

Guide for the member

Finnish National Network in cross-border civil and
commercial matters



Published by

Ministry of Justice
www.oikeusministerio.fi

Title of publication

The Finnish National Network in Cross-Border
Civil and Commercial Matters; Guide for the
member

Series and publication number

Publications of the Ministry of Justice, Reports
and guidelines 2020:1

Register number

VN/3356/2019 / OM009:00/2019

ISSN 2490-0990

ISBN 978-952-259-916-2

Authors

The Finnish National Network in Cross-Border
Civil and Commercial Matters; Editors: Tanja
Niemi and Maija Leppä (Ministry of Justice)

Keywords

EU, EU projects, international legal assistance,
civil law, civil procedure, network cooperation

List of contents

| | | |
|------|--|----|
| | Foreword | 5 |
| 1. | European Judicial Network (the EJM) in civil and commercial matters | 7 |
| 1.1. | What is the European Judicial Network (the EJM) in civil and commercial matters? | 7 |
| 1.2. | What are the EJM tasks and methods of work? | 7 |
| 1.3. | What are the parties involved in the EJM? | 8 |
| 1.4. | What are the tasks of the EJM contact points? | 8 |
| 1.5. | What is the European e-Justice Portal? | 9 |
| 1.6. | Operation of the EJM in Member States | 9 |
| 2. | Finnish National Network in cross-border civil and commercial matters | 10 |
| 2.1. | Establishment of the National Network | 10 |
| 2.2. | Duties of the National Network | 10 |
| 2.3. | Members of the National Network | 11 |
| 2.4. | Duties of the members of the National Network | 11 |
| 3. | Operation of the National Network | 15 |
| 3.1. | Meetings of the National Network | 16 |
| 3.2. | Participation in the EJM meetings | 16 |
| 3.3. | Events organised by the National Network | 16 |
| 3.4. | The newsletter of the National Network | 16 |
| 4. | Ideas and best practices for active membership | 18 |
| | My networking ideas... | 21 |

Foreword

The Finnish National Network in cross-border civil and commercial matters was established in 2016. The network consists of Finnish judges and other judicial professionals.

The purpose of the present guide is to serve as a tool for the members of the Finnish National Network. The guide provides the members with information on the functioning and the members of the National Network as well as on their duties. The Guide contains information on the annual activities of the Finnish National Network as well as ideas and best practices for active membership. The Guide also includes basic information of the European Judicial Network in civil and commercial matters (the EJN), under which the Finnish National Network also functions. The Guide can be utilised to spread information on the National Network, the EJN and the tools produced by it. It is also useful, for example, as the introduction material for the new members.

The operation of the Finnish National Network was strengthened and its working methods and structures developed through a project funded by the EU in the years 2019-2020. As part of the development project, the activities and best practices of the National Networks in other EU Member States were examined. The information on the National Networks of other EU Member States was obtained, among others, from the European e-Justice Portal, study visits and email questionnaires. The guide directed to the members of the French National Network was a particular source of inspiration, when preparing

the Finnish guide. The objective of the present guide is to bring together the existing practices and outcomes of the development work of the Finnish National Network, thereby enhancing and strengthening the operation of the Finnish National Network.

When the present guide was drafted, the discussion about the importance of the EJN and its National Networks in supporting the practical application and enforcement of EU legislation is ongoing on various platforms¹. The intent for writing the guide has been to support and strengthen the national activities in Finland as well as to provide the other EU Member States with information on the Finnish national activities. Although the guide focuses on the tasks, operations and members of the Finnish National Network, it is also intended as a source of inspiration to the Member States contemplating on constituting their own or developing their existing network.

The objective of the guide is to assist the Member States currently planning to establish or develop their National Network to identify the potential tasks of the National Network and its members, the potential parties invited as its members and the type of activities that the National Network might have.

We are convinced that active and wide-ranging national activities will positively contribute, for their part, to the practical application and enforcement of the EU legislation in the Member States.

Finnish National Network in cross-border civil and commercial matters

¹The importance of national activities has been highlighted, for example, in the Commission Report on the activities of the European Judicial Network in civil and commercial matters (COM (2016) 129 final) as well as in the Council conclusions on the EJN in December 2016. The latest discussion on this topic took place in the informal meeting of Justice and Home Affairs Ministers in January 2020.



1. European Judicial Network (the EJM) in civil and commercial matters

1.1. What is the European Judicial Network (the EJM) in civil and commercial matters?

The European Judicial Network in civil and commercial matters (the EJM or the network)² is a network of EU Member States operating since 2002 and founded to support and facilitate the practical cooperation between the Member States in the area of civil law. With the exception of Denmark, all EU Member States participate in the network activities.

The European Judicial Network in civil and commercial matters was established through the Council Decision (2001/470/EU).³ The decision has been amended once in 2009.

The source of the information on the EJM in this Chapter is the European e-Justice Portal.

1.2. What are the EJM tasks and methods of work?

The objective of the EJM is to simplify and enhance the cooperation between the national judicial authorities of the Member States as well as to promote the practical application and enforcement of the union instruments issued in the area of private law.⁴ The network operates in several ways, such as organising meetings, drafting guides for the judicial authorities and citizens as well as by maintaining the factsheets on national legislation in the European e-Justice Portal.⁵ In addition, the EJM is involved in evaluating the functioning of the union instruments issued in the area of civil and commercial law (e.g. by collecting experiences from the national authorities).

The EJM meets five or six times a year either in Brussels or in the Member State holding the presidency of the EU Council at the time. The topic of the meetings is generally an individual union instrument discussed from the perspective of questions related to the practical application and cooperation. In occasion of these meetings, it is also possible to organise bilateral meetings between the Central Authorities and bodies associated with various union instruments. The bilateral meetings provide the opportunity to discuss individual cases and the related processes as well as other cooperation questions.

² European Judicial Network in Civil and Commercial matters, the EJM

³ For the text of the decision, see:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02001D0470-20110101>

⁴ European Judicial Network (EJM) in civil and commercial matters:

https://e-justice.europa.eu/content_european_judicial_network_in_civil_and_commercial_matters-21-en.do?init=true

⁵ For further information on the European e-Justice, see under 2.5 as well as in <https://e-justice.europa.eu/home.do>

The annual meeting of the EJN is organised once a year, normally in February. The topics of the annual meeting relate to topical EU civil law matters and EU civil law cooperation projects, which are presented in the meeting.⁶ Separate meetings among judges have also been organised during the annual meetings.

The EJN work also takes place in working groups, which, among others, draft practical EJN guides and guidelines as well as template forms to support the practical application of the union instruments.

1.3. What are the parties involved in the EJN?

Each Member State has appointed one or several contact points for the network.

Moreover, the network also includes the Central Authorities (or central bodies) involved in the application of union or international instruments. Reference to the Central Authorities are, in particular, made in family law related EU regulations (Brussels IIa regulation and regulation on maintenance obligations).

Likewise, the liaison judges as well as other judicial and administrative authorities

appointed by the member states belong to the network. Moreover, the members also include professional organisations.⁷

1.4. What are the tasks of the EJN contact points?

As mentioned above, each Member State participating in the EJN has appointed one or several contact points. In addition to participating in the EJN meetings, the duties of the contact points consist in assisting the judges and other judicial authorities in the Member States in various ways, including disseminating information on the EU civil law legislation, the European e-Justice Portal as well as, in certain situations, also assisting and supporting the judicial authorities in cross-border cases.

For example, the contact points may help to find out how a request for judicial cooperation (such as service of documents or taking of evidence) has progressed in the other Member State as well as to seek solutions to problems in the handling of such requests. Moreover, the contact points may forward information to facilitate the application of a provision in EU law or in the law of a second Member State that has to be applied under international treaties.⁸

Members of the European Judicial Network in Finland

Two Finnish contact points have been appointed for the EJN. The contact points work at the Ministry of Justice, the Unit for International Judicial Assistance, which is also responsible for other international judicial administration functions and is designated as the Central Authority for the purposes of different union and international instruments. The Finnish contact points under the EJN can be contacted by email at: EJN.siviili@om.fi.

Moreover, the Finnish Bar Association has been a member of the EJN since the year 2009.

The Finnish National Network in cross-border civil and commercial matters was established in 2016. After the National Network was established, the members of the national network have also participated in the work of the EJN. Currently, there are no appointed liaison judges.

⁶ For example, at the annual meeting in 2020, Finland presented the Strengthening of the Finnish National Network –project to the members of the EJN.

⁷ European e-Justice Portal, information on the network:
https://e-justice.europa.eu/content_about_the_network-431-en.do

⁸ European e-Justice Portal, Judges and other judicial authorities:
https://e-justice.europa.eu/content_judges_and_other_judicial_authorities-437-en.do

Did you get interested in the EJN or the e-Justice Portal? Click here to read more:

<https://e-justice.europa.eu/home.do>

1.5. What is the European e-Justice Portal?

The European e-Justice Portal is an extensive, multilanguage digital information site that offers versatile information on law in the EU Member States. The European e-Justice Portal is a collection of information on various EU civil law instruments and it also contains digitally useable forms needed to apply the instruments. Moreover, the e-Justice Portal can be used to search for the competent authorities as well as to obtain information on the notifications of individual Member States under various EU instruments (such as information on the competent authority in the Member State in issues related to a particular regulation). The e-Justice Portal also contains information on search engines for lawyers and legal translators or interpreters.

The tasks of the EJN include the drafting and maintaining the information, collected in the European e-Justice Portal, about civil law procedures in the Member States. Today, there are factsheets on 26 topics, such as family mediation, jurisdiction, succession, legal aid and insolvency.

In addition to the above-mentioned factsheets, the e-Justice Portal also includes guides and guidelines produced by the EJN both for the judicial authorities and for the citizens. There are guides e.g. on taking of evidence, on application of the Brussels IIa Regulation and on application of the European Small Claims Procedure.

1.6. Operation of the EJN in Member States

Each Member State has appointed at least one network contact point, and in addition, they can also designate other members whose participation they deem to be useful in the network.

Some Member States have also established national civil and commercial law networks to support the work and the attainment of the objectives of the EJN in the Member States. Information about the national activities and national networks in the Member States is available in the European e-Justice Portal.

Chapter 2 focuses on the Finnish National Network in cross-border civil and commercial matters.

2. Finnish National Network in cross-border civil and commercial matters

2.1. Establishment of the National Network

The Finnish National Network in civil and commercial matters was established in 2016 on the initiative of the Ministry of Justice. The launching of the network was related to the need to enhance the activities of the EJN on the national level as well as to disseminate information among the Finnish judicial actors about the EJN and the tools it has created to support cross-border judicial cooperation.

As a first step, the Ministry of Justice prepared a memorandum, which focused on the need for network cooperation, and asked the chief judges of District Courts to appoint a network representative from each judicial district. After this, proposals for members were also invited from other organisations (legal aid, the National Administrative Office for Enforcement, Finnish Bar Association) involved in cross-border civil law issues.

The National Network has no formal regulations or other defined set of norms for its operation. However, the Ministry's memorandum records the basic principles of the network, its members as well as a proposal of the duties of the National Network. After the launch of the National Network, the memorandum has been complemented. The mode of operation of the network is informal, and after the start, the activities have been developed and new members invited based on the discussions in the network meetings and the needs detected in them.

The Ministry of Justice is responsible for the national organisation and operation of the network, being also in charge of various Central Authority tasks related to international judicial assistance as well as participation in the EJN activities. The Ministry of Justice officials responsible for the coordination of the National Network are also the Finnish contact points for the EJN. Moreover, the operation of the network is supported by the unofficial Steering Group appointed among the network members⁹. The Steering Group supports the National Network coordinators and plan, together with them, each year's activities to meet the members' needs.

2.2. Duties of the National Network

The duty of the Finnish National Network is:

- to disseminate information about EU civil justice instruments and related sources of information
- to participate in the collection of information on the practical issues related to the processing of cross-border matters, on the number of relevant cases and on the application of EU civil law instruments in Finland
- to share best practices among the Finnish legal practitioners and the EJN

Through the National Network, the Finnish legal practitioners obtain information regarding the EU civil and commercial law and its

⁹ The decision on the unofficial Steering Group was made during the EU project. The unofficial Steering Group will be instituted in the spring of 2020.

practical application as well as the tools and sources of information created to support the practical application. This assists in the practical application of union and international instruments.

Within the National Network, the members also gather and forward their organisations' experiences gained in the practical application of the EU civil law legislation to be raised nationally and at the EU level.

2.3. Members of the National Network

The National Network is constituted by the members appointed by District Courts (one ordinary and one deputy member per judicial district), Courts of Appeal, the National Courts Administration Finland, the National Administrative Office for Enforcement, legal aid offices, the Finnish Bar Association and the Ministry of Justice.¹⁰

In practice, the members have been appointed by their organisations. The practical process for appointing a member has followed a procedure whereby the above parties choose a member of their organisation, with tasks and responsibilities related to international civil

law cooperation, or with particular interest in these topics, as well as the necessary language skills. It is also important that the member has good networking and cooperation skills. The Ministry of Justice receives the appointments. If a member transfers to other tasks, the organisation in question will appoint a new member to replace him/her.

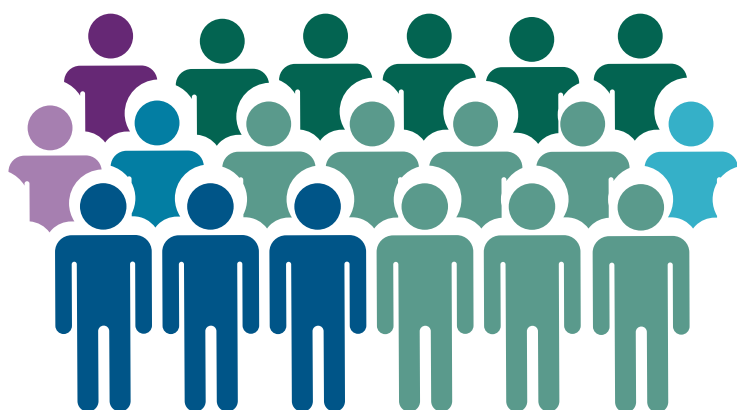
It is also possible to appoint members from other organisations who have responsibilities and knowledge in international civil law cooperation and whose membership would be useful for the National Network. The objective of the member composition is to reflect the needs at any given moment.

The expenses incurred for participating in the work of the network (such as participation in National Network meetings) are covered by the organisation in question.

2.4. Duties of the members of the National Network

The duties of the members of the National Network were defined when the network was established as well as in its first meeting in late 2016. The description of the tasks of the members was specified in 2019 at the National

Members of the National Network in spring 2020



- Ministry of Justice
- Finnish Bar Association
- District Courts
- Legal Aid
- National Administrative Office for Enforcement
- National Courts Administration Finland
- Courts of Appeal

¹⁰ In January 2020, the National Network had 19 members in total. Updated information on the members of the National Network is available in the judicial administration intranet under International issues.

The duties of the National Network members include:

1.

Raising awareness of the EJN and the tools it has developed, as well as dissemination of information

The member of the National Network informs his/her own organisation about the EJN and the National Network. The National Network member also disseminates information on the EU civil law legislation and its amendments as well as on the tools developed for its application. The members disseminate information and make the network known by distributing the newsletters and guides of the National Network as well as by organising information sessions (for example, in the internal meetings in the court).

2.

Assistance and advice

The member of the National Network supports and provides advice in cross-border civil law issues to the colleagues within their own organisation. For example, the member can help to identify the correct court or authority to address an international request for judicial assistance, or help to find out which language or format to use in the request. The aim is to direct the inquirer to the source of the information or to help them pay attention to the right issues. When the member provides help in a cross-border case, it is worth noticing that the person resolving the case always remains responsible.

The tasks of the National Network member also include assisting the EJN contact points in responding to the requests from other Member States.

3.

Participation and active development of professional competence

The tasks of the National Network member also include participation in the EJN events in Europe and nationally (such as the EJN meetings, National Network meetings) as well as active networking. Moreover, the network member also has the duty to follow the developments in the field of EU civil law.

4.

Acquiring information and practical experience

When necessary, the network members seek information within their organisation or their judicial district regarding the experiences and problems encountered in the practical application of the EU civil law instruments.

Network development meeting.

The member tasks and the working methods of the network are jointly discussed and agreed upon, when necessary, in the meetings of the National Network. The members of the National Network share an email list, which can be used for communicating on issues related to the National Network.

The members of the National Network take care of their tasks as part of their daily work, along with other duties. It is important that the role and duties of the member are known and recognised within the organisation, and is also taken into account in the distribution of work.

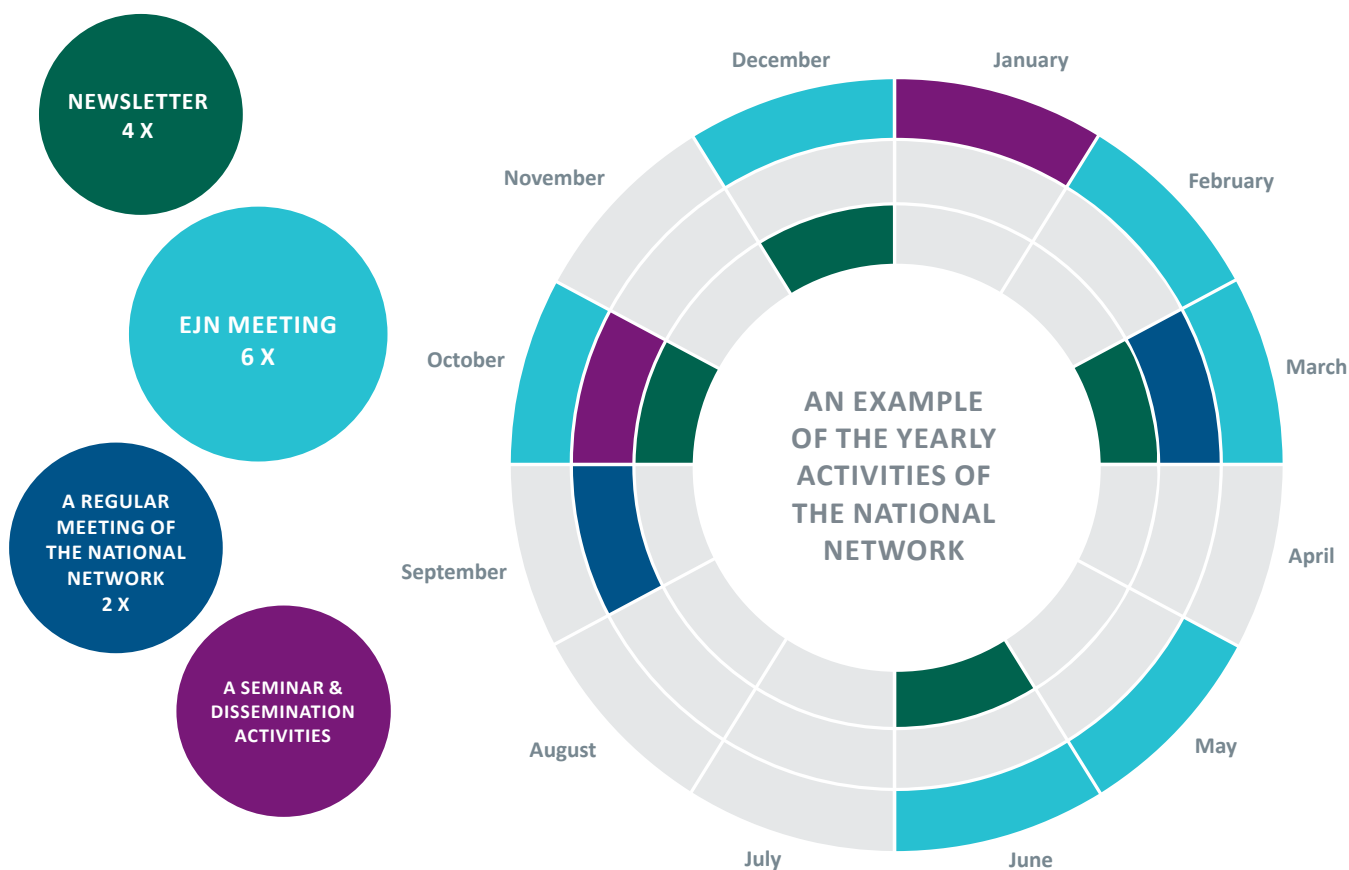
The members of the National Network represent various organisations, with different needs. Some members belong to a nationwide organisation and thereby represent the entire organisation (such as the Finnish Bar Association). Other members (such as those representing District Courts) are responsible for the courts of first instance in their respective judicial district. Moreover, the members represent geographical areas that vary from the whole of Finland to a single court of law. The needs of information and the duties of the background organisations also vary. Some members are widely interested in civil law questions, others in more specific and limited parts of legislation. Due to these differences, the activities and tasks of the members of the National Network also vary. Each member develops and takes care of the member duties in accordance with the needs of their background organisation and through their own networks.



3. Operation of the National Network

This Chapter focuses on the main features of the National Network operation – as it has become during the four years it has been in place. Other types of action are also possible since the National Network has no formal regulations or other defined set of norms for its operation. The operation of the network is developed according to current needs.

Further information on the Finnish National Network is available at the European e-Justice Portal. Moreover, the intranet of the judicial administration contains information on the National Network and its members. General information on the network is also found at the Ministry of Justice website.



3.1. Meetings of the National Network

The National Network convenes twice a year. So far, the meetings have been held in the spring and in the autumn. The meeting is summoned by the Ministry of Justice. The main venue is Helsinki, but the meetings can also take place elsewhere in Finland, when invited by a member, for example.

The Ministry of Justice, together with the unofficial Steering Group appointed among the National Network, is in charge of planning and preparation of the meetings. All members of the National Network can propose discussion topics for the meeting agenda.

The meetings of the National Network often include training or information sessions (for example, information on topical EU legislative projects). The spring meeting discusses the members' activities in their respective areas/regions (so-called regional news) while the autumn meeting assesses the past operations and plans the following year. If necessary, the meetings offer a possibility for discussing and sharing experiences on individual challenging cross-border cases.

Minutes are kept for National Network meetings.

3.2. Participation in the EJN meetings

In addition to the National Network meetings, the members have the opportunity to participate in the EJN meetings. The EJN meets five or six times a year, and normally, four to six participants from each member state are invited.

The coordinators of the National Network send the members information about the EJN meetings, asking the members to respond if they are interested in participating.

The National Network members can also identify other participants among their organisation, such as experts in the topic discussed at the meeting.

3.3. Events organised by the National Network

The core duty of the National Network is to disseminate information on the EU civil justice, as well as on the instruments and practical support available for the application of EU legislation.

To disseminate information, the National Network can organise e.g. seminars and local info sessions. For example, in 2020, the network organised a seminar in the framework of an EU project, focusing on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The National Network's aim is to organise similar trainings or seminars on a yearly basis.

The National Network members can also organise info sessions and trainings within their own organisations. Such events distribute information on the EJN and the National Network as well as on the availability of practical support in the application of the EU civil and commercial law.

The National Network has also participated twice in the Lakimiespäivä event (meeting of Finnish lawyers), where information on the European e-Justice Portal, the guides produced by the EJN as well as on the Finnish National Network and its duties was distributed.

3.4. The newsletter of the National Network

The coordinators of the National Network edit a newsletter sent three to six times a year by email and distributed by the network members in their respective organisations. The newsletter contains information, for example, about the latest EJN meetings and the topics discussed, the guides produced by the EJN as well as other topical themes in the area of EU civil law.



4. Ideas and best practices for active membership

In the spring of 2018, the Finnish National Network applied for funding from the EU Justice Programme for the development of the Finnish National Network. The objective was to strengthen the Finnish National Network and to develop its working methods and structures. The project period was from 1 March 2019 to 29 February 2020.

As part of the EU project, the National Network developed ready-to-use models and

operating ideas for the network members. The objective of the models and operating ideas is to inspire and activate the members and to make the work easy and uncomplicated in a way that it would not burden the individual members too much.

The following is a list of existing and partly new best practices, collected and designed during the EU project.¹¹

As mentioned earlier, the members come from various organisations, and therefore the tasks and work of individual members vary from organisation to another.



¹¹ The quotes in the text are examples of current activities given by the members of the National Network, as well as new ideas raised during the development day.

Spreading information on the network and organising info sessions

The members are encouraged to organise info sessions and small-scale lectures focusing on the EJN, its information sources, the European e-Justice Portal and the National Network within their organisation. Such events can be organised, for example, in the meetings of judges specialised in civil law, in different internal trainings or when inducting new trainee judges.

” In the induction of new trainee judges, I tell them about THE EJN, the European e-Justice Portal and its sources of information, as well as the National Network. In their work, the trainee judges often face, e.g., cross-border requests of service and in fulfilling their tasks, the network sources of information can prove useful.”

” The EJN, the European e-Justice Portal and our national activities can be presented in various occasions. For example, we have told about these issues in the events organised e.g. for the Ministry of Justice staff and have been participating in the Lakimiespäivä event bringing together Finnish lawyers every second year.”

For network presentations, the members are provided with a ready-to-use general presentation, which can, if necessary, be modified to meet the needs and suit the events in question.

The members can also invite the EJN Finnish contact points to attend their events.

” In my own District Court, I organised an information session lasting one morning. We discussed the EJN, the European e-Justice Portal and the National Network. I had invited the EJN Finnish contact points to attend and tell about their tasks and networking functions. The event provided a good possibility to discuss the issues related to the preparation of the most common judicial assistance issues, and have face-to-face contacts. The event got lots of good feedback and was found to be useful.”

When organizing seminars and information sessions, it is also worth exploring the possibilities of remote participation.

” Sometimes it is challenging for us who live outside Helsinki to participate in the trainings organised in the capital. Fortunately, remote participation is sometimes also possible.

The National Network seminar organised in Helsinki was streamed, and I decided to organise a meeting here at the District Court of Lapland. I booked a meeting room at the court, and my colleagues and I followed the streamed seminar. I also invited local attorneys and legal aid officials to participate. Following the seminar among colleagues made it possible for us to discuss, and participation was more rewarding than sitting alone in front of the screen. This was also one way to make the network more known here in the North.”

To spread the information on the network, it is important that the information is easily available.

” It would be useful if the information on the EJN and the National Network and its members were easily accessible, for example, on the Ministry of Justice site or the judicial administration intranet.”



Distributing the National Network newsletter

Since the members represent different organisations, the National Network newsletter can be complemented with different elements, or some parts can be omitted. For example, the newsletter can start with personal greetings from the member to provide information on the network and the member's tasks in it, thereby giving the colleagues a change to contact the member if necessary.

Hello!

Here is the latest newsletter of the Finnish National Network for cross-border civil and commercial matters for your information.

I am pleased to tell you more about the topics in the newsletter as well as on the operation of both the European Judicial Network (the EJN) and the Finnish National Network.

Do go and check the European e-Justice Portal; the link is at the bottom of this newsletter. The European e-Justice Portal will help you in taking care of cross-border issues. Through the Portal, you will find information, e.g., about the legislation and civil law procedures of the Member States, forms related to various regulations in different languages as well as the search engine called the European Civil Law Atlas, which contains contact details of the competent authorities in the Member States, among other information.

With best wishes,

District Court Judge, member of the Finnish National Network

Acting as a contact point in one's own organisation and helping colleagues in cross-border issues

The members of the network can provide answers to the questions posed by the colleagues in their own organisation, regarding international judicial assistance or other cooperation in civil law. If necessary, the members can contact the Finnish contact points of the EJN, who, in turn, have access to the contact points in other EU Member States.

” It would be useful if the network members would compile FAQs which could be accessible through the court administration intranet for every user's benefit.

Collecting information

When necessary, the network members seek information within their organisation or judicial districts, regarding the experiences and problems encountered in the practical application of the EU civil law instruments. For example, the European Commission and other parties compile, from time to time, statistics or experiences on the application of certain EU regulations.

” As a member of the National Network, I was asked by the Ministry of Justice to gather experiences regarding the Hague Protocol of 23 November 2007. I sent the request to the judges and legal aid counsels who take care of family law issues in the judicial district of Eastern Finland!”

Professional skills and networking

The network members are constantly developing their personal professional competence and networks in international issues, for example, by taking part in the European Judicial Training Network (EJTN) events. This is an important element in facilitating practical cooperation. Networking and learning to know colleagues from other EU Member States is possible, for example, in the EJN meetings.

The network members also have their own regional sub-networks with actors interested in international issues. Networking is made easier when the members avail of their own extensive cooperation contacts and the member knows other actors in his/her region.

” Participating in EJTN trainings and study visits provide a good opportunity to develop one's own competence and to network with judges from other States.”

My networking ideas...

Your wishes for the National Network?

How could the National Network be developed so that it would best support the work of judges and other judicial officials in Finland?

21

Please write down your ideas and send them to the Finnish contact points of the EJN:

ejn.siviili@om.fi

This publication has been produced as a part of the project “Strengthening of the Finnish National Network” supported by Justice Programme of the European Union.

The contents of this publication are the sole responsibility of the authors and can in no way be taken to reflect the views of the European Union.



Ministry of Justice Finland
PO Box 25
00023 Government, Finland
www.ministryofjustice.fi

ISSN 2490-0990 (PDF)
ISBN 978-952-259-916-2 (PDF)



MINISTRY OF JUSTICE
FINLAND