

NB: Unofficial translation
Ministry of Agriculture and Forestry, Finland

Act on the Use of Animals for Experimental Purposes (62/2006)

Chapter 1 – **General provisions**

Section 1 – *Objectives*

- (1) The objective of this Act is to ensure that animals are kept and used for experimental purposes only when there are necessary and important reasons for doing so.
- (2) Further objectives of this Act are to ensure that a minimum number of animals are used and that the use of animals for experimental purposes causes the least possible amount of pain, suffering, distress or lasting harm.

Section 2 – *Scope of application*

- (1) This Act applies to the use of vertebrate animals for experimental purposes. In this Act, the use of animals for experimental purposes means keeping animals for experimental purposes and using animals for experiments.
- (2) In addition to the provisions of this Act, the acceptable purpose of the experiment notwithstanding, the provisions laid down in or under the Animal Welfare Act (247/1996) on the keeping, care, treatment and handling of experimental animals must be complied with. Furthermore, the provisions of the Gene Technology Act (377/1995) apply to the use of gene technology in the use of animals for experimental purposes.

Section 3 – *Authorities*

- (1) The Ministry of Agriculture and Forestry is responsible for the general supervision and control concerning enforcement of this Act.
- (2) Each State Provincial Office, acting within its own geographical boundaries, supervises and controls compliance with this Act and provisions issued under it.

Section 4 – *Definitions*

- (1) In this Act:
 - 1) *animal experiment* means carrying out such experiments, tests, research or investigations on animals or using experimental animals for purposes defined in section 8 which may cause pain, suffering, distress or lasting harm comparable at least to the pain caused by the introduction of a needle; the definition of animal

experiment also applies to any course of action intended, or liable to, result in an experimental animal being born in conditions or circumstances that may cause it pain, suffering, distress or lasting harm, and experimental action taken under terminal anaesthesia if the action otherwise performed would meet the criteria of an animal experiment; additionally, any course of action aimed at creating a genetically modified animal or strain is deemed to be an animal experiment; an animal experiment starts when the preparation of the animal for use in an experiment and ends when no further observations are to be made of the live animal for the experiment;

2) *animal* means any live non-human vertebrate, including free-living larval or reproducing larval forms, but excluding foetal or embryonic forms;

3) *experimental animal* means animals kept for use in animal experiments, animals acquired, sold, forwarded or otherwise supplied for experimental purposes and animals used for animal experiments;

4) *purpose-bred experimental animal* means animals bred in experimental animal establishments for use in animal experiments; and

5) *experimental animal establishment* means an establishment or other operating unit

- a) that breeds animals for experimental purposes (*breeding establishment*);
- b) that sells, forwards or otherwise supplies animals for experimental purposes (*supplying establishment*), but excluding units breeding fish for production purposes and other units for keeping or producing animals which sell or otherwise occasionally supply only a single animal or otherwise an insignificant number of animals; or
- c) that performs animal experiments (*user establishment*).

(2) In subsection 1(1) above, animal experiment does not, however, mean:

1) action performed on animals for purposes other than those defined in section 8;

2) clinical veterinary practice;

3) taking samples from animals for monitoring, preventing and combating or investigating animal diseases;

4) taking samples within an animal health monitoring programme or for the assessment of animal quality, characteristics or usability;

5) capturing animals for marking, and marking using approved methods;

6) killing animals using approved methods of killing; or

7) breeding genetically modified animals or animals with spontaneous mutations after the creation of a strain if the genetic modification or mutation does not cause the animals pain, suffering, distress or lasting harm comparable at least to the pain caused by the introduction of a needle.

Chapter 2 – **Requirements for using animals for experimental purposes**

Section 5 – *General requirements for experimental animal establishments*

- (1) Experimental animal establishments must have adequate and appropriate facilities and equipment for the particular use of animals for experimental purposes practised within the establishment. In addition, the construction and operation of the facilities and equipment of user establishments must be such as to allow animal experiments to be performed with maximal expediency, with minimal number of animals and so that the animals are caused as little pain, suffering, distress or lasting harm as possible.
- (2) Experimental animal establishments must provide properly organized veterinary services for attending to the health and diseases of the animals.
- (3) Further provisions on the facilities and equipment required of experimental animal establishments and the arrangement of veterinary services are issued by Decree of the Ministry of Agriculture and Forestry.

Section 6 – *Personnel at experimental animal establishments*

- (1) Experimental animal establishments must have a designated person responsible for the use of animals for experimental purposes who is familiar with the requirements set for the particular use of animals for experimental purposes practised within the establishment. The person responsible for the use of animals for experimental purposes must ensure that the establishment complies with the requirements set for using animals for experimental purposes. The experimental animal establishment must ensure that it is possible for the person responsible for the use of animals for experimental purposes to manage the establishment in accordance with the provisions and authorization conditions concerning the use of animals for experimental purposes.
- (2) The number of animal caretakers at the experimental animal establishment must be adequate in relation to the nature and extent of the establishment's operations, and these caretakers must have a formal animal caretaker qualification or the equivalent practical knowledge and skills needed in the care, treatment and handling of the animals kept at the establishment.
- (3) For the purposes of veterinary services, each experimental animal establishment must have a designated veterinarian available. Veterinarians of user establishments must be qualified to perform animal experiments as referred to in section 10.
- (4) Further provisions on the qualifications and duties of experimental animal establishment personnel may be issued by Decree of the Ministry of Agriculture and Forestry.

Chapter 3 – **Animal experiment**

Section 7 – *Using animals for animal experiments*

- (1) Animal experiments may be performed only if there is no other scientifically reliable practical method which does not require the use of an animal to achieve the desired result.
- (2) If possible to achieve the desired result, animal experiments must be replaced even in part with some other scientifically reliable method that does not require the use of an animal or with a method which allows to reduce the total number of animals or the pain, suffering, distress or lasting harm caused to the animals concerned.

Section 8 – *Purpose of animal experiments*

- (1) Animal experiments may be performed only:
 - 1) for the purposes of development or production of medicinal products, foods or other substances and products, where their quality, efficacy or safety is tested in order to
 - a) combat, prevent, determine or treat a human, animal or plant disease, ill-health or other disorder or their effects;
 - b) assess, investigate, regulate or modify the vital functions of humans, animals or plants;
 - 2) to protect the environment;
 - 3) to determine, assess, investigate, regulate, modify or treat physiological conditions, diseases, ill-health or other disorders in humans, animals or plants;
 - 4) in forensic medicine research; or
 - 5) when necessary for scientific research.
- (2) In addition to the provisions of subsection 1, animal experiments may be performed for the purpose of training or instruction aimed at treating and performing tests on humans and animals or at the care or use of experimental animals, if performing the experiments is absolutely essential for the training or instruction and the same purpose cannot be achieved as efficiently using an audiovisual or other suitable method. Animal experiments involving the setting free of an experimental animal must not be performed solely for the purpose of training or instruction.

Section 9 – *General principles concerning animal experiments*

- (1) The number of animals used in an animal experiment must be no more than is necessary for achieving the object of the experiment. Animal experiments must be performed using species with the lowest possible degree of neurophysiological sensitivity in terms of achieving the object of the experiment.

- (2) The performance of animal experiments must be such as to cause the animals minimum of pain, suffering, distress or lasting harm while still likely to yield reliable results. Pain, suffering, distress or lasting harm caused to experimental animals must always be alleviated in all ways possible given the purpose of the experiment, unless the pain, suffering, distress or lasting harm caused to the animal through alleviation is as great or greater than that caused by the animal experiment.
- (3) Animal experiments causing the animals considerable pain, suffering, distress or lasting harm that cannot be alleviated in view of the nature of the experiment may only be performed for special reasons. Animal experiments must not be performed in order to investigate the ability of animals to tolerate pain or suffering.
- (4) Further provisions on the classification of animal experiments on the basis of the pain, suffering, distress or lasting harm caused by them may be issued by Decree of the Ministry of Agriculture and Forestry.

Section 10 – *Persons performing animal experiments*

- (1) Animal experiments may be performed only by persons with a relevant higher academic degree who have also completed a course on experimental animals and the use of animals for experimental purposes which is in accordance with the teaching programme of a university or other higher education institution or has been approved by the State Provincial Office of Southern Finland (*experimental animal course*). Provisions on the content, duration and completion of experimental animal courses are issued by Decree of the Ministry of Agriculture and Forestry.
- (2) On application, the State Provincial Office of Southern Finland grants authorization to perform animal experiments in Finland to persons qualified in the manner referred to in subsection 1 who have completed studies equivalent to an experimental animal course outside Finland. Such authorization is granted on the condition that the studies completed are equivalent in content to the experimental animal course.
- (3) Notwithstanding the provisions of subsections 1 and 2, other persons familiar with performing animal experiments who in addition have adequate knowledge of the techniques to be used in the action performed on the animals and adequate skills to perform such action may perform animal experiments at an experimental animal establishment that are related to the sphere of operations of the establishment under the immediate steering and supervision of a person with the qualifications referred to in subsection 1 or 2.

Chapter 4 – **Experimental animals**

Section 11 – *Purpose-breeding requirement and origin of experimental animals*

- (1) The aim must always be to use purpose-bred animals in animal experiments. Provisions on which species of experimental animal must be purpose-bred are laid down by Decree of the Ministry of Agriculture and Forestry. If no purpose-bred animal is available for achieving the object of an animal experiment, the State Provincial Office of Southern Finland may for a special reason grant an exemption from the purpose-breeding requirement. Feral or stray dogs, cats or other domestic species must not, however, be used for experimental purposes.
- (2) Experimental animals may be acquired only from other experimental animal establishments, with the exception of fish to be acquired for experimental purposes or a single other animal or an otherwise insignificant number of animals. Whenever an animal is acquired for experimental use elsewhere than from an experimental animal establishment, the supplying party must be informed of the purpose for which the animal is to be used.

Section 12 – *Experimental animals taken from the wild*

- (1) Animals taken from the wild may be used for experimental purposes only if this is absolutely essential for achieving the purpose of the experiment.
- (2) Animals considered endangered under Appendix I of the Convention on International Trade in Endangered Species of Fauna and Flora (Finnish Treaty Series 45/1976) and Annex A of Council Regulation 338/97/EC on the protection of species of wild fauna and flora by regulating trade therein may be used for experimental purposes only if:
 - 1) the animal experiment complies with the above Regulation and the purpose of the experiment is research aimed at the preservation of the animal species concerned; or
 - 2) the species concerned is the only animal species suitable for an animal experiment to be performed for essential biomedical purposes.

Section 13 – *Killing of experimental animals*

- (1) If, during an experiment, symptoms or changes appear in the behaviour, vital functions or external appearance of the animal on the basis of which it can be deduced that the animal is experiencing considerable pain, suffering or distress not anticipated in the animal experiment authorization and this cannot be eliminated with medication or other course of action without essentially interfering with the purpose of the experiment or the information to be obtained from the animal, the animal experiment on this particular animal must be interrupted, and the animal must be killed without delay.
- (2) Experimental animals must be killed at the end of an experiment if it is likely that they experience continuous pain or suffering. The decision to kill the animal must be made by a veterinarian or some other competent person. A competent person means a

person with adequate knowledge to assess the state of health and well-being of the animal concerned and the pain, suffering and distress experienced by it. The killing of the animal may be carried out by a person with adequate knowledge of the technique to be used to kill the animal and adequate skill to perform the task.

- (3) If an experimental animal is not killed at the end of an experiment, the animal's well-being must be attended to, and it must receive the necessary care.
- (4) Further provisions on the killing of animals used for experimental purposes are issued by Decree of the Ministry of Agriculture and Forestry.

Section 14 – *Re-using experimental animals*

- (1) Animals used in an experiment must not be re-used for experimental purposes if their state of health and well-being have not returned to normal.
- (2) Animals must not be used more than once for experiments causing considerable pain, suffering or distress. Such an animal may be re-used only for experiments involving minor action or in which the animal is under general anaesthesia until it is killed.

Section 15 – *Identification of experimental animals*

Experimental animals must be marked or identifiable as laid down by Decree of the Ministry of Agriculture and Forestry.

Section 16 – *Registers, statistics and supervision records*

- (1) Experimental animal establishments must keep a register of the origin of experimental animals acquired for the establishment and of their sale or other supply and a supervision record on the animals, their care, living environment, well-being, health and conditions. User establishments must also keep statistics on the animal experiments performed at the establishment and the animals used for them.
- (2) Registers, statistics and supervision records must be retained for a minimum period of three years after the last entry made in them. Registers, statistics and supervision records must be presented to a supervisory authority on request. User establishments must submit the statistics referred to in subsection 1 to the State Provincial Office of Southern Finland within three months of the end of the calendar year. Further provisions on the content, keeping and storing of registers and statistics and supervision records are issued by Decree of the Ministry of Agriculture and Forestry.

Chapter 5 – **Authorization to use animals for experimental purposes and to perform animal experiments**

Section 17 – *Authorization to use animals for experimental purposes*

- (1) Vertebrate animals may be used for experimental purposes only with authorization granted by a State Provincial Office. Applications for authorization to use animals for experimental purposes (*experimental animal establishment authorization*) must be submitted to the State Provincial Office of the province within which the applicant's domicile is located.
- (2) The application must include the information necessary for granting the authorization, as referred to in sections 5 and 6. Further provisions on the content of the application are issued by Decree of the Ministry of Agriculture and Forestry.

Section 18 – *Granting and revoking experimental animal establishment authorizations*

- (1) An experimental animal establishment authorization is granted if:
 - 1) the facilities and equipment in the possession of the applicant are appropriate for the use of animals for experimental purposes;
 - 2) the applicant has personnel available who are appropriate for the care of animals and their use for experimental purposes; and
 - 3) the veterinary services provided by the experimental animal establishment have been organized in an appropriate manner.
- (2) An experimental animal establishment authorization may also be granted in limited form or for a limited period. The State Provincial Office concerned may revoke an authorization if the holder of the authorization significantly violates the criteria laid down in or under this Act or the Animal Welfare Act or the authorization conditions, or if the operations no longer meet the criteria for granting an authorization and the holder of the authorization does not correct the deficiencies within a reasonable time set by the supervisory authority.
- (3) The State Provincial Office concerned must inspect and approve the facilities intended for the use of animals for experimental purposes before the use of the facilities begins.

Section 19 – *Notification of changes*

Holders of experimental animal establishment authorizations must, without delay, notify the State Provincial Office that granted the authorization of any changes regarding the authorization conditions, so that it can review the authorization.

Section 20 – *Animal experiment authorization*

- (1) Animal experiments may be carried out only with authorization granted by the Animal Experiment Board (*animal experiment authorization*).
- (2) For each animal experiment, a plan must be drawn up which includes the justifications laid down in sections 7-9 concerning animal experiments and the use of

animals for experiments. Further provisions on the content of experiment plans are issued by Decree of the Ministry of Agriculture and Forestry.

- (3) An animal experiment authorization is granted if:
- 1) the establishment performing the experiment has an experimental animal establishment authorization;
 - 2) the experiment is performed for a purpose laid down in section 8;
 - 3) the person performing the experiment is qualified to perform the animal experiment under section 10;
 - 4) the requirements concerning the use of animals for experiments laid down in or under this Act are met; and
 - 5) the benefits from the experiment are regarded as ethically acceptable in relation to the use of animals for the experiment.
- (4) An animal experiment authorization may also be granted as a series of animal experiments if the experiments fall within the sphere of disease diagnostics in the establishment's operating sector or are repeated animal experiments required by law and falling within the establishment's sphere of operations.
- (5) Animal experiment authorizations may include conditions required for animal protection in order to ensure the well-being of the animals during the experiment.

Section 21 – Authorization conditions concerning the setting free of animals taken from the wild

- (1) An animal experiment authorization may allow animals taken from the wild to be set free in or after an animal experiment. The condition for setting such an experimental animal free is that the animal's state of health and well-being return to normal and that it can be expected to adapt to life in the wild without difficulty. Setting such an experimental animal free must not cause any risk to humans, animals or the environment.
- (2) Before deciding the matter of setting an animal free, an opinion on the authorization must be requested from the State Provincial Office of the province in which the animal would be set free. Where necessary, the State Provincial Office must consult other authorities in the matter.

Section 22 – Notification duty at the end of an experiment

After performing an animal experiment, the holder of the animal experiment authorization must, within three months of the end of the experiment, notify the State Provincial Office of Southern Finland of the time of termination of the experiment, the number of animals actually used for the experiment and information on occurrences during the experiment that affected the well-being of the animals in a

manner not anticipated in the animal experiment authorization. If the authorization was granted as a series of animal experiments, the notification must be made annually within three months of the end of each calendar year. Further provisions on the information to be notified and on submitting notifications are issued by Decree of the Ministry of Agriculture and Forestry.

Chapter 6 – **Animal Experiment Board**

Section 23 – *Duties of the Animal Experiment Board*

The duty of the Animal Experiment Board is to process applications for authorization to perform animal experiments and to grant authorization for such experiments.

Section 24 – *Appointment and composition of the Animal Experiment Board*

- (1) The Animal Experiment Board is appointed by the Government every five years on the basis of a submission by the Ministry of Agriculture and Forestry. The Board consists of the chair, deputy chair and 16 other members with personal deputies. The composition of the Board must take into account equal representation of the various parts of the country in terms of use of animals for experimental purposes. The Board operates in connection with the State Provincial Office of Southern Finland.
- (2) The chair and deputy chair of the Board must have a Master of Laws qualification. The members and deputy members of the Board must be known to have skill and experience in the use of animals for experimental purposes, and four of them must represent expertise in scientific research, four in the care of experimental animals and actions performed on animals, four in veterinary medicine and four in practical animal protection or ethical issues.
- (3) The Animal Experiment Board is divided into four sections. The Board nominates the members and deputy members of the sections, ensuring that the expertise of the Board in the various fields is represented equally in them. The Board nominates the chair and deputy chair of each section.

Section 25 – *Preparation and processing of matters by the Board*

- (1) Matters to be processed by the Board or a section of the Board are prepared by the State Provincial Office of Southern Finland, which also submits the matters for processing. Board and section meetings are called by the chair or, if the chair is unavailable, the deputy chair.
- (2) The provisions of the Administrative Procedure Act (434/2003), the Act on the Openness of Government Activities (621/1999), the Language Act (423/2003) and the Sámi Language Act (1086/2003) apply to the processing of matters by the Board.

Provisions concerning the criminal liability of the chairs of the Board and its sections and of other members and deputy members are laid down in chapter 40, section 12 of the Penal Code (39/1889).

- (3) A section of the Board must give its decision on an application for authorization to perform animal experiments within 45 days of the date on which all information for deciding the matter was delivered to the State Provincial Office of Southern Finland. If the matter is transferred to the Board, the Board must give a decision within 45 days of the date on which the section gave its decision.
- (4) Minutes must be drawn up of meetings of the Board and its sections, signed by the chair and secretary of the meeting. Decisions by the Board or its sections are signed by the chair of the meeting and confirmed by the rapporteur.
- (5) Further provisions on the division of responsibilities within the Animal Experiment Board, on processing matters and on other aspects of the Board's activities are issued in the rules of procedure confirmed by the Ministry of Agriculture and Forestry.

Section 26 – *Power of decision*

- (1) Authorization to perform an animal experiment is granted by a section of the Animal Experiment Board or, if the section is not unanimous about granting it, by the Animal Experiment Board. If a section does not grant authorization to perform an animal experiment, the decision is referred to the Animal Experiment Board.
- (2) The Animal Experiment Board is quorate when at least eight other members or deputy members are present in addition to the chair of the meeting. A section of the Animal Experiment Board is quorate when at least two other members or deputy members are present in addition to the chair of the meeting.
- (3) If the Animal Experiment Board is not unanimous in deciding the matter, the decision shall be put to a vote. The proposal receiving the majority of the votes is the decision of the Board and if the votes are even the chair has the casting vote.
- (4) The chair of the Board decides on financial and other internal administrative issues concerning the Board. By the rules of procedure decision-making powers in these matters may also be transferred to the deputy chair and the rapporteur of the Board.

Section 27 – *Minor changes in animal experiment authorization*

The chair of the Board section or Board that granted an animal experiment authorization may authorize minor changes in the animal experiment contrary to the terms of the authorization if this is absolutely essential in view of the continuation of the animal experiment and if there is no time to submit the matter to the Animal Experiment Board or a section of the Board without jeopardizing the purpose of the animal experiment and if the change does not cause the animals more pain, suffering,

distress or lasting harm than is anticipated in the animal experiment authorization. The Animal Experiment Board or its relevant section must be notified of any changes concerning authorizations.

Section 28 – *Personnel and the Board's support services*

- (1) The Animal Experiment Board has full-time rapporteurs and secretaries recruited by the State Provincial Office of Southern Finland. The required qualification for a rapporteur is an appropriate higher education degree and good expertise in the use of animals for experimental purposes.
- (2) The State Provincial Office of Southern Finland provides the support services needed by the Animal Experiment Board.

Section 29 – *Remuneration*

The chair, deputy chair and members of the Animal Experiment Board receive remuneration for the duties they carry out and compensation for travel costs in accordance with criteria confirmed by the Ministry of Agriculture and Forestry.

Section 30 – *Fees*

The applicant is charged a processing fee for the processing of the animal experiment authorization. The provisions of the Act on Criteria for Charges Payable to the State (150/1992) apply to the determination of the fees.

Chapter 7 – **Control**

Section 31 – *Right to information*

The Ministry of Agriculture and Forestry and the State Provincial Offices are entitled to obtain the information necessary for the supervision and inspection referred to in this Act from holders of experimental animal establishment authorizations, holders of animal experiment authorizations, government authorities and the Animal Experiment Board. The right to information also covers information required for supervision that would otherwise be regarded as confidential on the grounds that it concerns the business or professional operations or financial standing of a private person or a corporate body or the personal circumstances of a private person.

Section 32 – *Right to inspection*

- (1) The State Provincial Offices are entitled to carry out inspections and investigations required for supervising compliance with this Act and for that purpose to have access to facilities in which animals are used for experimental purposes or which are used to

house or store experimental animals, feed or drink intended for experimental animals, or substances, equipment or supplies, or documents or data relating to the use of animals for experimental purposes, and to be present while animal experiments are performed and at the meetings of the Animal Experiment Board or its sections.

- (2) Inspections and investigations referred to in subsection 1 may be carried out in premises governed by the provisions on domestic peace only if it is necessary in order to establish facts falling within the sphere of inspection and there are reasonable grounds to suspect that someone has been acting in a manner that is contrary to this Act or the Animal Welfare Act and is punishable by law.
- (3) Holders of experimental animal establishment authorizations and animal experiment authorizations are obliged to provide the State Provincial Office with information requested by it for purposes of supervision.

Section 33 – *Right to take samples*

For the purposes of supervision, the State Provincial Offices are entitled to take, at no cost, samples from experimental animals, from the feed and drink intended for experimental animals and from the substances used in activities involving the use of animals for experimental purposes.

Section 34 – *Animal Experiment Register*

- (1) The State Provincial Office of Southern Finland keeps a register of animal experiment authorizations for the purpose of supervision. The following information is entered in the register:
 - 1) the experimental animal establishment in which the animal experiment is carried out;
 - 2) the name and contact data of the holder of the animal experiment authorization;
 - 3) the purpose of the experiment and a mention of any relevant provisions or regulations or instructions issued under them by the authorities on which the experiment is based;
 - 4) the animal species to be used for the experiment and the number of animals by species;
 - 5) how the experiment plan takes into account minimization of the pain, suffering, distress and harm caused to the animals;
 - 6) when the experiment is planned to begin and end; and
 - 7) the date on which the experiment ended, the number of animals by species actually used in the experiment and information on any occurrences during the experiment that affected the well-being of the animals in a manner not anticipated in the animal experiment authorization.

- (2) In the case of animal experiment authorizations granted as a series of animal experiments, information referred to in subsection 1(1-7) is entered in the register as applicable.
- (3) In addition to the provisions of subsection 1, the statistical data referred to in section 16(1) concerning animal experiments performed in experimental animal establishments and the experimental animals used for them are entered in the register.
- (4) The information referred to in subsections 1 and 2 above is removed from the register five years after notification that the experiment has ended.
- (5) The Ministry of Agriculture and Forestry and the State Provincial Offices are entitled to use the Animal Experiment Register for the purposes of supervision. The provisions of the Personal Data Act (523/1999) and the Act on the Openness of Government Activities otherwise apply to the collection and storage of personal data and the use and disclosure of information recorded in the register.

Chapter 8 – **Coercive measures and sanctions**

Section 35 – *Prohibitions and regulations*

- (1) If it is found in an inspection referred to in section 32 or otherwise that provisions on the use of animals for experimental purposes or authorization conditions set for the use of animals for experimental purposes or the animal experiment plan have not been complied with in the use of animals for experimental purposes, the State Provincial Office concerned must prohibit the holder of the experimental animal establishment authorization or animal experiment authorization from continuing or repeating procedures that violate the provisions, authorization conditions or animal experiment plan, or order such holders to fulfil their duties within a fixed time limit.
- (2) If the deviation from the provisions or authorization conditions is significant or if the animal experiment plan or a prohibition or order given in an inspection has not been complied with, the State Provincial Office may order the animal experiment to be interrupted immediately or allow its continuation only on certain conditions set by it. If so required for animal protection reasons, the experimental animals may be killed or ordered to be killed immediately at the cost of the holder of the experimental animal establishment authorization.

Section 36 – *Conditional imposition of a fine and threat of action*

State Provincial Offices may impose a conditional penalty payment or a threat that neglected action will be taken at the defaulter's expense in order to enforce a prohibition or order referred to in section 35. The provisions of the Act on

Conditional Imposition of a Fine (1113/1990) otherwise apply to matters relating to penalty payments and threats of action.

Section 37 – *Violation of the Act on the Use of Animals for Experimental Purposes*

Whoever either intentionally or through negligence

- 1) engages in the use of animals for experimental purposes without an authorization referred to in section 17(1),
- 2) performs an animal experiment without the authorization referred to in section 20(1) or in violation of conditions laid down in the authorization,
- 3) acquires or uses animals for experimental purposes in violation of the conditions laid down in sections 11 or 12,
- 4) fails to kill an experimental animal in violation of section 13(1) or 13(2) or violates the obligation referred to in section 13(3) or kills an animal using other than permitted methods,
- 5) re-uses an animal used in an animal experiment in violation of section 14,
- 6) violates the obligation concerning individual identification of experimental animals laid down in section 15,
- 7) violates the obligation to keep a register, statistics or supervision records laid down in section 16,
- 8) violates the notification duty laid down in sections 19 or 22 or the obligation to disclose information laid down in section 32(3),
- 9) violates a prohibition or order issued under section 35,

must be sentenced to pay a fine for *violation of the Act on the Use of Animals for Experimental Purposes*, unless a more severe punishment is laid down elsewhere in law.

Section 38 – *Reference provisions concerning penalties*

- (1) The penalty for animal welfare infractions is laid down in section 54 of the Animal Welfare Act.
- (2) The penalties for animal welfare offences and petty animal welfare offences are laid down in chapter 17, sections 14 and 15 of the Penal Code.

Chapter 9 – **Miscellaneous provisions**

Section 39 – *Executive assistance*

The police and the Customs must give executive assistance where necessary in the supervision of compliance with this Act and any provisions issued under it.

Section 40 – *Disclosing confidential information*

Notwithstanding the confidentiality obligations of the Act on the Openness of Government Activities, information on the financial standing or on the business or professional secrets of a private individual or corporate body, or on the personal circumstances of a private person, obtained in supervising compliance with this Act or provisions issued under it may be disclosed to:

- 1) authorities supervising compliance with this Act for the purpose of carrying out duties under this Act; and
- 2) prosecuting, police and Customs authorities for the purpose of solving crimes.

Section 41 – *Appeals*

- (1) Decisions made by a State Provincial Office and the Animal Experiment Board under this Act are appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). The provisions of the Act on Criteria for Charges Payable to the State apply to appeals concerning fees charged for processing animal experiment authorizations.
- (2) A decision made under this Act may order that the decision be complied with regardless of appeal unless the appeal authority orders otherwise.
- (3) Appeals concerning decisions made under this Act that concern the well-being of animals must be handled as urgent.

Chapter 10 – **Transitional provisions and entry into force**

Section 42 – *Entry into force*

- (1) This Act enters into force on 1 August 2006.
- (2) This Act repeals the Decree on Animal Experimentation (1076/1985) issued on 20 December 1985 as amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 43 – *Transitional provisions concerning the use of animals for experimental purposes*

- (1) For the purpose of reviewing existing authorizations, experimental animal establishments functioning at the time of the entry into force of this Act must, within six months of the entry into force, supply to the State Provincial Office that granted the authorization for use of experimental animals information on:
 - 1) the name, contact data and competence of the person responsible for the use of animals for experimental purposes at the establishment; and

- 2) the name, contact data and competence of the veterinarian designated for veterinary services at the establishment.
- (2) The veterinarian designated by a user establishment functioning at the time of the entry into force of this Act must have the competence referred to in section 10(1) for performing animal experiments at the latest within one year of the entry into force of this Act if the veterinarian was designated before the entry into force of this Act.

Section 44 – Transitional provisions concerning persons performing animal experiments

Persons who acquired the necessary qualification to perform animal experiments under provisions to be repealed by this Act before the entry into force of this Act will retain this qualification when this Act enters into force.

Section 45 – Transitional provisions concerning authorization to perform an animal experiment or a series of experiments

- (1) Approval of or authorization for performing an animal experiment or a series of experiments granted before the entry into force of this Act will remain in force at the time of entry in accordance with conditions concerning the approval or authorization. Approval of authorizations for animal experiments or series of experiments in force at the time of the entry into force of this Act and lasting longer than two years from the entry into force must, however, be re-applied for to the Animal Experiment Board within six months of the entry into force of this Act.
- (2) Applications for approval or authorization of an animal experiment or a series of experiments pending at the time of the entry into force of this Act are to be referred to the Animal Experiment Board.