly well if only the problems mentioned above are taken into account. Also other agreements are working out. No more agreements are needed, but it is important to harmonise the way to apply regulations. (see above, for example answer 7)

9. As far as the Apostille Convention and Community law are concerned, requirements are proportionate to objectives pursued (see also above, answer 4)

10. The requirements have to be complied somehow.

11. In Finland there are not other alternatives concerning legalisation requirements.

12. At the present moment there are no plans for developments. Finland is, however, willing to follow the e-Apostille proposal. Basically there are technological basis and legislation, which provides for e-Apostille, at the ready. Besides the Population Information Centre is willing to participate in the project. Finland considers the participation, but at the moment due to lack of funds the project is not yet current. Also more information on the project is needed in order to participate in it.

V.A.1.2 Effects rules Error! Reference source not found.

See above V.A.1.1

V.A.2. Parallel international agreements

V.A.2.1 Requirements and procedures Error! Reference source not found.

See above V.A.1.1

V.A.2.2 Effects rules Error! Reference source not found.

See above V.A.1.1

V.A.3. National law

V.A.3.1 Requirements and procedures Error! Reference source not found.

See above V.A.1.1

V.A.3.2 Effects rules Error! Reference source not found.

See above V.A.1.1

PART V.B. Specific

1. Documents proving involuntary unemployment

See above V.A.1.1

2. Documents proving a family relationship or other durable relationship

See above V.A.1.1

3. Documents proving or contesting a parent-child relationship

See above V.A.1.1

4. Documents proving the name and forenames of a child or adult

See above V.A.1.1

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

See above V.A.1.1

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

See above V.A.1.1

7. Documents proving a person's professional qualifications (diplomas)

See above V.A.1.1

8. Documents proving a person's death

See above V.A.1.1

9. Documents proving a person's date of birth

See above V.A.1.1

10. Documents proving the establishment by incorporation of a company

See above V.A.1.1

11. Documents proving the constitution of a company, including any official translation thereof

See above V.A.1.1

12. Documents proving the latest banking accounts of a company

See above V.A.1.1

13. Documents proving the deposit of cash or certificates of deposit

See above V.A.1.1

PART VI – Suggested action

OVERVIEW OF PART VI Error! Reference source not found.

VI.1. European Error! Reference source not found.

Based on the interviews it is my opinion that EU's intention of abolishing legalisation or other equivalent requirements needs mostly a common way in the Member States to apply regulations. The intention to abolish legalisation or other equivalent requirements and for direct co-operation between national authorities would benefit from more specific information on the regulations and their application procedures.

The main problem with the demand for legalisation and other such demands is that instead of certifying the contents of a document only the signature or equivalent is certified. This would need serious consideration.

VI.2. Intergovernmental Error! Reference source not found.

One possibility to improve on the reliability of the Apostille convention is the e-Apostille proposal. It would also be beneficial to develop the e-Apostille project. It would make it possible to check which document the apostille is attached to. This would increase the functionality and reliability of the Apostille Convention. If the whole document would be scanned onto the e-Apostille register, the reliability would increase.

VI.3. National Error! Reference source not found.

There is not a register of Notaries Public in Finland. That would be needed both for the e-Apostille project and for the domestic administration. Apostille in some other language than Finnish or Swedish is often requested. E-Apostille proposal might enable the possibility to give apostille in language asked for.