

# **Administrative Procedure Act**

(434/2003)

## **PART I — GENERAL PROVISIONS**

### **Chapter 1 — Objective and scope of application of the Act**

#### *Section 1 — Objective of the Act*

It is the objective of this Act to achieve and promote good administration and access to justice in administrative matters. It is further the objective of this Act to promote the quality and productivity of administrative services.

#### *Section 2 — Scope of application*

- (1) This Act contains provisions on the fundamental principles of good administration and on the procedure applicable in administrative matters.
- (2) This Act is applicable by state authorities, municipal authorities and independent institutions under public law, as well as in the agencies under the Parliament and the Office of the President of the Republic (*authority*).
- (3) This Act is applicable by state enterprises, associations under public law and private parties when these are performing public administrative tasks.

#### *Section 3 — Application to administrative contracts*

- (1) For the purposes of this Act, an administrative contract is defined as a contract, within the competence of an authority, on the performance of a public administrative task, or a contract relating to the exercise of public authority.
- (2) When entering into an administrative contract, the fundamental principles of good administration shall be adhered to; in addition, the rights of the persons concerned shall be adequately protected in the drafting of the contract, as shall their chances to affect the contents of the contract.

#### *Section 4 — Restrictions on application*

- (1) This Act does not apply to the administration of justice, pre-trial investigations, police inquiries or enforcement. This Act does also not apply to military orders nor to other internal orders of the administration relating to the performance of a task or some other measure.
- (2) The provisions of this Act do not apply to oversight of legality, as carried out by the highest overseers of legality in the country, unless specifically otherwise provided.
- (3) In the consideration of administrative complaints by authorities other than those referred to in subsection (2), the fundamental principles of good administration shall be adhered to; in addition, the rights of the persons directly concerned shall be protected. The decision and the delivery of the decision in a complaint matter shall be subject to the provisions of this Act.

Section 5 — *Relationship to other legislation*

- (1) If another Act contains provisions that are contrary to those of this Act, the provisions of the other Act shall prevail over those of this Act.
- (2) Electronic filing and consideration of an administrative matter and electronic delivery of the decision in the matter shall be subject to the provisions of the Act on Electronic Services and Communication in the Public Sector (13/2003).
- (3) The procedure in administrative matters in the Evangelical Lutheran Church of Finland shall be subject to the provisions of the Church Act (1054/1993).

Chapter 2 — **Fundamental principles of good administration**

Section 6 — *Legal principles of administration*

An authority shall treat the customers of the administration on an equal basis and exercise its competence only for purposes that are acceptable under the law. The acts of the authority shall be impartial and proportionate to their objective. They shall protect legitimate expectations as based on the legal system.

Section 7 — *Service principle and appropriateness of service*

Service and the consideration of matters by an authority should be arranged so that the customer of the administration receives appropriate service and that the authority can perform its tasks productively.

Section 8 — *Advice*

- (1) An authority shall provide to its customers the necessary advice, within its competence, for taking care of administrative matters; as well as respond to the questions and queries on its service. Advice shall be provided free of charge.
- (2) If the matter does not fall within the competence of an authority, it should direct the customer to the competent authority.

Section 9 — *Requirement of proper language*

- (1) An authority shall use appropriate, clear and comprehensible language.
- (2) The right of a customer to use and receive service by an authority in his/her own language is subject to separate provisions and to the terms of international agreements binding on Finland.

Section 10 — *Inter-authority co-operation*

- (1) An authority shall provide the requested assistance, within its competence and as required by the nature of the matter, to another authority for taking care of an administrative matter; it should also otherwise promote inter-authority co-operation.
- (2) Executive assistance between authorities is subject to separate provisions.

Chapter 3 — **Standing and exercise of the right to be heard**

Section 11 — *Party*

A person has standing as a party to an administrative matter where his/her rights, interests or obligations are affected by the matter.

Section 12 — *Attorney and counsel*

- (1) A party may retain an attorney or a counsel for an administrative matter. However, the client shall appear in person if this is necessary for the clarification of the matter. An attorney shall produce a power of attorney or supply other credible proof or his/her authorisation to appear on

behalf of the client. If there is doubt as to the authorisation or the limits thereof, the power of attorney shall at the demand of the authority be specific to the matter at hand. An advocate and a legal aid attorney need produce a power of attorney only if the authority so orders.

- (2) If an attorney or a counsel is unsuitable for his/her task, an authority may prohibit him/her to appear in the matter before that authority. The prohibition shall be notified to the client and he/she shall be reserved an opportunity to retain a new attorney or counsel.
- (3) A prohibition to appear before an authority may be appealed to the authority which is competent to hear an appeal against a decision in the matter at hand. In other respects, the appeal is subject to the provisions of the Administrative Judicial Procedure Act (586/1996). An appeal against a prohibition to appear does not preclude the further consideration of the matter at hand, unless the appellate authority otherwise orders.

#### Section 13 — *Privilege*

- (1) An attorney or a counsel shall not without permission disclose any confidential information given to him/her by the client for purposes of taking care of the matter.
- (2) The privilege and prohibition of use pertaining to information received by an attorney for purposes of performing his/her task shall be subject to the provisions of the Act on the Openness of Government Activities (621/1999) even if the information has been received from an authority other than that considering the matter.
- (3) The provisions in subsections (1) and (2) apply also to interpreters and translators participating in the consideration of the matter. They apply further to persons who on commission or otherwise participate in taking care of the matter of the client.

#### Section 14 — *Right of a legally incompetent person to be heard*

- (1) The right of a legally incompetent person to be heard shall be exercised by his/her guardian, custodian or other legal representative. However, a legally incompetent person shall self alone exercise his/her right to be heard in a matter pertaining to income or assets in his/her possession.
- (2) A legally incompetent person who has attained the age of eighteen years shall self alone exercise his/her right to be heard in a matter pertaining to his/her person, if he/she is capable of understanding the significance of the matter.
- (3) A minor who has attained the age of fifteen years and his/her custodian or other legal representative have a parallel and separate right to be heard in a matter pertaining to the person of the minor or his/her personal rights or interests.

#### Section 15 — *Right of a guardian to be heard*

- (1) A guardian appointed for a legally competent person shall have a parallel and separate right to be heard, in addition to the client, in matters falling within the scope of his/her duties. If the guardian and the client disagree when being heard, the opinion of the client shall prevail if he/she is capable of understanding the significance of the matter.
- (2) If a client's capacity has been restricted otherwise than by declaring him/her legally incompetent, the guardian shall alone exercise the right of the client to be heard in matters beyond the capacity of the client. However, the guardian and the client shall exercise the right to be heard jointly in matters which are to be decided by them together.

## PART II — FILING OF AN ADMINISTRATIVE MATTER AND ITS CONSIDERATION BY AN AUTHORITY

### Chapter 4 — **Delivery of documents to an authority and pending effect of an administrative matter**

#### Section 16 — *Contents of a document*

A document to be delivered to an authority shall indicate what the matter is about. It shall contain the name of the sender and the contact information needed for taking care of the matter.

#### Section 17 — *Responsibility of the sender of the document*

- (1) A document is to be delivered to the service address of the competent authority on the responsibility of the sender. If a deadline has been set for the delivery of the document, the sender shall be responsible for meeting that deadline.
- (2) The sender of a document shall upon request be issued with an acknowledgement of the registration or other filing of the document.

#### Section 18 — *Date of arrival of a document*

- (1) A document shall be deemed to have arrived to an authority on the day when it has been delivered to the authority.
- (2) A document sent by post shall be deemed to have arrived also when it has arrived at the post office box of the authority or when the authority has been given a notification of the arrival of the delivery to the postal company.

#### Section 19 — *Filing of a matter*

A matter shall be filed in writing, by way of stating the demands and the grounds for them. Upon the permission of the authority, a matter may be filed also orally.

#### Section 20 — *Pending effect of a matter*

An administrative matter shall become pending when the pertinent document has arrived to the competent authority or, in case of an oral filing, when the matter has been stated to it and the information needed for opening the consideration has been registered.

#### Section 21 — *Transfer of a document*

- (1) An authority to whom a document has been delivered by mistake for purposes of consideration of a matter beyond its competence shall without delay transfer the document to the authority it deems to be competent. The sender of the document shall be informed about the transfer.
- (2) When a document is transferred, no decision as to its admissibility need be made.
- (3) When a document, which is to be delivered to an authority within a specific period of time, is transferred, the prescribed period of time shall be considered observed, if the document is delivered to the competent authority within that period.

#### Section 22 — *Supplementing a document*

- (1) If a document delivered to an authority is defective, the authority shall exhort the sender to supplement the document before a deadline, unless this is unnecessary in view of the decision in the matter. The sender of the document shall be informed as to how the document should be supplemented.

- (2) A document delivered to an authority need not be supplemented with a signature, if it contains information on the sender and if there is no reason to doubt the origin and integrity of the document.
- (3) A party may supplement an application or another document delivered for the consideration of a matter also on his/her own motion, as well as supply the authority with documents needed for the decision in the matter while its consideration is under way.

## Chapter 5 — **General requirements on the consideration of a matter**

### Section 23 — *Duration*

- (1) A matter shall be considered without undue delay.
- (2) Upon request, the authority shall supply the party with an estimated time of issue of a decision and respond to queries as to the progress of the consideration of the matter.

### Section 24 — *Openness of consideration*

- (1) A matter shall be considered openly, if it has been so provided or decided by virtue of a specific provision.
- (2) Access to the documents and the parties' right to receive information shall be governed by the provisions in the Act on the Openness of Government Activities.

### Section 25 — *Joint consideration of matters*

If the decision in a matter may have a significant effect on the decision of another matter pending before the same authority at the same time, the matters shall be prepared together and decided at the same time, unless such joint consideration would cause harmful delay or unless it is unnecessary in view of the nature or characteristics of the matter.

### Section 26 — *Interpretation and translation*

- (1) The authority shall arrange for interpretation and translation in a matter that can become pending on the initiative of the authority, if:
  - (1) a party using the Romani language, sign language or another language does not know the language, Finnish or Swedish, used in the authority; or
  - (2) a person who owing to a handicap or illness cannot be understood.
- (2) The matter may be interpreted or translated into a language that the party can be deemed to know adequately in view of the nature of the matter.
- (3) For purposes of clarification of the matter or the safeguarding of the rights of the parties, the authority may arrange for interpretation and translation also in matters other than those referred to in subsection (1).
- (4) The right of a person using Finnish or Swedish to interpretation and translation arranged by the authority is governed by the Language Act (423/2003). Separate provisions apply to interpretation and translation into the Saami language. An authority shall see to it that citizens of other Nordic countries have access to the interpretation and translation needed in matters considered by it.

### Section 27 — *Disqualification*

- (1) An official shall not participate in the consideration of a matter or be present during such consideration, if he/she is disqualified.
- (2) The provisions on the disqualification of officials apply also to members of multi-member bodies and other persons participating in the decision of a matter; as well as inspectors in their inspection duties.

Section 28 — *Grounds for disqualification*

- (1) An official shall be disqualified:
  - (1) if he/she or a close person is a party to the matter;
  - (2) if he/she or a close person assists or represents a party or a person due to gain specific benefit or suffer specific loss from the decision of the matter;
  - (3) if specific benefit or specific loss from the decision of the matter is foreseen for him/her or a close person as referred to in subsection 2, paragraph 1;
  - (4) if he/she is in service with or in a pertinent commission relationship to a party or a person due to gain specific benefit or suffer specific loss from the decision of the matter;
  - (5) if he/she or a close person as referred to in subsection 2, paragraph 1 is a member of the board, supervisory board or a corresponding organ of, or the managing director or in a comparable position in, a corporation, foundation, state enterprise or institution that is a party or that is due to gain specific benefit or suffer specific loss from the decision of the matter;
  - (6) if he/she or a close person as referred to in subsection 2, paragraph 1 is a member of the executive body or a corresponding organ of an agency or institution, where the matter pertains to the supervision or oversight of the agency or institution; or
  - (7) if his/her impartiality is compromised for another special reason.
- (2) For purposes of subsection (1) above, a close person is defined as:
  - (1) the spouse of the official, a child, grandchild, sibling, parent, grandparent of the official, a person otherwise especially close to the official, as well as the spouse of the same;
  - (2) a sibling of a parent of the official and the spouse of the same, a child of a sibling of the official and a previous spouse of the official; and
  - (3) a child, grandchild, sibling, parent and grandparent of the spouse of the official, the spouse of the same, as well as a child of a sibling of the spouse of the official.
- (3) A comparable half-relative shall also be considered a close person. For purposes of this section, a spouse is defined as a partner in wedlock, a domestic partner and a partner in a registered partnership.

Section 29 — *Decision as to disqualification*

- (1) An issue of the disqualification of an official shall be decided without delay.
- (2) An official shall self decide as to his/her disqualification. However, a decision on the disqualification of a member or the referendary of a multi-member body shall be made by the body. A multi-member body shall also decide as to the disqualification of other persons entitled to attend. In a multi-member body, a member or the referendary may participate in the consideration of the issue of his/her disqualification only if the body would not have a quorum in his/her absence and if an alternate qualified person cannot be found without considerable delay.
- (3) A decision as to disqualification shall not be separately open to a rectification request or appeal.

Section 30 — *Continuation of the consideration of a matter*

An alternate qualified official shall be assigned without delay to replace a disqualified official. If this is not possible, the official may consider such urgent matters where the decision cannot be affected by the disqualification.

## Chapter 6 — **Clarification of the matter and hearing of parties**

### Section 31 — *Duty of clarification*

- (1) An authority shall see to it that a matter is adequately and appropriately clarified, by obtaining the information and accounts necessary for the decision of the matter.
- (2) A party shall provide information as to the grounds for his/her demands. A party shall also otherwise contribute to the clarification of a matter filed by him/her.

### Section 32 — *Request for information*

A request for a statement or for other information shall indicate in detail what specific points should be covered by the information.

### Section 33 — *Deadline for the provision of information*

- (1) A deadline, reasonable in view of the nature of the matter, shall be set for the supplementation of a document, the submission of an explanation and the provision of information.
- (2) A party shall be notified that a failure to meet the deadline will not preclude a decision in the matter. An extension to the deadline may be granted at the request of the party, if this is necessary for the clarification of the matter.

### Section 34 — *Hearing a party*

- (1) Before the matter is decided, a party shall be reserved an opportunity to express an opinion on the matter and to submit an explanation on the demands and information which may have an effect on its decision.
- (2) A matter may be decided without hearing the party, if:
  - (1) the demand is ruled inadmissible or immediately rejected as groundless;
  - (2) the matter pertains to admission to service or to voluntary education or training;
  - (3) the matter pertains to the granting of a benefit on the basis of the personal characteristics of the applicant;
  - (4) hearing may jeopardise the objectives of the decision or the delay in the consideration of the matter arising from the hearing causes a significant hazard to public health, public safety or the environment; or
  - (5) the demand, which does not concern other parties, is approved or the hearing is for another reason obviously unnecessary.

### Section 35 — *Hearing a client and a guardian or custodian*

When a guardian, custodian or other legal representative exercises the right to be heard, also the client shall be heard, and when a client exercises the right to be heard, also the guardian, custodian or legal representative shall be heard, if such hearing is necessary in view of the interests of the client or for the clarification of the matter.

### Section 36 — *Notification of the hearing*

A party shall be notified of the purpose of the hearing and the deadline set for the submission of the explanation. When necessary, the notification on the hearing shall indicate the points on which clarification is being sought. The party shall be provided with the documents covered by the hearing in the original or as copies, or otherwise reserved an opportunity to peruse them.

Section 37 — *Oral demands and information*

- (1) Upon request, an authority shall reserve a party the opportunity to submit his/her demands or information orally, if this is necessary for purposes of clarification of the matter and if written procedure would cause unreasonable inconvenience to the party. The other parties shall be summoned to be present at the same time, if this is unavoidable in view of safeguarding the rights or interests of the parties.
- (2) On the request of a party, an authority may reserve an opportunity for the oral submission of information necessary for the clarification of the matter also in events other than that referred to in subsection (1).

Section 38 — *Viewing*

- (1) An authority may carry out a viewing, if this is necessary for purposes of clarification of the matter. A party shall be reserved the opportunity to be present in the viewing and to express an opinion on the points arising there. If necessary in view of the nature of the matter, also an authority whose statutory duty it is to oversee the activity in question or whose expertise is otherwise needed for a decision in the matter shall be summoned to the viewing. The viewing shall be carried out without causing unreasonable inconvenience to the object of the viewing or the person possessing it.
- (2) A record of the viewing shall be drawn up, covering the main observations made by the authority and the comments made by the party. The record shall without delay be served on the party and on the other participants in the viewing.
- (3) A viewing shall be an open event. The authority may restrict the access of the public to the viewing, if this is necessary in view of the nature of the matter or the nature of the activity being viewed. A viewing shall not be carried out in domestic premises protected against invasion by the Penal Code, unless specifically otherwise provided in an Act.

Section 39 — *Inspection*

- (1) An authority shall notify a party immediately concerned by the matter of the starting time of an inspection within its competence, unless such notification would compromise the purpose of the inspection. The party has the right to be present during the inspection and to express opinions and ask questions on points pertaining to the inspection. During the inspection, the party shall be informed, in so far as possible, of the purpose of the inspection, the procedure therein and the follow-up measures. The inspection shall be carried out without causing undue inconvenience to the object of the inspection or the person possessing it.
- (2) The inspector shall without delay draw up a report of the inspection, indicating the progress of the inspection and the essential observations made by the inspector. The inspection report shall be served on parties entitled to be present during the inspection.

Section 40 — *Testimony*

- (1) For a special reason, witnesses may be heard under oath and parties may be heard under affirmation of truth in an administrative matter. The parties immediately concerned by the matter shall be reserved an opportunity to be present when a witness or a party is being heard. They have the right to put questions to the person being heard and to express their opinion on the testimony.
- (2) Judicial assistance for the obtainment of testimony shall be extended by that Administrative Court where the hearing of the witness or the party can be most conveniently arranged. In a matter of judicial administration



considered by a court, the hearing shall be arranged by the court in question.

- (3) The provisions of the Administrative Judicial Procedure Act apply to the disqualification of a witness and the right of a witness or a party to refuse to testify.

#### Section 41 — *Participation in policy-making*

- (1) If the decision of a matter may have a significant effect on the living or working conditions or other conditions of others than the parties, the authority shall reserve such persons the opportunity to receive information on the bases and objectives of the consideration of the matter and to express their opinion thereon.
- (2) The pending effect of the matter and the opportunity to participate in policy-making shall be brought to public attention in a manner consistent with the significance and extent of the matter.
- (3) However, the pending effect of the matter need not be brought to the public attention, if this would compromise the purposes of the decision, cause other significant harm or be obviously unnecessary.

#### Section 42 — *Filing of information*

A demand or information submitted orally that may affect the decision in the matter shall be registered or filed in another suitable manner. The same provision applies to information taken from a personal data file as referred to in the Data Protection Act (523/1999).

### Chapter 7 — **Decision in a matter**

#### Section 43 — *Form of the decision*

- (1) An administrative decision shall be issued in writing.
- (2) The decision may be issued orally, if this is unavoidable owing to the urgency of the matter.
- (3) An oral decision shall without delay be issued in written form, with instructions for a rectification request or an appeal. The rectification or appeal period shall begin as from the time when the decision has been served in writing, as specifically provided.

#### Section 44 — *Contents of the decision*

- (1) A written decision shall indicate clearly:
  - (1) the authority that made the decision and the date when it was made;
  - (2) the parties whom the decision immediately concerns;
  - (3) a statement of reasons for the decision and a detailed statement as to what the party is entitled or obliged to or as to how the matter has been otherwise decided; and
  - (4) the name and contact information of the person from whom the party may request additional information on the decision, if necessary.
- (2) When an oral decision is issued, the party shall be informed as to how the matter has been decided and as to what have been the reasons for the decision.

#### Section 45 — *Statement of reasons*

- (1) The reasons for a decision shall be supplied. The statement of reasons shall indicate the circumstances and information that have affected the decision and the provisions that have been applied.
- (2) A statement of reasons need not be supplied, if:
  - (1) an important public or private interest requires that the decision be issued at once;

- (2) the decision pertains to an election carried out by a municipal multi-member body;
  - (3) the decision pertains to admission to voluntary training or to granting a benefit on the basis of the personal characteristics of the applicant;
  - (4) the decision approves a demand that does not pertain to other parties and others do not have standing to appeal against the decision; or
  - (5) a statement of reasons is for another special reason obviously unnecessary.
- (3) However, a statement of reasons shall be supplied in the situations referred to in subsection (2), if the decision constitutes an essential change of an established policy.

**Section 46 — *Instructions for seeking rectification***

- (1) If a decision is open to appeal only after its rectification has first been sought in specific rectification proceedings, the instructions for seeking such rectification shall be issued at the same time as the decision.
- (2) Instructions for seeking rectification shall be issued also if it has been separately provided that an administrative decision is to be submitted to the consideration of an authority otherwise than by appeal.
- (3) The contents of the instructions for a rectification request shall be governed, in so far as appropriate, by the provisions in sections 47 and 49 on appeal instructions.

**Section 47 — *Appeal instructions***

- (1) A decision that is open to appeal shall be accompanied with appeal instructions. These shall indicate:
  - (1) the appellate authority;
  - (2) the authority to whom the letter of appeal is to be delivered; and
  - (3) the appeal period and the date when the appeal period begins.
- (2) The appeal instructions shall indicate the required contents and annexes of the letter of appeal and how it is to be delivered.

**Section 48 — *Notice of an appeal prohibition and non-appealability***

If appeal is prohibited under a special provision or if the decision is not open to appeal, the decision shall contain a notice of the same, citing the legal provision under which appeal is precluded.

**Section 49 — *Correction of appeal instructions***

- (1) If no appeal instructions have been given or if it has been erroneously indicated that the decision is not open to appeal, the authority shall issue new, lawful appeal instructions.
- (2) If the appeal instructions are erroneous, the authority shall issue new appeal instructions if it is requested to do so within the appeal period indicated in the instructions or provided in the law.
- (3) The appeal period shall begin as from the date of service of the new appeal instructions.

**Chapter 8 — **Correction of an error in the decision****

**Section 50 — *Correction of a material error***

- (1) If a decision is clearly based on erroneous or insufficient information or on obviously incorrect application of the law, or if a procedural error has occurred in the decision-making, the authority may annul its erroneous decision and decide the matter anew.

- (2) The decision may be corrected to the benefit or the detriment of a party. The consent of the party shall be required for a correction of the decision to his/her detriment. However, the consent of a party shall not be required if the error is obvious and has arisen from the conduct of that party.

Section 51 — *Correction of a typographical error*

- (1) An authority shall correct the obvious typographical and arithmetical errors and the other corresponding clear errors in its decision.
- (2) However, an error shall not be corrected if the outcome of the correction would be unreasonable to a party and if the error has not arisen from the conduct of that party.

Section 52 — *Pending effect and consideration of a correction matter*

- (1) An authority shall consider a correction matter on its own initiative or on the demand of a party. The initiative shall be made or the demand submitted within five years of the date of the decision.
- (2) The correction of a material error shall require a new consideration of the matter and the making of a new decision. A typographical error shall be corrected by replacing the defective instrument by a corrected instrument. The party shall be reserved an opportunity to be heard before the correction of a typographical error, unless this is unnecessary.
- (3) The material or typographical correction shall be marked on the archive copy of the decision or into the information system used by the authority. The new or corrected instrument shall be issued free of charge.

Section 53 — *Supplementary provisions on correction procedure*

- (1) When an authority is considering the correction of a material error or a typographical error, it may prohibit or stay the enforcement of the decision for the time being.
- (2) If the decision to be corrected is subject to rectification or appeal or if it otherwise is subject to special statutory proceedings, the admission of the correction matter shall be notified and the eventual decision delivered to the appellate authority. The consideration of a correction matter shall have no effect on the lapse of an appeal period or another set period of time.
- (3) A decision of an authority rejecting a demand for the correction of an error shall not be open to appeal.

## **PART III — SERVICE OF ADMINISTRATIVE DECISIONS AND OTHER DOCUMENTS**

### **Chapter 9 — General provisions on service**

Section 54 — *Duty of service*

- (1) An authority shall without delay serve its decision on a party and on other known persons who have standing to appeal against it or seek its rectification. The authority shall likewise serve a decision containing an appeal prohibition.
- (2) During the consideration of the matter, the authority shall see to the service of notifications, summonses or other documents pertaining to the consideration.
- (3) A document shall be served in the original or as a copy. If the document to be served has attachments that cannot be given to the addressee, the authority shall reserve the addressee the opportunity to peruse the

attachments at the premises of the authority or the process server. When the document is being served, the addressee shall be informed where and until when the attachments are available.

Section 55 — *Modes of service*

- (1) Service shall be effected as regular or verifiable service or, if it cannot be so effected, as service by public notice.
- (2) Service by public notice may be effected also if a document should be served on more than thirty known persons or if the number of recipients is unknown.

Section 56 — *Service on private individuals*

- (1) Service on a private individual shall be effected on the person himself/herself or to a legal representative. If the addressee and the representative have a parallel right to be heard in the matter, the service shall be effected separately on both of them.
- (2) In a matter pertaining to two or more joint parties, service shall be effected on the designated contact person in the joint letter. If no contact person has been designated, the service shall be effected on the first signatory of the letter. This party shall inform the other signatories of the service.
- (3) Service shall be effected on a person duly authorised by the party, unless the right of the same to receive service has been specifically restricted or unless the service is to be effected on the party personally. An authorised person shall be informed of service effected on the client.

Section 57 — *Service on corporations, foundations, decedent's estates and bankruptcy estates*

- (1) Regular service on a corporation or foundation shall be effected to the address notified by the same. Verifiable service on a corporation or foundation shall be effected on a person who is authorised to receive service on behalf of the same.
- (2) Service on a decedent's estate shall be effected on the shareholder in possession of the estate or on the estate administrator. If the decedent's estate is in the joint possession of several shareholders, service may be effected on any of them. The shareholder shall inform the other shareholders of the service.
- (3) Service on a bankruptcy estate shall be effected on the estate administrator.

Section 58 — *Service on authorities*

- (1) Service shall be effected on the authority that has standing as a party to the matter. If there is doubt as to which state authority has standing as a party to a given matter, the service shall be effected on a State Provincial Office.
- (2) Service on a municipality shall be effected on the mayor or on the chairperson of the municipal body with standing as a party to the matter. The service may be effected also on other persons authorised to receive service on behalf of the mayor or a chairperson.
- (3) Service on a private party performing a public administrative task shall be effected as provided above on service on private individuals.

Chapter 10 — **Service procedure**

Section 59 — *Regular service*

- (1) Regular service shall be effected by sending a letter to the addressee.

- (2) The addressee shall be deemed to have received service in seven days from the sending of the letter, unless it is otherwise proven. However, an authority shall be deemed to have received service of a matter on the date of arrival of the letter.

#### Section 60 — *Verifiable service*

- (1) Service shall be effected by post against a postal receipt, if it pertains to a decision imposing an obligation and if the appeal period or another period affecting the rights of the recipient begins from the service. Postal receipts can be used also if otherwise necessary for the safeguarding of the rights of the parties. The postal receipt shall indicate the effector and the addressee of the service and the date of service.
- (2) Upon request, a document may also be handed out to the addressee or his/her representative. In this event, a written certificate of service shall be drawn up, indicating the effector and the addressee of the service and the date of service.
- (3) If an authority deems it necessary, service may be effected by a process server. The provisions in chapter 11 of the Code of Judicial Procedure apply, in so far as appropriate, to service by a process server. Service by a process server may be effected also by an official in service with a state or municipal authority who has been specifically ordered to perform service in matters falling within the competence of that authority. The provisions of this Act on disqualification apply to the disqualification of a process server.

#### Section 61 — *Proxy service*

- (1) If the addressee of a verifiable service or a representative thereof cannot be found, a sealed document may be served on the following, if consenting to the same:
  - (1) a person who has attained the age of fifteen years and lives in the same household as the addressee;
  - (2) the employer of the addressee or a representative of the employer;
  - (3) if the addressee pursues a business in permanent business premises, a person employed by the business;
  - (4) an office employee in the service of an addressee corporation or foundation.
- (2) A written certificate of proxy service shall be drawn up, indicating the effector of the service and the person to whom the document was given, and the date of service. A copy of the certificate of proxy service shall without delay be sent to the addressee of the service.
- (3) Service shall be deemed to have been effected on the third day after the date noted on the certificate of proxy service. A proxy service shall not be effected, unless it can be assumed that the addressee will receive the document within a reasonable time.

#### Section 62 — *Service by public notice*

- (1) Service by public notice shall be effected by keeping the document available to the addressee on the premises of the authority for a given period.
- (2) Notice of the availability of the document shall be published in the *Official Gazette*, and also on the official bulletin board of the authority or in the newspaper that is the likeliest to come to the attention of the addressee. The notice shall indicate the nature of the matter and where and how long the document will be kept available.
- (3) The notice shall indicate that the service is deemed to have been effected on the seventh day from its publication in the *Official Gazette*.

Section 63 — *Service abroad*

- (1) Service shall be effected abroad in accordance with the provisions of this Act or of the legislation of the foreign state in question, unless otherwise ensues from international agreements or obligations binding on Finland.
- (2) If service cannot be effected abroad, the document shall be served in Finland by public notice.

**PART IV — MISCELLANEOUS PROVISIONS AND ENTRY INTO FORCE**

**Chapter 11 — Miscellaneous provisions**

Section 64 — *Costs of an administrative matter and costs of evidence*

- (1) In an administrative matter, everyone shall bear his/her own costs.
- (2) There are separate provisions on the charges for administrative decisions and on the costs of service. The Legal Aid Act (257/2002) contains provisions on legal assistance given at the expense of the state.
- (3) In so far as appropriate, witnesses' fees shall be paid in accordance with the provisions of the Act on the Costs of Evidence Payable from State Funds (666/1972). The fee shall be paid from the operating funds of the authority. If there is a reason, the authority may oblige a party to fully or partially reimburse the authority for the fees paid from state funds.

Section 65 — *Disqualification of an interpreter or a translator*

A person who is in such a relationship with a party or the matter that his/her credibility is thereby compromised shall not be retained as an interpreter or translator.

Section 66 — *Administrative litigation in contract*

A dispute on an administrative contract shall be considered as a matter of administrative litigation in an Administrative Court, as provided in the Administrative Judicial Procedure Act (586/1996).

Section 67 — *Administrative sanctions*

An authority may reinforce a prohibition, obligation or requirement imposed by it by way of a threat of a fine, a threat of compulsory action or a threat of compulsory cessation, or another administrative sanction, as separately provided.

Section 68 — *Tort liability for failure to forward a service of a document*

- (1) A party liable to provide information under sections 56(2) and 57(2) and a recipient of proxy service referred to in section 61(1) shall be liable to compensate for the loss arising from the non-forwarding or delayed forwarding of the document, in so far as this is deemed reasonable in view of the nature of the failure and the other circumstances.
- (2) The authority shall attach a notice on the liability to inform or forward, as referred to in subsection (1), to the document to be served, as well as advise of the tort liability arising from a failure in the same.

Section 69 — *Breach of privilege*

The breach of the privilege provided in section 13 shall be punishable under chapter 38, section 1 or 2, of the Penal Code, unless the act is punishable under chapter 40, section 5, of the Penal Code or unless a more severe penalty for the act is provided elsewhere in the law.

## Chapter 12 — **Entry into force and transitional provisions**

### Section 70 — *Entry into force*

- (1) This Act enters into force on 1 January 2004.
- (2) This Act repeals the following Acts, as later amended:
  - (1) the Administrative Procedure Act (598/1982);
  - (2) the Act on the Delivery of Documents (74/1954); and
  - (3) the Act on Service in Administrative Matters (232/1966).

### Section 71 — *Transitional provisions*

- (1) Matters that have become pending before the entry into force of this Act shall be considered in accordance with the previous provisions. However, matters returned for a new consideration shall be considered in accordance with the provisions of this Act. This Act applies to administrative contracts concluded after its entry into force.
- (2) References in other legislation to the Administrative Procedure Act, the Act on the Delivery of Documents or the Act on Service in Administrative Matters shall after the entry into force of this Act be deemed to refer to this Act.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.