

NB: Unofficial Translation

Legally binding texts are those in Finnish and Swedish

Act on the Animal Identification System (238/2010)

Chapter 1 – **General provisions**

Section 1 – *Purpose of the Act*

- (1) This Act lays down the provisions on the identification, registration and tracing of operators responsible for animals, of animal holdings and of animals (*animal identification system*).

Section 2 – *Scope of application*

- (1) This Act applies to animals other than animals living in the wild. However, the Act also applies to carrion feeding sites of animals living in the wild.
- (2) The provisions of animal species that fall within the scope of application of this Act are laid down by Decree of the Ministry of Agriculture and Forestry as required by the European Union legislation on the identification, health and welfare of animals, animal by-products, public health or food safety or national legislation on animal diseases, diseases communicable between animals and humans or agricultural support payments.

Section 3 – *European Union legislation*

- (1) Unless otherwise provided in other law, this Act also applies to the implementation of and control of complying with the following European Union statutes on the identification and registration of animals and carrion feeding sites of animals living in the wild and provisions issued under them:
 - 1) Regulation (EC) No 1760/2000 of the European Parliament and of the Council establishing a system for the identification and registration of bovine animals and regarding the labelling of beef and beef products and repealing Council Regulation (EC) No 820/97;
 - 2) Council Regulation (EC) No 21/2004 establishing a system for the identification and registration of ovine and caprine animals and amending Regulation (EC) No 1782/2003 and Directives 92/102/EEC and 64/432/EEC;
 - 3) Commission Regulation (EC) No 504/2008 implementing Council Directives 90/426/EEC and 90/427/EEC as regards methods for the identification of equidae; and
 - 4) Regulation (EC) No 1774/2002 of the European Parliament and of the Council laying down health rules concerning animal by-products not intended for human consumption, hereinafter *the Animal by-products Regulation*.
- (2) The provisions on the European Union or a Member State of the European Union laid down in this Act also apply to the European Economic Area and its Member States.

Section 4 – *Relationship to other legislation*

- (1) The information in the databases of the animal identification system are recorded to the information system of the rural business administration (*information system*) referred to in the Act on the Information System of the Rural Business Administration (284/2008), hereinafter

the Information System Act. The said Act applies to the documents and databases of the animal identification system unless otherwise provided in this Act.

Section 5 – *Definitions*

(1) In this Act:

- 1) *animal* means an individual animal or group of animals comprised of individuals of the same species including fertilised ova, breeding eggs, embryos and larvae;
- 2) *an operator responsible for animals* means all operators referred to in paragraphs 3–5;
- 3) *animal dealer* means a person who engages in commercial trading of animals on his or her own account and is responsible for them on a temporary basis for no more than 30 days, or who buys animals for having them slaughtered on his or her own account;
- 4) *food sector operator* means a person who engages in animal slaughtering or cleaning of fish in food premises in a way referred to in the Food Act (23/2006);
- 5) *animal keeper* means an operator other than those referred to in paragraphs 3 and 4 who is the owner or keeper of the animal;
- 6) *Category 1 processing plant* means an operator who treats entire bodies of dead animals containing specified risk material before their final disposal;
- 7) *transporter* means an animal transporter referred to in Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, hereinafter the *Animal Transport Regulation*;
- 8) *means of animal transport* means the means of transport referred to in the Animal Transport Regulation;
- 9) *animal holding* means the geographical location where the animals are temporarily or permanently kept, raised or cared for;
- 10) *operator responsible for animal holding* means the owner or keeper of the holding;
- 11) *carrion feeding site* means the geographical location where feeding of carrion to wild animals referred to in the Animal by-products Regulation is practised; and
- 12) *operator responsible for a carrion feeding site* means the owner or keeper of a carrion feeding site.

Chapter 2 – **Databases of the animal identification system**

Section 6 – *Keeper of databases*

- (1) The keeper of the databases of the animal identification system is the Finnish Food Safety Authority. The provisions on the responsibilities of the keeper of the databases are laid down in section 5 of the Information System Act.

Section 7 – *Transfer of an assisting task to a party other than an authority*

- (1) The Finnish Food Safety Authority may, subject to conditions set by it, grant the right to assist in updating the database information or a task relating to the identification of animals to a party other than an authority if the assistant has sufficient knowledge on the animal species concerned in the task and the requirements to be set for its keeping as well as sufficient competence in the keeping of databases.
- (2) Provisions on public liability under criminal law apply to the assistant.
- (3) Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 8 – *Information in the animal keeper and animal dealer database*

- (1) The following information is recorded to the animal keeper and animal dealer database:
- 1) identification information referred to in section 4(2) of the Information System Act;

- 2) animal species concerned in the activity;
- 3) envisaged time of starting the activity;
- 4) for an animal keeper, purpose of keeping the animals or type of animal production;
- 5) for an animal dealer, the main area of operation of the animal trading activity and identification information of the means of animal transport used in the activity, activity as an transporter and food sector operator;
- 6) essential changes in the activity;
- 7) closing down the activity.

Section 9 – *Notifications to the animal keeper and animal dealer database*

- (1) An animal keeper and animal dealer is obligated to notify the information referred to in section 8, paragraphs 1–5 in writing or electronically to be entered to the animal keeper and animal dealer database before starting the activity.
- (2) An animal keeper and animal dealer is obligated to notify the information referred to in section 8, paragraphs 6 and 7 in writing or electronically to be entered to the animal keeper and animal dealer database no later than 30 days from the event. Notification of a means of animal transport to be used in animal trading activity must, however, be made before starting the transports.
- (3) Provisions on the permit or approval to be required for animal transport, keeping and trading activity as well as means of animal transport are laid down separately.
- (4) Further provisions on the notification procedure concerning a means of animal transport taken into or removed from use may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 10 – *Information in the animal holding and carrion feeding site database*

- (1) The following information on animal holdings is recorded to the animal holding and carrion feeding site database:
 - 1) identification information on the operator responsible for the animal holding referred to in section 4(2) of the Information System Act;
 - 2) location of animal holding;
 - 3) establishments, buildings, structures as well as land and water areas included in the animal holding;
 - 4) animal species to be kept in the animal holding and purpose of use of animals or type of animal production;
 - 5) number of animals and capacity of the animal holding;
 - 6) envisaged time of starting the activity;
 - 7) essential changes in the activity;
 - 8) closing down the activity.
- (2) The following information on a carrion feeding site is recorded to the animal holding and carrion feeding site database:
 - 1) identification information on the operator responsible for the carrion feeding site referred to in section 4(2) of the Information System Act;
 - 2) location of the carrion feeding site;
 - 3) envisaged time of starting the carrion feeding activity;
 - 4) type or quality of the by-product of animal origin;
 - 5) collection area or site of the by-product;
 - 6) essential changes in the activity;
 - 7) closing down the activity.

Section 11 – *Notifications to the animal holding and carrion feeding site database*

- (1) An operator responsible for animal holding is obligated to notify information referred to in section 10(1), paragraphs 1–6 to be entered to the holding and carrion feeding site database before starting the keeping of animals and information referred to in paragraphs 7 and 8 no later than 30 days from the event.
- (2) An operator responsible for a carrion feeding site is obligated to notify information referred to in section 10(2), paragraphs 1–5 to be entered to the holding and carrion feeding site database before starting the carrion feeding and information referred to in paragraphs 6 and 7 no later than 30 days from the event.
- (3) Provision on the permit or approval required for premises intended for the keeping of animals or carrion feeding sites of wild animals are laid down separately.
- (4) Further provisions on the notification of the number of animals and capacity of animal holding referred to in section 10(1), paragraph 5 for specific animal species may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 12 – *Information in the animal database*

- (1) The following information is recorded to the animal database:
 - 1) identification information on the operator responsible for animals referred to in section 4(2) of the Information System Act;
 - 2) animal identification code, means of identification, a document relating to identification and other essential information in terms of identifying the animal;
 - 3) birth or hatching of the animal or other similar event;
 - 4) import of the animal from a Member State of the European Union or outside the territory of the European Union and information on the origin of the animal;
 - 5) species of the animal as well as purpose of use or type of production;
 - 6) holding where the animal is kept;
 - 7) changes in the ownership and keeping of the animal and animal holding;
 - 8) export of the animal to a Member State of the European Union or outside the territory of the European Union and the destination of the animal;
 - 9) death and method of disposing of the animal;
 - 10) slaughter of the animal and essential information relating to this;
 - 11) receipt of the animal to a Category 1 processing plant.

Section 13 – *Notifications to the animal database*

- (1) An operator responsible for animals is obligated to notify the information referred to in section 12, paragraphs 1–10 to be entered to the animal database.
- (2) A Category 1 processing plant is obligated to notify of the receipt of the entire body of a dead animal which belongs to Category 1 material referred to in the Animal by-products Regulation in accordance with section 12, paragraph 11.
- (3) Provisions on animal species covered by the notification obligation referred to in subsections 1 and 2 and the time limit for the notification are laid down by Decree of the Ministry of Agriculture and Forestry.

Section 14 – *Duty of care and obligation to make enquiries*

- (1) An animal keeper and animal dealer may not convey or move an animal on which the notifications to the animal database referred to in section 13 have been neglected fully or partly from the animal holding.
- (2) An operator responsible for animals may not receive to animal holding and a transporter may not transport an animal on which the notifications to the animal database have been neglected fully or partly.

Section 15 – *Database enquiry*

- (1) A person who takes an animal for animal trading, transport, slaughter or cleaning must before undertaking the said activity make an enquiry to the database in the information system to find out the acceptability of the animal. The database enquiry contains the information on the animal recorded in the information system, cases of neglect referred to in section 14 and orders and prohibitions by an authority concerning the animal.
- (2) Provisions on animal species covered by the obligation referred to in subsection 1 are laid down by Decree of the Ministry of Agriculture and Forestry. Further provisions on the content of the database enquiry and database enquiry procedure may also be issued by Decree of the Ministry of Agriculture and Forestry.
- (3) In case of animal species on which provisions have been laid down as referred to in subsection 2 the animal keeper is entitled to make a database enquiry referred to in subsection 1 before the acquisition of the animal

Section 16 – *Right to obtain information from the authorities*

- (1) The keeper of the databases has, the secrecy provisions notwithstanding, the right to obtain information from the authorities as follows:
 - 1) from the land parcel database information on the arable parcels, their identification codes and other information necessary for performing the administrative and control tasks under this Act;
 - 2) from the land information system information on the buildings, structures, land and water areas as well as other information necessary for performing the administrative and control tasks under this Act;
 - 3) from the information system of the environmental administration information concerning aquaculture and keeping of fur animals necessary for performing the administrative and control tasks under this Act;
 - 4) from the information system of the judicial administration information on prohibition to keep animals applicable to an operator responsible for animals.
- (2) Information may be delivered by means of a technical user connection or in other electronic form.

Section 17 – *Right to obtain information from parties other than the authorities*

- (1) The keeper of the databases has, the secrecy provisions notwithstanding, the right to obtain information concerning the customers or raw material suppliers necessary for the control of the compliance with the notification obligation of an animal keeper and animal dealer laid down in section 9 from operators engaged in the sale, processing or marketing of products obtained from animals.

Chapter 3 – **Tagging of animals and registers to be kept on animals**

Section 18 – *Means of identification*

- (1) The Finnish Food Safety Authority approves the means of identification to be used for the tagging of animals specifically for each animal species upon application by the manufacturer or marketer of the means of identification. The approval of a means of identification is subject to the precondition that, within the limits set by the European Union legislation on the identification of animals, the means of identification
 - 1) is suitable to be used for the animal species referred to in the application and stays attached to the animal without harming it;
 - 2) is suitable to the Finnish climate as regards its technical properties; and

- 3) is difficult to forge and unfit for reuse and remains readable for the whole lifetime of the animal.
- (2) If it appears in the processing stage of an application that the means of identification do not fulfil the requirements set for them in subsection 1, the Finnish Food Safety Authority must reject the application. If the Finnish Food Safety Authority finds after the approval of the application that the means of identification do not fulfil the requirements set for them in subsection 1, the Finnish Food Safety Authority shall issue a reprimand to the recipient of the approval on the defect and, where necessary, set a time limit by which the defect must be removed. If the defect has not been corrected after the reprimand, the Finnish Food Safety Authority may revoke the approval of the means of identification.
- (3) The Finnish Food Safety Authority must keep a register of approved means of identification that is accessible to all.
- (4) The Country Codes referred to in ISO standards 11784 and 11785 may be used in an identification code specifying an animal included in an electronic means of identification only if the Finnish Food Safety Authority is able to ensure that the identification codes are unambiguous.

Section 19 – *Tagging of animals*

- (1) An animal keeper and animal dealer is obligated to tag an animal born in their ownership or keeping by a means of identification which carries the identification code designated by the Finnish Food Safety Authority. An animal keeper and animal dealer is obligated to ensure that an animal in their ownership or keeping stays tagged in a way required by this Act and the European Union legislation on the identification of animals.
- (2) Provisions on animal species covered by the tagging obligation are laid down by Decree of the Ministry of Agriculture and Forestry. Further provisions on the method and time of tagging animals as well as the storage, use, replacement and disposal of the means of identification may also be issued by Decree of the Ministry of Agriculture and Forestry.

Section 20 – *Insufficiently tagged animal*

- (1) If the tagging of an animal referred to in section 19 has been neglected fully or partly, the animal may not be conveyed or moved from animal holding, received to animal holding or taken to be transported.

Section 21 – *Keeping of a register*

- (1) An operator responsible for animals must keep a register of animals in his or her ownership or keeping by animal species and animal holdings. A Category 1 processing plant must keep a register of the receipt of entire bodies of dead animals belonging to Category 1 material referred to in Animal by-products Regulation.
- (2) The register must be kept up-to-date either on a paper form or electronically so that it can be presented to the control authority if necessary. The register must be retained for three calendar years from the end of the year when an entry concerning an animal was last made on the register.
- (3) Provisions on animal species covered by the obligation to keep a register are laid down by Decree of the Ministry of Agriculture and Forestry.

Section 22 – *Model for a register to be kept on animals*

- (1) The Finnish Food Safety Authority confirms the model for the animal species specific register referred to in section 21. For a special reason the Finnish Food Safety Authority may approve a model for a register which differs from the confirmed model.

Chapter 4 – Authorities and organisation of control

Section 23 – *General steering and control*

- (1) The general steering and control of the implementation of this Act and the European Union legislation concerning the identification of animals is the competence of the Ministry of Agriculture and Forestry.

Section 24 – *Control authorities*

- (1) The Finnish Food Safety Authority plans, steers and develops the control of the national animal identification system as laid down in this Act and the European Union legislation on the identification of animals.
- (2) The Finnish Food Safety Authority controls that slaughterhouses referred to in section 6, paragraph 23 of the Food Act comply with this Act and the provisions issued under it.
- (3) The Regional State Administrative Agency controls, besides the Finnish Food Safety Authority, the compliance with this Act and the provisions issued under it in its own territory.
- (4) The municipal veterinary officer controls, besides the Finnish Food Safety Authority, the compliance with this Act and the provisions issued under it in his or her area of operation.
- (5) The Centre for Economic Development, Transport and the Environment conducts the inspections in animal holding of operators responsible for animals to control the compliance with this Act and the provisions issued under it in its own territory.

Section 25 – *Authorised inspectors*

- (1) In addition to the provisions laid down in section 24, the Finnish Food Safety Authority may use inspectors with written authorisation to perform the control task from and supervised by the Finnish Food Safety Authority to assist in the control. In order to manage the task an authorised inspector must have sufficient knowledge about the animal species concerned in the task and the requirements to be set for its keeping.
- (2) Provisions on public liability under criminal law apply to the authorised inspector.
- (3) Provisions on liability for damages are laid down in the Tort Liability Act.

Section 26 – *Organisation of control*

- (1) The functionality of the animal identification system and the compliance with the provisions of this Act and the provisions issued under it and the European Union legislation on the identification of animals must be controlled comprehensively and regularly. The control measures must be appropriate and fit for the purpose and they must be targeted to all elements of the system.
- (2) The control must be intensified if it is to be suspected or it is observed on the basis of inspections conducted that operators responsible for animals do not comply with this Act and the provisions issued under it.
- (3) Where necessary, the control authority shall advise an operator responsible for animals, transporter, Category 1 processing plant, operator responsible for animal holding and operator responsible for a carrion feeding site in the compliance with this Act and the provisions issued under it.

Section 27 – *Control plan*

- (1) The Finnish Food Safety Authority shall prepare, on an annual basis, a control plan on the organisation, implementation, follow-up and reporting of the control.
- (2) The control plan must show at least the number of inspections to be conducted, their scope, control method and risk assessment influencing the selection of the objects of control, taking

account of the requirements for control set in the European Union legislation concerning the identification of animals.

Section 28 – *Right to conduct inspections and obtain information*

- (1) The control authority has the right to gain access to all parts of animal holding where animals of an operator responsible for animals or documents concerning the animals are kept. In addition, the control authority has the right to gain access to premises in Category 1 processing plant where entire bodies of dead animals received for treatment or the documents concerning these are kept. The control authority also has the right to gain access to a carrion feeding site or premises of an operator responsible for a carrion feeding site where by-products of animal origin intended for carrion feeding or documents concerning this are kept.
- (2) The inspection may be concerned with the animals, their identification codes, means of identification and registers to be kept on animals as well as other relevant issues relating to the control of the compliance with this Act and the provisions issued under it. In premises covered by domiciliary peace an inspection may be conducted only if this is necessary to prevent endangering animal, human and environmental health or food safety. Only an authority may conduct an inspection in premises covered by domiciliary peace.
- (3) The secrecy provisions notwithstanding, the control authority has the right to obtain information and documents necessary for an inspection and control laid down in this Act and the European Union legislation on the identification of animals from an operator responsible for animals, Category 1 processing plant, operator responsible for animal holding and operator responsible for a carrion feeding site.
- (4) The provisions of this Act concerning the right to conduct inspections and obtain information also apply to an inspector referred to in the European Union legislation.

Section 29 – *Further provisions on control*

- (1) Further provisions on the organisation of control referred to in section 26 and control plan referred to in section 27 and its content may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 30 – *Executive assistance*

- (1) Provisions on the obligation of the police to give executive assistance are laid down in section 40 of the Police Act (494/1995).

Chapter 5 – **Administrative coercive measures and sanctions**

Section 31 – *Removing a defect*

- (1) A control authority may order a defect to be removed if an operator responsible for animals, Category 1 processing plant, operator responsible for animal holding or operator responsible for a carrion feeding site fails or neglects to comply with this Act or the provisions issued under it. The defect may be ordered removed immediately or within a time limit set by the control authority.
- (2) The control authority shall make an entry on an order issued to remove a defect to the information system.

Section 32 – *Prohibition*

- (1) The provisions on removing a defect in section 31 notwithstanding, the Regional State Administrative Agency may prohibit an operator responsible for animals from conveying and moving animals from animal holding if he or she has neglected to comply with the provisions of section 9, 11, 13, 19, 21 or 28(3). The prohibition may concern individual animals or all

animals of the same species in the animal holding. A prohibition concerning all animals of the same species in the animal holding is subject to the condition that a significant share of the animals do not fulfil the identification or registration requirements.

- (2) In addition to prohibiting the conveyance and movement of animals from the holding, the Regional State Administrative Agency may prohibit the receipt of animals to the animal holding if the neglect to comply with the provisions referred to in subsection 1 has been extensive, repeated or intentional as well as causing danger to animal, human and environmental health, animal welfare or food safety.
- (3) Provisions on the prohibition of the conveyance, movement from the holding and receipt of bovine animals are laid down in Commission Regulation (EC) No 494/98 laying down detailed rules for the implementation of Council Regulation (EC) No 820/97 as regards the application of minimum administrative sanctions in the framework of the system for the identification and registration of bovine animals, hereinafter the *Sanctions Regulation*. The decision on the matter is made by the Regional State Administrative Agency.
- (4) A control authority that conducted an inspection in animal holding may order a prohibition referred to in subsection 1, 2 or 3 as a temporary one for the time of clearing the matter or removing a defect. A temporary prohibition is in force until the Regional State Administrative Agency gives its final decision on the matter.
- (5) The control authority that ordered the prohibition shall make an entry on the prohibition to the information system.
- (6) Further provisions on the preconditions of a prohibition concerning all animals of the same species in the animal holding referred to in subsection 1 may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 33 – *Revoking a prohibition*

- (1) A Regional State Administrative Agency shall revoke a prohibition referred to in section 32 immediately when based on an account given by the control authority it can be ensured that the defect that was the grounds for the prohibition has been corrected.
- (2) The Regional State Administrative Agency shall make an entry on revoking the prohibition to the information system

Section 34 – *Killing an unidentified bovine animal*

- (1) Provisions on killing an unidentified bovine animal are laid down in the Sanctions Regulation. The decision on the matter is made by the Regional State Administrative Agency.

Section 35 – *Conditional fine and threat of execution*

- (1) The control authority may impose a conditional fine or threat of execution to enforce an order laid down in section 31 or prohibition laid down in section 32.
- (2) A conditional fine may not be imposed on a natural person to enforce a notification obligation laid down in this Act if there is cause to suspect the person of a crime and the information is related to a matter concerned in the suspected crime.
- (3) Provisions on the conditional fine and threat of execution are laid down in the Penalty Payment Act (1113/1990).

Section 36 – *Penal provisions*

- (1) A person who intentionally or through gross negligence
 - 1) neglects a notification obligation laid down in section 9, 11 or 13, obligation to keep a register referred to in section 21 or notification obligation referred to in section 28(3),
 - 2) neglects an animal tagging obligation laid down in section 19, or
 - 3) violates an order issued under section 31 or prohibition issued under section 32,

shall be sentenced to a fine *for violating the Act on the Animal Identification System*, unless a more severe penalty is laid down elsewhere in the law.

- (2) A penalty for the same deed may be waived in case of a person who violates a prohibition or obligation enforced by a conditional fine imposed under this Act.

Section 37 – *Reporting an offence*

- (1) The Regional State Administrative Agency files a report of an offence concerning the violation of the Act on the Animal Identification System on behalf of the control authorities referred to in section 24. Filing a report may be waived in case of an offence which as a whole is to be considered a minor one.

Chapter 6 – **Miscellaneous provisions**

Section 38 – *Appeal*

- (1) A decision issued under this Act may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996).
- (2) A decision made by a control authority shall be complied with in spite of appeal, unless otherwise regulated by the appellate authority

Section 39 – *Entry into force*

- (1) This Act enters into force on 1 May 2010.
- (2) This Act repeals section 26a of the Animal Welfare Act of 4 April 1996 as it is in Act No 220/2003.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 40 – *Transitional provisions*

- (1) Animal keepers and animal dealers who before the entry into force of this Act have notified their activity in a manner required by the provisions in force at that time to an information system referred to in the Information System Act or a database referred to in the Decision of the Ministry of Agriculture and Forestry on Aquaculture Database (212/1996) need not renew their notification. Similarly, notifications of animals and animal holdings made as required by the provisions in force before the entry into force of this Act need not be renewed.
- (2) Provisions in force upon the entry into force of this Act shall be applied to applications concerning the provision of information and approval of means of identification that became pending before the entry into force of this Act.