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# Organic Farming Act

Passed 20.09.2006  
RT I 2006, 43, 327  
Entry into force 01.01.2007

Amended by the following acts

Passed	Published	Entry into force
11.01.2007	RT I 2007, 6, 32	01.07.2007
14.02.2007	RT I 2007, 22, 114	01.07.2007
28.01.2009	RT I 2009, 12, 72	01.03.2009
10.06.2009	RT I 2009, 34, 224	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
22.05.2013	RT I, 07.06.2013, 2	01.07.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides for the requirements for operating in the area of organic farming to the extent not regulated by the regulations of the European Union, as well as for the grounds and extent of supervision exercised over persons operating in the area of organic farming, and for the liability for violation of the requirements established by such legislation.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided for in the legislation of the European Union and this Act, taking account of the specifications of the legislation of the European Union and this Act.

(3) The Minister of Agriculture may establish, within the limits of their competence, legislation for implementation of the requirements for organic farming in matters where, in accordance with the legislation of the European Union, a Member State has the right to make decisions.

### § 2. Notification of implementation of requirements for organic farming

(1) In the events provided for in the legislation of the European Union, the Ministry of Agriculture will forward information concerning the implementation of the requirements for organic farming to the European Commission and other Member States, unless otherwise provided by this Act.

(2) For the purposes of this Act, ‘requirements for organic farming’ means the requirements provided by Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products and repealing Regulation (EEC) No. 2092/91 (OJ L 189, 20.07.2007, pp. 1–23), other Regulations of the European Union regulating the area of organic farming, and this Act and legislation established on the basis thereof.  
[RT I 2009, 12, 72 – entry into force 01.03.2009]

### **§ 3. Person operating in area of organic farming**

For the purposes of this Act, ‘person operating in the area of organic farming’ (hereinafter *person*) means a person specified in Article 2(d) of Council Regulation (EC) No. 834/2007.  
[RT I 2009, 12, 72 – entry into force 01.03.2009]

### **§ 4. Delivery of decisions**

If a decision made on the basis of this Act restricts the rights of a person and is delivered by post, such decision must be sent to the person by registered mail with advice of delivery, while other decisions may be sent to a person by regular mail.

## **Chapter 2**

# **NOTIFICATION OF MASS CATERING OPERATIONS, APPROVAL OF ENTERPRISE AND REGISTER OF ORGANIC FARMING**

[RT I, 07.06.2013, 2 - entry into force 01.07.2013]

### **§ 4<sup>1</sup>. Notification about mass catering operations**

(1) A person who wishes to engage in the preparation and placing on the market of an organic product by way of mass catering operations must submit a written notification application to the Veterinary and Food Board before commencement of operations.

(2) The notification application must contain the following information:

- 1) the person’s name, personal identification code or registry code and telecommunications numbers;
- 2) the person’s address;
- 3) the seat and address of the enterprise.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

### **§ 5. Approval of enterprise**

(1) An enterprise belonging to a person specified in Article 28(1) of Council Regulation (EC) No. 834/2007 or a part of such enterprise (hereinafter *enterprise*) must be approved on the basis of this Act.  
[RT I 2009, 12, 72 – entry into force 01.03.2009]

(2) An enterprise of a person specified in Article 28(2) of Council Regulation (EC) No 834/2007 need not be approved if the enterprise engages only in the sale of pre-packaged products.  
[RT I 2009, 12, 72 – entry into force 01.03.2009]

(3) For the purposes of this Act, ‘approval’ means a procedure in the course of which a supervisory authority assesses the conformity of an enterprise to the requirements for organic farming.

### **§ 6. Application for first approval**

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(1) A person must submit an application for first approval of an enterprise (hereinafter *application*) to the Agricultural Board and pay the state fee if the person wishes to engage in:  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

- 1) the production of products specified in Article 1(2)(a) of Council Regulation (EC) No. 834/2007 and the packaging and placing on the market of unprocessed agricultural products produced in the enterprise of the person;
- 2) the production, preparation and placing on the market of products specified in Article 1(2)(d) of Council Regulation (EC) No. 834/2007;
- 3) the primary production of feed specified in Article 3(f) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council laying down requirements for feed hygiene (OJ L 35, 08.02.2005, pp. 1–22) as well as engage in mixing of feed for the exclusive requirements of their own enterprise without using additives or premixtures of additives with the exception of silage additives.

(2) A person must submit an application to the Veterinary and Food Board and pay the state fee if the person wishes to engage in:

- 1) the preparation and placing on the market of products specified in Articles 1(2)(a) and (b) of Council Regulation (EC) No. 834/2007;
- 2) the preparation and placing on the market of processed feed specified in Article 1(2)(c) of Council Regulation (EC) No. 834/2007, except in the events provided for in clause 3) of subsection (1) of this section;
- 3) the import of products specified in Article 1 of Council Regulation (EC) No. 834/2007.

(3) For the purposes of this Act, 'unprocessed agricultural products' means unprocessed foodstuffs, including cleaned, sorted, divided, dried or chilled foodstuffs or foodstuffs received as a result of other similar activities in the course of which the integrity of the foodstuffs is not altered.

(4) For the purposes of this Act, 'processed agricultural products' means foodstuffs that consist of more than one ingredient or are received as a result of processing of unprocessed agricultural products, including ground, skinned, split, frozen or melted foodstuffs, or foodstuffs received as a result of other similar activities in the course of which the initial shape, characteristics and integrity of the foodstuffs is altered.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

## **§ 7. Decision to approve enterprise and refusal to approve**

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(1) If a person applies for approval on the basis of subsection 6 (1) of this Act, the initial inspection will be carried out within 60 working days after the receipt of the application and the decision to approve the enterprise or a reasoned decision to deny approval will be made within 30 working days after the initial inspection.

(2) If a person applies for approval on the basis of subsection 6 (2) of this Act, the decision to approve the enterprise or a reasoned decision to deny approval will be made within 30 working days after the receipt of the application.

[RT I 2007, 22, 114 – entry into force 01.07.2007]

(2<sup>1</sup>) A decision to approve constitutes documentary evidence in accordance with Article 29 of Council Regulation (EC) No. 834/2007 and Annex XII to Commission Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.09.2008, pp. 1-84).

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(2<sup>2</sup>) A decision to approve will be valid until December 31 in the year following the year of making the decision. A decision to approve a wholesaler dealing with pre-packaged products will be valid until December 31 of the third year following the year of making the decision.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(3) The decision to deny approval specified in subsections (1) and (2) of this section will be made if, based on assessment results, the enterprise is not conforming.

(4) An enterprise will commence adherence to the requirements for organic farming as of the date of submission of the application.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(5) On its own initiative and based on the supervision results of the current year, the supervisory authority will make a subsequent decision to approve a previously approved enterprise or refuse to approve a previously approved enterprise in the year of expiry of the term of validity of the valid decision to approve. Upon emergence of the grounds provided for in clauses 2) to 5) of subsection (1) of § 9 of this Act, the supervisory authority may refuse to make a subsequent decision to approve.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(5<sup>1</sup>) As of communicating the subsequent decision to approve specified in subsection (5) of this section, the validity of the preceding decision to approve the enterprise will terminate.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(6) The procedure for application for first approval for operation in the field of organic farming, the procedure for processing applications and the deadlines for submission of applications will be established by a regulation of the Minister of Agriculture.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

## **§ 8. Suspension of decision to approve enterprise**

[Repealed – RT I, 07.06.2013, 2 – entry into force 01.07.2013]

## **§ 9. Revocation of decision to approve enterprise**

(1) The supervision authority may in full or in part revoke a decision to approve an enterprise if the person:

- 1) has submitted a corresponding application;
  - 2) is unable to comply with the requirements for organic farming due to permanent circumstances prevailing in the enterprise;
  - 3) fails to submit the required information to the supervision authority or prevents supervision in any other manner;
  - 4) knowingly uses, for the purpose of fertilisation, improvement of the characteristics of the soil or plant protection, substances not specified in Annexes I or II to Commission Regulation (EC) No. 889/2008 laying down detailed rules for the implementation of Council Regulation (EC) No. 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control, or products specified in Article 9(1) of Council Regulation (EEC) No. 834/2007;
  - 5) has repeatedly breached the requirements of organic farming.
- [RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(2) A product produced and labelled in an enterprise with regard to which a decision to approve has been revoked under clause 1) of subsection (1) of this section or expired may be distributed with a label referring to organic farming if the product has been placed on the market during the term of validity of the decision to approve the enterprise.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(3) If a decision to approve the enterprise of a person has been revoked based on clause 1) of subsection (1) of this section, the person may place organic products on the market if such products were labelled before the revocation of the decision to approve the enterprise.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

## **§ 10. Notification of changes**

(1) A person will notify the supervision authority competent to approve the relevant enterprise pursuant to this Act in writing of any changes relating to construction, technology or organisation of work and other restructuring that may alter the conditions that prevailed in the enterprise at the time of approval, and also of the suspension or termination of activities:

- 1) at least seven days before making the planned changes;
- 2) at least seven days after the occurrence of a change if the change took place regardless of the person's will, and indicate the circumstances of its occurrence.

(2) Upon transfer of an approved enterprise, the recipient of possession who wishes to continue operation in the area of organic farming will notify the supervisory authority thereof in writing within 14 days after the transfer of possession.

(3) If possession is transferred during the period between the date of submission of the application for approval and the date of making of the decision to approve the enterprise, the recipient of possession wishing to continue operation in the area of organic farming will notify the supervisory authority thereof in writing within 14 days after the date of transfer of possession.

## **§ 11. Register of organic farming**

(1) The register of organic farming (hereinafter *register*) is a database founded by the Government of the Republic included in the state information system. The statutes of the register will be established by the Government of the Republic.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

(2) The chief processor of the register is the Ministry of Agriculture and the authorised processor of the register is the Agricultural Board.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3) Data on persons and their enterprises approved on the basis of this Act will be entered in the register in order to keep account of such persons and enterprises in a manner accessible to the public and ensure effective supervision thereof. Data will be entered in the register based on the information provided by the supervisory authority.

(4) The Veterinary and Food Board will submit data to the authorised processor of the register immediately after making the decision to approve an enterprise or after making the decisions based on §§ 8 and 9 of this Act.

[RT I 2007, 22, 114 – entry into force 01.07.2007]

(5) A person concerning whom data has been entered in the register will pay a state fee for supervisory acts.

(6) The Agricultural Board will forward the information specified in Article 93 of Commission Regulation (EC) No. 889/2008 to the European Commission.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **Chapter 3**

# **ORGANIC PRODUCTION**

[RT I 2009, 12, 72 - entry into force 01.03.2009]

### **§ 12. Organic production**

The Minister of Agriculture will establish the requirements for organic production, including the data to be submitted for continuation of operation and the deadline for submission of such data.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

### **§ 13. Label referring to organic production methods**

(1) The label referring to organic farming established on the basis of this Act may be used for labelling agricultural products and feed produced and prepared in conformity with the requirements for organic farming in an enterprise approved on the basis of this Act or in an enterprise that has been notified of in accordance with § 4<sup>1</sup> of this Act.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(2) The Minister of Agriculture will establish the standard description of the label referring to organic production methods and the procedure for using such label.

### **§ 14. Derogation from requirements for organic farming**

(1) Permitted derogation from the requirements for operation in the area of organic farming provided by Council Regulation (EC) No. 834/2007 for the making of which the consent of a supervisory authority must be obtained may be granted with the consent of the supervisory authority competent to approve the relevant enterprise based on this Act.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

(2) The consent specified in subsection (1) of this section will be granted or the granting thereof will be refused by the supervisory authority within 10 working days as of the receipt of the relevant application.

### **§ 15. Use of non-organic seed and seed potatoes for production of organic products**

(1) The authorisation provided for in Article 45(1)(b) of Commission Regulation (EC) No. 889/2008 is granted by the Agricultural Board.

(2) The administrator of the database specified in Article 48 of Commission Regulation (EC) No. 889/2008 is the Agricultural Board.

(3) The Agricultural Board will prepare the report specified in Article 55 of Commission Regulation (EC) No. 889/2008 and forward it to the European Commission, other Member States and the Ministry of Agriculture.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

### **§ 16. Import of organic products**

(1) For the purposes of this Act, ‘import of organic products’ means the application of the customs procedure of release for free circulation to organic products conveyed to Estonia from states and territories outside the customs territory of the European Union (hereinafter *third countries*).

(2) The importer must inform the Veterinary and Food Board of the planned import of an organic product at least 24 hours in advance.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

(3) In order to release goods from customs supervision, the importer will submit to a customs official, together with the accompanying documents of a consignment, a copy of the documentary evidence specified in Article 29 of Council Regulation (EC) No. 834/2007 in the event of products complying with the requirements provided for in Article 32 of Council Regulation (EC) No. 834/2007.

(4) In order to release goods from customs supervision, the importer will submit to a customs official, together with the accompanying documents of a consignment, a certificate of inspection approved by the Veterinary and Food Board and specified in Article 33(1)(d) of Council Regulation (EC) No. 834/2007 in the event of products complying with the requirements provided for in Article 33 of Council Regulation (EC) No. 834/2007.

(5) The Veterinary and Food Board is the relevant authority specified in Article 2(6) of Commission Regulation (EC) No. 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No. 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, pp. 25–52).  
[RT I 2009, 12, 72 – entry into force 01.03.2009]

## **Chapter 4**

### **STATE SUPERVISION**

#### **§ 17. State supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State supervision over the compliance with the requirements of the relevant legislation of the European Union, this Act and legislation established on the basis of this Act is exercised by the following law enforcement authorities:

- 1) Agricultural Board;
- 2) Veterinary and Food Board;
- 3) Consumer Protection Board.

(2) The Agricultural Board exercises state supervision (hereinafter *supervision*) over a person engaged in:

- 1) the production of products specified in Article 1(2)(a) of Council Regulation (EC) No. 834/2007;
- 2) the packaging and placing on the market of unprocessed agricultural products produced in the enterprise of the person;
- 3) the production, preparation and placing on the market of products specified in Article 1(2)(d) of Council Regulation (EC) No. 834/2007;
- 4) the primary production of feed specified in Article 3(f) of Regulation (EC) No. 1831/2003 of the European Parliament and of the Council and the mixing of feed for the exclusive requirements of their own enterprise without using additives or premixtures of additives with the exception of silage additives.

(3) The Veterinary and Food Board exercises supervision over a person engaged in:

- 1) the preparation and placing on the market of products specified in Articles 1(2)(a) and (b) of Council Regulation (EC) No. 834/2007, including in catering establishments;
- 2) the production and placing on the market of feed specified in Article 1(2)(c) of Council Regulation (EC) No. 834/2007, except in the event provided for in clause 4) of subsection (2) of this section;
- 3) the import of products specified in Article 1 of Council Regulation (EC) No. 834/2007.

(4) The Minister of Agriculture will establish the code numbers specified in Article 27(10) of Council Regulation (EC) No. 834/2007.

(5) In retail enterprises, supervision over compliance with the requirements established for presenting information referring to organic productions methods in agricultural products, and the correctness of the presented information is, in addition to the Veterinary and Food Board, exercised by the Consumer Protection Board.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 18. Exercising state supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) The law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 32, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(2) If residential premises are also used as commercial premises, the law enforcement authority may inspect these during the working or opening hours without the authorisation of an administrative court specified in subsection 51 (2) of the Law Enforcement Act.

(3) The law enforcement authority may take samples at the expense of the person upon inspection of a movable. If the inspected movable is no longer fit for ordinary use following the inspection, the cost of the movable or the cost of restoring the movable for ordinary use will not be compensated to the person.

[RT I, 13.03.2014, 4 - jõust. 01.07.2014]

#### **§ 19. Precept**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **Chapter 5**

# LIABILITY

## § 20. Violation of requirements for organic farming

(1) Violation of the requirements for operating in the area of organic farming provided by legislation is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal entity, is punishable by a fine of up to 2000 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

## § 21. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in § 20 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 20 of this Act will be conducted by:

- 1) the Veterinary and Food Board;
- 2) the Agricultural Board;

[RT I 2009, 34, 224 – entry into force 01.01.2010]

- 3) [Repealed – RT I 2007, 22, 114 – entered into force 01.07.2007]
- 4) the Consumer Protection Board.

## Chapter 6 IMPLEMENTING PROVISIONS

### § 22. [Omitted from this text.]

### § 23. Implementation of Act

(1) Enterprises approved on the basis of and in accordance with the procedure provided by the Organic Farming Act hitherto in force are deemed to be approved on the basis of and in accordance with the procedure provided for in this Act.

(2) The register of organic farming established based on subsection 16 (1) of the Organic Farming Act is deemed to be the register of organic farming specified in subsection 11 (1) of this Act.

(3) The enterprise of a person who engages in the marketing of unpackaged organic products to the final consumer must be approved by 1 September 2009.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

(4) A decision to approve issued before 1 March 2009 is valid until it is revoked or, as a result of inspection of compliance of the enterprise with the requirements, replaced by a decision to approve made in accordance with Article 29 of Council Regulation (EC) No. 834/2007 and Annex XII to Council Regulation (EC) No 889/2008 during 2009.

[RT I 2009, 12, 72 – entry into force 01.03.2009]

(5) As of 1 July 2013, mass catering operations approved under this Act by a decision valid on 30 June 2013 will be considered mass catering operations notified of in accordance with § 4<sup>1</sup> of this Act.

[RT I, 07.06.2013, 2 – entry into force 01.07.2013]

### § 24. Authorisation for placing on market of imported organic products

(1) Authorisation to implement the derogation for the placing on the market of imported organic products provided for in Article 19(1) of Commission Regulation (EC) No. 1235/2008 is granted by the Veterinary and Food Board.

(2) In order to grant the authorisation specified in subsection (1) of this section, the Veterinary and Food Board must obtain the opinion of the Ministry of Agriculture on whether the requirements for plant production and animal husbandry and the system of supervision in force in the third country conform to the requirements in force in Estonia.

(3) [Repealed – RT I, 07.06.2013, 2 – entry into force 01.07.2013]

**§ 25. [Omitted from this text.]**

**§ 26. Entry into force of Act**

This Act will enter into force on 1 January 2007.