

**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 352/2011 included)

**Chapter 1 – General provisions**

*Section 1 – Objectives*

(1) 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 of application*

- (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 on the control duties concerning 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 Community (1139/1994) and in statutes issued under them. In the control performed 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 Union legislation*

(352/2011)

- (1) This Act also applies to the implementation of the following European Union 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;
- 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;
- 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*);
- 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*);
- 16) Regulation (EC) No 1333/2008 of the European Parliament and of the Council on food additives (hereafter *the Food Additives Regulation*);
- 17) Regulation (EC) No 1334/2008 of the European Parliament and of the Council on flavourings and certain food ingredients with flavouring properties for use in and on foods and amending Council Regulation (EEC) No 1601/91, Regulations (EC) No 2232/96 and (EC) No 110/2008 and Directive 2000/13/EC (hereafter *the Flavourings Regulation*);
- 18) Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes and amending Council Directive 83/417/EEC, Council Regulation (EC) No 1493/1999, Directive 2000/13/EC, Council Directive 2001/112/EC and Regulation (EC) No 258/97 (hereafter *the Enzymes Regulation*);
- 19) Regulation (EC) No 1331/2008 of the European Parliament and of the Council establishing a common authorisation procedure for food additives, food enzymes and food flavourings (hereafter *the Authorisation Procedure Regulation*).

- (2) When references are made in this Act to a legal instrument of the European Union, this means the legal instrument in question together with subsequent amendments to it.
- (3) To the extent that Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation (hereafter the By-Products Regulation) concerns food premises under this Act or operations conducted within them, the competent control authorities are the Finnish Food Safety Authority, the Regional State Administrative Agencies and the municipal control authorities as laid down in the provisions on their respective spheres of competence in this Act.
- (4) The competent authorities in the control of Commission Regulation (EC) No 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products are the Finnish Food Safety Authority, the Regional State Administrative Agencies and the municipal food control authorities as laid down in the provisions on their respective spheres of competence in this Act.
- (5) The provisions of this Act concerning the European Union or the Member States of the European Union also apply to the European Economic Area (EEA) and the states belonging to it.

#### Section 4 – *Limits to the scope*

- (1) This Act does not apply to:
  - 1) primary production of a private household 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.
- (2) Chapter 3 of this Act does not apply to operations referred to in section 13(6) or 22(4). (352/2011)

#### Section 5 - *Relation to other legislation*

- (1) 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 impacts 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*

- (1) 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 the food business operator 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, performs a control-related expert, research or inspection task defined by the control authority;
- 8) *health hazard* means any biological, chemical or physical factor or circumstance that may 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 as 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; (1137/2008));
- 19) *repealed by 352/2011*;
- 20) *retail sale* means retailing as defined in Article 3(7) of the General Food Regulation;
- 21) *repealed by 352/2011*;
- 22) *reindeer slaughterhouse* means a slaughterhouse in which reindeer are slaughtered, but not a slaughterhouse referred to in section 23 in which reindeer are slaughtered only

- occasionally; besides reindeer small numbers of animals belonging to other animal species may also be slaughtered in reindeer slaughterhouse; (352/2011)
- 23) *slaughterhouse* means a slaughterhouse other than one referred to in paragraph 22 above; (352/2011)
  - 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.

#### Section 6a – *Consideration of risks*

- (1) The type and extent of the activity practised by the food business operator as well as other factors with impacts on food safety and consumer protection associated with food must be taken into account when implementing obligations laid down in this Act and under it and in controlling the compliance with them, unless otherwise provided in the law or under it. (352/2011)

### Chapter 2 – **Requirements concerning food, food producing animals, food premises and places of primary production**

#### Section 7 – *General requirements concerning food*

- (1) Food must be fit for human consumption in terms of its chemical, physical, microbiological and health-related quality and composition and other properties, 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.(989/2007)

*Subsections 3 and 4 repealed by 989/2007*

#### Section 8 – *Requirements concerning certain foods* (352/2011)

- (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. A food business operator who prepares a foodstuff that falls within the scope of the Supplements Regulation or has such foodstuff prepared or imports such foodstuff shall 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.
- (2) A food business operator who prepares a food supplement or has a food supplement prepared or imports a food supplement shall notify this to the Finnish Food Safety Authority. A notification is also required when the composition of the product changes as regards its characteristic substances. Further provisions on the notification are issued by Decree of the Ministry of Agriculture and Forestry.
- (3) 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.
- (4) 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, paragraphs 1, 3 and 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 laid down 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. (989/2007)
- (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. (1137/2008)

#### Section 10 – *General requirements concerning food premises and places of primary production* (1137/2008)

- (1) Food premises and places of primary production must be designed, located, built, equipped, maintained and managed and their operations must be organised in such a way that the safety of food produced, prepared, stored or handled in them is not endangered and the 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 staff 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 (352/2011)*

- (1) Food must be handled, stored and transported in a way that does not endanger the high hygiene standard of food.
- (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 and temperatures of 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 – Notification of food premises and application for approval as a food establishment (352/2011)*

- (1) A food business operator shall notify the control authority referred to in section 14 of the food premises in writing no later than four weeks before beginning the operations or substantial changes in them (*notified food premises*).
- (2) By derogation from subsection 1, a food business operator who engages in operations for which approval of food premises is required under Article 4(2) of the Foodstuffs of Animal Origin Hygiene Regulation shall apply for the approval of food premises as an establishment from a control authority laid down in section 15 before beginning the operations or substantial changes in them.

- (3) However, no application for approval as an establishment is required for food premises in which a primary production operator practises the manufacture of food which is minor as regards the risks to food safety. Operations under paragraphs d and e of Article 1(3) of the Foodstuffs of Animal Origin Hygiene Regulation and operations to which the national adaptations under Article 10 apply are also considered as operations which are minor as regards the risks to food safety. A notification under subsection 1 is required on such food premises.
- (4) The control authority shall be notified without delay of the interruption or termination of the operations of food premises referred to in subsections 1 – 3 above and a change of the operator.
- (5) The approval of food premises or, if no approval is required, beginning the operations is subject to the precondition that the food premises comply with the requirements laid down in Article 10 and under it. The operations of an establishment may not be started or substantially changed without the approval by an authority.
- (6) A notification referred to in subsection 1 above is not required when the risks associated with the activity are minimal as regards food safety and
  - 1) food business operations take place in the same premises as the other business activity of the operator;
  - 2) the operator is a private person; or
  - 3) the operations cannot be considered as business activity.
- (7) Further provisions on the notification and application for the approval as well as operations considered minor as regards the risks to food safety are issued by Government Decree.

*Section 14 – Processing of a notification concerning food premises*  
(352/2011)

- (1) Notifications concerning food premises are processed by the control authority of the municipality in which the food premises are located. A notification of movable food premises as well as food premises where the purposes of operations practised is only to transport or store foodstuffs in one or several transport vehicles or containers is processed by the control authority of the municipality in whose territory the operations are started or in whose territory a notification of the operations was made earlier.
- (2) A notification of food premises which are used only for sale, forwarding or other handling of foodstuffs without the foodstuffs being kept in the premises concerned may be processed by the control authority of the home municipality of the operator if the municipality in which the operations are located is not clear or there are other special reasons for this.
- (3) The National Supervisory Authority for Welfare and Health processes the notifications on the production and storage premises referred to in section 5 and 35 of the Alcohol Act (1143/1994). The Regional State Administrative Agency processes the notifications on retail shops for alcoholic beverages referred to in section 13 and 14(2) of the Alcohol Act.
- (4) The authority processing a notification concerning food premises gives the food business operator a certificate of the processing of the application. The control authority shall provide the information on food premises notified to it to the Finnish Food Safety Authority as required by this.
- (5) Further provisions on the processing of a notification are issued by Government Decree.

*Section 15 – Approval of food premises as an establishment*  
(352/2011)

- (1) Establishments referred to in section 13(2) are approved by the control authority of the municipality in which the establishment is located. Movable food premises are approved by the control authority of the municipality in whose territory the operations are started.



- (2) However, the Finnish Food Safety Authority approves slaughterhouses and game handling establishments as well as establishments connected to these, including movable establishments.
- (3) The control authority makes the decision on the approval of food premises as an establishment. In its decision, the control authority may impose conditions for preventing health hazards. The control authority must resolve the 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.
- (4) The control authority shall notify the Finnish Food Safety Authority of the food premises approved as required by this.
- (5) Further provisions making the decision on approval are issued by Government Decree.

Section 15a – *Informing on movable food premises*  
(352/2011)

- (1) A food business operator shall inform the control authorities of municipalities in whose territory the operations are practised on the sale and other handling of food in notified or approved movable food premises.
- (2) However, a food business operator shall inform the Finnish Food Safety Authority of slaughtering and handling of food in movable food premises and a game handling establishment and an establishment connected to these. Similarly, the Regional State Administrative Agency shall be informed of the operations of a movable reindeer slaughterhouse and an establishment connected to this.
- (3) The relevant authority must have received the information no later than four days before the start of notified operations and two weeks before the start of approved operations.

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

Section 16 – *General requirements concerning the responsibility of a food business operator*

- (1) 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 the traceability of foodstuffs are issued by Decree of the Ministry of Agriculture and Forestry. (989/2007)

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 implementation of own-checks referred to in this section. Provisions on the keeping of records on own-checks by other food business operators are laid down in section 20.
- (3) Further provisions on the keeping of records on own-checks 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 are issued by Decree of the Ministry of Agriculture and Forestry. (989/2007)

*Subsection 5 repealed by 989/2007*

#### Section 21 – *Disclosure of control information* (352/2011)

- (1) Food business operators shall disclose the document on the inspection of the food premises issued by the control authority or, if the food premises have not been inspected yet, a certificate on the processing of the notification concerning the food premises as required by the Finnish Food Safety Authority.
- (2) Further provisions on the disclosure of control information are issued by Decree of the Ministry of Agriculture and Forestry.

#### Section 21a – *Notification of the placing on the market of materials and articles intended to come into contact with food* (643/2010)

- (1) An operator who places on the market materials and articles intended to come into contact with food shall notify the food control authority of the municipality in which the place of business is located of the place of business and the operations practised in this.
- (2) Further provisions on the notification referred to in subsection 1 are issued by Decree of the Ministry of Agriculture and Forestry.

Section 22 – *Notification of the place of primary production*  
(352/2011)

- (1) Food business operators shall notify the municipal control authority of the place of primary production and the operations practised there. In addition to the operations under Annex I to the General Food Hygiene Regulation, the conveyance of primary products from the producer directly to the consumer with minimal risks as regards food safety is considered primary production. The municipal control authority shall notify the operator of having received notification of the place of primary production.
- (2) Notification of a place of primary production is not required, however, if the municipal control authority receives the information from another public authority. The municipal control authority shall notify the operator of having received information about the place of primary production from another public authority.
- (3) A notification referred to in subsection 1 above is not required for hunting, conveyance of wild game directly to the consumer referred to in subsection 1 and primary production of wild plants and mushrooms.
- (4) A notification referred to in subsection 1 above is also not required for the primary production of plants and mushrooms, if:
  - 1) the operator is a private person; or
  - 2) the operations cannot be considered as business activity.
- (5) Further provisions on the notification referred to in subsection 1 and conveyance with minimal risks as regards food safety as well as national arrangements concerning operations referred to in point c of Article 1(2) of the General Food Hygiene Regulation and point c of Article 1(3) of the Foodstuffs of Animal Origin Hygiene Regulation are issued by Government Decree.

Section 23 – *First destination operations*

- (1) First destination operators shall 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) A sampling and testing plan concerning the food to be received must be attached to the own-check plan of the first destination operator. The first destination operator shall notify the control authority designated by the Finnish Food Safety Authority of the food delivered to the first destination. (352/2011)
- (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 of the return or destruction of the food consignment. Foodstuffs of animal origin coming from a third country must originate from a third country

and 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 shall 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 the notification are issued by Decree of the Ministry of Agriculture and Forestry. (989/2007)
- (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 shall 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 cause of 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 shall supply information on the tests performed 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 provisions of information on tests are issued by Decree of the Ministry of Agriculture and Forestry. (989/2007)

*Subsection 3 repealed by 989/2007*

#### Section 26 – *Obligation of food business operators to provide assistance*

- (1) 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*

(1137/2008)

- (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 notified or 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. (352/2011)
- (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).
- (4) Food business operators 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*  
(1137/2008)

- (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*  
(1137/2008)

- (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 duties 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 shall 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 a competence tester if he or she materially violates any provisions concerning competence testing. The Finnish Food Safety Authority may withdraw the approval of a competence tester even if the violation of the provisions has not been material if the competence tester has not rectified his or her activity despite being urged to do so by the Finnish Food Safety Authority and within the time period set by the

Authority. The approval may be withdrawn temporarily for the time of investigating the matter. (352/2011)

- (3) The provisions of section 36(2) concerning external control bodies apply to competence testers when they perform the duties referred to in this section.

#### Section 28a – *Competence test*

(/1137/2008)

- (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. Further regulations on the criteria, preparation and organisation 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 collect a charge for the test equivalent to no more than the actual cost of organising the test.

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

#### Section 29 – *General planning and supervision*

(989/2007)

- (1) 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*

(352/2011)

- (1) The Finnish Food Safety Authority is responsible for planning, steering, developing and undertaking food control nationally as laid down in this Act, in addition to which it:
  - 1) steers the Regional State Administrative Agencies in assessing municipal food control;
  - 2) sees to food control in slaughterhouses, game handling establishments and establishments connected to them;
  - 3) is responsible for the planning and implementation of the national control of contaminants in food;
  - 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;
  - 9) assesses the meat inspection of reindeer organised by the Regional State Administrative Agency and the related control.

#### Section 31 – *Regional food control*

(352/2011)

- (1) The Regional State Administrative Agency plans, steers and supervises food control and controls the compliance with the food regulations within its area of operation as laid down in this Act, in addition to which it:
  - 1) assesses the organisation of the municipal food control and discloses the results of the assessment;
  - 2) assesses the control plans of municipalities and checks the compliance with them;
  - 3) discloses the results of the food control it has performed as required by the Finnish Food Safety Authority;
  - 4) sees to food control in reindeer slaughterhouses and establishments connected to them.

#### Section 32 – *Municipal food control*

- (1) A municipality shall see to food control as laid down in this Act (*municipal food control*) in its area of operation. In the 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 a municipality also apply to a municipal federation and a cooperation area referred to in the Act on Cooperation Areas in Environmental Healthcare (410/2009). (352/2011)
- (2) A municipality may conclude an agreement with another municipality or municipal federation to the effect that a task laid down in this Act for the municipality or municipal authority where the competence may be transferred to another office holder 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 to this.
- (3) A municipal council may also give the board or body the right to transfer its competence to an office holder or department subordinate to the council with regard to the administrative coercive measures referred to in sections 55–60 of this Act.

#### Section 33 – *Municipal food control duties*

(352/2011)

- (1) In addition to provisions laid down elsewhere in this Act, a municipality:
  - 1) submits the notifications and reports required under the food regulations to the Regional State Administrative Agency and Finnish Food Safety Authority;
  - 2) advises food business operators and consumers and provides information on matters which fall within the scope of this Act;
  - 3) assists the State authorities against payment in the implementation of the national control programme for contaminants in food;
  - 4) discloses the results of the food control it has performed as required by the Finnish Food Safety Authority.

#### Section 34 – *Other control authorities*

- (1) Other control authorities are:
  - 1) the National Supervisory Authority for Welfare and Health;
  - 2) the Finnish Defence Forces;
  - 3) the Finnish Customs; and
  - 4) border inspection veterinarians.
- (2) In addition to the provisions laid down elsewhere in this Act, the National Supervisory Authority 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) steers the Regional State Administrative Agencies in the control of sales outlets for alcoholic beverages.
- (1495/2009)
- (3) The Finnish Defence Forces are responsible for the duties laid down in this Act for the municipal food control authority as regards food premises that fall under their control.
  - (4) The Finnish Customs controls:
    - 1) compliance with the food regulations of food other than foodstuffs of animal origin that is imported from outside the European Union;
    - 2) compliance with the food regulations of food other than foodstuffs of animal origin that is supplied to Finland from Member States of the European Union in connection with unloading and storage of food consignments in Finland;
    - 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 the 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 shall have in their service or at their disposal on the basis of an agreement the necessary number of qualified staff with sufficient experience to perform the control duties successfully.
- (2) Office holders performing food control duties shall 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) The control authority may use external control bodies to assist in the control. 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 be taken on the basis of these shall be made by the control authority which commissioned the services. The external control body shall have the expertise and qualifications needed for conducting the inspections, tests and investigations. The external control body shall demonstrate its competence and the reliability of the inspection and testing methods that it uses to the authority that commissions the services. Provisions on the requirements set for external control bodies are also laid down in Article 5 of the Control Regulation.
- (2) 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 to the external control body when it performs duties under this section. The provisions concerning criminal liability of a civil servant apply to persons in the service of an external control



body or working in a managerial capacity for an external control body when they participate in managing duties referred to in this Act.

## 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. (989/2007)
- (2) Approved laboratories are laboratories approved for testing official samples and approved own-check laboratories. An approved laboratory may also have a mobile unit. (643/2010)
- (3) The laboratories referred to in subsection 2 are approved by the Finnish Food Safety Authority upon application.

### Section 38 – *Preconditions for laboratory approval* (643/2010)

- (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 staff must have the training and competence required for the work.
- (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 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 competence of the laboratory must be assessed no less than once every three years.
- (4) 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.
- (5) Further provisions on the standards describing the approved laboratories and the competence of the bodies assessing them, the requirements to be set for the quality systems of laboratories, preconditions for laboratory approval required for the implementation of the European Union legislation, and the training and competence requirements for laboratory staff are issued by Government Decree.

### Section 39 – *Testing of samples* (643/2010)

- (1) Samples taken or commissioned by the control authority for the purpose of official control under this Act (*official sample*) shall be tested in a laboratory approved for testing official samples or in the national reference laboratory.
- (2) Samples required to be tested under the food regulations which belong to own checks shall be tested in an approved own-check laboratory, a laboratory approved for testing official samples or the national reference laboratory. (352/2011)

### Section 40 – *Notification obligation of the approved laboratories*

- (1) An approved laboratory shall notify the Finnish Food Safety Authority of any substantial change in operations or the interruption or termination of operations. On the request of the Finnish Food Safety Authority, an approved laboratory shall present a summary of the tests

it has conducted under section 39 of this Act and the results of their results. The summaries must not contain personal data or any identification data on the object of control.

- (2) An approved laboratory shall notify its client without delay of any test results that indicate a health hazard. An approved laboratory shall 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 shall 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) An approved laboratory shall notify the Finnish Food Safety Authority of tests relating to the zoonosis monitoring and control referred to in section 25(1) and their results and dispatch the samples and the microbial strains isolated in the tests to the national reference laboratory. Further provisions on the content and submission 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. (989/2007)

*Section 40a – Notification obligation of the national reference laboratory*  
(1137/2008)

- (1) The national reference laboratory shall notify the Finnish Food Safety Authority and the National Institute for Health and Welfare of information needed for epidemiological surveillance as well as the Finnish Food Safety Authority of information on the microbial strains and samples referred to in section 40 needed for the steering of control. The information submitted to the National Institute for Health and Welfare may not contain any identification data on the objects of control.
- (2) Further provisions on the content and submitting of the notifications 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 standards 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 shall 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) The municipal food control authority shall 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 – Organisation of first destination control*  
(352/2011)

- (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 performed within its own area. The Finnish Food Safety Authority and the municipality may agree that the municipality performs this duty on behalf of one or more municipalities. An office holder appointed by the municipal control authority

decides on the 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 an agreement on the control with another authority, purchase the services of an external control body suited to performing the duties, or perform the control itself. If a control agreement is concluded with another authority, the administrative coercive measures are decided upon by an office holder designated by this authority. If a control agreement is concluded with an external control body, the administrative coercive measures are decided upon by the Finnish Food Safety Authority.
- (3) The Finnish Food Safety Authority is responsible for first destination control in slaughterhouses, game handling establishments and establishments connected to these. The Regional State Administrative Agency sees to first destination control in reindeer slaughterhouses subject to its control and establishments connected to these.
- (4) The decision of an office holder designated by the municipal control authority concerning first destination operations is notified to the parties concerned as regular service referred to in section 59 of the Administrative Procedure Act (434/2003).
- (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* (352/2011)

- (1) Meat processed or stored in food premises must have been inspected, unless otherwise provided in this Act or under it. Provisions on meat inspection and related control are laid down in Article 5 of the Foodstuffs of Animal Origin Control Regulation.
- (2) The Finnish Food Safety Authority inspects the meat in slaughterhouses and game handling establishments. The Regional State Administrative Agency inspects the meat in reindeer slaughterhouses.
- (3) Inspection assistants in State employment trained for this purpose may be used to assist in meat inspection and control. In slaughterhouses for poultry and lagomorphs staff employed by the food business operator may also be used to assist in meat inspection and related control.
- (4) Further provisions on meat inspection and related control are issued by Decree of the Ministry of Agriculture and Forestry.

#### Section 43a – *Meat inspection decision* (1137/2008)

- (1) A written decision is given on meat inspection. The decision shall contain the following information:
  - 1) authority which 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 shall be attached to the decision. The decision need not be signed.
- (3) The meat inspection decision is notified to the parties concerned 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 party concerned the decision may be notified by email. In this case the decision is considered notified as soon as the party concerned sends an acknowledgement of receipt to the control authority.

#### Section 44 – *Control of laboratories*

- (1) The Finnish Food Safety Authority controls that laboratories performing 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 perform 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. (989/2007)

#### Section 46 – *Preparing for emergencies*

- (1) The Finnish Food Safety Authority shall draw up a national contingency plan for emergencies under Article 13 of the Control Regulation. The municipal control authority shall 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. (989/2007)

#### Section 47 – *National control programme*

- (1) The Finnish Food Safety Authority shall draw up a national food control programme (*control programme*) to steer and coordinate the control performed under this Act. The control programme shall 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 shall 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 shall 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 shall 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 shall take account of the national control programme. The control plan shall be reviewed as necessary, but at least once every three years.
- (3) The Finnish Food Safety Authority, the National Supervisory Authority for Welfare and Health, the Finnish Customs, the Regional State Administrative Agencies, the Finnish Defence Forces and border inspection veterinarians shall 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. (1495/2009)
- (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 perform inspections and to be present at inspections*  
(352/2011)

- (1) The control authority and the external control body referred to in section 36 has the right to perform inspections required in the control, examine documents, and gain access to sites where operations referred to in this Act are practised or information relevant for controlling the compliance with this Act is kept. The control authority and external control body has the right to inspect the machinery, implements and facilities used in the operations.
- (2) The Finnish Food Safety Authority and Regional State Administrative Agency have the right to be present in inspections performed by the European Commission under Article 45 of the Control Regulation. A student who is taking training in activities of public authorities who is steered by the control authority has the right to be present when the control authority performs control and inspections.
- (3) In premises covered by the provisions on domiciliary peace, the inspection may only be performed 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 performed by the control authority.
- (4) 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 Regional State Administrative Agency and the Finnish Food Safety Authority or a veterinarian designated by the Regional State Administrative Agency 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 Regional State Administrative Agency and the Finnish Food Safety Authority or a veterinarian designated by the Regional State Administrative Agency has the right to obtain information, take samples and perform inspections as laid down in this Act. Only the Regional State Administrative Agency has the right to perform inspections in premises covered by the provisions on domiciliary peace.
- (5) 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 practised and to obtain information also apply to inspectors referred to in the European Union legislation or 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) The control authority and external control body referred to in section 36 has 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 the 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 shall 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. (989/2007)

#### Section 51 – *Right to obtain information*

- (1) Notwithstanding the provisions on secrecy, the control authority has the right to obtain information essential for performing the control from State 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 performing duties laid down in the food regulations which would otherwise be considered secret as it concerns private business or professional activity or the financial status or state of health of a private person.

#### Section 52 – *Obligation of the control authority to notify and provide information* (1495/2009)

- (1) The control authority shall notify the Regional State Administrative Agency and the Finnish Food Safety Authority of any health hazards observed and, where necessary, of other matters emerging during control that may affect food safety. The control authority shall 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) The control authority has an obligation to provide to the Finnish Food Safety Authority and the Regional State Administrative Agency the information they require for the registers they maintain under section 83. The control authority also has an obligation to provide, on request, to the Finnish Food Safety Authority and the Regional State Administrative Agency other information on inspections, control measures, control staff, charges and the control process for monitoring the control performed under this Act.
- (3) The control authority shall provide the information referred to in subsections 1 and 2 as required 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.

#### Section 53 – *Obligation of the control authority to provide guidance* (352/2011)

- (1) Where necessary, the control authority shall provide food business operators with the instructions and requests needed for ensuring compliance with the food regulations and the functioning of own checks.

#### Section 54 – *Notification obligation of a veterinarian*

- (1) 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 essentially weakens the food hygiene standard of the foodstuffs of animal origin obtained from the animals concerned, 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*

- (1) If food or information given about it, the food production, processing or distribution stage, food premises, a place of primary production, or the operations practised in them may cause a health hazard, endanger the accuracy or sufficiency of the information given 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 shall 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 practised 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 investigated or the deficiency corrected. A temporary prohibition remains in force until the control authority issues its final decision on the matter. The control authority shall ensure that the necessary investigations on the matter are performed 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 are not to be considered sufficient. The seizure must be performed in the presence of a witness. The party from whom the food is seized shall 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. Efforts shall be made to store the property 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 shall impose a reasonable time limit within which the food business operator must comply with a decision made under subsection 1. The control authority shall 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) The control authority shall 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 performed 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 an own-check examination performed 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 shall 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) Rejected food shall be returned to the country of origin, used for a non-food purpose as approved by the control authority, or destroyed as set down in the rejection decision. 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 shall 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*



- (1) 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 practised in them violate 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 practised in it 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 a 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*

- (1) In urgent cases, a holder of municipal office performing food control duties 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 an office holder under this section shall 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 shall 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 remains in force until the Finnish Food Safety Authority has issued its final decision on the matter.
- (2) If in the marketing of food information is given that may cause a serious health hazard or if the marketing of food is essentially 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*

- (1) 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 must 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*

- (1) 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*

- (1) 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*

- (1) The food business operator is liable for the costs it incurs in complying with the decisions made by authorities under the provisions of this Chapter.

## **Chapter 8 – Charges**

*Section 70 – Charges for services performed by State 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 taken by a State 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. The meat inspection and control charges of slaughterhouses slaughtering small numbers of animals and game handling establishments may, however, be reduced to no more than the level specified in Article 27(3) of the Control Regulation as laid down by Decree of the Ministry of Agriculture and Forestry. (352/2011)
- (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. (989/2007)

*Section 71 – Charges for services performed by municipal authorities*

- (1) The municipality shall collect a charge from food business operators in accordance with the rate it has approved:
  - 1) for the approval of an establishment and for processing a notification of food premises other than those referred to in section 13(3); (352/2011)
  - 2) for the inspection, sampling and testing of samples 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; (643/2010) and
  - 4) for inspection performed 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, a municipality shall also collect a charge 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, tests and studies 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. (130/2009)
- (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 taking 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 charges are issued by Decree of the Ministry of Agriculture and Forestry. (989/2007)

*Section 72 – Collecting charges without judgement or decision and interest for late payment (130/2009)*

- (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 – Appeal against a decision of a State authority*

- (1) A decision of a State authority issued under this Act may be appealed as laid down in the Administrative Judicial Procedure Act (586/1996). Rectification to a charge imposed by a State authority may be requested 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 – Appeal 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 for rectification shall be made no later than 14 days after receipt of the decision of the officeholder. The request for rectification shall be processed 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) A 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 – Appeal against a meat inspection decision (1495/2009)*

- (1) A meat inspection decision by the Finnish Food Safety Authority or Regional State Administrative Agency may not be appealed. The party concerned may submit a request for rectification concerning the decision to the Finnish Food Safety Authority. The request for rectification shall be made in writing no later than 14 days after the receipt of the decision. The request for rectification shall be processed without delay.
- (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 – Appeal 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) A decisions made under the provisions of Chapter 7 of this Act may include an order that the decision shall be complied with before it becomes legally valid or before the request for rectification has been processed, unless otherwise required by the appellate authority or, correspondingly, the authority processing the request for rectification. The request for rectification and the appeal shall be processed 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 shall be complied with despite appeal. (1137/2008)
- (3) Unless otherwise required by the Finnish Food Safety Authority or the appellate authority, a meat inspection decision shall be complied with despite a request for rectification or an appeal.

### **Chapter 10 – Penalty provisions**

#### *Section 79 – Penalty provisions*

- (1) Provisions on the penalty for a health offence violating the provisions laid down in or under this Act are laid down in Chapter 44, section 1 of the Criminal 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) practises operations under 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) Provisions on the penalty 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 Criminal Code.
  - (4) The control authority need not notify the pre-trial investigation authority 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*

- (1) Punishment for violating the confidentiality obligation referred to in section 81 is imposed in accordance with Chapter 38, section 1 or 2 of the Criminal Code unless the act is punishable under Chapter 40, section 5 of the Criminal Code, or a more severe penalty for the act has been provided elsewhere in the law.

### Chapter 11 – **Miscellaneous provisions**

#### Section 81 – *Confidential information*

- (1) 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 the compliance with this Act or performing control duties may be given:
  - 1) to State and municipal authorities for the purpose of performing duties 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*

- (1) If requested, the police and the Finnish Customs must provide control authorities with executive assistance in performing duties laid down in the food regulations.

#### Section 83 – *Registers*

(352/2011)

- (1) The Finnish Food Safety Authority maintains, for the purpose of steering and developing the control and for the control duties it performs, a national register of all food premises, places of business placing on the market materials and articles intended to come into contact with food, first destinations, first destination operators, approved laboratories, and trained persons who have completed the training of hunters in health and hygiene referred to in Annex III, Section IV of the Foodstuffs of Animal Origin Hygiene Regulation. The Finnish Food Safety Authority issues an approval number to establishments referred to in section 13(2).
- (2) The National Supervisory Authority for Welfare and Health maintains a register of shops selling alcoholic beverages and production and storage sites for alcoholic beverages.
- (3) The Regional State Administrative Agency and municipal control authority maintain a register of the food premises under their control. The municipal control authority maintains a register of places of business placing on the market materials and articles intended to come into contact with food.
- (4) The Finnish Food Safety Authority maintains a register of places of primary production as laid down in the Act on the Information System of the Rural Business Administration (284/2008). Provisions on the responsibility of the register keeper are laid down in section 5 of the Act on the Information System of the Rural Business Administration. Municipalities use and update the register of places of primary production to the extent required by the duties laid down in this Act. Registers of fishing vessels and aquaculture establishments are maintained by the Ministry of Agriculture and Forestry as laid down in the Act on Implementing the Common Fisheries Policy of the European Union and by the Ministry of Agriculture and Forestry and Centres for Economic Development, Transport and the Environment as laid down in the Act on the Registration of Fishing and Aquaculture Vessels Operating at Sea (690/2010).
- (5) 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 steering 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 code, and the name and address of the object of control. In the case of approved laboratories, the analysis methods covered by the assessment and the name of the person responsible for testing are also entered in the register. The information 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 – *Government transfers* (1724/2009)

- (1) Unless otherwise provided by law, the Act on Government Transfers for Basic Municipal Services (1704/2009) applies 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 conditions necessary for enforcing this Act which arise from local circumstances and apply to the municipality or a part of it.
- (2) The regulations may concern:
  - 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 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 Regional State Administrative Agency. (1495/2009)

### 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. The municipal food control authority 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 an authority 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 perform 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).

### **Entry into force and application of the latest statutes amending this Act:**

1495/2009

- (1) This Act enters into force on 1 January 2010.
- (2) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

1724/2009

This Act enters into force on 1 January 2010.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

643/2010

- (1) This Act enters into force on 1 September 2010.
- (2) An operator who places on the market materials and articles intended to come into contact with food shall make the notification on the place of business and operations practised there required by this Act to the food control authority of the municipality in which the place of business is located within one year from the entry into force of the Act.
- (3) A meat inspection laboratory approved before the entry into force of this Act is considered an approved official laboratory for the part of *Trichinella* testing without a separate approval until the end of 2013. If the approval of a meat inspection laboratory is pending at the Finnish Food Safety Authority upon the entry into force of this Act, the application is considered as the application for approval of a laboratory approved for testing official samples referred to in this Act.

352/2011

- (1) This Act enters into force on 1 September 2011.



- (2) Measures necessary for the implementation of this Act may be undertaken before its entry into force.
- (3) Food premises approved before the entry into force of this Act for which no approval is required under section 13 of this Act are considered as food premises notified under section 13 (1 or 3) of this Act without a separate notification. If the application for approval of such food premises is pending at the relevant control authority upon the entry into force of this Act, the application is considered as the notification referred to in section 13(1 or 3) of this Act.
- (4) A person who works in food premises referred to in section 13(3) of this Act and who upon the entry into force of this Act did not need to have the competence certificate referred to in section 27 shall obtain the competence certificate within three years from the entry into force of the Act.
- (5) With the permission of the municipal veterinarian, meat of wild game intended for domestic consumption may be inspected by the municipal veterinarian at a place other than a game handling establishment, slaughterhouse or reindeer slaughterhouse for two years from the entry into force of this Act if the permission was issued before the entry into force of this Act.