

Ministry of Agriculture and Forestry, Finland

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish.

Food Act

23/2006

(Amendments up to 411/2009 included)

Chapter 1 - General provisions

Section 1 - Objectives

The objectives of this Act are:

- 1) to ensure that food is safe and is handled safely, as well as to ensure the health-related quality of food and that its quality in other respects accords with the food regulations;
- 2) to ensure that information given about food is truthful, sufficient and not misleading;
- 3) to protect the consumer from health hazards and financial losses caused by foods that violate the food regulations;
- 4) to ensure the traceability of food;
- 5) to secure a high-quality system of food control; and
- 6) to help improve the operating conditions for food business operators.

Section 2 - Scope

- (1) This Act applies to food and the conditions in which it is handled, and to food business operators and food control at all stages in the production, processing and distribution of food.
- (2) The provisions on food laid down in this Act also apply, as appropriate, to materials and articles intended to come into contact with food.
- (3) Provisions concerning the control of the external quality, composition and labelling of food are also laid down in the Act on Implementation of the Common Agricultural Policy of the European Community (1100/1994) and the Act on Implementing the Common Fisheries Policy of the European Union (1139/1994) and in statutes issued under them. In the control carried out under these acts, the provisions on control and the powers of public authorities laid down in these two acts and the statutes issued under them as well as the administrative coercive measures laid down in this Act may be used. When using administrative coercive measures under this Act, an appeal against the decision of a public authority is made as laid down in Chapter 9 of this Act.

Section 3 - European Community legislation

- (1) This Act also applies to the implementation of the following European Community legal instruments concerning food and food control, and to statutes issued under them, in so far as their implementation is not governed by other legislation:
 - 1) Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (hereafter the General Food Regulation);
 - 2) Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (hereafter the Control Regulation);

- 3) Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs (hereafter the General Food Hygiene Regulation);
 - 4) Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (hereafter the Foodstuffs of Animal Origin Hygiene Regulation);
 - 5) Regulation (EC) No 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (hereafter the Foodstuffs of Animal Origin Control Regulation);
 - 6) Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (hereafter the GMO Regulation);
 - 7) Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms and amending Directive 2001/18/EC;
 - 8) Regulation (EC) No 258/97 of the European Parliament and of the Council concerning novel foods and novel food ingredients (hereafter the Novel Foods Regulation);
 - 9) Council Regulation (EEC) No 315/93 laying down Community procedures for contaminants in food;
 - 10) Regulation (EC) No 1935/2004 of the European Parliament and of the Council on materials and articles intended to come into contact with food and repealing Directives 80/509/EEC and 89/109/EEC;
 - 11) Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (hereafter the TSE Regulation);
 - 12) Regulation (EC) No 2160/2003 of the European Parliament and of the Council on the control of salmonella and other specified food-borne zoonotic agents; (30.12.2008/1137)
 - 13) Regulation (EC) No 396/2005 of the European Parliament and of the Council on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (30.12.2008/1137);
 - 14) Regulation (EC) No 1924/2006 of the European Parliament and of the Council on nutrition and health claims made on foods (hereafter the Claims Regulation) (30.12.2008/1137); and
 - (15) Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods (hereafter the Supplements Regulation) (30.12.2008/1137).
- (2) When references are made in this Act to a legal instrument of the European Community, this means the legal instrument in question together with subsequent amendments to it.
 - (3) To the extent that Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption (hereafter the By-Products Regulation) concerns food premises under this Act or operations conducted within them, the competent control authorities shall be the Finnish Food Safety Authority, the State Provincial Offices and the municipal control authorities as laid down in the provisions on their respective spheres of competence in this Act.
 - (4) The provisions of this Act concerning the European Community or the Member States of the European Union also apply to the European Economic Area (EEA) and its member states to the extent required by the Agreement on the European Economic Area.

Section 4 - *Limits to the scope*

This Act does not apply to:

- 1) a private household's primary production for its own use;
- 2) food preparation, handling or storage in a private household where the food is for the household's own use;
- 3) alcoholic beverages or alcoholic preparations to the extent that there are provisions on these in other legislation.

Section 5 - *Relation to other legislation*

Provisions on requirements concerning the health status of persons who handle food are also laid down in the Communicable Diseases Act (583/1986). Provisions on the quality of drinking water and on the prevention of waterborne diseases are laid down in the Health Protection Act (763/1994). Provisions on combating animal diseases and diseases that are transmissible from animals to humans, with an impact on food safety, are also laid down in the Animal Disease Act (55/1980). Provisions on the import requirements and import control of foodstuffs of animal origin imported from countries outside the European Community are laid down in the Act on Veterinary Border Inspections (1192/1996). Provisions on the criteria for assessing the radiation safety of food are laid down in the Radiation Act (592/1991).

Section 6 – *Definitions*

In this Act:

- 1) *food* means food as defined in Article 2 of the General Food Regulation;
- 2) *foodstuff of animal origin* means a product of animal origin as defined in Annex I, paragraph 8.1 of the Foodstuffs of Animal Origin Hygiene Regulation, excluding food containing both products of plant origin and processed products of animal origin as referred to in Article 1(2) of the same Regulation;
- 3) *wild game* means wild game as defined in Annex I, paragraph 1.5 of the Foodstuffs of Animal Origin Hygiene Regulation, and seals;
- 4) *food regulations* mean provisions of this Act or issued under it and provisions of the European Community falling within the scope of this Act;
- 5) *food control* means general guidance and advice on food regulations as well as the control measures by means of which the competent authority is able to establish that food, information about it, the procedures and conditions for handling it, and the activities of food business operators comply with the food regulations;
- 6) *control authority* means the state and municipal authorities managing the control duties referred to in this Act;
- 7) *external control body* means a natural person or a corporate body subject to private or public law, or an enterprise which, authorised by a control authority, carries out control-related expert, research or inspection tasks defined by the control authority;
- 8) *health hazard* means any biological, chemical or physical factor or circumstance that could endanger food safety;
- 9) *first destination* means food premises in Finland which are the first to receive foodstuffs of animal origin supplied to Finland from another Member State of the European Union, and food premises which receive such food from an intermediate storage facility in the form of undivided import consignments after storage of less than 48 hours;
- 10) *consumer* means the final consumer as defined in Article 3(18) of the General Food Regulation;
- 11) *food business operator* means a natural or legal person as defined in Article 3(3) of the General Food Regulation;

- 12) *first destination operator* means a natural or legal person importing or forwarding foodstuffs of animal origin to Finland from another Member State of the European Union;
- 13) *food production, processing or distribution stage* means any stage from primary production to the consumer as defined in Article 3(16) of the General Food Regulation;
- 14) *other conveyance* means the conveyance of food at no charge in the form of aid, a gift or a sample, or for testing or other similar purpose;
- 15) *own-check* means a food business operator's own system for ensuring that food, places of primary production and food premises, together with the operations conducted in these places and premises, meet the requirements set for them in the food regulations;
- 16) *traceability* means the ability to trace food or food ingredient in the manner defined in Article 3(15) of the General Food Regulation;
- 17) *materials and articles intended to come into contact with food* mean receptacles, utensils, packaging materials and other materials and articles that, when used for their intended purpose, come into contact with food;
- 18) *food premises* mean any building or premises or part thereof or other outdoor or indoor space in which food meant for sale or conveyance is prepared, stored, transported, marketed, served or otherwise handled, excluding a place of primary production;
- 18a) *movable food premises* mean movable or temporary premises referred to in Annex II, Chapter III of the General Food Hygiene Regulation, such as a mobile kiosk, sales vehicle, marquee or other mobile equipment; (30.12.2008/1137);
- 19) *temporary sale of food* means sale or conveyance that lasts for no more than two days and is repeated at the same place at intervals of more than 30 days;
- 20) *retail sale* means retailing as defined in Article 3(7) of the General Food Regulation;
- 21) *small slaughterhouse* means a slaughterhouse in which the number of animals slaughtered does not exceed the numbers laid down in section 43(4) of this Act;
- 22) *reindeer slaughterhouse* means a slaughterhouse in which reindeer are slaughtered, but not a small slaughterhouse or a slaughterhouse in which reindeer are slaughtered only occasionally;
- 23) *slaughterhouse* means a slaughterhouse other than one referred to in paragraph 21 or 22;
- 24) *primary production* means primary production as defined in Article 3(17) of the General Food Regulation;
- 25) *primary production site* means a farm, horticultural enterprise or other place in which primary production of food is practised;
- 26) *private household* means the household of a family or individual;
- 27) *zoonosis* means any disease or infection that may transmit directly or indirectly between animals and humans under natural conditions;
- 28) *zoonotic agent* means any virus, bacterium, fungus, parasite or other biological pathogen that can cause zoonosis; and
- 29) *hygiene* means food hygiene as defined in Article 2 of the General Food Hygiene Regulation.

Chapter 2 - Requirements concerning food, food producing animals, food premises and places of primary production

Section 7 - General requirements concerning food

- (1) In terms of its chemical, physical, microbiological and health-related quality and its composition and other properties, food must be fit for human consumption and must not present any hazard to human health or mislead the consumer. Provisions on general

requirements for food safety are also laid down in Article 14 of the General Food Regulation and in Article 4 of the General Food Hygiene Regulation. Provisions on requirements concerning the safety of food imported into and exported from the European Union are laid down in Articles 11 and 12 of the General Food Regulation. Provisions on requirements concerning foodstuffs of animal origin are also laid down in Article 3 of the Foodstuffs of Animal Origin Hygiene Regulation.

- (2) Further provisions by Decree of the Ministry of Agriculture and Forestry are issued on
- 1) food composition, the microbiological quality of food and contaminants contained in food,
 - 2) external quality of vegetables;
 - 3) food additives, flavourings, enzymes, nutrients and processing aids;
 - 4) materials and articles intended to come into contact with food, as well as on their use and purity requirements
- (9.11.2007/989)

Subsections 3 and 4 repealed by 9.11.2007/989

Section 8 - Requirements concerning certain foods

- (1) Adding vitamins, minerals and other comparable substances with a nutritional or physiological effect to food is only permitted if it does not present a hazard to human health.
- (2) A food business operator who prepares a foodstuff that falls within the scope of the Supplements Regulation referred to in section 3(1)(15) or has such foodstuff prepared or imports such foodstuff must notify this to the Finnish Food Safety Authority. Further provisions on the notification and other national arrangements required for the application of the Supplements Regulation are issued by Decree of the Ministry of Agriculture and Forestry. (30.12.2008/1137)
- (3) The placing on the market of food that falls within the scope of the Novel Foods Regulation referred to in section 3(1)(8) above is subject to the procedures laid down in that Regulation. The Novel Food Board operates in conjunction with the Ministry of Agriculture and Forestry as the competent food assessment body referred to in Article 4(3) of the Novel Foods Regulation. The Novel Food Board performs the initial assessments connected with the placing on the market of novel foods referred to in Article 6 of the Novel Foods Regulation and evaluates the initial assessments made in other Member States of the European Union. The members, deputy members, chair and vice chair of the Novel Food Board are designated by the Ministry of Agriculture and Forestry. Provisions on the eligibility requirements and term of office of members of the Novel Food Board, the organisation of the Board's duties, the national liaison authority and other national arrangements required under the Novel Foods Regulation are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)
- (4) The placing on the market of foods that fall within the scope of the GMO Regulation referred to in section 3(1)(6) above is subject to the procedures laid down in that Regulation. Further provisions on the national arrangements required under the GMO Regulation are issued by Government Decree.

Section 9 - General requirements concerning information given about food

- (1) In food packaging, presentation and advertising, or in some other way in connection with marketing:
- 1) information given about food must be truthful and it must be sufficient in view of section 1(1)(1, 3-4) of this Act;

- 2) information given about food must not be misleading;
 - 3) food must not be presented as having properties related to prevention, treatment or curing of human diseases or refer to such information, unless otherwise provided elsewhere in the law.
- (2) Provisions on prohibiting the issue of misleading information are also given in Article 16 of the General Food Regulation.
 - (3) Further provisions on information given in food packaging, presentation and advertising, or in some other way in connection with marketing, are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)
 - (4) Further provisions on the content and distribution of information material concerning the feeding of infants and young children required by the legislation of the European Community are issued by Decree of the Ministry of Social Affairs and Health. (30.12.2008/1137)

Section 10 - General requirements concerning food premises and places of primary production (30.12.2008/1137)

- (1) Food premises and places of primary production must be designed, located, built, equipped, maintained and managed and their operations must be organised in a way that does not endanger the safety of food produced, prepared, stored or handled in them, and in such a way that food, food premises and places of primary production otherwise meet the requirements set under this Act. Food premises and places of primary production must not be used for accommodation or any other purpose that could present a health hazard. Food premises and places of primary production must have sufficient working space with regard to their operations. Provisions on the structural and operational requirements for food premises and places of primary production and on the quality of water used in them are also laid down in Article 4 of the General Food Hygiene Regulation and in Article 3 of the Foodstuffs of Animal Origin Hygiene Regulation.
- (2) Further provisions on the structural and operational requirements for places of primary production and for food premises, on quality requirements for water used in places of primary production and for manufacture and handling of food in food premises and on hygiene requirements for the personnel handling food in them are issued by Decree of the Ministry of Agriculture and Forestry.
- (3) Further provisions on the sale or conveyance of food outdoors and at major public events are issued by Decree of the Ministry of Agriculture and Forestry.

Section 11 - Requirements concerning the handling, storing and transportation of food (9.11.2007/989)

- (1) Food must be handled, stored and transported in a way that does not endanger the high hygiene standard of food. Meat handled and stored in approved food premises must be inspected as laid down in section 43, except for meat referred to in section 13(2)(8) and meat handled at private events organised by hunters.
- (2) Further provisions are issued by Decree of Agriculture and Forestry on:
 - 1) handling and transportation of food;
 - 2) temperatures for handling, storage, transportation, selling and serving food;
 - 3) national implementation of the Agreement on the international carriage of perishable foodstuffs and on the special equipment to be used for such carriage (Finnish Treaty Series 48/1981; the ATP agreement).

Section 12 - Requirements concerning the health status and handling of animals used in food production

- (1) The health status of animals used in food production must be such and they must be treated, handled, transported and slaughtered in such a way that the high standard of hygiene of the food obtained from them may be ensured. Provisions on the health status and handling of animals used in food production are also laid down in Article 4 of the General Food Hygiene Regulation and in Article 3 of the Foodstuffs of Animal Origin Hygiene Regulation.
- (2) Further provisions on the health status, treatment, handling, transportation and slaughtering of animals used in food production are issued by Decree of the Ministry of Agriculture and Forestry.

Section 13 - *Approval of food premises*

- (1) Food premises must be approved by the competent control authority before the beginning of operations or any substantial change in operations (*approved food premises*). Before food premises can be approved, they must meet the requirements laid down in section 10.
- (2) Food premises do not need to be approved if the purpose of the operations carried out there is only:
 - 1) temporary sale of food;
 - 2) sale or conveyance of food if this is minor in comparison with the operator's other business practised in the same premises;
 - 3) food preparation and sale or conveyance practised by a private person if this is minor in nature, does not require organising separate selling or serving facilities and is not connected with the practising of a trade or profession;
 - 4) sale, serving or conveyance of self-produced products of primary production directly to the consumer at the place of primary production, provided that the operation is minor in nature and concerns foodstuffs other than those of animal origin;
 - 5) sale or conveyance of poultry meat or farmed rabbit meat from the place of primary production directly to the consumer, provided that the quantity of meat to be sold or conveyed is equivalent to no more than 1,000 birds or rabbits per year;
 - 6) sale or conveyance of reindeer meat directly to the consumer from a place of primary production or from the place in which the reindeer was slaughtered within the reindeer herding area;
 - 7) preparation, sale or conveyance of dried reindeer meat directly to the consumer from a place of primary production in the reindeer herding area;
 - 8) supply of hunted wild hare meat, wild rabbit meat or wild bird meat for retail sale;
 - 9) supply of wild game meat directly from the hunter to the consumer for personal use;
 - 10) sale of wild game by the police or organised by a game management association on the commission of the police;
 - 11) sale or conveyance of raw milk directly to the consumer at the place of primary production, and the supply of colostrum for retail sale where it will be sold or otherwise conveyed as such directly to the consumer, provided that the amount of raw milk is less than 2,500 litres per year;
 - 12) preparation of milk-based products at the place of primary production using the place's own milk and the sale or conveyance of these products directly to the consumer at the place of primary production, provided that the quantity of raw milk used in the product preparation is less than 2,500 litres per year;
 - 13) supply of fishery products, prepared fishery products and processed fishery products obtained from them to the consumer or for local retail sale, but not to a wholesaler, directly from the fisher or fish farmer, provided that the quantity of products supplied in this way is less than 5,000 kilograms per year;

- 14) acquisition of reindeer meat, poultry meat, rabbit meat, farmed bird meat or wild game meat for the purposes of survival training given in rescue drills organised by the Finnish Defence Forces;
 - 15) sale or conveyance of bird eggs or honey directly to the consumer at the place of primary production;
 - 16) sale or conveyance of hen eggs from the place of primary production directly for retail sale within the regions of Finland referred to in Council Regulation (EC) No 818/1996 amending Regulation (EEC) No 1907/90 on certain marketing standards for eggs;
 - 17) handling of food owned by consumers, provided that the food is returned for their private household use; or
 - 18) slaughtering wild game at a place approved by an official veterinarian and referred to in section 43(3).
- (3) Food business operators must notify the municipal food control authority of any operations referred to in subsection 2 in good time before the beginning of operations.

Section 14 - *Application procedure for approval of food premises*

(30.12.2008/1137)

- (1) Food business operators must apply to the authority referred to in section 15 for approval of food premises before the beginning of operations or any substantial change in operations. A written plan for own-checks must be presented to the control authority with the application.
- (2) Provisions on the approval procedure are also laid down in Article 31 of the Control Regulation, Article 6 of the General Food Hygiene Regulation, Article 4 of the Foodstuffs of Animal Origin Hygiene Regulation and Article 3 of the Foodstuffs of Animal Origin Control Regulation.
- (3) Further provisions on the content of the approval application are issued by Decree of the Ministry of Agriculture and Forestry.

Section 14a – *Notification of the operations of food premises*

(30.12.2008/1137)

- (1) A notification of the interruption or termination of the operations of approved food premises and of a change of the operator must be made to the control authority granting the approval decision no later than 14 days before the intended action.
- (2) The operator must notify the control authorities of the municipalities in whose territory the operations are practised of the sale and other handling of food in movable food premises, approved or notified under section 13, well in advance so that the authority has the information at least four working days before the start of the operations. Movable food premises which handle foodstuffs of animal origin before retail sale must, however, be notified to the control authorities of the municipalities in whose territory the operations are practised so that the authority has the information at least 14 days before the start of the operations.
- (3) Further provisions on the content and submission of notifications are issued by Decree of the Ministry of Agriculture and Forestry.

Section 15 – *Competent authorities granting approval for food premises and the approval decision*

- (1) Slaughterhouses and meat and fish plants connected with them are approved by the Finnish Food Safety Authority. Places of preparation and storage referred to in sections 5 and 35 of the Alcohol Act (1143/1994) are approved by the National Product Control

Agency for Welfare and Health. Reindeer slaughterhouses and sales outlets for alcoholic beverages referred to in sections 13 and 14(2) of the Alcohol Act are approved by the State Provincial Office. Food premises whose operations consist only of transporting or storing of food in a transportation vehicle or container are approved by the control authority of the municipality in whose territory the vehicle or container is first taken into use, except in the case of substantial change of operations referred to in section 13(1) of this Act in food premises approved in another municipality. Other food premises are approved by the food control authority of the municipality where the food premises are located. Food premises that are used only for sale, transmitting or other handling of food without the food being placed in the premises concerned may be approved by the control authority of the operator's home municipality, if the municipality where the premises are located is not clear or there are other special reasons for this. (30.12.2008/1137)

- (2) The control authority takes the decision to approve food premises. In the approval decision, the control authority may impose necessary conditions for preventing health hazards. The control authority must decide on each matter within 60 days of the institution of proceedings on the matter, unless a longer period is needed to process the matter on account of its extent, a defective application or some other special reason.
- (3) The municipal food control authority must notify the State Provincial Office and the Finnish Food Safety Authority of its food premises approvals. The State Provincial Office must notify the Finnish Food Safety Authority of its food premises approvals and the National Product Control Agency for Welfare and Health of its approvals of alcoholic beverage sales outlets as food premises. The control authority must supply the information referred to above in the manner determined by the Finnish Food Safety Authority.
- (4) Further provisions on the content of the approval decision are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Chapter 3 - **Requirements concerning food business operators**

Section 16 – *General requirements concerning the responsibilities of food business operators*

Food business operators must take sufficient care in all their operations so as to ensure that food, food premises, places of primary production and conditions for storing, transporting and handling food meet the requirements under this Act. Provisions on the responsibility of food business operators concerning food safety and withdrawing from the market any food that is not in compliance with the food regulations and ensuring the recall of food supplied to consumers are laid down in Articles 17(1) and 19 of the General Food Regulation.

Section 17 - *Requirements concerning traceability*

- (1) Food business operators must possess the information referred to in Article 18(2-3) of the General Food Regulation concerning food and animals used in food production. Food business operators must also have a system that allows information on incoming consignments to be connected with that on outgoing consignments with sufficient accuracy to accord with the objectives of this Act. Provisions on labelling and identification data necessary to ensure traceability are laid down in Article 18(4) of the General Food Regulation.
- (2) Further provisions on food traceability are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 18 – *Record-keeping, documentation and marking concerning foodstuffs of animal origin*

- (1) Food business operators must keep records on foodstuffs of animal origin and their handling and transportation in order to ensure food safety, verify the origin of the animals and prevent the spread of animal diseases. Foodstuffs of animal origin must be accompanied by the documentation required under EC food legislation or in this Act or statutes issued under it. The documentation must correspond to the foodstuffs of animal origin that it accompanies.
- (2) Foodstuffs of animal origin and their wrapping, packaging and accompanying documentation must include the marking required in Articles 5 and 6 of the Foodstuffs of Animal Origin Hygiene Regulation.
- (3) Further provisions on the keeping of records concerning foodstuffs of animal origin and their handling and transportation, the documentation accompanying them and the marking of foodstuffs of animal origin are issued by Decree of the Ministry of Agriculture and Forestry.

Section 19 - *Own-checks and the keeping of records concerning own-checks of primary production*

- (1) Food business operators must possess sufficient and accurate information about the food they produce, process and distribute. Food business operators must be aware of the health hazards concerning food and the handling of food, and of the critical points in their operations in terms of food safety and other requirements under Chapter 2 of this Act.
- (2) At the place of primary production, records must be kept of the own-checks referred to in this section. Provisions on the keeping of records on own-check by other food business operators are laid down in section 20.
- (3) Further provisions on the keeping of records on own-check by places of primary production are issued by Decree of the Ministry of Agriculture and Forestry.

Section 20 - *Own-check plan*

- (1) Food business operators must prepare a written plan on own-checks (*own-check plan*) and comply with it, as well as keep a record of its implementation. The critical points referred to in section 19 and the related risk management must be described in the own-check plan. Places of primary production are not, however, required to prepare an own-check plan.
- (2) Where necessary, a sampling and testing plan and information on the laboratories where samples taken in own-check are to be tested must be attached to the own-check plan.
- (3) Food business operators must keep the own-check plan up to date.
- (4) Further provisions on the own-check plans of food business operators and the related keeping of records linked to the plan are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Subsection 5 repealed by 9.11.2007/989

Section 21 - *Approval of own-check plans*

- (1) The control authority that approves the food premises is also responsible for approving the own-check plan. Approval of the own-check plan is not, however, required for food business operators from whom such approval is not required under section 13(2), with the exception of first destination operators.
- (2) The control authority may order that the own-check plan be supplemented, corrected or altered if it is not sufficient for preventing, reducing or eliminating health hazards, for

ensuring that the plan conforms with the food regulations or otherwise for ensuring the effectiveness of own-check. Approval of an own-check plan is not a precondition for beginning operations.

- (3) In connection with the approval of the own-check plan, the control authority will specify the own-check tests necessary for ensuring food safety. Further provisions on the own-check tests necessary for ensuring food safety are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 22 - *Notification of the place of primary production*

- (1) The food business operator must notify the municipal food control authority of the place of primary production and the operations carried out there. Notification is not necessary, however, if the municipal food control authority receives the above-mentioned information from another public authority. The municipal food control authority must notify the business operator that it has received information about the operator.
- (2) Further provisions on the submission of notifications referred to in subsection 1 are issued by Decree of the Ministry of Agriculture and Forestry.

Section 23 - *First destination operations*

- (1) First destination operators must submit a written notification to the Finnish Food Safety Authority or to the control authority designated by the Finnish Food Safety Authority at least 14 days before the start of the first destination operations or a substantial change in the operations or termination of the operations. The notification must include information on the first destinations used by the first destination operator.
- (2) The first destination operator must have an own-check plan as laid down in section 20. The own-check plan must be attached to the notification referred to in subsection 1. A sampling and testing plan concerning the food to be received must be attached to the own-check plan. Provisions on the approval of a first destination operator's own-check plan are laid down in section 42. The first destination operator must notify the control authority designated by the Finnish Food Safety Authority of the food delivered to the first destination.
- (3) Meat, including minced meat, from bovine and porcine animals and poultry, and hen's eggs must be tested for salmonella before delivery to Finland and must be accompanied by a salmonella certificate or other document as required in Article 8 of the Foodstuffs of Animal Origin Hygiene Regulation and other relevant EC legal instruments. If own-check testing reveals the presence of salmonella in such food, the first destination operator must return or destroy the food. The first destination operator must notify the control authority of any salmonella found in own-checks and about the return or destruction of the food consignment. Foodstuffs of animal origin coming from a third country must originate from a third country or establishment from which foodstuffs of animal origin may be imported to Finland under the Act on Veterinary Border Inspections.
- (4) Further provisions on the content and time of submission of notifications, first destination operators' own-check plans and salmonella tests referred to in subsections 1-3 are issued by Decree of the Ministry of Agriculture and Forestry.

Section 24 – *Obligation of food business operators to provide information*

- (1) Food business operators must immediately notify the relevant control authority of any significant health hazards that have emerged in own-checks or in some other way and of the measures taken to rectify the deficiencies in question. Further provisions on

submitting the notification are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

- (2) Having received information about a food-borne outbreak caused by food produced, processed or distributed by the food business operator or if suspecting that food that it has produced, processed or distributed may cause food poisoning, the food business operator must notify the municipal food control authority of this immediately. Food suspected of being the cause of food poisoning, or a sample of the food, must be kept so that it can be tested in a laboratory to establish the reason for the food poisoning.
- (3) Provisions on the food business operator's obligation to provide information are also laid down in Article 19 of the General Food Regulation.

Section 25 – *Zoonoses*

- (1) Food business operators must prevent the spread of zoonotic agents to people via food as efficiently as possible in all circumstances. Food business operators must monitor and control the incidence of zoonotic agents in production animals and food. Food business operators must supply information on the tests carried out in connection with monitoring and control and on the test results to their control authority. Provisions on sending microbial strains isolated in tests to the national reference laboratory are laid down in section 40.
- (2) Further provisions on zoonosis monitoring and control and supplying information on tests are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Subsection 3 repealed by 9.11.2007/989

Section 26 - *Obligation of food business operators to provide assistance*

Food business operators must, at their own expense, provide necessary assistance for the control, inspection and sampling laid down in this Act.

Section 27 - *Food hygiene competence*

(30.12.2008/1137)

- (1) Provisions on the general requirements concerning food hygiene competence are laid down in Annex I, part A, paragraphs 4(e) and 5(d), and in Annex II, Chapter 12, paragraph 1 of the General Food Hygiene Regulation.
- (2) Food business operators must, at their own expense, ensure that persons working in food premises approved by virtue of this Act who handle unpackaged, perishable food have a certificate that is in accordance with the model approved by the Finnish Food Safety Authority demonstrating their competence in food hygiene (*competence certificate*), if they have worked in one or several food premises in tasks that require handling of unpacked perishable food for a total of at least three months.
- (3) A competence certificate is, however, not required for persons who work in food premises only
 - 1) as cashiers;
 - 2) in serving finished meals;
 - 3) as prisoners obligated under Chapter 8, section 2 of the Imprisonment Act (767/2005);
 - 4) in military service or alternative services under the Compulsory Military Service Act (1438/2007), military service under the Act on Women's Voluntary Military Service (194/1995) or civilian service under the Civilian Service Act (1446/2007);
 - 5) as a client under the Act on the Status and Rights of Social Welfare Clients (812/2000), in employment under the Act on Special Services for the Mentally Disabled

- (519/1977) or in sheltered employment under the Act on Services and Support Measures Organised on the Basis of Disability (380/1987); or
- 6) as a convicted referred to in the Community Service Act (1055/1996).
- (3) A food business operator must in connection with own checks keep records of the food hygiene competence of persons working in food premises and, when requested, present the information to the control authority.

Section 27a – Competence certificate
(30.12.2008/1137)

- (1) A competence certificate is granted by the competence tester approved by the Finnish Food Safety Authority referred in section 28. A competence certificate is granted to a person who has passed a test assessing food hygiene competence (*competence test*) or has completed training with the same content or taken a degree with the same content. Where necessary, the Finnish Food Safety Authority may grant a competence certificate on the same grounds.
- (2) The Finnish Food Safety Authority issues further regulations on the training and degrees that correspond to the competence test.
- (3) The Finnish Food Safety Authority may withdraw a competence certificate if it has been granted on essentially false grounds.

Section 28 - Competence tester
(30.12.2008/1137)

- (1) Competence tests may be arranged by competence testers approved by the Finnish Food Safety Authority. The number of competence testers approved must be such that it allows regionally equal access to competence tests and sufficient control of competence testers. Approval as a competence tester may be granted upon application to persons:
- 1) who have a higher education degree as required in section 35(2) of this Act;
 - 2) who are, in regard to their qualifications or proficiency, eligible for the public post or office of lecturer or teacher in food hygiene at a higher education establishment or at an educational establishment within the sphere of the Finnish National Board of Education; or
 - 3) who have passed a competence test and who, according to the documentation they have supplied, have sufficient experience in the management of the tasks of a person responsible for own-checks in food premises and experience in organising training or test events.
- (2) The Finnish Food Safety Authority supervises the activities of competence testers and may for this purpose claim information and documents relating to the granting of the competence certificate from the competence tester. A competence tester is obliged to keep all documents relating to the granting of a competence certificate for at least three years. The Finnish Food Safety Authority may withdraw the approval of competence testers if they materially violate any provisions concerning their activities and have not rectified their actions within the prescribed period despite being urged to do so by the Finnish Food Safety Authority.
- (3) The provisions of section 36(2) concerning external control bodies apply to competence testers when they perform the tasks referred to in this section.

Section 28a – Competence test
(30.12.2008/1137)

- (1) A competence test must be so designed that it allows a reliable assessment of the food hygiene competence of a person taking the test. The test questions are prepared by the Finnish Food Safety Authority. Regulations on the criteria, preparation and arrangement of the test and assessing the successful completion of the test are issued by the Finnish Food Safety Authority.
- (2) The competence test may be taken in either Finnish or Swedish according to the preference of the test participant. The competence test may, however, be taken in another language if the test participant does not have a sufficient command of Finnish or Swedish. Provisions on other languages in which the competence test may be taken are issued by the Finnish Food Safety Authority.
- (3) The competence tester is entitled to impose a charge for the test equivalent to no more than the actual cost of arranging the test.

Chapter 4 - **Competent authorities and their duties**

Section 29 – *General planning and supervision*

(9.11.2007/989)

Steering of the general planning and supervision of food control is the responsibility of the Ministry of Agriculture and Forestry.

Section 30 – *Central competent authority*

The Finnish Food Safety Authority is responsible for planning, steering, developing and undertaking food control nationally in the manner laid down in this Act, in addition to which it:

- 1) steers the State Provincial Offices in auditing municipal food control;
- 2) ensures food control in slaughterhouses and in meat and fish plants connected with them;
- 3) is responsible for the planning and implementation of the national contaminant control;
- 4) is responsible nationally for other food control duties requiring special expertise;
- 5) assesses the guides to good practice referred to in Article 8 of the General Food Hygiene Regulation;
- 6) functions as the national contact point for the rapid alert system under the General Food Regulation;
- 7) approves the training of hunters in health and hygiene referred to in Annex III, Section IV of the Foodstuffs of Animal Origin Hygiene Regulation;
- 8) sees to the national information and communication activities, communication about risks and consumer information.

Section 31 - *Regional food control*

The State Provincial Offices plan, steer and supervise food control and supervise the compliance with the food regulations within their respective regions as laid down in this Act, in addition to which they:

- 1) audit the municipal food control organisation; and
- 2) evaluate the control plans of municipalities and check the compliance with them.

Section 32 - *Municipal food control*

- (1) Municipalities must ensure that control as laid down in this Act (*municipal food control*) is undertaken within their respective areas, unless otherwise provided in sections 30, 31,

34, 42 or 43. In each municipality these duties are managed by a board or other multi-member body appointed by the municipality (*municipal control authority*). The provisions of this Act concerning municipalities also apply to a municipal federation and a cooperation area referred to in the Act on Cooperation Areas in Environmental Healthcare (410/2009). (12.6.2009/411)

- (2) A municipality may conclude an agreement with another municipality or municipal federation to the effect that a task provided by this Act for the municipality or municipal authority may subject to the liability of a civil servant be assigned to an office holder of another municipality or municipal federation. A municipal federation may conclude such an agreement if it has the consent of the member municipalities of the municipal federation.
- (3) A municipal council may also give the board or body the right to transfer its powers to an office holder or department subordinate to the council also with regard to the administrative coercive measures referred to in sections 55-60 of this Act.

Section 33 - *Municipal food control duties*

In addition to what is laid down elsewhere in this Act, municipalities:

- 1) submit the notifications and reports required under the food regulations to the State Provincial Offices and the Finnish Food Safety Authority;
- 2) consult food business operators and consumers and provide information on matters within the scope of this Act; and
- 3) in return for payment, assist government authorities in implementing the national contaminant control programme for foodstuffs of animal origin.

Section 34 - *Other control authorities*

- (1) Other control authorities are:
 - 1) the National Product Control Agency for Welfare and Health;
 - 2) the Finnish Defence Forces;
 - 3) the Finnish Customs; and
 - 4) border inspection veterinarians.
- (2) In addition to what is laid down elsewhere in this Act, the National Product Control Agency for Welfare and Health:
 - 1) plans, steers and undertakes control of beverages containing an amount of ethyl alcohol that exceeds 2.8 per cent by volume; and
 - 2) provides guidance to State Provincial Offices concerning the control of sales outlets for alcoholic beverages.
- (3) The Finnish Defence Forces are responsible for the municipal food control authority duties laid down in this Act in regard to the food premises that fall under their control.
- (4) The Finnish Customs controls:
 - 1) compliance with the food regulations in the case of food other than foodstuffs of animal origin that is imported from outside the European Union;
 - 2) compliance with the food regulations in connection with unloading and storage of food consignments in Finland in the case of food other than foodstuffs of animal origin that is supplied to Finland from Member States of the European Union;
 - 3) the authenticity of documents concerning food other than foodstuffs of animal origin transported as transit goods;
 - 4) the authenticity of documents concerning food other than foodstuffs of animal origin that is exported from Finland to destinations outside the European Union; and

- 5) international transport of perishable food and the special equipment to be used in such transport in connection with importing and exporting in accordance with the ATP agreement.
- (5) Further provisions on the duties for which the Finnish Customs is responsible in regard to control of export requirements are issued by Government Decree.
 - (6) Border inspection veterinarians are responsible for control as laid down in this Act in connection with veterinary border inspections of foodstuffs of animal origin.

Section 35 - *Competence of control authorities*

- (1) Control authorities must have in their service or at their disposal on the basis of an agreement the necessary number of qualified personnel with sufficient experience to perform the control duties successfully.
- (2) Office holders performing food control duties must have a higher education degree that is suitable for the duties at hand or, if necessary, the qualifications required in the European Community legislation.
- (3) Provisions on further training for office holders managing food control duties are laid down in Article 6 of the Control Regulation.
- (4) Further provisions on the qualification conditions and further training for office holders managing food control duties are issued by Government Decree.

Section 36 – *External control bodies*

- (1) Control authorities may use external control bodies to assist in control duties. External control bodies may, on the request of the control authority, conduct inspections, tests and investigations for the purpose of official controls. Administrative decisions that may need to be taken on the basis of these shall be made by the control authority that delegated the duties. External control bodies must have the expertise and qualifications needed for conducting the inspections, tests and investigations. External control bodies must demonstrate their competence and the reliability of the inspection and testing methods that they use to the authority that delegated the duties. Provisions on the requirements set for external control bodies are also laid down in Article 5 of the Control Regulation.
- (2) When control bodies perform duties under this section, the provisions of the Administrative Procedure Act (434/2003), the Language Act (423/2003) and the Act on the Openness of Government Activities (621/1999) apply. When persons in the service of an external control body, or working in a managerial capacity for an external control body, participate in managing duties referred to in this Act, the provisions concerning criminal liability of a civil servant apply to them.

Chapter 5 – **Laboratories**

Section 37 - *National reference laboratories and approved laboratories*

- (1) National reference laboratories are designated and their duties determined by the Ministry of Agriculture and Forestry. Provisions on requirements concerning the national reference laboratories required by the Control Regulation and on the duties of these laboratories are laid down in Article 33 of the Control Regulation. (9.11.2007/989)
- (2) Approved laboratories include laboratories approved for testing official samples, approved meat inspection laboratories and approved own-check laboratories. An approved laboratory may also have a mobile unit.
- (3) The laboratories referred to in subsection 2 are approved by the Finnish Food Safety Authority upon application.

Section 38 - *Preconditions for laboratory approval*

- (1) For a laboratory to be approved, it must have a written quality system, it must be technically competent and it must be capable of producing reliable results. The laboratory personnel must have the training and competence required for the work. With the exception of approved meat inspection laboratories, persons responsible for tests must have a university degree or equivalent qualification that is suitable for the duties in question.
- (2) A laboratory approved for testing official samples must also meet the requirements laid down in Article 12(2) of the Control Regulation.
- (3) A precondition for the approval of a meat inspection laboratory is that a body approved by the Finnish Food Safety Authority has assessed the laboratory to meet the requirements laid down in subsection 1. For a body to be approved, it must have the necessary expertise and a written quality system for the assessment procedure, and it must act impartially and confidentially. The laboratory's competence must be assessed no less than once every three years.
- (4) A precondition for the approval of an own-check laboratory is that a body fulfilling the international requirements set for declaring the competence of laboratories has assessed the laboratory to meet the requirements of international standards concerning the competence of laboratories, as well as the requirements laid down in subsection 1. The laboratory's competence must be assessed no less than once every three years.
- (5) If a laboratory does not meet the requirements laid down in this section but the deficiencies do not endanger the reliability of the tests, the Finnish Food Safety Authority may approve the laboratory for a fixed period. The laboratory must rectify the deficiencies and apply for final approval within the specified period.
- (6) Further provisions on the standards describing the approved laboratories and the competence of bodies assessing them, the requirements to be set for laboratory quality systems and the competence requirements for laboratory personnel are issued by Government Decree.

Section 39 - *Testing of samples*

- (1) Samples taken or commissioned by the control authority for the purpose of official control under this Act (*official sample*) must be tested in a laboratory approved for testing official samples or in the national reference laboratory. Samples for meat inspection may also be tested in an approved meat inspection laboratory.
- (2) Samples required to be tested under the food regulations and own-check samples specified in connection with the approval of an own-check plan must be tested in an approved own-check laboratory, a laboratory approved for testing official samples or the national reference laboratory.
- (3) Further provisions on meat inspection samples and their testing are issued by Decree of the Ministry of Agriculture and Forestry.

Section 40 - *Notification by the approved laboratories*

- (1) Approved laboratories must notify the Finnish Food Safety Authority of any substantial change in operations or the suspension or termination of operations. On the request of the Finnish Food Safety Authority, an approved laboratory must present a summary of the tests it has conducted under section 39 of this Act and the results of those tests. The summaries must not contain personal data or any identification data on the object of control.
- (2) An approved laboratory must notify its client without delay of any test results that indicate a health hazard. An approved laboratory must also notify the authority

responsible for the control of the client without delay of any test results specified in the national contingency plan referred to in section 46. Approved laboratories must also keep the samples and microbial strains from tests referred to in this subsection and dispatch them to the national reference laboratory.

- (3) Further provisions on the content and submission of the notifications and summaries referred to in subsections 1 and 2, the keeping and dispatching of samples and microbial strains and the health hazard referred to in subsection 2 are issued by Government Decree.
- (4) Approved laboratories must notify the Finnish Food Safety Authority of the zoonosis monitoring and control tests referred to in section 25(1), and the results of these tests, and must dispatch the samples and the microbial strains isolated in the tests to the national reference laboratory. Further provisions on the content and submitting of the notification and the keeping and dispatching of the samples and microbial strains are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

*Section 40a – Notification by the national reference laboratory
(30.12.2008/1137)*

- (1) The national reference laboratory must submit information needed for epidemiological surveillance to the Finnish Food Safety Authority and the National Institute for Health and Welfare as well as information on the microbial strains and samples referred to in section 40 needed for the steering of control to the Finnish Food Safety Authority. The information submitted to the National Institute for Health and Welfare may not contain any identification data on the object of control.
- (2) Further provisions on the content and submitting of the information are issued by Government Decree.

Chapter 6 – Food control

Section 41 – General control requirements

- (1) In addition to this Act, provisions on the organisation of food control are laid down in the European Community legislation on the control, safety and health standard of food and the hygiene of food premises and places of primary production.
- (2) The national control programme and control plans referred to in this Chapter must be drawn up so as to include the control measures required under this Act and under the European Community food legislation that falls within the scope of this Act.
- (3) Municipal food control authorities must draw up a quality system suited to their operations and maintain and apply it. Provisions on requirements concerning the quality system are laid down in Article 8 of the Control Regulation.

Section 42 – Organising first destination control

- (1) First destination control is primarily organised so that the Finnish Food Safety Authority concludes an agreement referred to in section 2(2) of the Local Government Act (365/1995) with the municipality, according to which the municipality commits itself to ensuring that first destination control is carried out within its own area. The Finnish Food Safety Authority and the municipality may agree that the municipality carries out this duty on behalf of one or more municipalities. An office holder appointed by the municipal food control authority decides on the approval of the first destination operator's own-check plan and administrative coercive measures under sections 55-60 of this Act concerning first destination operations. The Finnish Food Safety Authority

- decides on other administrative coercive measures under this Act which are to be directed at first destination operations.
- (2) If a municipality is not covered by an agreement referred to in subsection 1, the Finnish Food Safety Authority may conclude a control agreement with another authority, purchase the services of an external control body suited to carrying out the tasks, or carry out the control itself. If a control agreement is concluded with another authority, the first destination operator's own-check plan is approved and the administrative coercive measures decided upon by an office holder designated by this authority. If a control agreement is concluded with an external control body, the first destination operator's own-check plan is approved and the administrative coercive measures decided upon by the Finnish Food Safety Authority.
 - (3) The Finnish Food Safety Authority is responsible for first destination control in slaughterhouses that are subject to its control and food premises connected with them.
 - (4) The decision of an office holder designated by the municipal food control authority concerning first destination operations is notified to the concerned parties as regular service referred to in section 59 of the Administrative Procedure Act (434/2003). (30.12.2008/1137)
 - (5) Further provisions on the organisation of first destination control are issued by Decree of the Ministry of Agriculture and Forestry.

Section 43 – *Meat inspection and related control*

- (1) Provisions on meat inspection and related control are laid down in Article 5 of the Foodstuffs of Animal Origin Control Regulation.
- (2) Municipal control authorities are responsible for meat inspection in small slaughterhouses and in game handling establishments and for control of these slaughterhouses and establishments. Meat inspection in reindeer slaughterhouses and control of these slaughterhouses is the responsibility of a veterinarian working for the State Provincial Office. Meat inspection in other slaughterhouses and control of these slaughterhouses and the meat plants connected with them is the responsibility of the Finnish Food Safety Authority. Inspection assistants trained for the task and working for the municipality or the Government may be used to assist in meat inspection and related control. In poultry slaughterhouses and in small poultry slaughterhouses personnel working for a food business operator may also be used for assistance in meat inspection and related control.
- (3) Wild game intended for consumption in Finland may, with the permission of the official municipal veterinarian, be slaughtered and the meat inspected by the official municipal veterinarian in a location other than a game handling establishment, slaughterhouse or small slaughterhouse, provided that the slaughtering can be carried out hygienically.
- (4) In small slaughterhouses for bovine animals, hoofed animals, pigs, sheep and goats a maximum of 20 animal units per week and 1,000 livestock units per year may be slaughtered, where bovine animals and hoofed animals correspond to 1.0 unit, pigs to 0.2 units and sheep and goats to 0.1 units. In small poultry slaughterhouses, a maximum of 150,000 birds of poultry species may be slaughtered each year. The maximum numbers specified for the animals slaughtered in small slaughterhouses that are of the same weight or of the nearest species apply to the maximum numbers of animals slaughtered in small slaughterhouses for farmed game and rabbits.
- (5) Further provisions on meat inspection and related control are issued by Decree of the Ministry of Agriculture and Forestry.

Section 43a – *Meat inspection decision*

(30.12.2008/1137)

- (1) A written decision must be given on meat inspection. The decision must contain the following information:
 - 1) authority who made the decision and the time of making the decision;
 - 2) parties immediately affected by the decision;
 - 3) sufficient animal or lot-specific identification data;
 - 4) amount of meat concerned in the decision;
 - 5) reason for rejection or how the matter has otherwise been decided; and
 - 6) name and contact information of the person from whom the concerned party may, if necessary, request further information on the decision.
- (2) Instructions for appeal must be attached to the decision. The decision need not be signed.
- (3) The meat inspection decision is notified to the concerned parties by the letter referred to in section 59 of the Administrative Procedure Act or by the verifiable electronic service referred to in section 18 of the Act on Electronic Services and Communication in the Public Sector (13/2003). With the consent of the concerned party the decision may be notified by email. In this case the decision is considered notified as soon as the concerned party sends an acknowledgement of receipt to the control authority.

Section 44 – *Control of laboratories*

The Finnish Food Safety Authority controls that laboratories carrying out tests referred to in section 39 comply with the food regulations. If a laboratory fails to comply with the regulations, the Finnish Food Safety Authority may issue necessary orders for rectifying the activities within a specified time.

Section 45 – *Investigating food-borne outbreaks*

- (1) After receiving a notification referred to in section 24(2) concerning a food-borne outbreak or suspected food-borne outbreak, or when suspecting a food-borne outbreak for some other reason, the municipal food control authority must carry out an investigation into the matter without delay, including the appropriate epidemiological and microbiological tests, in cooperation with the authorities referred to in the Communicable Diseases Act, and provide the National Institute for Health and Welfare and the Finnish Food Safety Authority with the necessary notifications. The notifications must not contain any personal data.
- (2) Further provisions on investigation and notification of food-borne outbreaks are issued by Government Decree. (9.11.2007/989)

Section 46 – *Preparing for emergencies*

- (1) The Finnish Food Safety Authority must draw up a national contingency plan for emergencies under Article 13 of the Control Regulation. The municipal control authority must draw up a similar plan for the municipality.
- (2) Further provisions on the content and drawing up of contingency plans for emergencies are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 47 – *National control programme*

- (1) The Finnish Food Safety Authority must draw up a national food control programme (*control programme*) to steer and coordinate the control carried out under this Act. The control programme must contain at least the following information:
 - 1) specification of the content of inspections;
 - 2) the criteria for assessing the risks at different types of control sites and for determining the frequency of inspections;
 - 3) assessment of the need for sampling;

- 4) methods for assessing the implementation of control plans referred to in section 48; and
 - 5) methods used in assessing the implementation of the control programme.
- (2) The control programme must be reviewed as necessary, but at least once every three years. The control programme is part of the national environmental healthcare control programme and the national control plan which is drawn up in accordance with the Control Regulation and covers the entire production chain, starting with primary production.
 - (3) Further provisions on the content and drawing up of the national control programme are issued by Government Decree.

Section 48 – *Control plans*

- (1) Each municipality must draw up a municipal food control plan (*municipal control plan*), which covers regular control, ensuring that the control is in accordance with general control requirements, prevents health hazards and protects consumers from financial losses. The control plan must contain at least the following information:
 - 1) specification of the content of inspections;
 - 2) inspection frequency at control sites;
 - 3) sampling and testing of samples by the municipality;
 - 4) assessment of the implementation of the control plan; and
 - 5) approved laboratories used in the control.
- (2) The municipal control plan must take account of the national control programme. The control plan must be reviewed as necessary, but at least once every three years.
- (3) The Finnish Food Safety Authority, the National Product Control Agency for Welfare and Health, the Finnish Customs, the State Provincial Offices, the Finnish Defence Forces and border inspection veterinarians must draw up control plans for the food control they are responsible for. The provisions on municipal control plans laid down in subsections 1 and 2 above apply to these control plans.
- (4) Further provisions on the content of the control plans, inspections contained in the control plans, the frequency of inspections at control sites, taking of samples and the assessment of the implementation of the control plan are issued by Government Decree.

Section 49 – *Right to carry out inspections*

- (1) Control authorities and the external control bodies referred to in section 36 have the right to carry out inspections required in the control, examine documents, and gain access to sites where operations referred to in this Act are carried out or information relevant for controlling the compliance with this Act is kept. Control authorities and external control bodies have the right to inspect the machinery, implements and facilities used in the operations.
- (2) In premises covered by the provisions on domiciliary peace, the inspection may only be carried out if there are reasonable grounds for suspecting that food regulations have been violated or are being violated in a manner that is punishable by law. The inspection must be necessary for the investigation of an offence or for the prevention of a serious health hazard. The inspection may only be carried out by the control authority.
- (3) If in connection with control or an inspection the control authority determines that a foodstuff of animal origin contains an amount of contaminants that is in violation of the regulations, the provincial veterinary officer or a veterinarian appointed by the Finnish Food Safety Authority or by the State Provincial Office has the right to

inspect the place of primary production from which the food originates and to take, free of charge, all samples needed for tests. In such cases, the provincial veterinary officer or veterinarian appointed by the Finnish Food Safety Authority or by the State Provincial Office has the right to obtain information, take samples and carry out inspections as laid down in this Act. Only provincial veterinary officers have the right to carry out inspections in premises covered by the provisions on domiciliary peace.

- (4) Provisions laid down in this Act on the right of control authorities to gain access to sites where operations referred to in this Act are carried out and to obtain information also apply to inspectors referred to in the European Community legislation and in other international agreements binding on Finland if this is required under the relevant international obligation that is binding on Finland.

Section 50 – *Sampling*

- (1) Control authorities and the control bodies referred to in section 36 have the right to take, free of charge, the necessary number of samples for control purposes.
- (2) The person taking the samples must be sufficiently competent in taking, handling and storing samples. The sample must be representative in terms of both size and composition. The sample must be protected against contamination and other significant changes that may distort the test results. The sample must be marked at the site where it is taken so that it can be easily and unambiguously identified. The food business operator must be given an attestation of the taking of the sample.
- (3) Provisions on the general requirements for sampling are also laid down in Articles 11 and 12(1) of the Control Regulation.
- (4) Subsection 2 of this section also applies to sampling in connection with own-checks.
- (5) Further provisions on sampling are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 51 – *Right to obtain information*

- (1) Notwithstanding the provisions on secrecy, control authorities have the right to obtain information essential for carrying out the control from Government and municipal authorities, food business operators, and other parties to whom the obligations of this Act apply.
- (2) The right to obtain information also applies to information that is essential for carrying out tasks laid down in the food regulations which would otherwise be considered secret because it concerns private business or professional activity or the financial status or state of health of a private person.

Section 52 – *Obligation of control authorities to notify and submit information*

- (1) Control authorities must notify the State Provincial Office and the Finnish Food Safety Authority of any health hazards observed and, where necessary, about other matters emerging during control that may affect food safety. Control authorities must notify the Plant Production Inspection Centre of any matters that have emerged during control that may affect food safety via feed. Control authorities must also notify the authorities referred to in the Communicable Diseases Act of any matters that have emerged during control that may be of importance in the protection of the population against communicable diseases.
- (2) Control authorities have an obligation to submit to the Finnish Food Safety Authority and the State Provincial Office the information they require for the registers they maintain under section 83. Control authorities also have an obligation to submit, on request, to the Finnish Food Safety Authority and the State Provincial Office other

- information on inspections, control measures, control personnel, charges and the control process for monitoring the control carried out in accordance with this Act.
- (3) Control authorities must submit the information referred to in subsections 1 and 2 in the manner specified by the Finnish Food Safety Authority.
 - (4) Further provisions on the notification obligation of control authorities are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 53 – *Obligation of control authorities to provide guidance*

Where necessary, the control authorities must provide food business operators with the instructions and requests needed for ensuring compliance with the food regulations.

Section 54 – *Obligation of veterinarians to provide information*

If in connection with a veterinary call to a place of primary production a veterinarian determines that the state of health of animals at the place of primary production is such that it fundamentally weakens the food hygiene standard of the foodstuffs of animal origin in question, the veterinarian must notify the owner or keeper of the animals and the municipal food control authority of the matter.

Chapter 7 – **Administrative coercive measures**

Section 55 – *Removing violations of food regulations*

If food or information given about it, the food production, processing or distribution stage, food premises, a place of primary production, or the operations carried out in them could cause a health hazard, endanger the accuracy or sufficiency of the information on the food, mislead the consumer, or otherwise violate the food regulations, the control authority may order the deficiency to be removed. A violation of the regulations must be ordered to be removed immediately or within a fixed period specified by the control authority.

Section 56 – *Prohibition*

- (1) The control authority may prohibit the primary production, manufacture, import, export, placing on the market, serving or conveyance of a foodstuff or its use in food manufacture if the food or information about it, the food production, processing or distribution stage, food premises, a place of primary production, or the operations carried out in them cause or there are reasonable grounds for suspecting that they may cause, a serious health hazard and the health hazard cannot be prevented otherwise.
- (2) The prohibition may be imposed temporarily for the period during which the matter is examined or the deficiency corrected. A temporary prohibition remains in force until the control authority issues its final decision on the matter. The control authority must ensure that the necessary examination of the matter is carried out without delay.

Section 57 – *Withdrawing food from the market and informing the public*

- (1) The control authority may order a food business operator to withdraw food from the market if the operator fails to comply with the obligation laid down in Article 19 of the General Food Regulation concerning withdrawal of any food violating food safety requirements from the market. The control authority may also order food to be withdrawn from the market if the information on it violates the food regulations in an essential way.

- (2) The control authority may, at the expense of the food business operator, inform the public about food that violates food safety requirements if the food business operator fails to comply with the obligation to inform the consumers about the matter laid down in Article 19 of the General Food Regulation.

Section 58 – *Seizure*

- (1) The control authority may seize a foodstuff if it causes or if there is reason to suspect that it causes a direct health hazard and the other measures laid down in this Act cannot be considered sufficient. The seizure must be carried out in the presence of a witness. The party from whom the food is seized must be given an attestation of the matter, stating the amount of property seized and the grounds for the seizure.
- (2) The seized property may, where necessary, be kept in food premises or at the place of primary production, appropriately marked, or in a sealed or otherwise marked storage space. The property should be stored for the duration of any tests necessary for determining the health hazard it causes in such a way that its quality is not affected.

Section 59 – *Decision on the use or disposal of a foodstuff*

- (1) The control authority decides the purposes for which a food that is in violation of the food regulations may be used, or the purposes for which it may be conveyed, if the food cannot be made to comply with the regulations. If it is not possible to use the food or if health considerations or food regulations so require, the food must be ordered to be destroyed.
- (2) The control authority must impose a reasonable time limit within which the food business operator must comply with a decision made under subsection 1. The control authority must make the decision referred to in subsection 1 without delay. The decision should be made with the aim of minimising the financial losses to the owner.

Section 60 – *Rejecting foodstuffs of animal origin supplied from another Member State of the European Union at the first destination*

- (1) Control authorities must reject a foodstuffs of animal origin supplied from another Member State of the European Union at the first destination if:
 - 1) it is found in an official examination that there is salmonella in food which under section 23(3) must be tested for salmonella before delivery to Finland;
 - 2) it is found in an own-check examination carried out in an approved own-check laboratory that there is salmonella in food which under section 23(3) must be tested for salmonella before delivery to Finland, and the first destination operator does not return the food to the country of origin on its own initiative;
 - 3) it is found in an official examination or in a own-check examination carried out in an approved own-check laboratory that the food contains microbes or chemical residues in amounts that are dangerous to health or, because of its microbiological, chemical or physical qualities, the food is otherwise unfit to be used as food, and the food cannot be ordered to be treated in a manner that would make it possible to use it as a food under section 55;
 - 4) the temperature of the food has changed during transportation or intermediate storage to the extent that it does not meet the requirements of the food regulations and it cannot be ordered to be treated in a manner that would make it possible to use it as food under section 55, and the first destination operator does not return the food to the country of origin on its own initiative; or

- 5) the food does not meet the requirements referred to in section 18 concerning its marking, origin, documents or certificates, and the first destination operator does not return the food to the country of origin on its own initiative.
- (2) The first destination operator must be given an opportunity to correct the deficiencies concerning the documentation referred to in paragraph 5 within a reasonable time specified by the control authority.
- (3) In accordance with the rejection decision, rejected food must be returned to the country of origin, used for a non-food purpose as approved by the control authority, or destroyed. Unless otherwise required for health reasons or on the basis of other legislation, the first destination operator may decide which of the above measures it will take.
- (4) The control authority must immediately notify the Finnish Food Safety Authority of the food it has rejected. The rejected food may not be returned before the Finnish Food Safety Authority has verified with the authorities in the country of origin that the food may be returned to the country in question.
- (5) Further provisions on the notifications concerning rejection of food are issued by Decree of the Ministry of Agriculture and Forestry.

Section 61 – *Cancelling the approval of food premises*

The control authority may cancel its decision on the approval of food premises in full or in part if there is no other way of preventing a health hazard. The approval may also be cancelled if the food premises or the operations carried out in them violates the food regulations in an essential way and the food business operator has failed to comply with an order or prohibition issued by the control authority under section 55 or 56. The approval may also be cancelled for a fixed period.

Section 62 – *Cancelling the approval of a laboratory*

- (1) The Finnish Food Safety Authority may cancel the approval of a laboratory if the laboratory or the operations carried out violate the requirements laid down in section 38 or 40 in an essential way and, despite an order issued by the Finnish Food Safety Authority, the laboratory does not correct the deficiencies and the deficiencies are of serious nature. An approval given for a fixed period may also be cancelled.
- (2) The Finnish Food Safety Authority may also cancel an approval for the time required to consider the matter if the deficiencies in the operations of the approved laboratory are of such a nature that they may compromise the reliability of the test results.

Section 63 – *Urgent measures*

In urgent cases, a holder of municipal office carrying out food control tasks who has not been given the power to apply administrative coercive measures under section 32(3) of this Act has the right to apply administrative coercive measures referred to in sections 55, 56 and 58. Decisions made by office holders under this section must be submitted to the municipal food control authority for consideration without delay.

Section 64 – *Decision of the Finnish Food Safety Authority concerning the use of administrative coercive measures*

- (1) Decisions on the use of administrative coercive measures referred to in sections 55-59 that apply to an area larger than one municipality are taken by the Finnish Food Safety Authority.
- (2) The Finnish Food Safety Authority may decide on the use of administrative coercive measures that only apply to one municipality if, on reasonable grounds, it determines

that the measures taken by the municipal food control authority to prevent a health hazard are insufficient.

- (3) The Finnish Food Safety Authority must notify the municipalities in question of the decisions it has made under subsections 1 and 2 without delay.

Section 65 – *Marketing prohibition*

- (1) The Finnish Food Safety Authority may prohibit a food business operator from continuing to conduct marketing that violates the food regulations or from resuming such or similar marketing. The prohibition may also be given as temporary, in which case it will remain in force until the Finnish Food Safety Authority has issued its final decision on the matter.
- (2) If in marketing food information is given that may cause a serious health hazard or if the marketing of food is fundamentally incorrect or misleading, the Finnish Food Safety Authority may, in addition to the measures mentioned in subsection 1, take measures laid down in sections 56-58 until the marketing has been made to comply with the regulations.

Section 66 – *Correction of marketing*

When imposing a prohibition under section 65, the Finnish Food Safety Authority may oblige the food business operator on which the prohibition has been imposed to submit a correction of marketing within a specified period if this is considered essential on account of the obvious harm arising from the marketing. In its decision the Finnish Food Safety Authority may order that the correction of marketing be implemented to the same extent as the marketing to which the correction applies.

Section 67 – *Applying the Consumer Protection Act and the Unfair Business Practices Act*

In addition to the provisions of sections 65 and 66, the provisions on marketing laid down in the Consumer Protection Act (38/1978) and the Unfair Business Practices Act (1061/1978) also apply.

Section 68 – *Penalty payments, threat of performance and threat of suspension*

The control authority may reinforce an order or prohibition given under this Act with a penalty payment or a threat of performance at the defaulter's expense or a threat of suspension. Otherwise the provisions of the Act on Conditional Imposition of a Fine (1113/1990) apply in matters concerning penalty payments or threats of performance and suspension.

Section 69 – *Liability for costs*

Food business operators are liable for the costs they incur in complying with the decisions made by authorities under the provisions of this Chapter.

Chapter 8 – **Charges**

Section 70 – *Charges for services carried out by Government authorities*

- (1) Unless otherwise provided in the Act on Criteria for Charges Payable to the State (150/1992), a charge must be collected for measures carried out by a Government authority under this Act. The provisions of the Act on Criteria for Charges Payable to the State apply to determining the amount of the charge.

- (2) Further provisions on the national arrangements required under Articles 27 and 28 of the Control Regulation and on determining the amount of the charge are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 71 – *Charges for services carried out by municipal authorities*

- (1) Municipalities must collect charges from food business operators in accordance with the rates they have approved:
 - 1) for the approval of food premises and their own-check plans;
 - 2) for the inspection, sampling and testing contained in the municipal control plan;
 - 3) for the control of food premises exporting foodstuffs of animal origin to destinations outside the European Union, to the extent that the exports require more comprehensive control than usual because of the requirements of the purchasing country; and
 - 4) for inspection carried out for the purpose of controlling measures referred to in Chapter 7 that arise from failure to comply with the food regulations.
- (2) In addition to the provisions of subsection 1, municipalities must also collect charges for other control and inspections and tests connected with them as laid down in Articles 27 and 28 of the Control Regulation.
- (3) The State compensates the municipalities for costs which have arisen from food control inspections, sampling, studies and surveys delegated by the Finnish Food Safety Authority to be implemented by municipalities which under this Act are laid down to be performed by the Finnish Food Safety Authority or which are related to the preparation of legislation or instructions of the Finnish Food Safety Authority. As regards control duties under section 30(4) of the Act, the State compensates the municipalities only for the costs of testing the samples. (13.3.2009/130)
- (4) Unless otherwise provided in Articles 27 and 28 of the Control Regulation, the charges referred to in subsection 1 above are determined so as not to exceed the costs actually incurred in carrying out the measure. Further provisions on the national arrangements required under Articles 27 and 28 of the Control Regulation and on determining the amount of the charge are issued by Decree of the Ministry of Agriculture and Forestry. (9.11.2007/989)

Section 72 – *Collecting charges without judgement or decision and interest for late payment*
(13.3.2009/130)

- (1) The charges referred to in this Act may be collected without judgement or decision as laid down in the Act on the Enforcement of Taxes and Charges (706/2007).
- (2) If a charge imposed on a measure has not been paid by the due date, annual interest for late payment may be collected on the amount delayed according to the interest rate referred to in section 4(1) of the Interest Act (633/1982). The due date may be no sooner than two weeks from the receipt of the service on the basis of which the charge is determined. Instead of the interest for late payment the authority may collect a charge of five euros for late payment if the interest for late payment remains smaller than this.

Chapter 9 – **Appeal**

Section 73 – *Appealing against a decision of a Government authority*

- (1) A decision of a Government authority issued under this Act may be appealed as laid down in the Administrative Judicial Procedure Act (586/1996). Charges imposed by a

Government authority may be appealed as laid down in the Act on Criteria for Charges Payable to the State.

- (2) By derogation from subsection 1, a decision made by the Finnish Customs under this Act may be appealed as laid down in the Customs Act (1466/1994).

Section 74 – *Appealing against a decision of a municipal authority*

- (1) A decision made by a holder of a municipal office may not be appealed. A request for rectification concerning the decision may be made to a municipal body carrying out duties laid down in this Act. The request must be made no later than 14 days after receipt of the decision of the officeholder. The request must be considered without delay.
- (2) A decision by a holder of a municipal office referred to in section 63 of this Act may not be appealed.
- (3) A decision of a municipal body may be appealed as laid down in the Administrative Judicial Procedure Act.
- (4) Decisions concerning a municipal control plan, municipal food regulations referred to in section 86 and rates concerning municipal charges may be appealed as laid down in the Local Government Act.

Section 75 – *Appealing against a meat inspection decision*

- (1) A meat inspection decision by the Finnish Food Safety Authority or State Provincial Office may not be appealed. The concerned party may submit a request for rectification concerning the decision to the Finnish Food Safety Authority. The request must be made in writing no later than 14 days after the receipt of the decision. The request must be considered without delay. (30.12.2008/1137)
- (2) A decision issued by the Finnish Food Safety Authority on the request for rectification may be appealed as laid down in the Administrative Judicial Procedure Act.

Section 76 – *Appealing against a decision concerning first destination operations*

- (1) A decision concerning first destination operations may not be appealed. A party that is not satisfied with the decision may submit a request for rectification to the Finnish Food Safety Authority no later than 14 days after the receipt of the decision.
- (2) A decision made by the Finnish Food Safety Authority under subsection 1 may be appealed as laid down in the Administrative Judicial Procedure Act.

Section 77 – *Control authority's right of appeal*

- (1) The authority has the right to appeal a decision by the Administrative Court by which a decision of the authority has been repealed or amended.
- (2) The Finnish Food Safety Authority has the right to appeal a decision by the Administrative Court by which the Administrative Court has repealed or amended a decision by a municipal body made on grounds other than a request for rectification. The right of appeal of the Finnish Food Safety Authority does not apply to a decision by the Administrative Court referred to in section 74(4) of this Act.

Section 78 – *Enforcement*

- (1) Decisions made under the provisions of Chapter 7 of this Act may include an order that the decision be complied with before it becomes legally valid or before the request for rectification has been considered, unless otherwise required by the appellate authority or, correspondingly, the authority considering the request for

rectification. The request for rectification and the appeal must be considered without delay.

- (2) Unless otherwise required by the Finnish Food Safety Authority or the appellate authority, a decision concerning the withdrawal of a competence certificate must be complied with despite appeal. (30.12.2008/1137)
- (3) Unless otherwise required by the Finnish Food Safety Authority or the appellate authority, a meat inspection decision must be complied with despite a request for rectification or an appeal.

Chapter 10 – Penal provisions

Section 79 – *Penal provisions*

- (1) Penalties for health offences violating the provisions laid down in or under this Act are laid down in Chapter 44, section 1 of the Penal Code (39/1889).
- (2) A person who deliberately or through negligence
 - 1) produces, imports, exports, places on the market, serves or otherwise conveys food that does not meet the requirements laid down in section 7 of this Act;
 - 2) carries out operations that are in accordance with this Act in food premises or at a place of primary production that has not been approved in accordance with this Act, for which a notification has not been submitted in accordance with this Act or whose operations have been prohibited temporarily, partially or in full;
 - 3) violates the own-check obligation laid down in section 19 of this Act;
 - 4) violates an order issued by the control authority under section 55, 57, 59 or 66 of this Act, a prohibition issued by the control authority under section 56 or 65, a decision on seizure issued by the control authority under section 58, a decision on rejection issued by the control authority under section 60, or a decision on cancellation of approval issued by the control authority under section 61 or 62;
 - 5) fails to submit the notification referred to in section 24 or 25;
 - 6) despite a reprimand or prohibition by the control authority, delivers from a place of primary production food that does not meet the requirements of the provisions or regulations laid down in or under this Act; or
 - 7) provides information about the food or its properties in a manner that violates section 9 of this Act or gives otherwise misleading information about the food or its properties.shall be sentenced to pay a fine for committing a *food offence* unless a more severe penalty for the act has been provided elsewhere in the law.
- (3) Penal provisions for smuggling and attempted smuggling of food that violates the law and for dealing in illegal imports are laid down in Chapter 46, sections 4-6 of the Penal Code.
- (4) The control authority need not notify the pre-trial investigation authorities of an offence if the act or negligence is insignificant and does not involve disobedience regarding prohibitions and orders issued by an authority.
- (5) A punishment for violating a prohibition or obligation ordered under this Act that is reinforced with a penalty payment can be waived.

Section 80 – *Violating confidentiality obligation*

Punishment for violating the confidentiality obligation referred to in section 81 is imposed in accordance with 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 a more severe penalty for the act has been provided elsewhere in the law.

Chapter 11 – Miscellaneous provisions

Section 81 – Confidential information

Provisions on the confidentiality obligation concerning information received during control are laid down in the Act on the Openness of Government Activities and in Article 7 of the Control Regulation. Notwithstanding the confidentiality obligation, information on the financial status of an individual or corporation, business or professional secrets, or the personal situation of an individual obtained when controlling compliance with this Act or carrying out control tasks may be given:

- 1) to Government and municipal authorities for the purpose of carrying out tasks under this Act;
- 2) to prosecuting authorities, police authorities and customs authorities for criminal investigation purposes;
- 3) to foreign bodies and inspectors if so required under the legislation of the European Community or other international obligations binding on Finland.

Section 82 – Executive assistance

If requested, the police and the Finnish Customs must provide control authorities with executive assistance in the carrying out of tasks laid down in the food regulations.

Section 83 – Registers

- (1) The Finnish Food Safety Authority maintains a national register of all food premises, first destinations, first destination operators and approved laboratories for the purpose of guiding and developing the control and for the control duties it carries out. The Finnish Food Safety Authority issues an approval number to food premises handling foodstuffs of animal origin prior to retail sale. The National Product Control Agency for Welfare and Health maintains a register of shops selling alcoholic beverages and production and storage sites for alcoholic beverages. Provincial and municipal control authorities maintain a register of the food premises under their control. The Information Centre of the Ministry of Agriculture and Forestry maintains a register of places of primary production as laid down in the Act on the Rural Business Register (1515/1994). Municipalities use and update the register of places of primary production to the extent required by the duties laid down in this Act. The Ministry of Agriculture and Forestry maintains registers of fishing vessels and aquaculture establishments as laid down in the Act on Implementing the Common Fisheries Policy of the European Union.
- (2) Based on the notifications referred to in sections 40(4) and 45(1), the Finnish Food Safety Authority maintains a register of matters connected with the investigation of food-borne outbreaks and the monitoring and control of zoonoses for the purpose of guidance and development of the control.

Section 84 – Information to be entered in the registers

- (1) Identification data on control sites, control measures that have been planned and implemented, and other corresponding information that is in accordance with the provisions laid down in and under this Act and necessary for control purposes is entered in the registers. Identification data comprise the name, address and business identity code of the operator or, if this is not available, the operator's personal identity number, and the name and address of the control site. In the case of approved laboratories, the methods of analysis and the name of the person responsible for

testing are also entered in the register. The data is removed from the register no later than three years after the date on which the operator notified the control authority of the termination of its operations.

- (2) The Finnish Food Safety Authority publishes a list of the approved laboratories which shows the information mentioned above.
- (3) Otherwise the provisions of the Personal Data Act (523/1999) and the Act on the Openness of Government Activities apply to the collection and storing of personal data and the use and disclosure of information entered in a register.

Section 85 – *State contributions*

Unless otherwise provided by law, the Act on the Planning and State Contribution for Social Welfare and Health Care (733/1992) apply to activities organised by municipalities under this Act.

Section 86 – *Municipal food regulations*

- (1) A municipal food control authority may issue general regulations for preventing a food-related health hazard and for controlling food-related health matters which are necessary for enforcing this Act and which arise from local circumstances and apply to the municipality or part thereof.
- (2) The regulations may apply to:
 - 1) handling, selling or conveyance of food at a large public event;
 - 2) handling, selling or conveyance of food at a market or other outdoor facility.
- (3) The municipal control authority may grant an exception to a food regulation on the grounds mentioned in the regulation.
- (4) A decision on the approval of food regulations is communicated in the manner in which municipal notifications are normally communicated in the municipality in question. The decision is considered to have been properly communicated when the notice has been placed on public view. The entry into force of food regulations is to be communicated in the same manner. The regulations must be notified to the State Provincial Office.

Chapter 12 – **Transitional provisions and entry into force**

Section 87 – *Entry into force*

- (1) This Act enters into force on 1 March 2006. Section 13(2)(6-7), section 42 and section 76 of the Act enter into force as provided by Government Decree.
- (2) This Act repeals the following acts as amended:
 - 1) Food Act (361/1995) of 17 March 1995; and
 - 2) Act on Food Hygiene of Foodstuffs of Animal Origin (1195/1996) of 20 December 1996.
- (3) If there are references to the acts mentioned in subsection 2 elsewhere in the law, the provisions of this Act, once it has entered into force, apply instead.
- (4) Provisions issued by virtue of the acts mentioned in subsection 2 above remain in force until they are amended or repealed.
- (5) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 88 – *Transitional provisions*

- (1) Food premises and places of primary production approved or notified under the Food Act or the Health Protection Act before the entry into force of this Act and places of

primary production registered under the Act on Food Hygiene of Foodstuffs of Animal Origin may, except for food premises of fishers and fish farmers, continue their operations without separate approval or notification. Municipal food control authorities shall, within one year of the entry into force of the Act, inform the places of primary production known by them to be operating in the municipality that they are not required to submit the notification referred to in section 22.

- (2) Food premises approved under the Act on Food Hygiene of Foodstuffs of Animal Origin before the entry into force of this Act and food premises of fishers and fish farmers notified under the Health Protection Act, except for food premises referred to in section 13(2)(13), may, after the entry into force of this Act, continue their operations for three years without separate approval or notification, during which time they must submit a new application for approval to the control authority. The food premises in question may continue their operations during the processing of the application.
- (3) Notwithstanding section 39(1) of this Act, samples taken by authorities under the Decree of the Ministry of Agriculture and Forestry on laboratories carrying out tests on food of animal origin (957/2002) may be tested before 31 December 2006 in a laboratory approved under the Decree. Notwithstanding section 39(2) of this Act, own-check samples under the Decree Ministry of Agriculture and Forestry mentioned above may be tested before 31 December 2007 in a laboratory approved under the Decree. Other own-check samples referred to in section 39(2) of this Act may also be tested in other laboratories before 31 December 2007.
- (4) Persons qualified to carry out food control upon the entry into force of this Act are considered to meet the qualification requirements for similar duties under this Act. Persons who upon the entry into force of this Act have not been required to have a competence certificate by virtue of their training or examinations taken must obtain a competence certificate within one year from the entry into force of the Act.
- (5) Municipalities, the Finnish Food Safety Authority, the National Product Control Agency for Welfare and Health, the Finnish Customs, the State Provincial Offices, the Finnish Defence Forces and border inspection veterinarians must have a control plan that complies with section 48 of this Act in place by 1 January 2007. A municipality may start collecting charges under section 71(1)(2) of this Act after it has approved the control plan and the rates referred to in section 71(1).