

**NB: Unofficial translation,
legally binding only in Finnish and Swedish**

Act on Compensation for the Excessive Length of Judicial Proceedings

(362/2009, amendments up to 465/2011 included)

Section 1 – *Objectives of the Act*

- (1) This Act lays down provisions on the right of a party to receive compensation out of State funds for the excessive length of judicial proceedings.

Section 2 – *Scope of application*

- (1) This Act applies to civil and criminal matters considered in general courts of law.
- (2) Provisions on reducing a punishment on grounds of the excessive length of judicial proceedings are laid down in the Criminal Code (39/1889). Notwithstanding the provisions of this Act, a party may be entitled to compensation for damage caused by the excessive length of judicial proceedings as provided in the Tort Liability Act (412/1974).

Section 3 – *Right to compensation*

- (1) A private party is entitled to receive reasonable compensation out of State funds as referred to in Section 6 if the excessive length of judicial proceedings is considered to violate the right of a party to a trial within a reasonable time.

Section 4 – *Excessive length of judicial proceedings*

- (1) In the assessment of whether the length of the judicial proceedings has been excessive, the following circumstances, in particular, are taken into account in addition to the length of the proceedings:
 - (1) the nature and extent of the matter;
 - (2) the actions of the parties, authorities and courts during the judicial proceedings;
 - (3) the significance of the matter to the party.
- (2) In the assessment of whether the length of the judicial proceedings has been excessive, the case law concerning the application of Article 6.1 of the Convention for the Protection of Human Rights and Fundamental Freedoms (Treaty Series of the Statutes of Finland 19/1990) of the European Court of Human Rights of the Council of Europe is also taken into account.

Section 5 – *Date of the commencement of proceedings*

- 1) The time period taken into account in the length of the judicial proceedings starts
 - (1) in civil matters from the date when the case becomes pending in court;
 - (2) in criminal matters from the date when the competent authority has notified the defendant of the offence he or she is suspected to have committed or from

- the date when the suspicion that the defendant has committed an offence has had an essential bearing on his or her position;
- (3) from the date when a claim filed by a injured party becomes pending in court.

Section 6 – *Amount of compensation*

- (1) The objective of the compensation is to compensate for the concern, uncertainty or other comparable damage caused to a party by the excessive length of judicial proceedings.
- (2) The amount of the compensation is 1,500 euros for each year during which the proceedings have been delayed for a reason that the State is liable for. The total amount of the compensation may be raised by a maximum of 2,000 euros, if the main issue is of particular significance to the party. The main issue is considered to be of particular significance to the party, if it has a direct effect on the party's health, income, legal status or other comparable circumstances. The compensation may be reduced or raised on grounds of the circumstances referred to in section 4 (1) or other comparable circumstances.
- (3) The maximum amount of the compensation is 10,000 euros. On special grounds the maximum amount of the compensation may be exceeded.
- (4) If a punishment is reduced on grounds of the excessive length of judicial proceedings, a party is not entitled to a monetary compensation to this part. If compensation has been awarded by a final decision at an earlier stage of the proceedings in the same matter, this is taken into account as a deduction when a new compensation is determined.

Section 7 – *Claim for compensation*

- (1) A claim for compensation must be filed with the court considering the main issue. The claim must be filed as soon as possible and at the latest before the consideration of the subject matter has ended. Failure to do so may lead to loss of right of action. The claim cannot, without a valid reason, be filed at as late a stage as in the Supreme Court.
- (2) The claim may be presented in writing or orally. A justification for the claim must be provided.

Section 8 – *Representing the State*

- (1) In criminal cases prosecuted by the prosecutor, the prosecutor and in other cases the Ministry of Justice represents the State in a matter concerning compensation. The Ministry of Justice is not reserved an opportunity to be heard in respect of a claim for compensation, unless there are special reasons to do so. (465/2011)

Section 9 – *Decision on a claim for compensation*

- (1) The court decides a claim for compensation at the same time with the main issue. The court is competent in a compensation matter with the same composition as in the main issue.
- (2) The court must without delay notify the Ministry of Justice of its decision to award compensation.

Section 10 – *Costs*

- (1) If a party is awarded compensation, the necessary and reasonable costs incurred by the claim for compensation are ordered to be reimbursed to him or her out of State

funds, unless these costs are otherwise reimbursed out of State funds. No fee is charged for the processing of the compensation claim.

Section 11 – *Appeal*

- (1) The decision of the court on a claim for compensation may be appealed in the same way as the decision in the main issue.
- (2) The Ministry of Justice may appeal a decision of the district court without declaring the intent to appeal.

Section 12 – *Payment of compensation*

- (1) The compensation must be paid to the party within one month from the date when the decision on awarding compensation became final. The compensation is paid by the Ministry of Justice.
- (2) Separate provisions shall be issued regarding the prohibition on attachment of the compensation and its exemption from taxation.

Section 13 – *Further provisions*

- (1) Further provisions on the procedure to be applied when notifying a court decision as provided in this Act and on the compensation payment procedure shall be issued by a Decree of the Ministry of Justice.

Section 14 – *Entry into force*

- (1) This Act enters into force on 1 January 2010.
- (2) Compensation referred to in this Act may be ordered to be paid also in cases pending in the courts at the entry into force of this Act.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.