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Fertilisers Act

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RT I 2003, 51, 352

Entered into force in accordance with § 47

Amended by the following acts

Passed	Published	Entry into force
17.12.2003	RT I 2003, 88, 591	01.01.2004
22.04.2004	RT I 2004, 32, 228	01.05.2004
06.11.2008	RT I 2008, 49, 271	01.01.2009
06.11.2008	RT I 2008, 49, 271	01.06.2009
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. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp 24-26).
20.05.2010	RT I 2010, 31, 158	01.10.2010
17.02.2011	RT I, 02.03.2011, 1	04.03.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the official titles of the ministers have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides for the requirements for fertilisers and the handling thereof in order to ensure that fertilisers do not pose a threat to human and animal life and health or to property or the environment and that fertilisers have a favourable effect on plants and plant products.

(2) The following is excluded from the scope of this Act:

- 1) unprocessed organic fertilisers;
- 2) unprocessed natural fertilisers;
- 3) waste water sludge and compost made therefrom.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(3) [Repealed – RT I 2004, 32, 228 – entry into force 01.05.2004]

(4) This Act does not apply to the export of fertilisers from Estonia to the countries or territories outside of the customs territory of the European Union (hereinafter *third country*) or to a Member State of the European Union, unless otherwise provided by an international agreement.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(5) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act.

(6) This Act and Regulation (EC) No. 2003/2003 of the European Parliament and of the Council relating to fertilisers (OJ L 304, 21.11.2003, pp. 1–194) apply to fertilisers with the ‘EC FERTILISER’ marking and the handling thereof.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

§ 2. Fertiliser

(1) A fertiliser is a substance or preparation the purpose of use of which is to provide plants with nutrients. For the purposes of this Act, lime the purpose of use of which is to deacidify soil is also a fertiliser.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(2) For the purposes of this Act, organic fertilisers that are processed according to this Act and that conform to the requirements established for fertilisers are also deemed to be fertilisers. Organic fertilisers are fertilisers that are mainly composed of organic substances of plant or animal origin.

(3) For the purposes of this Act, natural fertilisers that are processed according to this Act and that conform to the requirements established for fertilisers are also deemed to be fertilisers. Natural fertilisers are rock, mineral and other earth substances excavated from their natural deposits and used for fertilising purposes.

(4) For the purposes of this Act, soil inoculants means substances containing micro-organisms and bacteriological cultures that are suitable for certain species of plant and improve the nutrition of plants belonging to that species.

(5) A fertiliser lot means a quantity of fertilisers that is produced with the same name, composition and properties and under the same conditions and that must be identifiable and distinguishable from other fertiliser lots.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(6) For the purposes of Article 27 of Regulation (EC) No. 2003/2003 of the European Parliament and of the Council, the competent authority is the Agricultural Board.

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

§ 3. Handling and handlers of fertilisers

(1) For the purposes of this Act, the handling of a fertiliser means the production, packaging, marking and import of a fertiliser into Estonia for distribution purposes, and the distribution of a fertiliser.

(2) A legal person, self-employed person or a state agency or a local authority agency may be the handler of a fertiliser.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

§ 4. Production of fertiliser

(1) For the purposes of this Act, the production of a fertiliser means the manufacture or processing of a fertiliser.

(2) It is permitted to use the animal by-products and derived products specified in Article 3(1) and (2) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No. 1774/2002 for the manufacturing of fertilisers only in accordance with the requirements provided for in the Regulation.

[RT I, 02.03.2011, 1 – entry into force 04.03.2011]

(3) For the purposes of this Act, the processing of a fertiliser means the biological, physical or chemical processing of a fertiliser with the aim of obtaining a safe fertiliser with a stable composition.

§ 5. Distribution of fertiliser

For the purposes of this Act, the distribution of a fertiliser means offering a fertiliser for sale, the sale of a fertiliser and the transfer of a fertiliser in any other manner, without charge or for a charge, to a consumer or another handler.

Chapter 2 REQUIREMENTS FOR FERTILISERS

§ 6. General requirements

- (1) A fertiliser must:
- 1) not pose a threat to human and animal life and health or to property or the environment, if used as required;
 - 2) comply with the requirements established for the composition of fertilisers;
 - 3) be marked in accordance with the requirements;
 - 4) be entered in the register of fertilisers, except a fertiliser with the 'EC FERTILISER' marking.
- [RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) The requirements for the composition of fertilisers by fertiliser type will be established by the minister responsible for the field.

§ 7. Attestation of conformity of fertiliser upon distribution

(1) When a fertiliser is distributed, it is mandatory for the conformity of the fertiliser to be attested.

(2) The following persons are responsible for attestation of the conformity of fertilisers:

1) in the event of import of a fertiliser to Estonia – the person in whose name the fertiliser is entered in the register of fertilisers;

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

2) in the event of a fertiliser packaged in Estonia – the packager;

3) in the event of a loose fertiliser (hereinafter *bulk fertiliser*) – the distributor.

(3) The document attesting the conformity of the composition of a fertiliser is the test protocol that concerns the results of the analysis of a test sample of the fertiliser and that is issued by a laboratory accredited for application of the relevant analytical methods (hereinafter *accredited laboratory*) or a relevant document regarding the composition of the fertiliser, which is issued by the producer.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(4) The distributor of a fertiliser must submit the document attesting the conformity of the composition of the fertiliser or a copy thereof to the buyer of the fertiliser, to the consignee of the fertiliser to whom the fertiliser is transferred in another manner or to a law enforcement authority at the first request made by it.

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

(5) A handler specified in subsection (2) of this section will bear the costs of attesting the conformity of a fertiliser.

Chapter 3 HANDLING OF FERTILISER

§ 8. Requirements for packaging and markings on packaging of fertiliser

(1) The material and construction of the packaging of a fertiliser must ensure that the characteristics of the fertiliser as guaranteed by the producer are preserved and that it is safe to handle the fertiliser while it is being moved from the producer to the consumer. The packaging of fertilisers must conform to the requirements of the Packaging Act and this Act.

(2) A fertiliser must be distributed to the consumer in sealed sales packaging that cannot be closed in the initial manner after it has been opened.

(3) The sales packaging of a fertiliser must be marked with clearly visible, legible and indelible identification markings in Estonian which give an unambiguous description of the composition of the fertiliser and of the purpose and conditions for the use thereof.

(4) For a bulk fertiliser and in events where the identification markings specified in subsection (3) of this section cannot be made directly on the packaging due to the shape or dimensions of the packaging, the requisite information is provided in the information sheet accompanying the fertiliser.

(5) The requirements for the packaging of fertilisers and for the corresponding information sheets will be established by the minister responsible for the field.

§ 9. Self-checking

(1) The producer and the packager check the conformity of a fertiliser produced or packaged by them at least once every of six months. The measures to be implemented are described in a self-check plan.

(2) The producers and the packager are required to keep records of test samples taken for the purposes of conformity attestation in the course of self-checks, and such records set out the following information:

- 1) the name of the fertiliser;
- 2) the date on which the test sample was taken;
- 3) the name and signature of the person responsible for taking the test sample;
- 4) the name of the laboratory that carried out the analysis;
- 5) the results of the analysis of the test sample.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(3) The producers and the packager must preserve the records specified in subsection (2) of this section for seven years as of the date on which the test samples were taken.

§ 10. Notification obligation

(1) If it is established on the basis of analysis of test samples taken in the course of self-checks that the composition of a fertiliser does not conform to the requirements, the producer or packager must promptly:

- 1) inform the Agricultural Board thereof in writing and send to it the test protocol issued by an accredited laboratory concerning the analysis of the test sample;
- 2) suspend the distribution of the non-conforming fertiliser.

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

(2) The Agricultural Board will make a decision on whether to permit or prohibit the further distribution of the fertiliser specified in clause 2) of subsection (1) of this section within ten working days as of receiving the relevant notice and test protocol.

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

(3) If a handler of a fertiliser intends to use raw materials or apply production technologies that differ from those currently used or applied in the production of the fertiliser or if facts become evident that may affect the conformity of the composition of the fertiliser, the handler of the fertiliser must promptly inform the Agricultural Board thereof in writing and the Agricultural Board will make a decision on whether to permit or prohibit the use of raw material or the application of production technology that differs from the one currently used or applied within 30 days as of receiving the written notice from the handler. A copy of the relevant decision will be sent to the handler by post within five working days as of the date on which the decision is made.

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

(4) A handler will notify the Agricultural Board of commencement of the handling of fertilisers with the 'EC FERTILISER' markings in writing within five working days after the commencement of handling.

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

§ 11. Import of fertiliser to Estonia

(1) For the purposes of this Act, the import of a fertiliser to Estonia means the application of the customs procedure of release for free circulation to the fertiliser and import of the fertiliser from a Member State of the European Union to Estonia.

(2) The list of fertilisers will be established by the minister responsible for the field.

(3) A fertiliser bearing the 'EC FERTILISER' marking and a fertiliser entered in the register of fertilisers may be imported to Estonia.

[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(4) Upon import of a fertiliser from a third country to Estonia, the declarant submits a relevant document issued by the producer regarding the composition of the fertiliser to the customs authorities together with a customs declaration.

(5) Upon import of a processed organic fertiliser of animal origin from a third country to Estonia, the declarant submits a permit issued by the Veterinary and Food Board to the customs authorities together with a customs declaration.

(6) The requirements provided for in this section do not apply if the quantity of the fertiliser imported to Estonia is up to 50 kilograms or 10 litres and, in the event of a micro fertiliser, up to 0.5 kilograms or 0.5 litres and, in the event of a soil inoculant, up to 0.05 kilograms.

(7) The provisions of subsection (6) of this Act do not apply in the event of an ammonium nitrate fertiliser of high nitrogen content.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

§ 12. Requirements for import to Estonia of fertiliser used for research or presentation purposes

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(1) A fertiliser used for research purposes that is not specified in subsection 11 (3) of this Act may be imported with the written permission of the Agricultural Board.

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

(2) The Agricultural Board may refuse to grant permission if the composition of a fertiliser does not comply with the requirements of this Act or legislation established on the basis thereof.

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

(3) The Agricultural Board will make a decision on whether to permit or prohibit the import of a fertiliser to Estonia within 15 working days as of receiving an application and other documents necessary to make the decision. A copy of the decision will be sent to the applicant by post within five working days as of the date on which the decision is made.

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

(4) The standard form of applications for permission to import to Estonia fertilisers to be used for research purposes, the list of documents to be submitted and the procedure for processing the applications will be established by the minister responsible for the field.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(5) In the event of the import of a fertiliser to Estonia for presentation purposes, the temporary importation procedure is applied. The import of a bulk fertiliser for presentation purposes is prohibited.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

§ 13. Requirements for handling of ammonium nitrate fertiliser of high nitrogen content

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(1) An ammonium nitrate fertiliser of high nitrogen content is handled in compliance with the requirements provided in this Act and the Chemicals Act.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(2) For the purposes of this Act, an ammonium nitrate fertiliser of high nitrogen content means ammonium nitrate, or a fertiliser containing ammonium nitrate where more than 28 percent of its dry residue is nitrogen and which may contain inorganic impurities or inert substances that do not contribute to the flammability or detonability of the fertiliser.

[RT I 2004, 32, 228 – entry into force 01.05.2004]

(3) The production lot of an ammonium nitrate fertiliser of high nitrogen content must have undergone a test of resistance to detonation described in Annex III to Regulation (EC) No. 2003/2003 of the European Parliament and of the Council.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(4) The test specified in subsection (3) of this will be carried out by an approved laboratory included in the list specified in Article 30 of Regulation (EC) No. 2003/2003 of the European Parliament and of the Council.

[RT I 2008, 49, 271 – entry into force 01.01.2009]

(5) The handler of a fertiliser must submit to the Agricultural Board a document certifying the detonation stability of a fertiliser lot at least five working days before the expected import to Estonia of the lot of ammonium nitrate fertiliser of high nitrogen content.

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

§ 14. Requirements for handling of fertiliser containing genetically modified organisms

A fertiliser that contains genetically modified organisms is handled in compliance with the requirements of this Act, taking into consideration the provisions of the Release into Environment of Genetically Modified Organisms Act.

§ 15. Requirements for storage of fertiliser

- (1) A fertiliser must be stored in conditions ensuring that the fertiliser does not pose a threat to human and animal life and health.
- (2) A fertiliser is stored in compliance with the requirements established for the protection of groundwater and surface water in the Water Act.

§ 16. Requirements for distributing fertiliser and ensuring traceability

- (1) Only a fertiliser that complies with the requirements of the relevant EU legislation, this Act and legislation established on the basis of this Act may be distributed if:
 - 1) it bears the 'EC FERTILISER' marking, or
 - 2) is entered in the register of fertilisers.[RT I, 29.06.2014, 1 – entry into force 01.07.2014]
- (2) In order to ensure the traceability of a fertiliser, the handler of the fertilisers preserves information regarding the origin of the fertiliser lot two years after the termination of distribution.
[RT I 2008, 49, 271 – entry into force 01.01.2009]

§ 17. Distributing harmless fertiliser with non-conforming composition

- (1) Assessment of the harmlessness of fertilisers whose composition does not conform to the requirements but that are considered harmless, organisation of their market supervision and determination of the obligations of handlers is based on the Product Conformity Act.
[RT I 2010, 31, 158 – entry into force 01.10.2010]
- (2) A harmless fertiliser with a non-conforming composition may be distributed with the permission of the Agricultural Board, provided that information on the actual composition of the fertiliser is provided on the packaging of the fertiliser or on an information leaflet without damaging the original marking. The Agricultural Board will make a decision on whether to permit or prohibit the distribution of the fertiliser within 30 days as of receiving a corresponding application. A copy of the relevant decision will be sent to the distributor by post within five working days as of the date on which the decision is made.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 18. Termination of distributing harmful fertiliser with non-conforming composition

- (1) A harmful fertiliser whose composition does not conform to the requirements and that cannot be rendered harmless to human and animal life and health or to property or the environment by way of reprocessing will be removed from the market and handled in compliance with the requirements of the Waste Act at the handler's expense.
- (2) A fertiliser that may pose a threat to human and animal life and health or to property or the environment due to their toxicity, flammability or detonability or due to the radiation hazard or other risk factor presented by them is deemed to be a harmful fertiliser with a non-conforming composition.

Chapter 4 REGISTER OF FERTILISERS

§ 19. Foundation and organisation of activities of register of fertilisers

- (1) The register of fertilisers (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 2008, 49, 271 – entry into force 01.01.2009]
- (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) The aim of maintaining the register is to collect and systematise information regarding fertilisers for distribution purposes, handlers of fertilisers and their fields of activity.
[RT I 2008, 49, 271 – entry into force 01.01.2009]
- (4) The provisions of the General Part of the Economic Activities Code Act regulating registers apply to the register, taking account of the specifics provided for in this Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 20. [Repealed – RT I 2004, 32, 228 – entry into force 01.05.2004]

§ 21. Notification obligation

(1) To handle a fertiliser, a notice of economic activities must be submitted to the Agricultural Board.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) In addition to the data specified in the General Part of the Economic Activities Code Act, the notice must set out the following:

- 1) the name of the fertiliser along with the code of the combined nomenclature of goods (CN code);
- 2) the composition and way of making of the fertiliser.

(3) A handler who purchases or in any other manner acquires the fertiliser from another handler who has already submitted a notice of economic activities regarding the fertiliser does not need to submit a notice of economic activities.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

§ 22.–§ 23.[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 24. [Repealed – RT I 2008, 49, 271 – entry into force 01.01.2009]

§ 25.–§ 28.[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

Chapter 5 STATE SUPERVISION

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

§ 29. State supervision

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

(1) The Agricultural Board exercises state supervision over compliance with the requirements for handling fertilisers established in the legislation of the European Union, this Act and legislation established on the basis of this Act.

(2) The Tax and Customs Board exercises state supervision over compliance of the requirements for handling fertilisers with the customs rules for the purposes of the Customs Act.

(3) The Consumer Protection Board exercises state supervision over compliance with the requirements established for the packaging of fertilisers distributed to consumers and the marking thereof.

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

§ 30. Special measures of state supervision

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

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 and 50 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

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

§ 31. Specifics of state supervision

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

(1) On the conditions provided for in § 50 of the Law Enforcement Act, the law enforcement authority may, in the presence of the handler or its representative, enter the territory and construction works of the enterprise.

(2) 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.

(3) An accredited laboratory will carry out an analysis required for verifying the compliance of the composition of a fertiliser as well as draw up and issue a test protocol regarding it. The costs of analysing a sample taken in the course of application of a measure of state supervision will be covered out of the state budget.

(4) The law enforcement authority has the right to suspend the handling of a fertiliser on the grounds provided for in Article 15 of Regulation (EC) No. 2003/2003/EC of the European Parliament and of the Council or until the results of the analysis of the sample have become evident if there is sufficient reason to believe that the fertiliser poses a threat to human or animal life or health or to property or the environment. The decision will be prepared as a directive of the head of the Agricultural Board, setting out the name of the fertiliser, information on the fertiliser lot and harmful composition of the fertiliser, the spheres of handling where handling is to be suspended, obligations of the handler and the manner of eliminating the danger.

(5) If the handling of a fertiliser is suspended on the grounds provided for in Article 15 of Regulation (EC) No. 2003/2003/EC of the European Parliament and of the Council, the relevant law enforcement authorities will determine the extent of the danger and take appropriate measures during the period when the handling restriction is in force. After eliminating the danger, the head of the Agricultural Board will revoke a decision specified in subsection (4) of this section by their directive.

(6) On the basis of the test protocol, the law enforcement authority will make a decision on whether to permit or prohibit the further handling of the fertiliser within ten working days as of the receipt of the test protocol.

(7) A copy of the decision specified in subsection (4) of this section will be sent to the handler within five working days after the decision is made. The law enforcement authority will immediately inform the public of a directive specified in subsections (4) and (5), publishing it on the website of the Agricultural Board.

(8) If a handler disagrees with the results of the analysis, the handler has the right to select another accredited laboratory to analyse a repeat sample at the handler's own expense.

(9) The procedure for taking samples of fertilisers and the methodology for analysing samples will be established by a regulation of the minister responsible for the field.

(10) An official of the Agricultural Board wears a uniform at the time of carrying out state supervision.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 32. Reporting

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

A person engaged in the production or import to Estonia of fertilisers will submit information concerning the volumes of fertilisers distributed during the previous half-year to the Agricultural Board by January 10 and July 10 each year and pay the state fee.

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

§ 33. Organisation of supervision

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

§ 34. Taking of samples

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

§ 35. Precept

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

§ 36. Rate of penalty payment

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

In the event of failure to comply with a precept, the maximum penalty payment imposed in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 640 euros.

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

Chapter 6 LIABILITY

§ 37. Violation of requirements for composition of fertiliser, and handling non-conforming fertiliser

(1) Violation of the requirements for a fertiliser, handling of a non-conforming fertiliser or failure to comply with the obligation to suspend the distribution of a non-conforming fertiliser 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 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 37¹. Failure to submit document certifying detonation stability of ammonium nitrate fertiliser of high nitrogen content

(1) Failure to submit a document certifying the detonation stability of an ammonium nitrate fertiliser of high nitrogen content 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 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 38. Violation of requirements for packaging or marking on packaging of fertiliser

(1) Violation of the requirements for the packaging or the marking on the packaging of a fertiliser established by this Act is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal entity, is punishable by a fine of up to 1300 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 39. Failure to comply with self-checking requirement or to perform notification obligation

(1) Failure to comply with the self-checking requirement or to perform the notification obligation 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 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 40. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided in §§ 37–39 of this Act.

(2) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided in §§ 37 and 38 of this Act:

- 1) the Agricultural Board;
[RT I 2009, 34, 224 – entry into force 01.01.2010]
- 2) the Consumer Protection Board.

(3) The Agricultural Board is the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in §§ 37¹ and 39 of this Act.
[RT I 2009, 34, 224 – entry into force 01.01.2010]

Chapter 7 IMPLEMENTING PROVISIONS

§ 41. Application of Act

The register of fertilisers established on the basis of subsection 3 (1) of the Fertilisers Act is deemed to be the register of fertilisers specified in § 19 of this Act.

§ 42.–§ 46.[Omitted from this text.]

§ 47. Entry into force of Act

(1) This Act will enter into force on 1 September 2003.

(2) Subsection 21 (2) of this Act will enter into force as of Estonia's accession to the European Union.