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**Act on Implementation of the Common Agricultural Policy
of the European Community
(1100/1994, amendments up to 273/2003 included)**

Chapter 1 - General provisions

Section 1 - Scope of application

- (1) This Act applies to the implementation of the common agricultural policy of the European Community, unless otherwise provided in the provisions of the European Community.

Section 2 - Competent authority

- (1) The Ministry of Agriculture and Forestry is responsible for the general implementation of this Act, unless otherwise provided on implementing the common agricultural policy by law or pursuant to it. The Ministry of Agriculture and Forestry is also the competent authority of a Member State referred to in the Community provisions on the common agricultural policy of the European Community.
- (2) The Ministry of Agriculture and Forestry may decide to assign duties concerning a specific issue or group of issues within its competence referred to in subsection 1 to a designated authority in its administrative sector or to another administrative sector, on condition that the assignment of duties, their scope and related procedures are agreed upon separately between the Ministry of Agriculture and Forestry and the ministry concerned. If necessary, the assistance of agricultural and horticultural associations may be sought when performing the duties. In addition to the authorities, other agricultural corporations governed by private law may assist in the control of the production and products and maintaining the registers. (4 April 2003/273)
- (3) The Ministry of Agriculture and Forestry appoints the body which issues the attestation set down in Article 6 of Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy, hereinafter the body. The body to be selected, upon consent, may be an authority, or an auditor or auditing corporation referred to in the Audit Act (936/1994) or Act on Chartered Public Finance Auditors (467/1999). (4 April 2003/273)

Chapter 2 - Control and sanctions

Section 3 - Control (4 April 2003/273)

- (1) The Ministry of Agriculture and Forestry steers and controls the compliance with the provisions on the common agricultural policy of the European Community.

- (2) For the control duties assistance may be sought from the Information Centre of the Ministry of Agriculture and Forestry, the Plant Production Inspection Centre, the National Food Agency, the Veterinary and Food Research Institute and other agencies and institutions subject to the Ministry of Agriculture and Forestry, the National Product Control Agency for Welfare and Health, State Provincial Offices, Employment and Economic Development Centres or inspectors authorized by them, and municipal rural business and food control authorities. Customs or police authorities may also assist in the control related to the implementation of this Act. Furthermore, the Ministry of Agriculture and Forestry may order that the assistance of agricultural and horticultural associations and, in the case of production and product control, of agricultural corporations governed by private law may be sought when performing the control. If necessary, the police must yield executive assistance in carrying out the control.

Section 4 - *Right to information*

- (1) Persons carrying out the control who are employed by an authority and authorised inspectors have the right to obtain free of charge all the sales, purchase, bookkeeping, storage, transport and other documents necessary for the control, monitoring and reporting referred to in this Act, as well as other necessary information from persons and companies carrying out the production, handling, import and export, storage, processing and transport of agricultural and horticultural products, animals, and feed and food products and similar operations, as well as from State and municipal authorities, State agencies and institutions, associations of agricultural and horticultural producers and agricultural corporations governed by private law. (4 April 2003/273)

Section 5 - *Right to inspection*

- (1) Persons carrying out the control who are employed by an authority and authorised inspectors have the right to inspect agricultural and horticultural products, animals and feed and food products, their production conditions, production buildings and plants, processing plants, warehouses, implements, transport equipment, plantations and other circumstances related to the control of the implementation of the common agricultural policy of the European Community. However, inspections may not be carried out in premises covered by the sanctity of the home. (4 April 2003)
- (2) Persons carrying out the control have a right to take samples free of charge to the extent required for the control.
- (3) Measures to be undertaken should the inspections be prevented are set down in the provisions concerning the common agricultural policy of the European Community. (4 April 2003/273)

Section 5a - *Right to inspection and information of the body issuing the attestation* (4 April 2003/273)

- (1) The body may carry out the necessary examinations for issuing the attestation set down in Article 6 of Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy concerning the authority or corporation who under the law or contract carries out the duties of the paying agency set down in Article 5 of the said Regulation, or the beneficiary of the support. The body carrying out the inspection has the right to inspect the

livestock buildings, plantations, working premises and other circumstances of the beneficiary which constitute the conditions for the support to the extent required for the duties. However, inspections may not be carried out in premises covered by the sanctity of the home.

- (2) Notwithstanding the provisions on the confidentiality of information concerning the business or professional activity, bookkeeping or financial position of a private party or given for taxation or on the protection of personal data laid down elsewhere, the body has the right to obtain from the authorities the necessary information to carry out the studies referred to in subsection 1.
- (3) Measures to be undertaken should the inspections be prevented are set down in the provisions concerning the common agricultural policy of the European Community.

Section 6 - *Disclosing confidential information* (21 May 1999/673)

- (1) Notwithstanding the secrecy obligation laid down in the Act on the Openness of Government Activities (621/1999), information on the financial situation of a private person or corporation, business or professional secret or personal conditions of a private person obtained when carrying out tasks relating to the control of the compliance with this Act be disclosed to:
 - 1) to State and municipal authorities for the performance of duties pursuant to this Act,
 - 2) to prosecuting, police and customs authorities for the investigation of an offense,
 - 3) when required by an international agreement binding Finland.

Section 7 - *Obligation to yield assistance*

- (1) When requested by the control authority, an agricultural or horticultural producer, a merchant, an importer, an exporter, a warehouse keeper, a representative of the food industry or organization, or other entrepreneur referred to in this Act is obliged to yield assistance in carrying out the inspection and, at their own cost, submit for examination the documents and information given in the documents in the possession of the party concerned which are necessary for the implementation of the common agricultural policy. This also applies to confidential documents.
- (2) An authority, a corporation and the beneficiary of the support is obliged to present to the representative of the body issuing the attestation who carries out the inspection, without remuneration, all the necessary accounts and other documents, including data created or stored by automatic or similar means, and to otherwise assist in the inspection. (4 April 2003/273)

Section 7a - *Procedure to be followed in the duties*

- (1) Persons carrying out the duties set down in this Act are subject to provisions applicable to civil servants. The provisions laid down in the Administrative Procedure Act (598/1982), Language Act (148/1922) and sections 14 and 15 of the State Civil Servants Act (750/1994) must be complied with when carrying down duties set down in this Act. In terms of the access to documents and openness of the activity, the provisions laid down in the Act on the Openness of Government Activities shall apply.

Section 8 - *Penal provision*

- (1) A person who intentionally or due to gross negligence

- 1) refuses to yield the requested information or documents to the control authority referred to in this Act or gives false information,
 - 2) prevents the control authority from performing the control pursuant to this Act, or
 - 3) otherwise violates the provisions on the common agricultural policy or the orders issued by an authority pursuant to the said provisions or this Act,
shall be sentenced to a fine for *the violation of provisions concerning the implementation of the common agricultural policy*, unless a more severe punishment is provided in other law.
- (2) The person or authority carrying out the control may decide not to notify the initial investigation authority of a violation which as a whole is to be considered a minor one.

Chapter 3 - **Special provisions**

Section 9 - *Åland* (4 April 2003/273)

- (1) This Act also applies in the Province of Åland in matters belonging to the national legislative power pursuant to the Act on the Provincial Autonomy of the Åland Islands (1144/1991). In such a case the duties of the Employment and Economic Development Centres and municipal rural business authorities are carried out by the State Provincial Office or municipal executive boards of Åland or by municipal rural business and food control authorities.

Section 10 - *Relationship with other legislation*

- (1) The Act on Procedures to be Followed in Tasks in Support of Rural Business (1336/92) applies, as appropriate, to the granting, payment, recovery and control of support under the common agricultural policy, unless otherwise provided by law or pursuant to it.

Section 11 - *Further provisions* (4 April 2003/273)

- (1) Further provisions on the application, granting and payment procedures of the quotas, supports, premiums and compensations, the conditions for payments and other similar matters, technical details concerning the recording, planning and monitoring systems relating to their management, as well as the technical control may be issued by a Decree of the Ministry of Agriculture and Forestry as required for the implementation of the legislation of the European Community.
- (2) Further provisions on agricultural and horticultural products, animals, food and feed products and related control may also be issued by a Decree of the Ministry of Agriculture and Forestry. Further provisions may concern the production, handling, labelling, trade, export, import, storage, processing, transport and other similar matters, establishment and maintenance of registers required for the control, the related notification obligation of the operators and authorisation of inspectors as required for the implementation of the legislation of the European Community.
- (3) If necessary, further provisions concerning the provisions of the European Community on matters to be decided by the Member States may be issued by a Decree of the Ministry of Agriculture and Forestry.

Section 12 - *Entry into force*

- (1) This Act shall enter into force on a date to be laid down by decree.
- (2) Measures required for the implementation of this Act may be undertaken before the Act's entry into force.

Entry into force and application of the amending acts:

21 May 1999/673:

This Act enters into force on 1 December 1999.

4 April 2003/273:

This Act enters into force on 9 April 2003.