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Farm Animals Breeding Act¹

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RT I 2002, 96, 566

Entry into force 01.01.2003, in part 01.05.2004. a.

Amended by the following acts

Passed	Published	Entry into force
22.04.2004	RT I 2004, 34, 236	01.05.2004
26.10.2005	RT I 2005, 61, 477	01.12.2005
05.12.2007	RT I 2007, 69, 423	01.01.2008, in part 01.06.2008
20.11.2008	RT I 2008, 51, 284	01.01.2009
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 regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in 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).
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended to 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2012	RT I, 18.12.2012, 2	01.01.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
12.06.2014	RT I, 29.06.2014, 2	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles 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 the grounds for the breeding of farm animals in order to ensure that the performance ability and genetic value of farm animals improves, that the gene pool of farm animals is preserved and that livestock production is economically efficient.

(2) 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.

§ 2. Breed and breed name

(1) For the purposes of this Act, 'breed' means a population of animals of the same species:

- 1) with the same parentage;
- 2) with similar conformation inherited by progeny;
- 3) with similar economic utility;
- 4) whose number is sufficient for breeding purposes and for the preservation of the breed;
- 5) who are adapted to the climate and rearing conditions of the geographical region suitable for this breed;
- 6) who is significantly distinguishable from the related breeds on the basis of genetic distance;
- 7) whose breed type and other characteristics have not changed considerably during at least three last generations.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(2) A breed must have a name that:

- 1) differs from other breed names being used;
- 2) is distinguishable from all registered trade marks and trade designations.

§ 3. Endangered breed

(1) A breed or a distinguishable part of a population of animals of the same species is deemed to be endangered if the number of female or male animals used for breeding is less than one thousand or less than twenty respectively or if the number of female or male birds used for breeding is less than ten thousand or less than one thousand respectively (hereinafter *endangered breed*).

[RT I 2008, 51, 284 – entry into force 01.01.2009]

(2) The list of the endangered breeds of farm animals will be established by the minister in charge of the field.

[RT I 2005, 61, 477 – entry into force 01.12.2005]

(3) The breeds of farm animals entered in the list of endangered breeds are historically of Estonian origin.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(4) Upon breeding of a farm animal belonging to an endangered breed, only the semen, ovum and embryo of a farm animal of the same breed (hereinafter *breeding material*) may be used.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(5) Upon breeding a farm animal belonging to an endangered breed, the breeding material of a farm animal of another breed prescribed by a breed improvement programme may be used only for a single crossing in order to avoid inbreeding.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

§ 4. Breeding animal

(1) For the purposes of this Act, 'breeding animal' means a farm animal that is raised for breeding. Breeding animals are divided into pure-bred breeding animals and hybrid breeding animals.

(2) A pure-bred breeding animal is a farm animal entered in the main section of a herd-book.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(3) A hybrid breeding animal is a farm animal that is produced by deliberate cross-breeding of breeding animals of different breeds and that is entered in an animal breeding register or in an annex to a herd-book.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(4) The definition of 'breeding animal' by animal species is provided by Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species (OJ L 323, 10.12.2009, pp. 1–5); Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, pp. 36–38), Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (OJ L 153, 06.06.1989, pp. 30–31), Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.08.1990, pp. 55–59) and Council Directive 91/174/EEC laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 05.04.1991, pp. 37–38).

[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

§ 5. Breeding and person engaged in breeding

(1) For the purposes of this Act, 'breeding' means an activity intended for the deliberate improvement of the performance ability and genetic value of farm animals and for the preservation or improvement of the economic utility thereof, which is carried out in the following fields:

- 1) maintenance of herd-books and animal breeding registers;
- 2) performance testing and assessment of the genetic value of farm animals;
- 3) preservation of endangered breeds;
- 4) collection, preservation, treatment and marketing (hereinafter *handling*) of breeding material obtained from breeding animals.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(2) A person engaged in breeding is a person engaged in one or more of the fields of breeding activities specified in subsection (1) of this section.

§ 6. Herd-book and animal breeding register

(1) For the purposes of this Act, a herd-book is a database in which data concerning the parentage of breeding animals, details of the breeders and owners thereof (hereinafter *origin*) and data concerning the performance and genetic value of the breeding animals with mention of their ancestors is entered, as prescribed by the breed improvement programme for the relevant breed.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(1¹) The definition of herd-book, stud-book or flock-book is provided, correspondingly for each animal species, by Council Directives 2009/157/EC, 88/661/EEC, 89/361/EEC and 90/427/EEC.

[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

(2) For the purposes of Article 1(d) of Council Directive 88/661/EEC, ‘animal breeding register’ means a database that contains data concerning the parentage, origin, performance and genetic value of hybrid breeding pigs, as prescribed by the breed improvement programme for the relevant breed.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(2¹) [Repealed – RT I 2007, 69, 423 – entry into force 01.01.2008]

(3) For the purposes of this Act, the entry of a breeding animal in a herd-book or animal breeding register is the recording of data concerning the breeding animal in a herd-book or animal breeding register by a non-profit association or a commercial association (hereinafter *breeding association*) founded for such purpose. Upon entry in a herd-book or animal breeding register, a breeding animal is assigned a herd-book or animal breeding register number.

[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

(4) In accordance with the Personal Data Protection Act, the breeding association will publish on its website the parentage data of at least male animals entered in the herd-book.

[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

§ 7. Keeper of animals

For the purposes of this Act, a keeper of an animal is a person who owns a breeding animal (the owner of the animal) or who on the basis of a commercial lease or other relationship with the owner of an animal is engaged in keeping a breeding animal.

Chapter 2 ACTIVITY LICENCE FOR BREEDING

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

§ 8. Licence obligation

A licence is required for operating in the following fields of activity:

- 1) maintenance of herd-books and animal breeding registers;
- 2) performance testing and assessment of the genetic value of farm animals;
- 3) preservation of endangered breeds.

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

§ 9. Applying for activity licence

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

(1) An application for an activity licence will be reviewed by the Veterinary and Food Board.

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

(2) In addition to the information prescribed by the General Part of the Economic Activities Code Act, the operator must indicate in an application for an activity licence also the territory of operation and the field of breeding for which the operator applies for an activity licence.

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

(3) The breeding association must submit a copy of the breeding programme along with an application.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

(4) A breed improvement programme is a document prepared concerning a particular breed, which sets out the breed characteristics, the breeding objectives, the breeding methods used, the measures planned for successful breeding and the number of breeding animals necessary for the programme to be carried out. A breed improvement programme consists of the following parts:

[RT I 2007, 69, 423 – entry into force 01.01.2008]

- 1) the grounds of entry in and the procedure for maintenance of the herd-book or animal breeding register;
- 2) the procedure for recording the parentage of breeding animals and for verification of the correctness of parentage data concerning breeding animals;
- 3) the procedure for using performance data and results of assessments of the genetic value of farm animals;
- 4) the procedure for declaring breeding animals and breeding material suitable for breeding;
- 5) the procedure for recording insemination data regarding female animals;
- 6) the procedure for identifying farm animals to be entered in a herd-book or animal breeding register and the procedure for the maintenance of records thereon;
- 7) training programmes in insemination, the requirements for obtaining an inseminator's certificate and the procedure for the issue thereof;

(4¹) In the event of an endangered breed, the following must be set out in addition to the provisions of subsection (4) of this section:

- 1) the breed name of the farm animals, which may be used for breeding a farm animal of an endangered breed and the grounds for using this breed;
- 2) the number of animals used for breeding a farm animal of an endangered breed and the term during which it is permitted to use the breeding material of a farm animal of another breed.

[RT I 2007, 69, 423 – entry into force 01.06.2008]

(4²) A breeding association applying for an activity licence, which wishes to maintain a herd-book of a new breed must submit an application, the documents provided for in subsections (3) and (4) of this section and the following information on the research conducted concerning the relevant breed during at least three successive generations:

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

- 1) information on the conformation, type of body structure, body weight and shape and other characteristics;
- 2) information on population size;
- 3) information on the analysis concerning performance characteristics;
- 4) information on the analysis concerning adaptation to the climate and rearing conditions of Estonia;
- 5) genetic description of the breed on the basis of at least 30 animals that are not closely related to each other.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(5) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

(6) A person who wishes to engage in performance testing or assessment of the genetic value of farm animals (hereinafter *person engaged in performance testing*) must submit the following along with an application:

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

- 1) the procedure for the collection of parentage and performance data of breeding animals, for verification of the correctness of such data and for the processing and preservation thereof;
- 2) information on the laboratories performing the tests necessary for the determination of livestock performance;
- 3) the procedure for publication of performance data and the corresponding assessment results;
- 4) training programmes in the collection of performance data, the requirements for obtaining a certificate of a person engaged in the collection of performance data and the procedure for the issue thereof.

(7) A person engaged in the preservation of endangered breeds must append the following to an application:

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

2) a copy of the breed preservation programme.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(8) A breed preservation programme is a document prepared concerning an endangered breed, which sets out the breed characteristics, the preservation objectives and the activities that ensure the preservation of the breed. A breed preservation programme must include:

- 1) description of the conformation, performance characteristics and other characteristics of the animals;
- 2) information on the population size and description of the population density and structure;
- 3) description of the methods for breed preservation;
- 4) the procedure for the promotion of the breed;
- 5) in the event of the existence of a herd-book of the endangered breed, description of cooperation between the breeding association maintaining the herd-book, keepers of animals and the person engaged in the preservation of the endangered breed.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(9) The information specified in this section is entered in the register of farm animals established on the basis of subsection 11 (3) of the Infectious Animal Disease Control Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(10) The operator does not have to pay a state fee for a review of an application for the activity licence specified in subsection 8 (1) of this Act.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 10. Object of inspection of activity licence

(1) To obtain an activity licence, the operator and its planned breeding activities must comply with the requirements of this Act, legislation established on the basis thereof and legislation of the European Union.

(2) To obtain an activity licence for keeping a herd-book or an animal breeding register, the operator must comply with the following requirements:

1) it must be a breeding association;
2) it must be able to provide the breeding service in the selected field of breeding;
3) it or its members must have animals suitable for entry in the herd-book or animal breeding register in a sufficient quantity for the purpose of attaining breeding success;

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

4) if the operator wants to start keeping the herd-book of equidae or a part thereof regarding a breed whose original herd-book is already being kept, the operator must ensure that the principles established by the organisation or association keeping the original herd-book are followed;

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

5) it must have a proper breeding programme.

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

(3) To obtain an activity licence for performance testing or assessment of the genetic value of farm animals, the operator must be able to provide the breeding service in the selected field of breeding and have the proper procedures specified in subsection 9 (6) of this Act.

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

(4) To obtain an activity licence for preserving an endangered breed, the operator must, in addition to a proper breeding programme, have a proper programme for the preservation of the endangered breed and be able to implement it.

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

§ 10¹. Specifications of refusal to grant activity licence

The Veterinary and Food Board may, in addition to the provisions of the General Part of the Code Economic Activities Act, also refuse to grant an activity licence in the following events:

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

1) if the herd-book or animal breeding register of the breed that the person wishes to keep is already being kept by a breeding association that holds an activity licence and the granting of an activity licence may jeopardise the preservation of an existing breed or harm the implementation of the breeding programme of a breeding association that has obtained an activity licence;

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

2) the performance or the genetic value of the species of farm animals whose performance the applicant wishes to test or whose the genetic value the applicant wishes to assess is already being tested or assessed by a licensed person engaged in performance testing, or

3) the endangered breed that the operator wishes to start preserving is already being preserved by a licensed person engaged in preservation of the endangered species.

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

§ 11. [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

§ 12. [Repealed – RT I 2007, 69, 423 – entry into force 01.01.2008]

§ 13. [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

§ 14. [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

Chapter 3

HERD-BOOK AND ANIMAL BREEDING REGISTER

§ 15. Entry in herd-book

(1) A herd book is divided into the main section and annexes.

(2) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]

(3) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]

(4) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]

(5) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]

(6) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]

(7) In addition to the requirements provided by this Act, entry of breeding animals in a herd-book, stud-book or flock-book must comply with the requirements set out in Article 3 of Council Directive 2009/157/EC, Article 4 of Council Directive 88/661/EEC and Articles 4 and 6 of Council Directive 90/427/EEC.

[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

§ 16. Entry in animal breeding register

A hybrid breeding pig will be entered in an animal breeding register if:

[RT I 2007, 69, 423 – entry into force 01.01.2008]

- 1) the pig has been identified in accordance with the requirements of this Act;
- 2) the animal's parentage has been documented.

§ 17. Identification of breeding animals

(1) If the owner of an animal wishes to enter a farm animal in a herd book or animal breeding register, the owner is required to identify the animal within twenty-four hours of its birth and to keep records of the identification of farm animals in accordance with the procedure established by the relevant breed improvement programme.

(2) Equidae will be identified by a breeding association in a manner that enables the identification data to be processed electronically within six months as of foaling and before weaning.

(3) Farm animals to be entered in a herd-book or breeding register will also be identified and registered in accordance with the procedure established in § 11 of the Infectious Animal Disease Control Act.

(4) Breeding associations and persons engaged in performance testing have the right to use data entered in the register of farm animals. These persons and the authorised processor of the register of farm animals will make an agreement on the data that can be used and on the time and frequency of the use thereof.

§ 18. [Repealed – RT I 2004, 34, 236 – entry into force 01.05.2004]

Chapter 4 PERFORMANCE TESTING AND ASSESSMENT OF GENETIC VALUE OF FARM ANIMALS

§ 19. Performance testing and assessment of genetic value

(1) Performance testing means the regular collection, recording, processing, storage and analysis of performance and parentage data of a farm animal with the aim of assessing the genetic value thereof. The performance testing and assessment of the genetic value of animals of the bovine, ovine and caprine species is based on the rules established by the International Committee for Animal Recording.

(2) Persons engaged in performance testing are responsible for developing statistical methods for the collection, processing, storage and assessment of performance data, assessing genetic value and publishing the results obtained. Such persons must give explanations concerning the methods of performance testing, statistical analysis methods and genetic parameters used.

(3) Genetic value is assessed separately for each breeding characteristic. If the results obtained upon the assessment of genetic value are published, the reliability of the results and the assessment period will be indicated.

(4) [Repealed – RT I 2004, 34, 236 – entry into force 01.05.2004]

(5) [Repealed – RT I 2004, 34, 236 – entry into force 01.05.2004]

(6) [Repealed – RT I 2004, 34, 236 – entry into force 01.05.2004]

§ 20. Persons engaged in collection of performance data

(1) A keeper of animals, a person authorised by a keeper of animals or a person who has entered into a relevant contract with a keeper of animals has the right to collect the performance data of the farm animals belonging to the keeper and to forward the data to the person engaged in performance testing if they have undergone training in the collection of performance data and has been granted a certificate of a person engaged in the collection of performance data by the person engaged in performance testing.

(2) Training in the collection of performance data is organised by persons engaged in performance testing in accordance with the Adult Education Act.

§ 21. Processing of performance data and publication of results thereof

(1) Performance data is collected, processed and analysed and the results obtained are issued and used in accordance with a contract entered into by the owner of the animal and the person engaging in performance testing. Performance data is published in compliance with the Personal Data Protection Act and the analytical methods used are indicated upon publication.

(2) A person engaged in performance testing forwards the information obtained by analysing performance data to the breeding association at the time and with the frequency agreed between the parties.

Chapter 5 DECLARATION OF BREEDING ANIMALS AND BREEDING MATERIAL AS SUITABLE FOR BREEDING, HANDLING OF BREEDING MATERIAL AND MARKETING OF BREEDING ANIMALS

§ 22. Declaration of breeding animals and breeding material as suitable for breeding

(1) The declaration of breeding animals and breeding material as suitable for breeding is a process in the course of which female animals and male animals suitable for breeding are determined and breeding material suitable for breeding is determined. Breeding animals and breeding material will be declared suitable for breeding by breeding associations. The grounds for declaring breeding animals and breeding material suitable for breeding and the bases for the use of breeding animals and breeding material declared suitable for breeding will be established by the minister in charge of the field.

(2) Breeding associations will not refuse to test male animals or their semen with the aim of declaring the animals or semen suitable for breeding, nor will they restrict or impede such tests. Male animals and their semen will be tested in accordance with the procedure for the declaration of breeding animals and breeding material as suitable for breeding established by breed improvement programmes.

(3) In addition to the requirements provided by subsections (1) and (2) of this section, declaration of breeding animals and breeding material as suitable for breeding must comply with the requirements established by Council Directives 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.06.1987, pp. 54–55), 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding (OJ L 071, 17.03.1990, pp. 34–35) and 90/119/EEC on hybrid pigs for breeding (OJ L 071, 17.03.1990, pp. 34–35).
[RT I 2004, 34, 236 – entry into force 01.05.2004]

§ 23. Conditions for participation in competitions of equidae intended for competitions

(1) The definitions related to equidae intended for competitions and the conditions for participation in competitions of equidae intended for competitions are provided by Council Directive 90/428/EEC on trade in equidae intended for competitions and laying down the conditions for participation therein (OJ 224, 18.08.1990, pp. 1–10).

(2) The Veterinary and Food Board is responsible for collection of the data specified in Article 1 of Commission Decision 92/216/EEC on the collection of data concerning competitions for equidae as referred to in Article 4 (2) of Council Directive 90/428/EEC (OJ L 104, 22.04.1992, p. 77–77).
[RT I 2004, 34, 236 – entry into force 01.05.2004]

§ 24. Artificial insemination

(1) Semen collected from male animals deemed suitable for breeding in accordance with the procedure established on the basis of subsection 7 (2) of the Infectious Animal Disease Control Act may be used for artificial insemination.

(2) Semen collected from male animals whose parentage data has been verified by genetic testing methods will be used for artificial insemination of animals of the bovine species and equidae.

(3) Each year, a breeding association will verify, by genetic testing methods, the correctness of the parentage data of at least one per cent of the animals of the bovine species and equidae entered in herd-books. The animals to be tested will be selected at random.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

(4) A person or an employee of a person who has undergone a training course in insemination organised by a breeding association or who has received an education in veterinary medicine and who has been granted an inseminator's certificate by the breeding association (hereinafter *inseminator*) may engage in the artificial insemination of animals.

(5) Breeding associations will organise training courses for inseminators in compliance with the Adult Education Act.

(6) A keeper of animals who has undergone a basic course for inseminators and who has been issued a corresponding certificate has the right to inseminate only the animals owned by them. A notification to this effect will be entered on the certificate.

(7) Inseminators maintain electronic or paper records on the insemination of female animals. The records must set out the sequence number, the date of insemination, the name of the keeper of the animals, the name of the male and female animals, the registration number of each animal in the register of farm animals and the number allocated to each animal in the herd-book or animal breeding register.

(8) Once a month, inseminators submit the data specified in subsection (7) of this section to the breeding association which will check the data and forward it to the person engaged in performance testing at the time and with the frequency agreed between them.

§ 25. Collection, preservation and processing of breeding material

(1) The collection, preservation and processing of breeding material and the farm buildings or constructions for livestock used for these activities as well as the staff of the person engaged in such activities must comply with the Infectious Animal Disease Control Act, this Act and legislation established on the basis thereof.

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

(2) An ovum of a breeding animal will be packed immediately after its collection. The species, breed and name of the animal from which the ovum was collected, the registration number of the animal in the register of farm animals, the number allocated to the animal in the herd-book or animal breeding register, the name of the person who collected the ovum and the collection date will be indicated on the package containing the ovum. If the package contains more than one ovum with the same parentage, the number of ova will be indicated on the package.

[RT I 2004, 34, 236 – entry into force 01.05.2004]

§ 26. Maintenance of records concerning breeding material

(1) Persons who collect breeding material maintain electronic or paper records on the use of the breeding material collected thereby. The records must set out the required data entered on the labelling, the date on which the breeding material is marketed and the name of the recipient of the breeding material.

(2) Persons who collect breeding material must preserve the records specified in subsection (1) of this section for ten years as of the marketing of the breeding material.

§ 27. Marketing of breeding animals and breeding material

(1) For the purposes of this Act, the marketing of breeding animals and breeding material is deemed to be the offer for sale, sale or delivery thereof in any other manner for a charge or without charge, including the trade in breeding animals and breeding material in the Member States of the European Union, and their import and export between Estonia and countries remaining outside of the customs territory of the European Union (hereinafter *third country*).

(2) For the purposes of this Act, 'import' means the conveyance of breeding animals and breeding material from a third country to the customs territory of the European Union for release for free circulation within the meaning of Article 79 of Council Regulation 2913/92/EEC establishing the Community Customs Code (OJ L 302, 19.10.1992, pp. 1–50).

(3) For the purposes of this Act, ‘export’ means the carriage of breeding animals and breeding material from the European Union to a third country within the meaning of Article 161 of Council Regulation 2913/92/EEC.

(4) Breeding animals and breeding material must be marketed in accordance with the requirements established by the Trade in, Import and Export of Animals and Animal Products Act, Infectious Animal Disease Control Act, this Act and legislation established on the basis of these Acts.
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(5) In addition to the requirements provided by subsection (4) of this section, the marketing of breeding animals and breeding material, except for the import thereof from third countries and export thereof to third countries, will be carried out in accordance with the requirements of Council Directives 2009/157/EC, 88/661/EEC, 89/361/EEC, 90/427/EEC, 90/428/EEC, 91/174/EEC, 87/328/EEC, 90/118/EEC and 90/119/EEC.
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

(6) In addition to the requirements provided by subsection 4) of this section, the import of breeding animals and breeding material must conform to the requirements provided by Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical conditions applicable to imports from third countries of animals, their semen, ova and embryos (OJ L 178, 12.07.1994, pp.

(7) The standard format for certificates of parentage of breeding animals and for tracking forms accompanying breeding material will be established for each animal species by the Director General of the Veterinary and Food Board.
[RT I 2004, 34, 236 – entry into force 01.05.2004]

§ 28.–§ 29.[Repealed – RT I 2004, 34, 236 – entry into force 01.05.2004]

Chapter 6

STATE SUPERVISION

§ 30. State supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
State supervision over the compliance with the requirements of this Act, legislation established on the basis thereof and the requirements established by licensed persons on the basis of this Act is exercised by the Veterinary and Food Board.
[RT I, 25.03.2011, 1 – entry into force 01.01.2014]

§ 31. Special measures of state supervision

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
A 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, 51 and 52 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]

§ 31¹. Specifics of state supervision

(1) A law enforcement authority may, on the conditions provided for in § 50 of the Law Enforcement Act, enter only the territory and premises of a person engaged in breeding and those of a keeper of animals.

(2) The law enforcement authority has the right to prohibit the use of breeding material for breeding if such activity jeopardises the implementation of a breed improvement programme or does not guarantee the success of breeding activities.

(3) A breeders’ association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds will submit a report concerning its breeding activities during the previous year to the law enforcement authority by June 30 each year.

(4) The law enforcement authority will submit to the European Commission and other Member States of the European Union a list of licensed breeding associations and establishments engaged in performance testing.

(5) The genetic testing of the correctness of parentage data will be carried out in a laboratory in accordance with internationally approved methodology.

(6) The procedure for the taking, transportation, packaging, labelling and storage of control samples of verification of parentage data will be established by the head of the law enforcement authority.

(7) If the data of a breeding animal prove to be incorrect following genetic testing, the law enforcement authority will have the right to make a precept for the deletion of the incorrect data from the herd-book or animal breeding register.

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

§ 32. [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (date of entry into force amended - RT I, 22.12.2013, 1)]

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

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

Chapter 7 LIABILITY

[Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

§ 35.-§ 43. [Repealed -RT I, 12.07.2014, 1 - entry into force 01.01.2015]

Chapter 8 IMPLEMENTATION OF ACT

§ 44. [Repealed – RT I 2007, 69, 423 – entry into force 01.01.2008]

§ 44¹. Decision to grant recognition made before 1 January 2008

A decision to grant recognition to a breeding association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds for a specified term made before 1 January 2008 will be deemed to be a decision to grant recognition for an unspecified term.

[RT I 2007, 69, 423 – entry into force 01.01.2008]

§ 45.–§ 49.[Omitted from this text.]

§ 50. Entry into force of Act

This Act will enter into force on 1 January 2003, except for clause 2) of § 46 of this Act which will enter into force upon Estonia's accession to the European Union.

¹ Council Directive 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.06.1987, pp. 54–55), amended by Directive 2005/24/EC (OJ L 78, 24.03.2005, pp. 43–44); Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, pp. 36–38), amended by Council Regulation 806/2003/EC (OJ L 122, 16.05.2003, pp. 1–35) and Directive 2008/73/EC (OJ L 219, 14.08.2008; pp. 40–54); Council Directive 89/361/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 153, 06.06.1989, pp. 54–55), amended by Directive 2008/73/EC (OJ L 219, 14.08.2008, pp. 40–54); Council Directive 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding (OJ L 71, 17.03.1990, pp. 34–35); Council Directive 90/119/EEC of hybrid breeding pigs for breeding (OJ L 71, 17.03.1990, pp. 36); Council Directive 90/427/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 224, 18.08.1990, pp. 55–59), amended by Directive 2008/73/EC (OJ L 219, 14.08.2008, pp. 40–54); Council Directive 90/428/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 224, 18.08.1990, pp. 60–61), amended by Directive 2008/73/EC (OJ L 219, 14.08.2008, pp. 40–54); Council Directive 91/174/EEC laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 05.04.1991, pp. 37–38); Council Directive 2009/157/EC on pure-bred breeding animals of the bovine species (OJ L 323, 10.12.2009, pp. 1–5).

[RT I, 18.12.2012, 2 - entry into force 01.01.2013]