

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Agriculture and Forestry, Finland**

### **Food Act**

*(297/2021, amendments up to 718/2021 included)*

By decision of Parliament, the following is enacted:

## **Chapter 1**

### **General provisions**

#### **Section 1**

##### **Objective of the Act**

The objectives of this Act are:

- 1) to protect the health and economic interests of consumers by ensuring the safety of foods and food contact materials, the good health-related quality and other quality of foods as provided in food legislation, and the sufficiency and correctness of the information provided on foods and food contact materials;
- 2) to promote, in respect of the scope of application of the Act, the operating conditions of food business operators and contact material business operators.

Unless otherwise provided by law, the implementation of food legislation and control of compliance with it shall take into account the nature and extent of the food business and contact material business as well as any other factors relating to the operations and impacting on food safety and consumer protection.

#### **Section 2**

##### **Scope of application**

This Act applies to foods, animals used in food production, food contact materials, food business and contact material business, food business operators, contact material business operators and food control at all stages of the production, processing and distribution of foods and food contact materials.

This Act does not apply to:

- 1) primary production by 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 provisions on these are laid down elsewhere in legislation.

Of the provisions in chapter 2 of this Act, only section 6, subsections 1–3 and sections 14, 15 and 17 apply to the operations referred to in section 8, subsection 2, paragraph 3, subparagraphs a and b and in section 10, subsection 2.

### **Section 3**

#### **European Union legislation**

This Act applies to the implementation of European Union acts concerning foods and food contact materials, food business and contact material business and food control to the extent that provisions on these are not laid down in another act.

The provisions on the European Union or Member States of the European Union laid down in this Act also apply to the European Economic Area and its member states.

### **Section 4**

#### **Relationship with other legislation**

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 that have impacts on food safety are also laid down in the Animal Disease Act (76/2021). Provisions on the implementation of European Union legislation relating to the monitoring of compliance with the Common Fisheries Policy and acts in contravention of it are laid down in the Act on a Sanctions Regime for the Enforcement of European Common Fisheries Policy (1188/2014). Provisions on organic production and the labelling of organically produced products are laid down in the Act on Control of Organic Production (294/2015). Provisions on requirements concerning the health status of persons who handle food are also laid down in the Communicable Diseases Act (1227/2016). Provisions on the criteria for assessing the radiation safety of food are laid down in the Radiation Act (859/2018).

Provisions on the official control of foods imported into the European Union are laid down in the Act on Import Controls of Animals and Certain Goods (1277/2019).

*The Act on Control of Organic Production 294/2015 has been repealed by the Act on Organic Production 1330/2021.*

## **Section 5**

### **Definitions**

For the purposes of this Act and the decrees issued pursuant to it, the following definitions apply:

- 1) the definitions of *food, food business operator, retail, placing on the market, traceability, stages of production, processing and distribution* and *final consumer* in Article 2 and Article 3(3), (7), (8), (15), (16) and (18) of 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;
- 2) the definitions in Article 2(1) of Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs, however not the definition of slaughterhouse;
- 3) the definitions in Annex I and Annex III of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
- 4) the definitions of *official controls, other official activities, delegated body, hazard, official veterinarian, official auxiliary, health mark, ante-mortem inspection* and *post-mortem inspection* in Article 2, Article 3(5), (23), (32), (49) and (51) and Article 17(c) and (d) of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC;

- 5) the definitions in Article 2 of Commission Delegated Regulation (EU) No 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council;
- 6) the definitions in Article 2 of Commission Implementing Regulation (EU) No 2019/627 laying down uniform practical arrangements for the performance of official controls on products of animal origin intended for human consumption in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council and amending Commission Regulation (EC) No 2074/2005 as regards official controls;
- 7) the definitions of *controlled housing conditions* and *compartment* in Article 1(2) and (3) of Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for *Trichinella* in meat;
- 8) the definitions of *zoonosis*, *zoonotic agent* and *food-borne outbreak* in Article 2(2)(a), (b) and (d) of Directive 2003/99/EC of the European Parliament and of the Council on the monitoring of zoonoses and zoonotic agents, amending Council Decision 90/424/EEC and repealing Council Directive 92/117/EEC;
- 9) the definition of *sprouts* in Article 2(1)(a) of Commission Implementing Regulation (EU) No 208/2013 on traceability requirements for sprouts and seeds intended for the production of sprouts;
- 10) the definition of *national quality scheme for foodstuffs* in Article 16(1)(b) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005;
- 11) the definition of *means of distance communication* in Article 2(2)(u) of Regulation (EU) No 1169/2011 of the European Parliament and of the Council on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004.

For the purposes of this Act and the decrees issued pursuant to it:

- 1) *food legislation* means the provisions of this Act and the decrees issued pursuant to it as well as the provisions of European Union legislation within this Act's scope of application;
- 2) *control authority* means the State and municipal authorities performing the control duties referred to in this Act;
- 3) *object of control* means an operator which carries out food business or contact material business or which, on justified grounds, is suspected to carry out the same, as well as any physical or virtual place in which food business or contact material business is carried out or in which it is suspected, on justified grounds, that they are carried out or in which information relevant to compliance with food legislation is kept, as well as any operations pursued by the operator in the said space;
- 4) *primary production* means the primary production referred to in Article 3(17) of Regulation (EC) No 178/2002 of the European Parliament and of the Council and the direct supply of small quantities of primary products to the final consumer referred to in Article 1(2)(c) of Regulation (EC) No 852/2004 of the European Parliament and of the Council and Article 1(3)(c) of regulation (EC) No 853/2004 of the European Parliament and of the Council;
- 5) *primary production site* means a farm, horticultural enterprise or other place in which primary production of food is practised;
- 6) *primary production operator* means a food business operator carrying out primary production and related operations;
- 7) *registered primary production* means the primary production of food notified by the primary production operator to the competent control authority and registered by the competent control authority;
- 8) *approved primary production site* means a primary production site approved in the manner required under Article 6(3) of Regulation (EU) No 852/2004 of the European Parliament and of the Council;
- 9) *food business* means the production, processing and distribution of food carried out by a food business operator;
- 10) *registered food business* means the production, processing and distribution of food notified by the food business operator to the competent control authority and registered by the competent control authority, primary production however excluded;

- 11) *food premises* means any building or premises or part thereof referred to in Article 2(1)(c) of Regulation (EC) No 853/2004 of the European Parliament and of the Council as well as any other place in which food intended to be sold or otherwise to be conveyed is manufactured, stored, transported, kept for sale, served or otherwise handled, primary production sites however excluded;
- 12) *approved food premises* means food premises approved in the manner required under Article 4(2) of Regulation No 853/2004 of the European Parliament and of the Council;
- 13) *registered food premises* means food premises registered in the manner required under Article 6(2) of Regulation No 853/2004 of the European Parliament and of the Council;
- 14) *mobile food premises* means food premises that may be moved from one location to another;
- 15) *virtual premises* means premises used in the sale or transfer of food or in other food business without the food actually being on the said premises;
- 16) *meat inspection* means ante-mortem and post-mortem inspection;
- 17) *official laboratory* means a laboratory designated by the Finnish Food Authority to test official samples;
- 18) *designated own-check laboratory* means a laboratory designated by the Finnish Food Authority to test own-check samples under food legislation;
- 19) *official sample* means a sample taken or commissioned by a control authority for the purpose of official controls under food legislation or other official activities;
- 20) *reindeer herding area* means the reindeer herding area referred to in section 2 of the Reindeer Husbandry Act (848/1990);
- 21) *reindeer slaughterhouse* means a slaughterhouse located in the reindeer herding area where mainly reindeer are slaughtered;
- 22) *slaughterhouse* means a slaughterhouse other than referred to in paragraph 21 above;
- 23) *establishment* means an establishment as referred to in Article 4(27) of Regulation (EU) No 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'), however not a slaughterhouse;

24) *insect* means a reared insect approved as provided in Article 6(2) of Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001;

25) *food contact material* means materials and articles that are directly or indirectly in contact with food or that are intended to come into contact with food or may be assumed to come into contact with food;

26) *contact material business* means the manufacture of food contact materials and the intermediate materials and articles used in their manufacture, the wholesale of food contact materials and their internal market importation and importation from outside the European Union;

27) *contact material business operator* means an operator that places food contact materials on the market;

28) *own-check* means the system required under Regulation (EC) No 178/2002 of the European Parliament and of the Council and Regulation (EC) No 852/2004 of the European Parliament and of the Council with which a food business operator identifies and manages the hazards associated with its operations and ensures that the foods as well as the primary production site and food premises and the food business carried out therein meet the requirements imposed for them in food legislation, and the system required under Commission Regulation (EC) No 2023/2006 on good manufacturing practice for materials and articles intended to come into contact with food with which a contact material business operator manages the hazards associated with its operations and ensures that the food contact materials and the contact material business meet the requirements imposed for them in food legislation;

29) *perishable foods* means foods that, due to their qualities, provide good conditions for microbial reproduction and must therefore be stored at a temperature other than room temperature;

30) *other conveyance* means the provision, against no compensation, of food or food contact material in the context of food business or contact material business in the form of a handout, gift or sample or for trial purposes or another equivalent purpose;

31) *private household* means the household of a family or individual;

32) *product with protected name* means a product with a protected designation of origin and a protected geographical indication referred to in Article 5 as well as a product with a marking of traditional specialty guaranteed referred to in Article 18 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs, a product with a geographical indication referred to in Article 2(3) of Regulation (EU) No 251/2014 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91, and a product with a geographical indication referred to in Article 3(4) of Regulation (EU) 2019/787 of the European Parliament and of the Council on the definition, description, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs, the protection of geographical indications for spirit drinks, the use of ethyl alcohol and distillates of agricultural origin in alcoholic beverages, and repealing Regulation (EC) No 110/2008;

33) *village shop* means food premises located in a sparsely populated rural area, rural heartland area, rural area close to an urban area or a local centre in a rural area that has a distance of at least 7.5 kilometres to the nearest grocery store or is otherwise difficult to reach and the sales of daily consumer goods of which does not exceed EUR 2 million per year;

34) *non-profit organisation* means a non-profit organisation referred to in section 22 of the Income Tax Act (1535/1992).

## **Chapter 2**

### **Requirements concerning food business and contact material business**

#### **Section 6**

##### **General requirements concerning operations**

In its operations, the food business operator shall ensure that the foods are fit for human consumption in terms of chemical, physical, microbiological and health-related quality, and that they do not present any hazard to human health. The operator shall also ensure that the foods or the information provided on them do not mislead the consumer.

In its operations, the contact material business operator shall ensure that the food contact materials are suitable for food use and that they do not present any hazard to human health or cause inappropriate changes to the composition of the food or its organoleptic qualities. The

operator shall also ensure that the information provided on the food contact materials does not mislead the consumer.

In addition to the provisions laid down in subsection 1 above, the food business shall be such that the safety of the foods produced, manufactured, stored or handled is not compromised and that the food business also in other respects meets the requirements under food legislation.

A food business operator which manufactures or commissions the manufacture of, imports or otherwise places on the market foods within the scope of 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 shall give notification thereof to the Finnish Food Authority.

A food business operator which manufactures or commissions the manufacture of, imports or otherwise places on the market food supplements within the scope of Directive 2002/46/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to food supplements shall give notification thereof to the Finnish Food Authority. A notification is also required when the composition of the product changes as regards its characteristic substances.

## **Section 7**

### **Compliance of operators**

Food business operators and contact material business operators shall be compliant. Operators shall not be considered compliant if they:

- 1) within the three years preceding the assessment of compliance have repeatedly demonstrated manifest disregard for ensuring food safety, complying with food legislation, and consumer safety;
- 2) within the three years preceding the assessment of compliance have repeatedly or to a considerable extent neglected the registration, declaration or payment obligations relating to taxes, statutory contributions towards pension, accident or unemployment insurance, or charges collected by Customs; or
- 3) are unable to honour their debts according to enforcement or other information.

If the operator is a legal person, the compliance requirement applies to the managing director and his or her deputy, members and deputy members of the board of directors, members and deputy members of a supervisory board or comparable corporate body, active partners and other

members of senior management. The compliance requirement also applies to a person who directly or indirectly holds more than 25% of the shares in a limited liability company or the votes conferred by shares or has equivalent ownership or control powers if it is a question of an entity other than a limited liability company.

For assessing compliance, matters referred to in subsection 1 can be established for registered businesses and organisations referred to in section 3 of the Business Information Act (244/2001) that are directly or indirectly linked to the food business operator or contact material business operator or persons referred to in subsection 2 of this section.

To establish that an operator is compliant, the competent control authority may request a compliance report referred to in section 5 of the Act on the Grey Economy Information Unit (1207/2010) from the Grey Economy Information Unit.

## **Section 8**

### **Registered primary production**

A primary production operator shall give a notification on primary production for registration purposes in the e-service provided by the competent control authority or supply the competent control authority with the information by other means no later than four weeks prior to commencement of operations or material change in them. The competent control authority shall also be notified of the suspension and termination of operations.

The notification under subsection 1 above need not be given, if:

- 1) the municipality is informed by another authority of the primary production of food;
- 2) the primary production concerns wild plants, mushrooms or game;
- 3) the primary production concerns plants or mushrooms; and
  - a) the operator is a natural person;
  - b) the operations cannot be considered as pursuit of business activities; or
  - c) the operations are a part of the same operator's food business registered in accordance with section 10.

In the case referred to in paragraph 1, the municipality shall inform the operator that it has obtained the information from another authority.

The municipality in which the primary production site is located processes the notification and records the information on the primary production registration in the centralised national resource planning and information management system of environmental health and informs the operator electronically or by other equivalent means of the recording of the information. The Finnish Food Authority issues further regulations on the recording of information.

## **Section 9**

### **Approved primary production site for sprouts**

A primary production operator which engages in the primary production of sprouts shall, by way of derogation from section 8, apply for approval of the primary production site from the competent control authority prior to commencement of operations or material change in them. Suspension and termination of operations shall also be notified without delay to the competent control authority.

However, the approval referred to in subsection 1 above need not be applied for when the primary production operator engages in small-scale sprout production at the primary production site. The notification under section 8 shall nonetheless be given on such food business.

The primary production site is approved by the municipality in which it is located. The municipality issues its decision on primary production site approval within 60 days of the instigation of the matter unless proceedings of longer duration are necessary due to the scope of the matter, deficiencies in the application or another particular reason. In its decision, the municipality may impose conditions in order to prevent hazards. The municipality records the information on approval of the primary production site in the centralised national resource planning and information management system of environmental health and informs the operator electronically or by other equivalent means of the recording of the information. The Finnish Food Authority issues further regulations on the recording of information.

## **Section 10**

### **Registered food business**

A food business operator shall give a notification of the food business for registration purposes in the e-service provided by the competent control authority or supply the competent control

authority with the information by other means no later than four weeks prior to commencement of operations or material change in them. The competent control authority shall also be notified without delay of the suspension and termination of operations.

However, the notification referred to in subsection 1 above need not be given when the business and the risks associated with it are minor and:

- 1) food business operations take place on the same premises as the other business operations of the operator;
- 2) the operator is a natural person; or
- 3) the operations cannot be considered as pursuit of business activities.

The notification of food business is processed by the municipality where the food premises are located.

By way of derogation from subsection 3, the food business operator's municipality of residence processes the notification of food business when the operations are carried out:

- 1) on mobile food premises;
- 2) on food premises where food is only transported or stored in one or more transport vehicles or containers;
- 3) on virtual premises.

When the operator does not have a municipality of residence in Finland, the notification of food business is processed by the municipality in which the food business commences.

The National Supervisory Authority for Welfare and Health processes the notification of a production facility referred to in section 14, subsection 1, paragraph 2 of the Alcohol Act (1102/2017) and of a storage facility referred to in section 16, subsection 1, paragraph 2 of the same Act. The Regional State Administrative Agency processes the notification of registration of alcoholic beverages retail locations referred to in section 17, subsection 2 and section 26 of the Alcohol Act.

The competent control authority processes the notification and records the information on the food business registration in the centralised national resource planning and information management system of environmental health and informs the operator electronically or by other equivalent

means of the recording of the information. The Finnish Food Authority issues further regulations on the recording of information.

## **Section 11**

### **Approved food premises**

By way of derogation from section 10, a food business operator whose food business is subject to approval of food premises under Article 4(2) of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin shall apply for approval of the food premises from the competent control authority prior to commencement of operations or material change in them. The competent control authority shall also be notified without delay of the suspension and termination of operations.

However, approval of food premises need not be applied for when a primary production operator engages in food manufacture of low food safety risk associated with the primary products which it has produced. The operations referred to in Article 1(3)(d) or (e) and Article 10 of Regulation (EC) No 853/2004 of the European Parliament and of the Council and in Article 12(1)(a) of Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council are considered as operations of low food safety risk. Approval need also not be applied for when the operator engages in the operations referred to in Article 1(5)(b)(i) or (ii) of Regulation (EC) No 853/2004 of the European Parliament and of the Council. However, in such a case the notification under section 10, subsection 1 shall be given of the food premises.

The municipality where the food premises are located approves the food premises referred to in subsection 1. The Finnish Food Authority approves slaughterhouses and game handling establishments as well as any food premises in connection with these which require approval. Reindeer slaughterhouses and any food premises in connection with these which require approval are approved by the Regional State Administrative Agency.

The municipality of residence of the food business operator approves the food premises referred to in subsection 1 when these are mobile food premises. The Finnish Food Authority approves mobile slaughterhouses and game handling establishments as well as any food premises in connection with these which require approval. Mobile reindeer slaughterhouses and any food premises in connection with these which require approval are approved by the Regional State Administrative Agency.

The Regional State Administrative Agency and the municipality inform the Finnish Food Authority of approved food premises and the Finnish Food Authority assigns an approval number to the food premises.

The competent control authority issues its decision on food premises approval within 60 days of the instigation of the matter unless proceedings of longer duration are necessary due to the scope of the matter, deficiencies in the application or another particular reason. In its decision, the authority may impose conditions in order to prevent hazards. The authority records the information on approval of the food premises in the centralised national resource planning and information management system of environmental health and informs the operator electronically or by other equivalent means of the recording of the information. The Finnish Food Authority issues further regulations on the recording of information.

## **Section 12**

### **Provision of information on food business on mobile food premises**

A food business operator shall provide information:

- 1) on registered food business on mobile food premises, to the municipalities in which the business is pursued;
- 2) on food business in a mobile slaughterhouse or game handling establishment and on approved food premises in connection with these, to the Finnish Food Authority;
- 3) on food business in a mobile reindeer slaughterhouse and on approved food premises in connection with this, to the Regional State Administrative Agency;
- 4) on food business on other approved mobile food premises, to the municipalities in which the business is pursued.

The competent control authority shall be in possession of the information no later than four business days prior to the commencement of the notified business.

## **Section 13**

### **Registered contact material business**

A contact material business operator shall give a notification of its place of business and the contact material business carried out there for registration purposes in the e-service provided by

the competent control authority or supply the competent control authority with the information by other means no later than four weeks prior to commencement of operations or material change in them. The notification shall be given to the municipality in which the place of business is located. Suspension and termination of operations shall also be notified without delay to the municipality in which the place of business is located. The municipality processes the notification and records the information on the contact material business registration in the centralised national resource planning and information management system in environmental health care and informs the operator electronically or by other equivalent means of the recording of the information. The Finnish Food Authority issues further regulations on the recording of information.

## **Section 14**

### **Traceability**

The recipient shall be informed of the traceability information required under food legislation on foods, animals used for food production, and food contact materials.

Provisions on the obligation of a food business operator to organise the traceability of fisheries and aquaculture products are also laid down in Articles 56 and 58 of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 and in Articles 67 and 68 of Commission Implementing Regulation (EU) No 404/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

## **Section 15**

### **Own-checks**

Food business operators and contact material business operators shall have in place a system whereby the operator identifies and manages the hazards associated with its operations and ensures that the operations meet the requirements imposed under food legislation. The operator shall record the results of own-checks with a sufficient degree of accuracy.

Where a food business operator supplies foods within the scope of the special guarantees concerning salmonella referred to in Article 8 of Regulation (EC) No 853/2004 laying down specific

hygiene rules for food of animal origin from another Member State of the European Union to Finland, own-checks shall include a salmonella sampling and testing scheme concerning these foods.

## **Section 16**

### **Publication of control information**

A food business operator covered by systematic food control shall make public the food business inspection report issued by the control authority. The Finnish Food Authority issues further regulations on the publication of control information.

The obligation to publish control information does not apply to:

- 1) primary production operators;
- 2) premises for the manufacture and storage of alcoholic beverages or operators that primarily carry out alcoholic beverages retail;

The most recent food business inspection report shall be made readily available on the food operator's website or in another equivalent manner. In addition, food premises visited by consumers shall display the report near the entrance or in another location where consumers can easily see it.

## **Section 17**

### **Obligation of operators to provide information**

Food business operators and contact material business operators shall without delay notify the competent control authority of any serious hazards to human health detected in own-checks or by other means and of the remedial measures undertaken.

When a food business operator learns of food poisoning caused by food which it has produced, processed or distributed, or suspects that such food may cause food poisoning, the operator shall immediately notify this to the municipal control authority responsible for food control. Food or a food ingredient suspected of being the cause of the food poisoning, or a sample of it, must be kept so that it can be tested in a laboratory to investigate the cause of the food poisoning.

## **Section 18**

### **Zoonoses**

Food business operators shall prevent the spread of zoonotic agents to humans via food as efficiently as possible in all circumstances. Food business operators shall monitor and control the presence of zoonotic agents in the animals used in food production and foods. Operators shall provide the competent authority with information on the tests and test results relating to monitoring and control.

## **Section 19**

### **Hygiene passport**

Persons who handle unpackaged perishable foods on food premises shall hold a hygiene passport that is in accordance with the model approved by the Finnish Food Authority demonstrating their competence in food hygiene when they have worked for a total of at least three months on food premises in tasks that require handling unpackaged perishable food.

However, the hygiene passport is not required for persons who work on food premises solely:

- 1) as prisoners obligated under chapter 8, section 2 of the Imprisonment Act (767/2005);
- 2) in military service or alternative service 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);
- 3) as clients referred to in the Act on the Status and Rights of Social Welfare Clients (812/2000), in work activities under the Act on Special Care for Persons with Intellectual Disabilities (519/1977), in the daytime activities referred to in the Act on Disability Services and Assistance (380/1987) or in the activities or work activities to support the employment of persons with disabilities referred to in the Social Welfare Act (1301/2014);
- 4) as the sentenced persons referred to in the Act on the Enforcement of Community Sanctions (400/2015).

Food business operators shall keep records of the food hygiene competence of persons working on food premises and present this information to the control authority upon request.

The Finnish Food Authority prepares the hygiene passport examination which evaluates food hygiene competence. The hygiene passport examination is administered and the hygiene passport is issued by the hygiene passport examiner referred to in section 20. Hygiene passport examiners may charge a fee for the examination and the issuance of the hygiene passport.

The hygiene passport is issued to persons who pass the hygiene passport examination. When necessary, the Finnish Food Authority may issue a hygiene passport on the same grounds as a hygiene passport examiner and cancel a hygiene passport that has been issued on manifestly false grounds.

*Act 194/1995 on Women's Voluntary Military Service has been repealed by Act 285/2022 on Women's Voluntary Military Service, which has been in force as of 1 June 2022.*

## **Section 20**

### **Hygiene passport examiner**

Upon application, the Finnish Food Authority may approve as a hygiene passport examiner a person who:

- 1) holds the higher education degree required under section 32; or
- 2) holds competence, in respect of degree or mastery of subject, for a public service or employment position as lecturer or teacher of food hygiene at a higher education institution or an educational institution within the remit of the Finnish National Agency for Education.

The operations of hygiene passport examiners are supervised by the Finnish Food Authority. The Finnish Food Authority may cancel the approval of an examiner if the examiner has not organised hygiene passport examinations or issued hygiene passports for more than three years. Approval may also be cancelled if the examiner has violated the rules or regulations on hygiene passport examinations and failed to remedy its operations at the request of the Finnish Food Authority within the deadline imposed by it. Approval may also be cancelled on a temporary basis.

In their performance of the duties under this section, the provisions on delegated body and natural person laid down in section 33, subsection 3 shall apply to hygiene passport examiners.

The Finnish Food Authority may issue further regulations on organising hygiene passport examinations, the grounds and preparation of the examination, the languages of the examination and evaluation of passing the examination, the hygiene passport and its issuance, the processing of register data on hygiene passport examiners, and information management.

## **Section 21**

### **Further provisions on foods and food contact materials**

Further provisions may be issued by Decree of the Ministry of Agriculture and Forestry on the food and food contact material requirements referred to in section 6, subsections 1 and 2 in relation to:

- 1) food composition, the microbiological quality of food and contaminants contained in food;
- 2) food additives, flavourings, enzymes, nutrients and processing aids;
- 3) the national arrangements required under Regulation (EU) 2015/2283 of the European Parliament and of the Council on novel foods, amending Regulation (EU) No 1169/2011 of the European Parliament and of the Council and repealing Regulation (EC) No 258/97 of the European Parliament and of the Council and Commission Regulation (EC) No 1852/2001;
- 4) the information to be provided on food packaging, brochures, advertisements or otherwise in connection with marketing;
- 5) the national designations of alcoholic beverages in accordance European Union legislation and their composition and the information to be provided on them;
- 6) food contact materials and their use as well as their labelling and purity requirements.

Further provisions may be issued by decree of the Ministry of Agriculture and Forestry on:

- 1) giving the notification referred to in section 6, subsection 4 and national arrangements required under 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;
- 2) giving the notification referred to in section 6, subsection 5.

Further provisions may be issued by Decree of the Ministry of Social Affairs and Health concerning the contents and distribution of the information relating to infant and young child feeding required under Article 10 of Commission Delegated Regulation (EU) 2016/127 supplementing Regulation (EU) No 609/2013 of the European Parliament and of the Council as regards the specific compositional and information requirements for infant formula and follow-on formula and as regards requirements concerning the content and distribution of information relating to infant and young child feeding.

Further provisions may be issued by Government decree on the national arrangements required under Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed.

## **Section 22**

### **Further provisions concerning food business and contact material business**

Further provisions may be issued by Decree of the Ministry of Agriculture and Forestry on the requirements concerning food business referred to in section 6, subsection 3 in relation to:

- 1) national rules concerning the operations referred to in Article 1(2)(c) of Regulation (EC) No 852/2004 of the European Parliament and of the Council on the hygiene of foodstuffs, in Article 1(3)(c), (d) and (e), Article 1(5)(b)(i) and (ii) and Article 10 of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin, and in Article 12(1) of Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council;
- 2) requirements concerning food business relating to premises, structures and operations;
- 3) requirements concerning food handling and transportation as well as temperature;
- 4) 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), hereinafter the ATP agreement;
- 5) information to be provided on the health, treatment, handling, sampling, testing and transportation of animals used for food production and information to be provided on such animals;
- 6) the national rules referred to in Annex III, Chapter A, paragraph (I)(6.2) and (6.5) and in Annex V, paragraph 4 of 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.

Further provisions may be issued by decree of the Ministry of Agriculture and Forestry on:

- 1) giving and processing the primary production registration notification referred to in section 8;
- 2) submitting the application for primary production site approval and taking the approval decision referred to in section 9;

- 3) giving and processing the food business registration notification referred to in section 10;
- 4) submitting the application for food premises approval and taking the approval decision referred to in section 11;
- 5) the provision of information referred to in section 12;
- 6) giving and processing the contact material business registration referred to in section 13;
- 7) the traceability of foods, animals used for food production and food contact materials referred to in section 14, the recording requirements and documents relating to foods, animals used for food production and food contact materials and their handling and transportation, as well as markings of foods of animal origin;
- 8) the food business and contact material business operators' own-checks and the related recording requirements referred to in section 15;
- 9) the performance of the inspections relating to the publication of control information and the publication of control information referred to in section 16;
- 10) giving the notifications referred to in section 17;
- 11) the zoonosis monitoring and control, provisions of test data and food business operator's obligations relating to the prevention of zoonotic agent spread referred to in section 18.

### **Chapter 3**

#### **Authorities and their duties**

##### **Section 23**

###### **Duties of the Ministry of Forestry and Agriculture**

The Ministry of Agriculture and Forestry plans and oversees the implementation of food legislation.

##### **Section 24**

###### **Duties of the Finnish Food Authority**

The Finnish Food Authority plans, oversees, develops and performs food controls nationwide as laid down in this Act.

In addition to the provisions laid down elsewhere in this Act, the Finnish Food Authority:

- 1) directs the Regional State Administrative Agencies in the planning, oversight and assessment of food controls;
- 2) attends to meat inspection and other food controls at slaughterhouses, game processing establishments and approved food premises in connection with these;
- 3) where necessary, attends to ante-mortem inspection at a holding of provenance or elsewhere outside a slaughterhouse;
- 4) where necessary, appoints a veterinarian other than one employed by the Finnish Food Authority or a municipality to perform an ante-mortem inspection at a farm of origin or elsewhere outside a slaughterhouse;
- 5) publishes the results of the food controls performed by it;
- 6) ensures that the laboratories referred to in section 34 comply with food legislation;
- 7) where necessary, in cooperation with the municipalities, is responsible for the planning and implementation of monitoring and control schemes required under European Union legislation and national monitoring and control schemes;
- 8) where necessary, in cooperation with the municipalities, takes part in the planning and implementation of taking and analysis of the official sampling for food control purposes and samples relating to the monitoring and control schemes referred to in paragraph 7;
- 9) is nationally responsible for food safety control duties requiring special expertise and for other official duties as well as the compilation of control reports;
- 10) serves as the national authority or contact point in food control matters required under European Union legislation and international treaties when such duties are not assigned to another authority by law;
- 11) assesses the guides for good practices referred to in Article 8 of Regulation (EC) No 853/2004 of the European Parliament and of the Council;
- 12) prepares the national contingency plan for food referred to in Article 115 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC)

No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC;

13) manages the national supervision of regulations required under the ATP Agreement and approves the testing stations for periodic and class checks required under the said Agreement.

## **Section 25**

### **Duties of the Regional State Administrative Agencies**

The Regional State Administrative Agency plans, oversees and supervises food control and controls the compliance with food legislation within its area of operation as laid down in this Act, in addition to which it:

- 1) assesses the organisation of municipal food control and publishes the results of the assessment;
- 2) assesses the control plans of municipalities and checks compliance with them;
- 3) publishes the results of the food control performed by it;
- 4) supervises the international transport of perishable foods and the special equipment to be used in such transport in accordance with the ATP agreement.

In addition to the provisions laid down elsewhere in this Act, the Regional State Administrative Agency attends to:

- 1) meat inspection and other food controls at reindeer slaughterhouses, game processing establishments and approved food premises in connection with these;
- 2) where necessary, the ante-mortem inspection at the holding of provenance or elsewhere outside the slaughterhouse of an animal to be slaughtered at a reindeer slaughterhouse.

The Finnish Food Authority issues further regulations on the publication of the results referred to in subsection 1, paragraphs 1 and 3.

## **Section 26**

### **Duties of the Centres for Economic Development, Transport and the Environment**

The Centres for Economic Development, Transport and the Environment attend to the food hygiene inspections of plant production within supervision of the cross-compliance referred to in the Act on the Implementation of Agricultural Support (192/2013). In the performance of this duty, the Centres for Economic Development, Transport and the Environment may take official samples in order to test for residues of plant protection products. In addition, on assignment from the Finnish Food Authority, the Centres for Economic Development, Transport and the Environment may also take other official samples.

## **Section 27**

### **Duties of municipalities**

Municipalities attend to food control in their areas of operation as laid down in this Act. In the municipality, these duties are managed by a board or other multimember body appointed by the municipality. The provisions of this Act concerning a municipality also apply to a joint municipal authority and a cooperation area referred to in the Act on Cooperation Areas in Environmental Healthcare (410/2009).

A municipality may conclude an agreement with another municipality or joint municipal authority to the effect that a task laid down in this Act for the municipality or municipal authority where the competence may be delegated to another office holder may, subject to liability for acts in office, be delegated to an office holder of another municipality or joint municipal authority. A joint municipal authority may conclude such an agreement if it has the consent of its member municipalities to this.

A municipal council may also give a board or body the right to delegate its competence to an office holder or department subordinate to the council with regard to the administrative coercive measures referred to in sections 55–59 and section 67 of this Act.

In addition to provisions laid down elsewhere in this Act, a municipality:

- 1) submits the notifications and reports required under food legislation to the Regional State Administrative Agency and Finnish Food Authority;
- 2) advises food business operators and contact material operators as well as consumers and provides information on matters which fall within the scope of this Act;

- 3) where necessary, in cooperation with the Finnish Food Authority and against compensation, is responsible for the planning and implementation of monitoring and control schemes required under European Union legislation and national monitoring and control schemes;
- 4) where necessary, in cooperation with the Finnish Food Authority, takes part in the planning and implementation of taking and analysis of official sampling for food control purposes and samples relating to the monitoring and control schemes referred to in section 24, subsection 2, paragraph 7;
- 5) where necessary, attends to ante-mortem inspection at a holding of provenance or elsewhere outside a slaughterhouse;
- 6) in respect of fisheries and aquaculture products, supervises compliance with the traceability obligations provided in sections 14, subsection 2;
- 7) publishes the results of the food controls performed by it;
- 8) prepares, in its area of operation, the national contingency plan for food referred to in Article 115 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC;
- 9) supervises the international transport of perishable foods and the special equipment to be used in such transport in accordance with the ATP agreement.

By way of derogation from section 24, subsection 2, paragraph 2, a municipality may attend to the meat inspection and other food controls at slaughterhouses and game handling establishments and approved food premises in connection with these which by law are the duty of the Finnish Food Authority when an agreement to this effect has been concluded between the municipality and the Finnish Food Authority.

The Finnish Food Authority issues further regulations on the preparation and submission of the notifications and reports referred to in subsection 4, paragraphs 1 and 7.

## **Section 28**

### **Duties of the National Supervisory Authority for Welfare and Health**

In addition to provisions laid down elsewhere in this Act, the National Supervisory Authority for Welfare and Health:

- 1) plans, oversees and performs control of beverages containing an amount of ethyl alcohol that exceeds 2.8 per cent by volume;
- 2) directs the Regional State Administrative Agencies in their control of alcoholic beverages retail premises.

## **Section 29**

### **Duties of the Defence Forces**

The Defence Forces attend to the duties laid down for municipalities in this Act with regard to food business under the supervision of the Defence Forces.

## **Section 30**

### **Duties of Customs**

In its area of operation, Customs supervises:

- 1) the compliance with food legislation of foods other than of animal origin and of food contact materials supplied from a Member State to Finland in the context of the unloading or associated warehousing of a batch of goods taking place in Finland;
- 2) the correctness of documentation on foods other than of animal origin and of food contact materials exported from Finland outside the European Union;
- 3) international transport of perishable foods and the special equipment to be used in such transport in accordance with the ATP agreement.

Further provisions may be issued by Government decree on the duties of Customs in the supervision of export requirements.

## **Section 31**

### **National Nutrition Council**

The Ministry of Agriculture and Forestry appoints the National Nutrition Council under its auspices for a three-year term. The tasks of the Council are:

- 1) to serve as an expert body on promoting the nutrition of the population;
- 2) to prepare the national nutrition recommendations;
- 3) to submit proposals for measures and initiatives towards improving nutrition and the food system;
- 4) to issue statements in its sector;
- 5) to monitor and assess the impacts of measures taken on nutrition, health and the food system.

## **Section 32**

### **Competence of persons performing control duties**

Persons who perform official control duties and other official activities shall hold a suitable higher education degree or, where necessary, possess the competence required under European Union legislation.

Further provisions on the competence and language skills requirements and continuing education training of persons performing official control duties and other official activities may be issued by Government decree.

## **Section 33**

### **Delegated body or natural person**

A control authority may, subject to the conditions laid down in Articles 28–33 of Regulation (EC) No 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and

(EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, by written assignment delegate inspections, investigations and surveys relating to official controls and other official activities for performance by a delegated body and duties relating to official controls for performance by a natural person. Any administrative decisions to be taken on the basis of the inspections are taken by the delegating control authority.

The Finnish Food Authority approves the delegated bodies to which a control authority may transfer official duties.

In the performance of the duties under this section, the provisions of the Administrative Procedure Act (434/2003), the Language Act (423/2003), the Sámi Language Act (1086/2003), the Act on Information Management in Public Administration (906/2019), the Act on the Provision of Digital Services (306/2019) and the Act on the Openness of Government Activities (621/1999) shall be complied with. The provisions on criminal liability for acts in office also apply to the personnel of a delegated body and to a natural person when they perform duties referred to in food legislation. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Further provisions on the designation of the delegated body or natural person and on the delegation of duties relating to official controls or other official activities may be issued by Government decree.

## **Chapter 4**

### **Laboratories**

#### **Section 34**

##### **Designation of laboratories**

National reference laboratories are designated and their duties determined by the Ministry of Agriculture and Forestry.

Official laboratories are designated by the Finnish Food Authority upon application. An official laboratory may be designated for a fixed term when the laboratory does not meet the requirements for designation, yet the deficiencies are such as not to compromise the reliability of testing. The laboratory shall rectify the deficiencies and apply for final designation within the deadline imposed.

The Finnish Food Authority designates designated own-check laboratories upon application. An own-check laboratory may be designated for a fixed term when the laboratory does not meet the requirements for designation, yet the deficiencies are such as not to compromise the reliability of testing. The laboratory shall rectify the deficiencies and apply for final designation within the deadline imposed.

A condition for the designation of an own-check laboratory is that the competence of the laboratory has been proven in accordance with the Act on Verifying the Competence of Conformity Assessment Services (920/2005) on the basis of accreditation or assessment of qualifications equivalent to accreditation. The competence of the laboratory must be assessed no less frequently than once every three years.

Upon application by a food business operator, the Finnish Food Authority may designate a laboratory located in another Member State of the European Union or the European Economic Area to test the own-check samples required under food legislation. A condition for such designation is that the competence of the laboratory has been proven in the relevant Member State on the basis of accreditation or assessment of qualifications equivalent to accreditation.

## **Section 35**

### **Testing of samples**

Official samples shall be tested at an official laboratory or a national reference laboratory.

The own-check samples required to be tested under food legislation shall be tested at a designated own-check laboratory, an official laboratory or a national reference laboratory.

## **Section 36**

### **Obligation of laboratories to notify**

An official laboratory, designated own-check laboratory and national reference laboratory shall notify the Finnish Food Authority of any material change in operations as well as suspension and discontinuation of operations.

An official laboratory, designated own-check laboratory and national reference laboratory shall supply the Finnish Food Authority, at its request, with either sample-specific data on the tests referred to in section 35 which it has performed or commissioned and the results of these tests, or a summary of them. The transfer of identification data on the object of control included in the sample-specific data or summaries shall take place in a secure manner.

An official laboratory, designated own-check laboratory and national reference laboratory shall without delay notify:

- 1) their client of any results indicative of a hazard;
- 2) the competent authority which supervises their client and the Finnish Food Authority of any test result indicative of a serious hazard.

Laboratories shall keep samples and pathogens as well as the data thereon for the tests referred to in subsection 3 and submit these to a national reference laboratory at the request of the Finnish Food Authority.

An official laboratory, designated own-check laboratory and national reference laboratory shall notify the Finnish Food Authority of the tests relating to the zoonosis monitoring and control referred to in section 18 and the results of these tests and, upon request, also submit the samples and the pathogens isolated in the tests to a national reference laboratory.

The national reference laboratory shall report any data required for epidemiological monitoring to the Finnish Food Authority and the Finnish Institute for Health and Welfare.

## **Section 37**

### **Further provisions concerning laboratories**

Further provisions may be issued by Government decree on:

- 1) the standards describing the competence of the official laboratories and their assessment bodies referred to in section 34, subsection 2, and the requirements for the laboratories' quality system;
- 2) the requirements for laboratory designation laid down in European Union legislation;
- 3) the training and competence requirements for laboratory personnel;
- 4) the content and submission of the notifications referred to in section 36, subsection 1 and the data and summaries referred to in section 36, subsection 2, as well as the hazard referred to in section 36, subsection 3.

Further provisions on the testing of the pathogens referred to in section 36, subsections 4 and 5 and their testing methods, notification of test results and submission of pathogens may be issued by decree of the Ministry of Agriculture and Forestry.

The Finnish Food Authority may issue further regulations on the notification of the test results indicative of serious hazard referred to in section 36, subsection 3 and the keeping and submission to a national reference laboratory of the pathogens referred to in subsections 4 and 5 of the said section.

## **Chapter 5**

### **Food control**

#### **Section 38**

##### **National food control plan**

In order to oversee and coordinate food control, the Finnish Food Authority prepares a national food control plan as part of the multi-annual national control plan for the entire agri-food chain required under Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC.

The control plan shall be updated as necessary. The control plan shall take into account the common environmental health objectives set out in the national control plan for environmental health care.

#### **Section 39**

##### **Control plans of the authorities**

In order to implement the national food control plan, the control authorities referred to in this Act prepare control plans for the food controls for which they are responsible and attend to the

coordination of these plans so that the risks of the food business and contact materials businesses are taken into account in the controls and the controls are consistent with the general control requirements, prevent hazards to human health and protect consumers from financial losses. The control plans shall be updated as necessary.

## **Section 40**

### **Right of inspection and attendance**

A control authority and a delegated body and natural person referred to in section 33 have the right to conduct inspections of an object of control required for official controls, to examine documents and food information, to inspect the premises, machinery and equipment used in the operations and to inspect any premises which the control authority, on justified grounds, suspects are being used in the food business or contact material business of the object of control. When necessary, the control authority may issue a formal request concerning compliance with food legislation. A student who is taking training in activities of public authorities under the guidance of the control authority has the right to be present when the control authority performs controls and inspections. The Finnish Food Authority has the right to be present when a Regional State Administrative Agency and a municipality perform controls and inspections. A Regional State Administrative Agency has the right to be present in its area of operation when a municipality performs controls and inspections.

An inspection may be performed in an object of control that is located on premises used for permanent residence in order to fulfil the official controls requirements laid out in Articles 9, 10 and 14 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC when the performance of the inspection is absolutely necessary in order to establish the facts of the matter subject to inspection. Such an inspection may only be performed by a competent control authority.

A competent control authority has the right to be present when the European Commission performs inspections as provided in Article 116 of Regulation (EC) No 2017/625 of the European Parliament and of the Council. The provisions laid down in this Act on the right of control authorities to gain access to locations where food business or contact material business is carried out and to obtain information on the operations also applies to inspectors referred to in European Union legislation or another international treaty binding on Finland when this is required under the said international obligation that is binding on Finland.

## **Section 41**

### **Sampling procedure**

A control authority and a delegated body and natural person referred to in section 33 have the right to take the quantity of samples necessary for control purposes, without compensation, and to record audio and video. The food business and contact material business operator shall be given an attestation of the taking of the sample.

Without identifying itself, a control authority may order samples of foods and food contact materials offered for sale by means of distance communication. The samples can be used in official controls. After having received the sample, the control authority shall notify the operator that the sample was ordered for the purpose of official controls.

## **Section 42**

### **Written meat inspection decision**

A competent control authority issues a written decision on meat inspection to a food business operator upon request. The party concerned need not be consulted before the meat inspection decision is taken. The decision need not be signed.

The written meat inspection decision is served on the parties concerned by the letter referred to in section 59 of the Administrative Procedure Act or by the other electronic service referred to in section 19 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 served by email.

## **Section 43**

### **Right of an authority to obtain information**

Notwithstanding secrecy provisions, a control authority has the right to obtain the information necessary for the performance of official controls and other official activities from central and local government authorities and from food business and contact material business operators as well as any others subject to the obligations under this Act.

Notwithstanding secrecy provisions, a control authority has the right to obtain from an authority and a party performing a public duty information on an operator's fulfilment of registration, notification and payment obligations relating to taxes, statutory pension, accident and unemployment insurance and Customs fees as well as the operator's operations, finances and linkages that is necessary in order to establish the compliance referred to in section 7, to cancel the primary production site or food premises approval referred to in section 60 or to suspend or terminate the registered operations referred to in section 61.

Notwithstanding secrecy provisions, in order to impose the penalty payment referred to in section 67 the control authority has the right to obtain information from the register of fines referred to in section 46 of the Act on the Enforcement of a Fine (672/2002) that is necessary to ensure that the person has not been sentenced to a fine in court for the same offence.

The control authority has the right to obtain the information referred to in this section free of charge and also via technical access connection or by other electronic means.

## **Section 44**

### **Right of an authority to disclose information on its own initiative**

Notwithstanding the secrecy obligation laid down in the Act on the Openness of Government Activities, a control authority may on its own initiative disclose to another authority or a party performing a public duty information on the financial standing and business secret of a natural or legal person that it has obtained in the performance of the duties referred to in this Act when the information is necessary to the said authority or party performing a public duty in order to establish the compliance referred to in section 7, to cancel the primary production site or food premises approval referred to in section 60 or to suspend or terminate the registered operations referred to in section 61.

## **Section 45**

### **Duty of an authority to notify and provide information**

A control authority shall notify to the Regional State Administrative Agency and the Finnish Food Authority any detected hazards to human health and, when necessary, any other matters emerging during control that may have an impact on the safety or traceability of food or food contact materials or on the information provided on these. 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 relevance to the protection of the population against communicable diseases.

In addition, the control authority shall provide, upon request, the Finnish Food Authority with other information concerning inspections, control measures, control staff, charges and controls for the monitoring of the controls under this Act.

## **Section 46**

### **Duty to provide information on animal health and animal housing conditions**

Veterinarians who make veterinary visits to primary production sites and persons visiting primary production sites on official duty who in the context of their visit find that the health or housing conditions of the animals are such that they materially diminish the safety or quality of the foods of animal origin obtained from the said animals shall report this without delay to the owner or keeper of the animals and to the municipal control authority performing the duties under this Act. The municipality has the right to report the aforementioned matters to the operator which receives the animals or foods as well as to the Finnish Food Authority and the Regional State Administrative Agency.

## **Section 47**

### **Investigation of food poisoning**

Upon receipt of the notification referred to in section 17, subsection 2 of food poisoning or suspected food poisoning, or when it suspects food poisoning for another reason, a municipality shall without delay conduct an investigation of the matter in cooperation with the authorities set out in the Communicable Diseases Act and provide the Finnish Institute for Health and Welfare and the Finnish Food Authority with the necessary notifications. The notifications may not contain any personal data.

## **Section 48**

### **Zoonosis monitoring and control in animals and foods**

The Finnish Food Authority shall prepare the sampling plans necessary for zoonosis monitoring and control.

The Finnish Food Authority shall submit the necessary notifications of the results of the zoonosis tests referred to in section 18 to food business operators and the authorities.

When zoonoses repeatedly occur at an establishment for animals used in food production or when the establishment is suspected to be a source of infection with a zoonosis detected in a human, the municipality shall implement the necessary measures to investigate the matter, when necessary in cooperation with the authorities set out in the Communicable Diseases Act.

## **Section 49**

### **Further provisions on food controls**

Further provisions may be issued by decree of the Ministry of Agriculture and Forestry on:

- 1) the meat inspection referred to in section 24, subsection 2, paragraphs 2–4, section 25, subsection 2, and section 27, subsection 4, paragraph 5, and section 27, subsection 5 and the related official controls as well as the associated notifications and the written meat inspection decision referred to in section 42;
- 2) the content and implementation of the monitoring and control programmes referred to in section 24, subsection 2, paragraph 7;
- 3) the content and submission of the notifications and reports referred to in section 27, subsection 4, paragraph 1;
- 4) the sampling procedure referred to in section 41;
- 5) the duty of the control authorities to notify and provide information referred to in section 45;
- 6) the sampling plans, the submission and content of notifications and the actions of the authorities to investigate zoonoses referred to in section 48.

Further provisions on the investigation and reporting of the food poisonings referred to in section 47 may be issued by Government decree.

The Finnish Food Authority may issue regulations on:

- 1) the information to be reported to the control authorities on foods of animal origin when such foods are supplied from the internal market;
- 2) the methods used in meat inspection;
- 3) the frequency and coverage of Trichinella testing when such testing is permitted or required under Commission Implementing Regulation (EU) 2015/1375 laying down specific rules on official controls for Trichinella in meat.

## **Chapter 6**

### **Duties of the authorities relating to food exports**

#### **Section 50**

##### **Investigations to enable export**

When food or food contact materials are exported to a state other than an EU Member State, the food business operator or contact material business operator is responsible for establishing and fulfilling the import requirements imposed by the authorities of the destination state as well as any requirements relating to transit.

Where necessary, the Finnish Food Authority participates in preparing documents that are required for market access and market presence and in other investigations. The Finnish Food Authority may discontinue its participation in managing these tasks if conditions material to export for continuing the investigations no longer exist.

Further provisions on the conditions for the investigations referred to in subsection 2 and the contents of such work may be issued by decree of the Ministry of Agriculture and Forestry.

#### **Section 51**

##### **Controls relating to export**

The control authorities supervise the export of foods and food contact materials in their areas of operation. Where necessary, the Finnish Food Authority takes part in the supervision when the control relates to ensuring the fulfilment of the import requirements imposed by the authorities of the destination state.

In their area of operation, the control authorities issue at an operator's request export certificates on the compliance of foods and food contact materials with food legislation when such are

required by the authorities of the destination state. Where necessary, the Finnish Food Authority may issue an export certificate in the area of operation of another control authority when this is required by the authorities of the destination state. Further provisions on the animal health certificates for foods of animal origin are laid down in section 54 of the Animal Diseases Act. Section 50 of this Act applies to establishing the requirements on the content of certificates imposed by a destination state.

Further provisions on the conditions for and content of the supervision referred to in subsection 1 may be issued by decree of the Ministry of Agriculture and Forestry.

## **Chapter 7**

### **National quality schemes for foods and controlled housing conditions**

#### **Section 52**

##### **National quality schemes for foods**

Upon application, the Finnish Food Authority approves a national quality scheme when the scheme meets the requirements under Article 16(1)(b) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005.

A national quality scheme for foods shall be audited by an independent external party. The applicant shall regularly report the findings of the external audit to the Finnish Food Authority and notify of any changes in the content of the quality scheme. The applicant shall make information on the quality scheme, its content and the parties involved available to the public on its website or by other comparable means.

The Finnish Food Authority supervises the fulfilment of the conditions for approval of the national quality schemes which it has approved. The Finnish Food Authority may cancel the approval of a quality scheme when the conditions for approval are no longer fulfilled.

Further provisions may be issued by decree of the Ministry of Agriculture and Forestry on:

- 1) applying for approval, approval and cancellation of approval of a national quality scheme for foods;
- 2) independent-party audit, reporting the findings of the audit and publication of information on the quality scheme.

## **Section 53**

### **Controlled housing conditions of swine**

Upon application, the Finnish Food Authority recognises primary production sites and compartments consisting of primary production sites when these fulfil the requirements for controlled housing conditions for swine laid down in Commission Implementing Regulation (EU) No 2015/1375 laying down specific rules on official controls for *Trichinella* in meat, and controls the fulfilment of the requirements in these. The Finnish Food Authority may cancel recognition when the conditions for recognition are no longer met.

The Finnish Food Authority may commission the monitoring tests referred to in Commission Implementing Regulation (EU) No 2015/1375 laying down specific rules on official controls for *Trichinella* in meat in order to establish the *Trichinella* situation of swine raised under controlled housing conditions.

Further provisions on applying for recognition of primary production sites meeting the requirements for controlled housing conditions and of compartments consisting of such primary production sites and on their recognition and control and cancellation of recognition may be issued by Government decree.

## **Chapter 8**

### **Registration of products with a protected name and notification of manufacture**

## **Section 54**

### **Registration of a product with a protected name and notification of manufacture**

Applications for registration of products with a protected name are processed by the Finnish Food Authority.

The Finnish Food Authority publishes the application referred to in subsection 1, organises the national opposition procedure and decides on the fulfilment of the conditions for registration in Finland. When the conditions for registration are fulfilled, the Finnish Food Authority publishes the decision and forwards the application to the European Commission. Where under European Union legislation on products with a protected name the approval of the application is within the competence of the Member State, the Finnish Food Authority is the authority which decides on the approval.

The application referred to in subsection 1 above and the decision on name registration are notified by means of public notice. The provisions on public notice are laid down in the Administrative Procedure Act.

Prior to commencement of placing the products on the market, the food business operator which manufactures the product with a protected name shall notify the name of the product and the place of its manufacture to the control authority referred to in sections 24–27. Notification need not be given in respect of alcoholic products when the control authority obtains the information in the context of another notification. The control authority shall be notified without delay of suspension or termination of manufacture.

Further provisions may be issued by Government decree on:

- 1) applying for registration of a product with a protected name and organising the opposition procedure;
- 2) food business operators subject to the duty to notify, the information to be provided in notifications, and the manner of giving notifications.

## **Chapter 9**

### **Administrative enforcement measures, administrative sanctions and criminal punishments**

#### **Section 55**

##### **Rectifying non-compliance with food legislation**

A control authority may order an operator to rectify non-compliance when:

- 1) food or food contact material, food premises or primary production site or food business or contact material business may present a hazard to human health or is otherwise non-compliant with food legislation; or
- 2) the information provided on food or food contact material may present a hazard to human health or mislead consumers.

The Finnish Food Authority may order a laboratory performing the tests referred to in section 35 to remedy its operations that are non-compliant with food legislation.

A control authority may order the applicant for a national quality scheme for foods referred to in section 52 to remedy non-compliance when the quality scheme is non-compliant with food legislation.

Non-compliance with food legislation shall be ordered to be remedied without delay or within a deadline imposed by the control authority.

## **Section 56**

### **Prohibition**

A control authority may prohibit the primary production, manufacture, internal market trading, export, wholesale and other distribution, serving and other handing over and use in the manufacture of foodstuffs of food when the food or the information provided on it, the primary production site or the food premises or the food business carried out there is such that it presents or may, on justified grounds, be suspected to present a serious hazard to human health or a hazard due to such non-compliance with food legislation which cannot be remedied.

A control authority may prohibit the manufacture, internal market trading, export, wholesale and other distribution of food contact material when the food contact material or the information provided on it or the contact material business is such that it presents or may, on justified grounds, be suspected to present a serious hazard to human health or a hazard due to such non-compliance with food legislation which cannot be remedied.

The prohibition may be imposed temporarily for the period during which the matter is investigated or the non-compliance is remedied. 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**

### **Withdrawal from the market and provision of information to the public**

A control authority may order an operator to withdraw food or food contact material from the market when the operator fails to comply with the obligation under Article 19 of 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 to withdraw from the market food or food contact material that is non-compliant with safety requirements under food legislation.

A control authority may also order food or food contact material to be withdrawn from the market when the information provided on it is materially non-compliant with food legislation.

A control authority may provide information to the public, at the operator's expense, on foods and food contact materials that are non-compliant with safety requirements under food legislation when the operator fails to comply with the obligation to inform consumers laid down in Article 19 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

## **Section 58**

### **Seizure**

A control authority may seize food or food contact material when it presents or can, on justified grounds, be suspected to present a hazard to human health, or if it is in another respect materially non-compliant with food legislation.

The seizure must be performed in the presence of a witness. The party from which food or food contact material is seized shall be provided with an attestation indicating the reason for the seizure and the property seized.

When necessary, the seized property may be kept on the food premises or primary production site or at the place of business of the contact material operator when suitably marked or in storage that has been sealed or otherwise appropriately marked. Efforts shall be made to store the property for the duration of any tests necessary for determining the health hazard it presents in such a way that the quality of the property is not affected.

## **Section 59**

### **Decision on use and disposal**

The control authority decides the purposes for which food or food contact material that is non-compliant with food legislation may be used or the purposes for which it may be handed over, when the food or food contact materials cannot be made to comply with legislation.

The control authority shall order the disposal of the food or food contact material when its use is not possible or when this is required for health reasons or under food legislation.

The control authority shall take the decision referred to in subsections 1 and 2 without delay. In taking the decision, every effort should be made to minimise the financial loss to the food business

or contact material business operator. The control authority shall impose a reasonable deadline within which the operator shall comply with a decision taken under subsection 1 or 2.

## **Section 60**

### **Cancellation of approval of a primary production site and food premises**

A control authority may cancel its approval of a primary production site or food premises in part or in full when there is no other way to prevent hazard to human health.

Approval may be cancelled when the primary production site or the food premises or the food business carried out therein is materially non-compliant with food legislation and the operator has failed to comply with an order or prohibition issued by the control authority pursuant to section 55 or 56.

Approval may also be cancelled when the operator is no longer compliant within the meaning of section 7 and the reason for which the operator is not considered compliant is of material and serious nature and when despite an order of the authority to this effect, the operator has failed to address the issue.

The approval may also be cancel for a fixed period.

## **Section 61**

### **Suspension or termination of registered operations**

A control authority may suspend or terminate registered primary production, food business or contact material business when the operations are materially non-compliant with food legislation and the operator has failed to comply with an order or prohibition issued by the control authority pursuant to section 55 or 56.

Operations may also be suspended or terminated when the operator is no longer compliant within the meaning of section 7 and the reason for which the operator is not considered compliant is of material and serious nature and when, despite an order of the authority to this effect, the operator has failed to address the issue.

A decision on suspension of operations remains in effect until the control authority finds that the issues that were the grounds for the suspension have been addressed.

## **Section 62**

## **Cancellation of the designation of a laboratory**

The Ministry of Agriculture and Forestry may cancel the designation of a national reference laboratory when the reference laboratory or the operations carried out there do not fulfil the requirements laid down in section 36 or in Articles 100 and 101 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC, the non-fulfilment is material in nature and, despite an order of the Ministry of Agriculture and Forestry, the reference laboratory has failed to remedy the deficiencies.

The Finnish Food Authority may cancel the designation of an official laboratory and a designated own-check laboratory when the laboratory or the operations carried out there do not fulfil the requirements laid down in section 34 or section 36, the non-fulfilment is material in nature and, despite an order of the Finnish Food Authority, the laboratory has failed to remedy the deficiencies. A designation given for a fixed period may also be cancelled.

The Finnish Food Authority may also cancel a designation for the time required to consider the matter if the deficiencies in the operations of the designated laboratory are of such a nature that they may compromise the reliability of the test results.

## **Section 63**

### **Closure of a website**

The Finnish Food Authority may order the closure of a website administered or used by an operator when it is obvious that food or food contact material offered for sale via the website or the information provided on the food or food contact material is such that they present or may, for justified reason, be suspected to present a hazard to human health, materially mislead consumers or otherwise be materially non-compliant with food legislation. With regard to websites, closure shall be ordered of the part of the website on which foods or food contact materials non-compliant with food legislation in the said manner are offered for sale. When closure of a part of the website

does not remedy the non-compliance with food legislation, closure of the entire website shall be ordered when necessary. The order of closure of a website may be imposed temporarily for the period during which the matter is investigated or the non-compliance remedied. A temporary closure order remains in force until the Finnish Food Authority issues its final decision on the matter.

## **Section 64**

### **Urgent action**

In urgent cases, a holder of municipal office performing food control duties to whom the power to apply administrative enforcement measures has not been delegated under section 27, subsection 3 has the right to apply administrative enforcement measures referred to in sections 55, 56, 58 and 59. Decisions taken by an office holder under this section shall be submitted without delay to the municipal food control authority for consideration.

## **Section 65**

### **Decision of the Finnish Food Authority on application of administrative enforcement measures**

Decisions on the application of administrative enforcement measures referred to in sections 55–59, 66 and 67 that concern an area larger than a single municipality are taken by the Finnish Food Authority.

The Finnish Food Authority may also decide on the application of administrative enforcement measures in the area of a single municipality when, for justified reason, it deems the actions of the municipality insufficient to remedy the non-compliance.

The Finnish Food Authority shall without delay notify the municipalities in question of the decisions it has taken under subsections 1 and 2.

## **Section 66**

### **Prohibition of marketing and correction**

A competent control authority may prohibit an operator from continuing or repeating marketing that is non-compliant with food legislation or marketing comparable to such marketing. The prohibition may also be imposed as a temporary measure, in which case it remains in force until the control authority has issued its final decision on the matter.

When the marketing of food or food contact material provides information that may present a serious hazard to human health or when the marketing is materially false or misleading, the control authority may, besides the measures mentioned in subsection 1, also undertake the measures laid down in sections 55–58 until the marketing has been rendered compliant with food legislation.

When imposing a prohibition under section 1, the control authority may oblige the operator against whom the prohibition is imposed to carry out a correction of marketing within a deadline when this is considered necessary on account of the obvious harm arising from the marketing. In its decision, the control authority may order that the correction of marketing shall be implemented to the same extent as the marketing to which the correction applies.

## **Section 67**

### **Food control penalty payment**

The competent control authority may order an operator to pay a food control penalty payment of at least EUR 300 and no more than EUR 5,000 when the operator:

- 1) carries out primary production, food business or contact material business in a place of business that has not been approved under section 9 or 11 or of which the notification referred to in section 8, 10 or 13 has not been given;
- 2) carries out the marketing of foods or food contact materials in a manner that is non-compliant with food legislation;
- 3) fails to comply with the obligation to notify of food business on mobile food premises laid down in section 12;
- 4) fails to comply with the traceability requirement laid down in section 14, subsection 1;
- 5) fails to comply with the own-check requirements laid down in section 15;
- 6) fails to comply with the obligation to notify concerning hazards or food poisoning laid down in section 17 or the obligation to notify concerning zoonoses laid down in section 18; or
- 7) fails to comply with the requirements for laboratories and the operations carried out there laid down in section 34 or section 36.

The nature, extent of harm and recurrence of the conduct shall be taken into account in assessing the amount of the penalty payment. The payment may be waived or a payment that is less than the minimum amount may be imposed if the act can be considered minor and waiving the payment or imposing a payment that is less than the minimum amount is reasonable in view of the nature, recurrence and deliberateness of the negligence and other circumstances. A penalty payment is ordered payable to the State.

A penalty payment may not be imposed on a natural person who is suspected of the same act in a criminal matter in which pre-trial investigation, consideration of charges or a trial is pending or against whom a final judgement has been issued for the same act. When a penalty payment has been imposed on a natural person or a legal person, no punishment may be imposed by a court of law for the same act.

A penalty payment may not be imposed if more than one year has elapsed since the act. The penalty payment becomes time-barred in five years from the date on which the final decision concerning the penalty payment was issued. The penalty payment lapses upon the death of a natural person subject to the obligation to pay. The provisions on the enforcement of the penalty payment are laid down in the Act on the Enforcement of a Fine.

## **Section 68**

### **Notice of a conditional fine, notice of enforced compliance and notice of enforced suspension**

The control authority may reinforce an order or prohibition given under this Act with a notice of conditional fine or a notice of enforced compliance or enforced suspension. Provisions on conditional fines, enforced compliance and enforced suspension are laid down in the Act on Conditional Fines (1113/1990).

A punishment for violating a prohibition or obligation ordered under this Act that is reinforced with a notice of a conditional fine may be waived if the party concerned has been ordered to pay the conditional fine imposed.

## **Section 69**

### **Food offence**

A person who intentionally or through negligence

1) manufactures, exports, keeps for sale, serves or otherwise hands over or supplies food or manufactures or exports food contact material that does not meet a requirement laid down in section 6, or

2) violates a control authority's order or prohibition issued pursuant to sections 55–57, 59 or 66, a seizure decision issued pursuant to section 58 or cancellation of approval or designation issued pursuant to section 60 or 62 or a decision of suspension or termination issued pursuant to section 61,

shall be sentenced to pay a fine for a *food offence* unless a more severe penalty for the act has been provided elsewhere in law.

The control authority may decide not to report the offence to the pre-trial investigation authority when the act or negligence is minor in nature and does not involve contumacy to prohibitions and orders issued by an authority.

In the pre-trial investigation of an act referred to in the Criminal Code of Finland (39/1889) or in subsection 1, the Finnish Food Authority shall be reserved an opportunity to be heard. The prosecutor shall provide the Finnish Food Authority with an opportunity to submit a statement before the consideration of charges is completed. The Finnish Food Authority has the right to be present and speak in an oral hearing of the matter in court.

## **Section 70**

### **Penal provisions**

Provisions on the punishment for a health offence are laid down in chapter 44, section 1 of the Criminal Code.

Provisions on the punishments for the smuggling and attempted smuggling of food as well as petty smuggling of food and for unlawful dealing in imported goods and petty unlawful dealing in imported goods are laid down in chapter 46, sections 4–6 and 6a of the Criminal Code.

Punishment for violating the confidentiality obligation referred to in section 82 of this Act 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 law.

## **Chapter 10**

## **Charges**

### **Section 71**

#### **Charges collected for services performed by a State authority**

Unless otherwise provided in the Act on Criteria for Charges Payable to the State (150/1992), a charge is collected for measures taken by a State authority under this Act. The provisions on the criteria for being subject to a charge and the grounds for the amount of the charge are laid down in the said Act.

By decree of the Ministry of Agriculture and Forestry:

1) the meat inspection charges and control charges payable by slaughterhouses and game processing establishments which handle small quantities of animals may be reduced to the level laid down in Annex IV, Chapter II of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC;

2) further provisions may be issued on the national arrangements required under Articles 79–82 of Regulation (EU) 2017/625 of the European Parliament and of the Council and on setting the amount of the charges.

### **Section 72**

#### **Annual basic charge for municipal food control**

Municipalities collect a service charge of EUR 150 annually on objects of control subject to systematic food control which carry out:

1) the primary production of sprouts in an approved primary production site for sprouts referred to in section 9;

- 2) the registered food business referred to in section 10;
- 3) food business on the approved food premises referred to in section 11;
- 4) the registered food contact material business referred to in section 13;

The basic charge referred to in subsection 1 above is not collected on non-profit organisations or on village shops. The basic charge is also not collected on operators which carry out the operations referred to in Article 1(3)(e) and Article 10 of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin and in Article 12(1)(a) of Commission Delegated Regulation (EU) 2019/624 concerning specific rules for the performance of official controls on the production of meat and for production and relaying areas of live bivalve molluscs in accordance with Regulation (EU) 2017/625 of the European Parliament and of the Council.

Where the operations carried out by an operator at a single place of business consist of more than one of the operations referred to in subsection 1, the basic charge is only collected once.

The basic charge is collected at the beginning of the calendar year. No basic charge for the current calendar year is collected on an object of control that becomes subject to systematic control mid-year. When an operator notifies of termination of operations mid-year, the basic charge is no longer collected as of the beginning of the following calendar year.

## **Section 73**

### **Other charges collected for municipal food controls**

In addition to the annual basic charge laid down in section 72 above, the municipality collects on the object of control a charge in accordance with the rates it has adopted for the following:

- 1) the processing of the registration notifications referred to in sections 10 and 13 and the approval applications and notifications referred to in sections 9 and 11;
- 2) the inspection and sample testing included in the municipal control plan in respect of the operations referred to in sections 72, subsection 1;
- 3) an inspection performed to control compliance with the formal request referred to in section 40, subsection 1;

4) inspections performed to control compliance with the administrative enforcement measures and sanctions referred to in chapter 9 which are based on non-compliance with food legislation;

5) the control of the operator exporting foods outside the European Union referred to in section 51, subsection 1 and the export certificate referred to in subsection 2 of the said section.

The municipality collects on a food business operator a charge consistent with the rates it has adopted for the ante-mortem inspection performed at a farm of origin or elsewhere outside a slaughterhouse referred to in section 27, subsection 4, paragraph 5.

The municipality determines the charges referred to in subsection 1 so that they do not exceed the costs arising from the measures, unless otherwise provided in Articles 79–82 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC.

The State compensates the municipalities for costs which have arisen from food control inspections, sampling, tests and studies delegated by the Finnish Food Authority to be implemented by municipalities which under this Act are to be performed by the Finnish Food Authority or which are related to the preparation of legislation or instructions of the Finnish Food Authority.

## **Section 74**

### **Collection of charges without judgment or decision and penalty interest**

The charges referred to in this chapter are directly enforceable. Provisions on their collection are laid down in the Act on the Enforcement of Taxes and Charges (706/2007).

If a charge collected for a measure has not been paid by the due date, annual penalty interest may be charged on the amount delayed according to the interest rate referred to in section 4,

subsection 1 of the Interest Act (633/1982). The due date may be no earlier than two weeks from the date on which the measure used as the basis for collecting the charge was performed. Instead of penalty interest, the authority may charge a penalty of five euros for late payment if the amount of the penalty interest is less than this.

Where a charge is refunded due to review, the compensatory interest provided in section 37 of the Tax Collection Act (11/2018) is paid on the amount refunded.

## **Chapter 11**

### **Requests for review**

#### **Section 75**

##### **Request to review a decision of State and municipal authorities**

A decision of a State authority, except for the decisions referred to sections 11, 20, 52, 55–63 and 65–67, is eligible for a request for administrative review. Provisions on the request for administrative review are laid down in the Administrative Procedure Act. A review of the written meat inspection decision referred to in section 42 above may be requested within 14 days of receipt of the decision from the Finnish Food Authority.

A decision of a municipal body, except for the decisions referred to in sections 9, 11, 55–61, 66 and 67, and a decision of a municipal office holder, except for the decision referred to in section 64, is eligible for a request for administrative review submitted to the municipal body performing duties under this Act. A request for administrative review is subject to the provisions of chapter 7a of the Administrative Procedure Act concerning requests for administrative review.

Provisions on requesting a judicial review by appeal to an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019). The decision referred to in section 64 by a municipal office holder may not be appealed.

The provisions of the Local Government Act (410/2015) shall apply, however, to appeal concerning the municipal control plan.

Appeal against a decision taken by Customs pursuant to this Act is subject to the provisions of the Administrative Judicial Procedure Act.

#### **Section 76**

##### **Request for review of a charge made by an authority**

Provisions on requesting a review of a decision on a charge made by a State authority are laid down in the Act on Criteria for Charges Payable to the State.

Requests for administrative review of a municipality's decision concerning a charge referred to in sections 72 and 73 are subject to the provisions of chapter 7a of the Administrative Procedure Act. Administrative review of the service charge referred to in section 72 above may be requested from the municipality when:

- 1) the service charge has been unduly collected;
- 2) collecting the service charge has been neglected due to no fault on the part of the party subject to the payment obligation.

In the case referred to in subsection 2, paragraph 1, the review may be performed within three years of the beginning of the calendar year following the collecting of the charge, and in the case referred to in subsection 2, paragraph 2, within a year of the beginning of the calendar year in which the charge was or should have been collected.

However, the provisions of the Local Government Act shall apply to request for administrative review concerning the rates for municipal charges.

## **Section 77**

### **Control authority's right to appeal**

The Finnish Food Authority has the right to appeal against a decision by an Administrative Court by which the Administrative Court has repealed or amended a decision by a municipal body for a reason other than a request for administrative review. However, the right of the Finnish Food Authority to appeal does not apply to decisions of an Administrative Court concerning municipal control plans or rates for municipal charges.

## **Section 78**

### **Implementation**

A decision referred to in chapter 9 above other than one concerning the penalty payment referred to in section 67 may order that the decision shall be complied with before it becomes final or before the request for administrative review has been considered, unless otherwise ordered by the appellate authority or, correspondingly, the authority which considers the request for

administrative review. A request for administrative review and appeal shall be considered without delay.

A decision on cancellation of hygiene passport referred to in section 19, subsection 5 above shall be complied with regardless of appeal unless otherwise ordered by the Finnish Food Authority or the appellate authority.

A written meat inspection decision referred to in section 42 above shall be complied with regardless of request for administrative review and appeal unless otherwise ordered by the Finnish Food Authority or the appellate authority.

## **Chapter 12**

### **Registers**

#### **Section 79**

##### **Registers**

The Finnish Food Authority, the Regional State Administrative Agencies and the municipalities keep a national register on the following for the purposes of control oversight and development and the controls performed by them:

- 1) the registered primary production referred to in section 8 and the approved primary production sites referred to in section 9;
- 2) the registered food business referred to in section 10 and the approved food premises referred to in section 11;
- 3) the registered contact material business referred to in section 13;
- 4) the official laboratories and designated own-check laboratories referred to in section 34.

The Finnish Food Authority, the Regional State Administrative Agencies and the municipalities are joint controllers of the register referred to in subsection 1 within the meaning of Article 26 of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). The Finnish Food Authority, the Regional State Administrative Agencies and the municipalities use the register and keep it up to date to the extent required for their duties laid down in this Act. The Finnish Food

Authority is responsible for the administration and development of the information systems relating to the functioning of the register.

The other control authorities referred to in this Act have the right to use the register data in the register referred to in subsection 1 to the extent required for the duties laid down for them.

The Finnish Food Authority keeps a national register on the following for the purpose of control oversight and development and performance of controls:

- 1) the hygiene passport examiners referred to in section 20, subsection 1 and the persons who have taken the hygiene passport examination;
- 2) the delegated bodies referred to in section 33;
- 3) the matters relating to the investigation of cases of food poisoning and the monitoring and control of zoonoses on the basis of the notifications referred to in section 36, subsection 5 and section 47;
- 4) the primary production sites and compartments referred to in section 53 that have been recognised by the Finnish Food Authority and the primary production sites within the compartments which the Finnish Food Authority has recognised as fulfilling the requirements for controlled housing conditions;
- 5) the persons who have completed the training of hunters in health and hygiene under Annex III, Section IV, Chapter I of Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin;
- 6) the veterinarians designated by the Finnish Food Authority referred to in section 24, subsection 2, paragraph 4 other than ones in the employ of the Finnish Food Authority or a municipality.

The National Supervisory Authority for Welfare and Health keeps a register of alcoholic beverages retail locations and alcoholic beverages manufacture and storage locations.

The registers referred to in subsections 1 and 4 above are a part of the information system of the rural business administration referred to in the Act on the Information System of the Rural Business Administration (284/2008).

*The Act on the Information System of the Rural Business Administration (284/2008) has been repealed by the Act on the Information Pool of the Finnish Food Administration (560/2021).*

## **Section 80**

### **Data to be entered in the register**

The following shall be entered in the registers referred to in section 79 above:

- 1) the identification data and operations of the objects of control;
- 2) the identification data of the primary production sites, compartments and primary production sites within the compartments recognised under section 53;
- 3) the control measures planned and performed;
- 4) the analytical methods of official laboratories and designated own-check laboratories subject to assessment and the names of the persons responsible for testing;
- 5) data under food legislation other than those referred to in paragraphs 1–4 that are relevant to control.

The identification data referred to in subsection 1 above consists of the operator's name, address and business identity code or, when one has not been issued, a personal identity code, and the name and address of the object of control. The identification data of a person are removed from the register when they are no longer needed.

The Finnish Food Authority publishes a list of official laboratories and designated own-check laboratories in which the data referred to in subsection 1, paragraph 4 are disclosed.

In respect of hygiene passport examiners, the data entered in the register are the name, personal identity code and contact information of the examiner. In respect of persons taking the hygiene passport examination, the data entered in the register are their name and personal identity code as well as the name of their hygiene passport examiner, the address of the examination location and the date of taking the examination. In respect of persons to whom the hygiene passport has been issued, the date of issue is also entered in the register.

## **Chapter 13**

### **Miscellaneous provisions**

## **Section 81**

### **Protecting the identity of a person reporting an offence**

Where the breach of the provisions referred to in Article 140 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC is reported to the authorities by a natural person, the identity of the person shall be kept secret if, based on the circumstances, disclosure of the person's identity may be assumed to cause harm to the person.

## **Section 82**

### **Confidential information**

Provisions on the secrecy obligation concerning information obtained during controls are laid down in the Act on the Openness of Government Activities.

## **Section 83**

### **Executive assistance**

Upon request, the control authorities shall provide each other with executive assistance to perform the duties laid down in this Act.

When requested, the police shall provide control authorities with executive assistance in performing duties laid down in food legislation.

Upon request, the control authorities shall provide executive assistance to the control authority under the Waste Act (646/2011) in the supervision of the obligation to keep a record of food waste referred to in section 118a of the said Act (718/2021).

## **Section 84**

## **Central government transfer**

Unless otherwise provided by law, the Act on Government Transfers for Basic Municipal Services (1704/2009) applies to operations organised by municipalities under this Act.

*The Act on Government Transfers for Basic Municipal Services (1704/2009) has been repealed by Act 618/2021, which enters into force on 1 January 2023. As of 1 January 2023, see the Act on Government Transfers for Basic Municipal Services (618/2021).*

## **Section 85**

### **Electronic signature**

Electronic signature created by means of automatic data processing may be used to sign a decision under this Act and the related documents.

## **Chapter 14**

### **Entry into force and transitional provisions**

## **Section 86**

### **Entry into force**

This Act enters into force on 21 April 2021.

This Act repeals the Food Act (23/2006), hereinafter *repealed Act*. After this Act's entry into force, any reference elsewhere in legislation to the repealed Act shall be considered as a reference to the equivalent provision in this Act.

Any provisions laid down pursuant to the repealed Act remain in force.

## **Section 87**

### **Transitional provisions**

The provisions of section 72 on the basic charge collected annually by a municipality for food controls apply as of 1 January 2022.

Any food premises and primary production sites approved or notified under the repealed Act and the Food Act preceding it (361/1995) and the Health Protection Act as well as primary production

sites registered pursuant to the Act on Food Hygiene of Foodstuffs of Animal Origin (1195/1996) may continue their operations without separate approval or notification.

Persons qualified to perform food controls upon the entry into force of this Act are considered to meet the competence requirements for similar duties under this Act.