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Feed Act¹

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15.09.2010	RT I 2010, 72, 542	15.10.2010
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19.06.2014	RT I, 12.07.2014, 1	01.01.2015
10.12.2014	RT I, 30.12.2014, 1	01.01.2015

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the requirements for feed, handling and use of feed and the requirements for organising state supervision over the compliance of feed with safety and other requirements in order to ensure the harmlessness thereof in terms of human and animal health and to the environment, and the favourable effect thereof on animals and animal products.

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

(3) For the application of measures regarding feed, the minister responsible for the area may, within his or her competence, enact legislation regarding issues in which a Member State has the right to decide according to the legislation of the European Union.

§ 2. Feed

(1) For the purposes of this Act, feed means the substance or product as laid down in Article 3 (4) of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 01.02.2002, p. 1–24).

(2) For the purposes of this Act, feed additives mean the feed additives as laid down in Article 2 (2) a) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29–43).

(3) For the purposes of this Act, premixture means the premixture as laid down in Article 2 (2) e) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council.

(4) For the purposes of this Act, feed materials mean the substances or products as laid down in Article 3 (2) g) of Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EEC and 96/25/EC, Commission Directive 80/511/EEC and Commission Decision 2004/217/EC (OJ L 229, 01.09.2009, p. 1–28).

(5) For the purposes of this Act, compound feed means the feed as laid down in Article 3 (2) h) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(6) For the purposes of this Act, complete feed means the compound feed as laid down in Article 3 (2) i) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(7) For the purposes of this Act, complementary feed means the compound feed as laid down in Article 3 (2) j) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(8) For the purposes of this Act, mineral feed means the complementary feed as laid down in Article 3 (2) k) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(9) For the purposes of this Act, feed intended for particular nutritional purposes means the feed as laid down in Article 3 (2) o) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(10) For the purposes of this Act, medicated feed means the feed which contains veterinary medicinal products and which, because of its therapeutic and preventive characteristics is fed to animals without processing. [RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 3. Assessment of guide to good practice

(1) Compliance of the guide to good practice developed by the association of undertakings with the requirements of Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene (OJ L 35, 08.02.2005, p. 1–22), shall be assessed by the Veterinary and Food Board.

(2) The Veterinary and Food Board refuses to approve the guide to good practice if the guide does not comply with the requirements as laid down in Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(3) The Veterinary and Food Board submits the guide complying with the requirements as laid down in Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council to the Ministry of Agriculture who shall forward it to the European Commission.

Chapter 2

REQUIREMENTS FOR FEED

§ 4. Compliance with requirements and harmlessness of feed

(1) Feed shall comply with the requirements specified in the relevant legislation of the European Union, this Act and in the legislation established on the basis thereof.

(2) Feed shall be harmless in terms of human and animal health and to the environment (hereinafter harmless) and in compliance with its intended purpose.

(3) Feed shall not include a prohibited ingredient. For the purposes of this Act, prohibited ingredient means the material as laid down in Chapter 1 of Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council.

[RT I 2010, 72, 542 – entry into force 15.10.2010]

(4) Feed shall not include undesirable substance in higher quantities than permitted. For the purposes of this Act, an undesirable substance means the substance or product contained in a feed which is added, created or is present in a feed as a result of the manufacture process or as a result of environmental pollution, and the presence of which in feed in quantities larger than permitted may be harmful in terms of animal or human health or to the environment, or may harm the properties of animal products. Disease agents shall not be considered undesirable substances.

(5) Feed which includes undesirable substance in higher quantities than permitted shall not be mixed with the same or other feed in order to decrease the content of undesirable substance.

(6) The minister responsible for the area shall establish a list of undesirable substances and the maximum allowed quantities for the content thereof in feed.

(7) If there is reason to believe that feed might be harmful in terms of human and animal health or to the environment or includes a prohibited ingredient (hereinafter harmful), the person who discovered such feed is immediately required to notify the Veterinary and Food Board thereof. Forwarded information shall be as accurate as possible and enable the commencement of supervision operations, setting out the location, origin and the operator of potentially harmful feed.

§ 5. Labelling of feed

(1) Feed shall be labelled in compliance with the requirements of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(2) The labelling requirements for feed intended for particular nutritional purposes shall be established by the minister responsible for the area.

(3) Upon the labelling of compound feed intended for pets, the name of the feed material included in compound feed may be replaced with the name of such feed material category.

(4) The names and descriptions of feed material categories published on the labelling of compound feed for pets shall be established by the minister responsible for the area.

(5) Feed containing, composed of or manufactured from genetically modified organisms shall be labelled in compliance with the requirements as laid down in Article 25 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1–23) and in Articles 4 and 5 of Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (OJ L 268, 18.10.2003, p. 24–28).

[RT I 2010, 72, 542 – entry into force 15.10.2010]

Chapter 3

REQUIREMENTS FOR HANDLING AND USE OF FEED

§ 6. Handling and use of feed

(1) The requirements specified in the relevant legislation of the European Union, this Act and other legislation established on the basis thereof shall be complied with upon handling and use of feed.

(2) For the purposes of this Act, handling of feed means the activity related with feed in the stages of handling as laid down in Article 3 (16) of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

(3) For the purposes of this Act, the feed business operator means the person as laid down in Article 3 b) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(4) Premixtures and feed additives shall be transferred or delivered for other purpose only to the feed business operator who holds an activity licence for handling such premixtures or feed additives or who has submitted a notice of economic activities on the handling thereof.

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

(5) The requirements of Annex III to Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be complied with upon the use of feed for feeding to animals kept for the manufacture of foodstuffs of animal origin for putting into circulation.

(6) Animal protein and feed containing animal protein shall be handled and used in compliance with the requirements as laid down in Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.05.2001, p. 1–40), and in 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 (OJ L 300, 14.11.2009, p. 1–33). [RT I, 04.07.2013, 1 – entry into force 14.07.2013]

(7) For the purposes of this Act, animal protein means the product as laid down in sub-clauses b) i-v of Chapter I and in sub-clauses a) i-iii of Chapter II to Annex IV of Regulation (EC) No 999/2001 of the European Parliament and of the Council.

[RT I, 04.07.2013, 1 – entry into force 14.07.2013]

(8) The production of feed containing processed animal protein, dicalcium phosphate, tricalcium phosphate or blood products and feeding thereof to animals is allowed with the permission of the Veterinary and Food Board. The Veterinary and Food Board shall refuse to grant the permission if the undertaking fails to comply with the requirements specified in Regulation (EC) No 999/2001 of the European Parliament and of the Council.

[RT I, 04.07.2013, 1 – entry into force 14.07.2013]

(9) The requirements on the content and format of the application for the permission specified in subsection (8) of this section shall be established by the minister responsible for the area.

(10) The small quantities of primary production of feed and the requirements for placing thereof on the market shall be established by the minister responsible for the area.

§ 7. Self-checking

(1) A feed business operator whose undertaking engages in the activity as laid down in Article 5 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council shall check the compliance of feed and the handling thereof (hereinafter self-checking) and apply measures in order to ensure the compliance of feed with requirements.

(2) For the conduct of self-checking, a self-check plan in compliance with the requirements as laid down in Article 6 (2), Article 7 and Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be prepared in an undertaking.

(3) The self-check plan and applied measures for ensuring the compliance of feed and the handling thereof with requirements form a system of self-checking. The data of a system of self-checking shall be documented and preserved for at least eighteen months.

§ 8. [Repealed - RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 9. Handling and use of feed additives

Feed additives and the premixtures including feed additives may be handled or used to feed animals in compliance with the requirements as laid down in Regulation (EC) No 1831/2003 of the European Parliament and of the Council.

§ 10. [Repealed - RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 11. Use of feed intended for particular nutritional purposes

The minister responsible for the area shall establish a list of purposes for feed intended for particular nutritional purposes and of methods needed for fulfilling such purposes.

[RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 12. [Repealed - RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 13. Handling and use of medicated feed

(1) Medicated feed may only be produced from those premixtures for medicated feed which have been registered at the State Agency of Medicines as veterinary medicinal products and on the basis of prescriptions for medicated feed issued by veterinarians.

(2) For the purposes of this Act, premixture for medicated feed means the premixture for medicated feed specified in subsection 6 (2) of the Medicinal Products Act.

(3) Medicated feed shall conform to the corresponding prescription and shall be fed to animals according to the instructions by veterinarians without any additional processing.

(4) The requirements for handling medicated feed shall be established by the minister responsible for the area.

§ 14. Handling and use of genetically modified feed

(1) Genetically modified feed and genetically modified organisms used in feed may be placed on the market in compliance with the requirements as laid down in Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

(1¹) For the purposes of Article 17 (2) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council, a competent authority shall be the Veterinary and Food Board.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(1²) For the performance of functions arising from subsection (1¹) of this section, the Veterinary and Food Board may request an opinion of the Advisory Committee of Novel Foods established on the basis of subsection 13 (4) of the Food Act.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(2) The application specified in Article 17 and Article 27 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council shall be forwarded to the European Food Safety Authority through the Veterinary and Food Board.

§ 15. Use of feed for research

(1) With the written consent of the Veterinary and Food Board, a research and development institution may convey feed additives which have not been entered in the register of feed additives of the Community as laid down in Article 17 of Regulation (EC) No 1831/2003 of the European Parliament and of the Council to Estonia and use the feed additives for research, including the making of tests, taking into account of the requirements as laid down in Article 3 (2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(2) The Veterinary and Food Board shall refuse to grant the consent specified in subsection (1) of this section if the research and development institution is unable to comply with the requirements as laid down in Article 3 (2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council or to ensure the harmlessness of feed.

(3) The requirements on the content and format of the application submitted for the receipt of a written consent for the conveyance to Estonia and use for research of feed specified in subsection (1) of this section and the procedure for processing the application shall be established by the minister responsible for the area.

§ 16. Conveyance of feed from third countries to Estonia

(1) For the purposes of this Act, conveyance of feed to Estonia from a state or territory remaining outside of the customs territory of the European Union (hereinafter third country) means the activity as laid down in Article 2 (16) of Regulation (EC) No 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.04.2004, p. 1–141).

(2) Feed specified in Annex I to Commission Decision 2007/275/EC concerning lists of animals and products to be subject to controls at border inspection posts under Council Directives 91/496/EEC and 97/78/EC (OJ L 116, 04.05.2007, p. 9–33), and Annex IV to Commission Regulation (EC) No 136/2004 laying down procedures for veterinary checks at Community border inspection posts on products imported from third countries (OJ L 21, 28.01.2004, p. 11–23), (hereinafter animal feed) may be conveyed from third countries to Estonia on the bases

and pursuant to the procedure as laid down in the Trade, Import and Export of Animals and Animal Products Act.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(3) [Repealed - RT I 2010, 72, 542 – entry into force 15.10.2010]

(4) [Repealed - RT I 2010, 72, 542 – entry into force 15.10.2010]

(5) If, upon conveyance of feed unspecified in Annex I to Commission Decision 2007/275/EC and Annex IV to Commission Regulation (EC) No 136/2004 (hereinafter non-animal feed) from a third country to Estonia, the compliance of feed must be inspected at a border inspection post or at the place of exercising official control pursuant to the relevant legislation of the European Union, the Veterinary and Food Board shall be notified of the conveyance of such feed to Estonia from a third country at least twenty-four hours before the submission of feed for exercising official control.

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

(6) In the case unspecified in subsection (5) of this section, the Veterinary and Food Board shall be notified of conveyance of non-animal feed to Estonia from a third country at least twenty-four hours before:

1) the application of customs procedure for releasing non-animal feed for free circulation if non-animal feed is released for free circulation in Estonia;

2) the planned time of arrival of non-animal feed at border inspection post if non-animal feed is conveyed to another Member State of the European Union through Estonia and it is not stored in Estonia in the meantime;

3) dispatching non-animal feed to another Member State of the European Union from Estonia if the dispatched feed is non-animal feed stored and under the customs supervision in Estonia.

(7) In the case specified in clauses (6) 2) and 3) of this section, the Veterinary and Food Board shall not be notified if the final destination of the feed is a third country according to the documents submitted to the Tax and Customs Board.

(8) The procedure for notification of conveyance of non-animal feed from a third country to Estonia, requirements for the content and format of the notification application and the list of documents annexed to the application shall be established by the minister responsible for the area.

(9) In the case of conveyance of feed from a third country to Estonia, the release for free circulation thereof, conveyance to another Member State of the European Union through Estonia or processing under customs inspection is allowed with the consent of the Veterinary and Food Board.

(10) Inward processing procedure and procedure for processing under customs control shall be applied only if feed is processed by an undertaking who has complied with the notification or licence obligation under this Act. [RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 16¹. Border inspection posts and places of exercising official control over imported non-animal feed

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

(1) Non-animal feed may be conveyed from a third country to Estonia through border inspection posts specified in the list established under subsection 37 (5) of the Plant Protection Act.

(2) The Veterinary and Food Board shall, upon the request of a person, determine a border inspection post through which non-animal feed can be imported and the place of exercising official control over imported non-animal feed if a competent authority or Member State has the right of determination thereof according to the relevant legislation. The place of exercising official control shall be in a place accepted by the Tax and Customs Board.

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

(2¹) For the purposes of this Act, official control means the activity as laid down in Article 2 1) of Regulation (EC) No 882/2004 of the European Parliament and of the Council, including the exercise of state supervision and conduct of other administrative proceedings in the course of which the compliance of feed, handling of feed and feeding is verified.

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

(3) The list of border inspection posts and places of exercising official control shall be published on the website of the Veterinary and Food Board.

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

(4) For the making of decision on entering a border inspection post or place of exercising official control over imported non-animal feed specified in subsection (2) of this section in the list specified in subsection (3), the Veterinary and Food Board shall assess the compliance thereof on the basis of the data submitted by the applicant as well as at the border inspection post or place of exercising official control.

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

(5) If the border inspection post or place of exercising official control over imported non-animal feed complies with the requirements established in the relevant legislation of the European Union, the Veterinary and Food Board shall make a decision on entry thereof in the list specified in subsection (3) of this section.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(6) If the border inspection post or place of exercising official control over imported non-animal feed does not comply with the requirements specified in the relevant legislation of the European Union, the Veterinary and Food Board shall make a decision to refuse the entry thereof in the list specified in subsection (3) of this section.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) The Veterinary and Food Board shall make the decision specified in subsection (5) and (6) of this section within thirty days as of the receipt of the application for entry of a border inspection post or place of exercising official control over imported non-animal feed in the list specified in subsection (3).
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(8) The Veterinary and Food Board shall make a decision to exclude a border inspection post or place of exercising official control over imported non-animal feed from the list specified in subsection (3) of this section if:
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

- 1) it does not comply with the requirements specified in the relevant legislation of the European Union or
- 2) a person submits an application thereon.

(9) The requirements for the content of application for entry of a border inspection post and place of exercising official control over imported non-animal feed specified in subsection (2) of this section in the list specified in subsection (3) of this section, the list of documents annexed to the application and the procedure for processing the application shall be established by the minister responsible for the area.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 17. Export of feed

(1) Feed can be exported in compliance with the requirements as laid down in Article 12 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(2) Upon the export of feed, the Veterinary and Food Board shall issue a document certifying the compliance of feed with requirements if the submission of such document is required in a third country.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

Chapter 4 NOTIFICATION AND LICENCE OBLIGATION

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 18. Notification obligation

(1) A notice of economic activities shall be submitted to the Veterinary and Food Board in order to engage in the area of activity as laid down in Article 9 (2) a) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) The minister responsible for the area shall establish the specified list of the areas of activity and the substances used upon handling in the case of which a feed business operator is required to submit a notice of economic activities.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(3) An undertaking shall not be required to pay state fee for entry of the data contained in the notice of economic activities specified in subsection (1) of this section in the national register of food and feed business operators.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 19. Licence obligation

(1) A feed business operator must hold an activity licence in the case as laid down in Article 10 of Regulation (EC) No 183/2005 of the European Parliament and of the Council or an activity licence for the manufacture of medicated feed.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(2) An activity licence grants the feed business operator the right to commence and perform economic activities only in the undertaking or part of undertaking as specified in the activity licence.

(3) The minister responsible for the area shall establish the specified list of the areas of activity and the substances used upon handling in the case of which a feed business operator is required to hold an activity licence.

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

§ 20. Application for activity licence

(1) An application for an activity licence shall be adjudicated by the Veterinary and Food Board by granting of or refusal to grant an activity licence within ninety days after the submission of an application for an activity licence.

(2) In addition to the data specified in the General Part of the Economic Activities Code Act, an application for an activity licence shall include the self-check plan specified in subsection 7 (2) of this Act and the following documents contained therein depending on the nature of activities:

- 1) documents certifying compliance with the principles of Hazard Analysis and Critical Control Point System (hereinafter HACCP);
- 2) documents certifying the suitability of the structures and instruments for the intended purpose;
- 3) cleaning and disinfection plan which includes data on the measures applied and substances used for the cleaning and disinfection of equipment and facilities;
- 4) pest control plan which includes data on the measures applied for pest control;
- 5) technological plan of the handling process with the significant parameters in view of feed safety and short description of the technology.

(3) The Veterinary and Food Board shall send the list of undertakings who have been granted an activity licence and the data on the alteration of activity licences to the European Commission.

(4) An undertaking shall not be required to pay state fee upon the adjudication of an application for an activity licence.

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

§ 20¹. Subject of review of activity licence

A feed business operator shall be granted an activity licence if his or her undertaking complies with the requirements of the legislation of the European Union and the requirements arising from this Act.

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

§ 21. Specifications for suspension and prohibition of economic activities and suspension and revocation of activity licences

(1) The Veterinary and Food Board shall suspend the economic activities of a feed business operator or revoke an activity licence partially or in full in the cases as laid down in Article 14 of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(2) The Veterinary and Food Board shall prohibit the economic activities of an undertaking or revoke an activity licence partially or in full in the cases as laid down in Article 15 of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

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

§ 22. Revocation of approval decision and registration

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

§ 22¹. Obligation to submit data on handling of feed

A feed business operator who engages in the handling of feed shall submit to the Veterinary and Food Board, by the tenth date of the first month of each quarter, the following data for the preceding quarter concerning his or her undertaking which engages in the manufacture or processing of feed in the case of which the requirements as laid down in Article 5 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be followed:

- 1) the type and quantity of feed manufactured and put into circulation;
- 2) the quantity of feed materials manufactured and put into circulation;
- 3) the quantity of compound feed manufactured and used for the production of animal products for putting into circulation.

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

Chapter 5

NATIONAL REGISTER OF FOOD AND FEED BUSINESS OPERATORS

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 23. National register of food and feed business operators

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

(1) The national register of food and feed business operators (hereinafter register) is a national register established by the Government of the Republic on the proposal of the minister responsible for the area which processes data concerning the food and feed business operators holding an activity licence or who have submitted a notice of economic activities for the handling of food or feed with the aim of maintaining records thereon and ensuring efficient official control.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

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

(3) The submitter of the data is responsible for the correctness of such data. If data entered in the register change, an application for changing data shall be submitted immediately.

(4) Registry data shall be public except for the data in the case of which a restriction on access has been established. State fee shall be paid for making an officially certified extract of registry data pursuant to the rate specified in the State Fees Act.

(5) The provisions of the General Part of the Economic Activities Code Act concerning registers shall be applied to the register, taking account of the specifications provided for in this Act.

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

Chapter 6 OFFICIAL CONTROL

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

§ 24. Official control

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

Official control over compliance with the requirements specified in the relevant legislation of the European Union, this Act and the legislation established on the basis thereof concerning the handling of feed shall be exercised by the Veterinary and Food Board.

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

§ 25. Authorised veterinarian

(1) A local office of the Veterinary and Food Board or an authorised veterinarian for the purposes of subsection 5 (1) of the Veterinary Activities Organisation Act exercise state supervision over the compliance of activities and feeding of animals as laid down in Article 5 (1) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(2) [Repealed - RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(3) An authorised veterinarian shall have the right to receive remuneration for exercising state supervision over the compliance of activities and feeding of animals as laid down in Article 5 (1) of Regulation (EC) No 183/2005 of the European Parliament and of the Council pursuant to the procedure established in subsection 19 (5) of the Veterinary Activities Organisation Act.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(4) The rates of remuneration for services provided in the framework of exercising state supervision over compliance of activities and feeding of animals as laid down in Article 5 (1) of Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be established by the minister responsible for the area.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

§ 26. Special state supervision measures

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

For the execution of state supervision provided for in this Act, the law enforcement agency may apply the special state supervision measures provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

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

§ 26¹. Specifications for state supervision

(1) A business secret may be disclosed if maintaining it would endanger human or animal health or the environment. The following data are not deemed to be information subject to business secrecy:

- 1) name and composition of the feed;
- 2) physicochemical and biological characteristics of feed;
- 3) pharmacological and toxicological characteristics of feed, and their effect on the environment;
- 4) methods of analysis.

(2) If a dwelling is also used as business premises, the law enforcement agency may examine it within office or opening hours without the permission of the administrative court specified in subsection 51 (2) of the Law Enforcement Act.

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

§ 27. Precept

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

§ 28. Organisation of official control

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

(1) Official control exercised over handling of feed shall be organised pursuant to the control plan prepared on the basis of Article 41 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

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

(2) Data concerning the results of official control except for information subject to business secrecy or other non-disclosed information shall be published on the website of the Veterinary and Food Board.

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

(3) The specific procedure for exercising official control over conveyance of feed from third countries to Estonia shall be established by the minister responsible for the area.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(4) The tariff classification of the feed upon release for free circulation of which state fee shall be paid for official control operations according to the rates specified in subsection 252 (3) of the State Fees Act shall be established by the minister responsible for the area.

[RT I, 30.12.2014, 1 – entry into force 01.01.2015]

(5) The Veterinary and Food Board shall be the liaison body for the purposes of Article 35 of Regulation (EC) No 882/2004 of the European Parliament and of the Council

(6) A feed business operator shall pay state fee for exercising official control, including supervisory activities for every undertaking which engages in the activity as laid down in Article 5 (2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council pursuant to the rate specified in the State Fees Act. State fee shall not be paid for an undertaking which engages in the sale of packaged feed in retail business.

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

§ 29. Measures taken upon detection of non-conforming feed

(1) Upon detection of non-conforming feed, the Veterinary and Food Board shall take the measures as laid down in Article 54 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

(2) Upon conveyance of non-conforming feed from third countries to Estonia, the Veterinary and Food Board shall take the measures as laid down in Article 19 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

(3) Feed subject to destruction shall be treated in compliance with the requirements specified in the Waste Act.

(4) The measures specified in subsections (1) and (2) of this section shall be applied at the expense of the feed business operator and in a manner which does not endanger human and animal health or the environment.

(5) The Veterinary and Food Board shall notify the European Commission of harmful feed in terms of food safety through the rapid alert system as laid down in Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

Chapter 6¹ **TAKING OF AND ANALYSIS OF** **SAMPLES AND LABORATORIES**

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

§ 30. Taking of samples upon exercising official control

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

(1) Upon exercising official control, samples may be taken at the expense of a person upon the examination of a movable. If the examined movable cannot be used as normal after the examination, the cost of the movable or the cost of restoration of the movable for normal use shall not be reimbursed to the person.

(2) The procedure for taking of feed samples in the course of official control shall be established by the minister responsible for the area.

(3) A batch of feed from which a sample has been taken in the course of official control may be used or transferred only after receipt of a corresponding permission from the Veterinary and Food Board.

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

§ 31. Analysis of samples

(1) Samples taken in the course of official control shall be analysed in order to verify the compliance of feed according to the official methods of analysis of the European Union or international standard methods in case of lack thereof.

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

(2) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) Samples taken in the course of official control shall be analysed by the Veterinary and Food Board in laboratories accredited for performing relevant analyses which are independent from the feed business operator and which comply with the requirements as laid down in Article 12 of Regulation (EC) No 882/2004 of the European Parliament and of the Council.

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

(4) Information on the laboratories in which samples taken in the course of official control are analysed shall be published on the website of the Veterinary and Food Board.

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

(5) If the feed business operator does not agree with the results of analysis, he or she may have the sample taken under the same conditions analysed, at his or her expense, in another laboratory which complies with the requirements specified in subsection (3) of this section.

(6) Regardless of whether the results of analysis are disputed, the Veterinary and Food Board shall take the measures as laid down in Article 19 or 54 of Regulation (EC) No 882/2004 of the European Parliament and of the Council, if necessary.

(7) The expenses of analysing samples taken in the course of official control shall be covered from the state budget.

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

(8) [Repealed - RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 32. Reference laboratory

(1) National reference laboratory (hereinafter reference laboratory) shall be authorised for each Community reference laboratory on feed as laid down in Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council. Laboratory complying with the requirements specified in subsection 31 (3) of this Act can be authorised as reference laboratory.

(2) Authorisation to operate as a reference laboratory shall be granted to a laboratory by a directive of the minister responsible for the area, which shall set out the scope of the authorisation.

(3) The procedure for applying for and grant of the authorisation to operate as a reference laboratory and the criteria for authorisation shall be established by the minister responsible for the area.

(4) If a reference laboratory fails to perform its functions as required or does not comply with the requirements specified in subsection 31 (3) of this Act, the minister responsible for the area shall specify a term for the elimination of deficiencies and may suspend the validity of the directive specified in subsection (2) of this section partially or in full.

(5) If the deficiencies are not eliminated within the specified term, the minister responsible for the area shall revoke the directive specified in subsection (2) of this section partially or in full.

Chapter 7

LIABILITY

§ 33. Violation of requirements for feed

(1) Violation of the requirements for feed in a manner which endangers human or animal health or the environment is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 34. Violation of requirements for labelling of feed

(1) Violation of the requirements for the labelling of feed, or adulteration of feed is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 35. Violation of requirements for handling of feed and feeding to animals

(1) Violation of the requirements for the handling of feed or feeding to animals, including failure to comply with the recording requirement is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3,200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 36. Failure to notify of conveyance of feed from third countries to Estonia

(1) Failure to notify the Veterinary and Food Board of conveyance of feed from third countries to Estonia, if notification is required under this Act, is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 36¹. Violation of notification obligation

(1) Violation of the requirement for notification obligation specified in § 18 of this Act is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 37. Failure to notify of quantity of feed

(1) Failure to submit information to the Veterinary and Food Board concerning the quantities of feed manufactured in an undertaking and put into circulation or manufactured and used for the production of animal products for putting into circulation during the preceding quarter, if notification is required under this Act, is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 640 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 38. Proceedings

(1) The Veterinary and Food Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in this chapter.

(2) A court or the extra-judicial body which conducts proceedings in matters of misdemeanours specified in subsection (1) of this section may, pursuant to § 83 of the Penal Code, apply confiscation of the substance or product which was the direct object of the commission of a misdemeanour provided for in § 33 of this Act. [RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 8 IMPLEMENTING PROVISIONS

§ 39. Repeal of Feedingstuffs Act

The Feedingstuffs Act (RT I 2002, 18, 97; 2006, 21, 162) is repealed.

§ 40. Reorganisation of state supervision

(1) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(2) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(4) Upon exercising state supervision over compliance with the requirements specified in §§ 13 and 15 of this Act, the supervisory officials of the Veterinary and Food Board perform the functions of supervisory officials provided for in this Act and they shall have all the rights of supervisory officials as of entry into force of this Act.

(5) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(6) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(7) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 41. [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 42. Other transitional provisions

(1) Undertakings approved or registered on the basis of subsection 23 (4) of the previous Feedingstuffs Act may continue its activity until the revocation or amendment of the approval or registration decision made on the basis of the previous Feedingstuffs Act.

(2) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) The State Register of Feedingstuffs founded on the basis of § 28 of the previous Feedingstuffs Act shall be deemed to be the State Register of Feedingstuffs specified in § 23 of this Act.

(4) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

(5) [Repealed - RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 42¹. Border inspection posts and places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported non-animal feed before 15 October 2010

Border inspection posts and places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported non-animal feed on the website of the Veterinary and Food Board before 15 October 2010 shall remain in the given list until the Veterinary and Food Board makes a decision on the exclusion of the border inspection post or place of exercising supervision from the given list. [RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 42². Places of exercising official control

The places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported feed shall be deemed to be the places of exercising official control.

[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

§ 43.–§ 46.[Omitted from this text]

§ 47. Entry into force of Act

- (1) This Act enters into force on 1 February 2007.
- (2) § 44 of this Act enters into force on 1 July 2007.

¹Commission Directive 82/475/EEC laying down the categories of ingredients which may be used for the purposes of labelling compound feedingstuffs for pet animals (OJ L 213, 21.07.1982, p. 27–28), amended by Directives 91/334/EEC (OJ L 184, 10.07.1991, p. 27) and 98/67/EC (OJ L 261, 24.09.1998, p. 10–31); Council Directive 90/167/EEC laying down the conditions governing the preparation, placing on the market and use of medicated feedingstuffs in the Community (OJ L 92, 07.04.1990, p. 42–48); Commission Directive 98/68/EC laying down the standard document referred to in Article 9 (1) of Council Directive 95/53/EC and certain rules for checks at the introduction into the Community of feedingstuffs from third countries (OJ L 261, 24.09.1998, p. 32–38); Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJ L 140, 30.05.2002, p. 10–22), amended by Directives 2003/57/EC (OJ L 151, 19.06.2003, p. 38–41), 2003/100/EC (OJ L 285, 01.11.2003, p. 33–37), 2005/8/EC (OJ L 27, 29.01.2005, p. 44–45), 2005/86/EC (OJ L 318, 06.12.2005, p. 16–18), 2005/87/EC (OJ L 318, 06.12.2005, p. 19–24), 2006/13/EC (OJ L 32, 04.02.2006, p. 44–53), 2006/77/EC (OJ L 271, 30.09.2006, p. 53–55), 2008/76/EC (OJ L 198, 26.07.2008, p. 37–40), 2009/8/EC (OJ L 40, 11.02.2009, p. 19–25), 2009/141/EC (OJ L 308, 24.11.2009, p. 20–23) and 2010/6/EC (OJ L 37, 10.02.2010, p. 29–32) and Regulation (EC) No 219/2009 (OJ L 87, 31.03.2009, p. 109–154); Commission Directive 2003/7/EC amending the conditions for authorisation canthaxanthin in feedingstuffs in accordance with Council Directive 70/524/EEC (OJ L 22, 25.01.2003, p. 28–30); Commission Directive 2008/38/EC establishing a list of intended uses of animal feedingstuffs for particular nutritional purposes (Codified version) (OJ L 62, 06.03.2008, p. 9–22), amended by Directive 2008/82/EC (OJ L 202, 31.07.2008, p. 48–49). [RT I 2010, 72, 542 – entry into force 15.10.2010]