



Notification aux Etats signataires de la Convention concernant la compétence judiciaire et l'exécution des décisions en matière civile et commerciale, conclue à Lugano le 16 septembre 1988

Déclaration de la République de Finlande

Le 29 septembre 2009, la République de Finlande a formulé la déclaration suivante (original en anglais):

«Article 3(2) of the Lugano Convention contains a list of certain provisions that shall in particular not be applicable to defendants domiciled in another Contracting State. According to the 15th indent in Finland: the second, third and fourth sentences of Section 1 of Chapter 10 of the Code of Judicial Procedure (oikeudenkäymiskaari/rättegångsbalken) shall not be applied.

According to Section 1 of Chapter 10 of the Code of Judicial Procedure a person who has no domicile in Finland shall be summoned to the court of the locality where he/she is found or where he has property in the country. If a Finnish citizen is living abroad, he/she may also be summoned to the court of the locality where he/she last had a domicile in Finland. A citizen of a foreign State who does not have home and domicile in Finland may, in the absence of separate provisions regarding the citizens of said State, be summoned to the court of the locality in Finland where he/she is found or where he/she has property.

The provisions on jurisdiction in Chapter 10 have been revised in Act 135/2009 on altering the Code of Judicial Procedure. The aforementioned Act has entered into force 1.9.2009. Within the revised Chapter 10 the congruent legislation to the sentences mentioned in the 15th indent of Article 3(2) of the Lugano Convention is found in paragraphs 1 and 2 of Section 18(1). According to the aforementioned paragraphs, if otherwise no court would have jurisdiction in the case, a case that concerns a claim to be brought against a natural person may be considered by the district court with jurisdiction for the place where the defendant resides or last had his or her domicile or habitual residence and a case that concerns ordering the defendant to pay a specified amount of money may be considered by the district court with jurisdiction for the place where the defendant has distrainable property.

Due to the aforementioned changes the 15th indent of Article 3(2) of the Lugano Convention should be altered to read as follows:

in Finnish:

"- Suomessa: *oikeudenkäymiskaaren* 10 luvun 18§:n 1 momentin 1 ja 2 kohtaa»;

in Swedish:

"- i Finland: 10 kap. 18 § 1 mom. 1 och 2 punkten i *rättegångsbalken*»;

in English:

"- in Finland: paragraphs 1 and 2 of Section 18(1) of Chapter 10 of the Code of Judicial Procedure (*oikeudenkäymiskaari/rättegångsbalken*)".»

Les versions finlandaise et suédoise de la loi 135/2009 portant amendement du Code de procédure judiciaire, ainsi qu'une traduction non officielle de cette loi en anglais, jointes par la République de Finlande à sa déclaration, sont disponibles sur demande auprès du dépositaire.

La présente notification est faite par le Conseil fédéral suisse en sa qualité de dépositaire de la Convention (www.dfae.admin.ch/depositaire).

Berne, le 20 octobre 2009

