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## Veterinary Activities Organisation Act<sup>1</sup>

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RT I 1999, 58, 608

Entered into force in accordance with § 51.

Amended by the following acts

Passed	Published	Entry into force
16.12.1999	RT I 1999, 97, 861	01.01.2000
13.12.2000	RT I 2001, 3, 4	01.07.2001
14.11.2001	RT I 2001, 93, 566	01.01.2002
14.11.2001	RT I 2001, 93, 565	01.02.2002
Consolidated text in paper version of Riigi Teataja		
23.01.2002	RT I 2002, 18, 97	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
06.11.2002	RT I 2002, 96, 566	01.01.2003
21.04.2004	RT I 2004, 38, 257	01.05.2004, in part 15.05.2004
15.06.2005	RT I 2005, 39, 308	01.01.2006
01.06.2006	RT I 2006, 28, 211	01.07.2006
13.12.2007	RT I 2007, 70, 428	01.01.2008
19.06.2008	RT I 2008, 30, 191	01.07.2008
10.06.2009	RT I 2009, 34, 224	01.07.2009
09.12.2009	RT I 2009, 64, 422	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters 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).
17.02.2011	RT I, 02.03.2011, 1	04.03.2011
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
21.05.2014	RT I, 06.06.2014, 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 4 of § 107 <sup>3</sup> of the Government of the Republic Act.
23.09.2014	RT I, 09.10.2014, 2	01.01.2015
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force amended to 01.07.2016 [RT I, 17.12.2015, 1]

11.06.2015	RT I, 30.06.2015, 4	01.09.2015, on the basis of subsection 2 of § 1074 of the Government of the Republic Act the words ‘Ministry of Agriculture’ have been replaced with the words ‘Ministry of Rural Affairs.’
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.01.2016 and 01.07.2016
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
06.12.2017	RT I, 28.12.2017, 2	01.02.2018
12.12.2018	RT I, 28.12.2018, 35	01.01.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.11.2019	RT I, 04.12.2019, 2	14.12.2019; clause 1 <sup>1</sup> of subsection 5 of § 353 enters into force on 01.01.2020.

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides the grounds for the organisation of veterinary activities.

(2) Veterinary activities are a system of measures applied to protect animal and human health and to ensure the welfare of animals that includes activities in the areas of animal health, animal product hygiene and animal protection.

(3) Veterinary activities include activities performed in the course of veterinary supervision exercised by the state (hereinafter *veterinary supervision*) and controls over the compliance with the rules performed in the framework of proceedings for granting activity licences and other licences (hereinafter *veterinary controls*) which, for the purposes of this Act, mean the activities specified in Article 2 of Regulation (EU) 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) (OJ L 95, 07.04.2017, pp. 1–142). Veterinary activities also include activities performed in the course of veterinary practice.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3<sup>1</sup>) ‘Veterinary practice’ means activities in the field of treatment, prevention and diagnosis, including laboratory diagnosis, of animal diseases. Veterinary practice does not include veterinary supervision or veterinary controls. A veterinarian has the right to engage in veterinary practice.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3<sup>2</sup>) For the purposes of this Act, ‘veterinarian’ means a person who is qualified in veterinary medicine and holds a professional activity licence of a veterinarian (hereinafter *professional activity licence*).

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(3<sup>3</sup>) Additional financing required for covering the operating expenses relating to the organisation of the clinical studies of veterinary medicine in the Estonian University of Life Sciences is allocated from the state budget via the budget of the Ministry of Rural Affairs. Upon additional financing of the clinical studies of veterinary medicine, the Ministry of Rural Affairs takes into account the proposal of the university and the funds allocated to the clinical studies of veterinary medicine in the state budget.

[RT I, 09.10.2014, 2 – entry into force 01.01.2015]

(3<sup>4</sup>) The Ministry of Rural Affairs concludes an administrative contract with the Estonian University of Life Sciences for six years for the additional financing required for covering the operating expenses relating to the organisation of the clinical studies of veterinary medicine.

[RT I, 09.10.2014, 2 – entry into force 01.01.2015]

(4) Veterinary services are services provided within the scope of veterinary activities.

(5) The provisions of the Administrative Procedure Act apply to the administrative proceedings provided for in this Act, taking account of the specifications of Regulation (EU) 2017/625 of the European Parliament and of the Council, other legislation of the European Union and this Act.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) The Law Enforcement Act applies to the veterinary supervision exercised on the basis of this Act, taking account of the specifics of this Act.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(7) Where a decision made on the basis of this Act is delivered by post, it may be delivered by unregistered post, registered post or registered post with advice of delivery.  
[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

## **§ 2. Animal and animal product**

(1) For the purposes of this Act, ‘animal’ means any mammal, bird, reptile, amphibian, fish or invertebrate living in artificial conditions or freely in the wild.

(2) For the purposes of this Act, ‘farm animal’ means an animal kept or bred with the objective of producing animal products. For the purposes of this Act, *equidae* are also deemed to be farm animals.  
[RT I 2007, 70, 428 – entry into force 01.01.2008]

(3) For the purposes of this Act, ‘household pet’ means an animal kept with the objective of providing personal entertainment or company to humans or an animal intended to be kept with such objective.

(4) Provisions concerning animals are also applied with regard to the sperm, ova and embryos of animals.

(5) For the purposes of this Act, ‘product of animal origin’ means a product of animal origin specified in point 8.1 of Annex I to Regulation (EC) No 853/2004 of the European Parliament and of the Council laying down specific hygiene rules for food of animal origin (OJ L 139, 30.04.2004, pp. 55–205). ‘Handling of products of animal origin’ means the production, collection, processing and sale of products of animal origin, the transfer in any other manner of products of animal origin for a charge or without charge, the import and export of products of animal origin, or other activities as a result of which products of animal origin become available to other handlers or to consumers.  
[RT I, 02.03.2011, 1 – entry into force 04.03.2011]

(6) For the purposes of this Act, ‘handler of products of animal origin’ means a person who operates in the areas of handling specified in subsection 5 of this section.

(7) The provisions regulating products of animal origin also apply to animal by-products and derived products, unless otherwise provided for 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, pp. 1–33). For the purposes of this Act, ‘animal by-products’ means the animal by-products specified in Article 3(1) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council. For the purposes of this Act, ‘derived products’ means products obtained from the animal by-products specified in n Article 3(2) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council.  
[RT I, 02.03.2011, 1 – entry into force 04.03.2011]

## **§ 2<sup>1</sup>. Veterinary requirements and attestation**

(1) For the purposes of this Act, ‘veterinary requirements’ means the requirements established for prevention and control of animal diseases, hygiene of products of animal origin and guaranteeing the well-being of animals with the aim to protect human life and health, and animal health.

(2) Where there is reason to believe that that an animal or a product of animal origin might be directly or indirectly harmful to human or animal health, a veterinary supervisory official with the relevant competence for controls in whose territory of supervision the animal or the product of animal origin is located certifies by an animal health certificate the safety of the animal or the product of animal origin or the need to adhere to additional veterinary requirements.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) The Veterinary and Food Board determines, on the basis of previous risk assessments, the harmfulness to human and animal health specified in subsection 2 of this section and the need to issue an animal health certificate.

(4) The list of information to be entered in an animal health certificate is established by the minister responsible for the field.

(5) In the event of an animal or a product of animal origin intended for consumption, the keeper of the animal confirms on the animal health certificate by their signature that the animal has not been treated with medicinal products or substances having a hormonal action or that the withdrawal period after the treatment has ended.

(6) Where an animal health certificate has been issued concerning an animal or a product of animal origin, the keeper of animals or handler of products of animal origin, in the event of transfer of the animal from one herd to another or sending the animal to a slaughterhouse or sending the product of animal origin for further handling, forwards the animal health certificate together with the animal or product of animal origin to the new keeper of animals or further handler.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

## **§ 2<sup>2</sup>. Acquisition of qualifications of veterinarian**

The qualifications of a veterinarian are acquired by completing the veterinary medicine curriculum in an Estonian university or in a respective educational institution of a Member State of the European Union, contracting state of the European Economic Area or another foreign country. The qualifications of a veterinarian acquired outside Estonia are recognised in accordance with the Recognition of Foreign Professional Qualifications Act and this Act.

[RT I, 09.10.2014, 2 – entry into force 01.01.2015]

## **§ 3. [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]**

# **Chapter 2 ORGANISATION OF VETERINARY SUPERVISION AND VETERINARY CONTROLS**

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

## **§ 4. Scope of veterinary supervision and veterinary controls**

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

Veterinary supervision is exercised and veterinary controls are performed over the following objects of supervision:

- 1) the diagnosis, control and prevention of the spread of an animal disease, including a zoonotic agent;
- 2) health and welfare of an animal;
- 3) the keeping, identification, domestic movement and public exhibition of an animal;
- 4) an animal product and the handling thereof;
- 5) a feedingstuff of animal origin and the handling thereof;
- 6) a medicated feedingstuff and the handling thereof;
- 7) the import and export of an animal, an animal product, a feedingstuff of animal origin, hay, straw and a medicated feedingstuff;
- 8) the use of a veterinary medicinal product and a medicated feedingstuff, and keeping account thereof;
- 9) a veterinary practice.

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

## **§ 5. Organisation of veterinary supervision and veterinary controls**

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

(1) Veterinary supervision is exercised and veterinary controls are performed by the Veterinary and Food Board.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(1<sup>1</sup>) A veterinarian who has concluded an administrative contract with the Veterinary and Food Board on the basis of subsection 4 of § 13 of this Act (hereinafter *authorised veterinarian*) performs to the extent agreed on in the contract such veterinary supervision activities such as diagnosis, sampling, vaccination and participation in the prevention or liquidation of infectious animal diseases and zoonosis.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) An official of the Veterinary and Food Board who exercises veterinary supervision and performs veterinary controls (hereinafter *official veterinarian*) must be qualified in veterinary medicine, unless otherwise provided by law or the legislation of the European Union.

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

(3) Upon performing veterinary supervision activities and veterinary controls, the Veterinary and Food Board has the right to use an assistant in the event provided by the legislation of the European Union. The training for assistant official veterinarians is organised by the Veterinary and Food Board in accordance with the Adult Education Act.

(4) Samples obtained in the course of veterinary supervision and veterinary controls are analysed in a laboratory authorised according to § 34<sup>1</sup> of this Act.

(5) The Veterinary and Food Board and the Veterinary and Food Laboratory have the right to send samples obtained in the course of veterinary supervision and veterinary controls to a recognised foreign laboratory or international reference laboratory.

(6) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(7) Veterinary supervision is exercised and veterinary controls are performed in accordance with the provisions of Regulation (EU) No 2017/625 of the European Parliament and of the Council and other relevant legislation. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(8) The Veterinary and Food Board is the authority coordinating the preparation of a multiannual national control plan specified in Article 109(2) of Regulation (EU) No 2017/625 of the European Parliament and of the Council. The Veterinary and Food Board submits the multi-annual national control plan and a report on the implementation of the plan to the European Commission in accordance with Article 113 of the Regulation. The control plan is published on the website of the Veterinary and Food Board in accordance with Article 111(1) of the Regulation. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(9) The Government of the Republic may establish by a regulation the procedure for cooperation between law enforcement authorities in preparation of the multi-annual control plan specified in subsection 8 of this section. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

### **§ 5<sup>1</sup>. Cooperation in veterinary supervision between Member States of European Union and European Commission**

(1) The Veterinary and Food Board cooperates in veterinary supervision with the veterinary supervision offices of other Member States of the European Union and the European Commission.

(2) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2<sup>1</sup>) The Veterinary and Food Board is the liaison body of supervisory cooperation within the meaning of Article 103(1) of Regulation (EU) No 2017/625 of the European Parliament and of the Council. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) Another law enforcement authority, administrative body or governmental agency notifies the Veterinary and Food Board without delay where there is the following possible violation of the veterinary rules:

- 1) a violation that may pose a threat to the health of an animal or human or to the welfare of an animal;
- 2) a violation that has been committed by knowingly creating a misconception of the actual circumstances.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

### **§ 6. Authorisation of reference laboratory**

(1) For the purposes of this Act, ‘national reference laboratory’ means the laboratory specified in Article 100 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, which performs the duties of a reference laboratory in the field of animal health. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) A national reference laboratory (hereinafter *reference laboratory*) is authorised to operate per each Community reference laboratory referred to in Article 93(1) of Regulation (EU) No 2017/625 of the European Parliament and of the Council. [RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) Authority to operate as a reference laboratory is granted within 20 working days as of the receipt of a written request from the laboratory by a directive of the minister responsible for the field, which specifies the scope of the authority. [RT I 2007, 70, 428 – entry into force 01.01.2008]

(3<sup>1</sup>) The state fee for reviewing an application for authority to operate as reference laboratory is paid at the rate provided by the State Fees Act. [RT I 2007, 70, 428 – entry into force 01.01.2008]

(3<sup>2</sup>) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]

(5) Where a reference laboratory fails to perform its duties in the manner required, the minister responsible for the field has the right to grant a term of up to three months for the elimination of deficiencies. Where the deficiencies are not eliminated, the authority is revoked in part or in full. During the time prescribed for the elimination of deficiencies, authority is deemed to be suspended.

(6) [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]

(7) A reference laboratory acts on government orders placed by the minister responsible for the field. Fulfilment of the orders is financed from funds allocated from the state budget to the Ministry of Rural Affairs for fulfilment of such orders.

(8) The requirements for the content of applications for authorisation to operate as reference laboratory, the list of documents to be annexed to applications and the procedure for processing applications are established by a regulation of the minister responsible for the field.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

#### **§ 7. Special measures of veterinary supervision**

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

(1) The Veterinary and Food Board may, for the purpose of exercising the veterinary supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

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

(2) When animals or animal products that do not conform to the veterinary requirements are detected, the law enforcement authority takes the measures provided for in Article 138 of Regulation (EU) No 2017/625 of the European Parliament and of the Council.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) In the event of bringing animals or animal products that do not conform to the veterinary requirements to Estonia from outside the European Union within the meaning provided for in Article 3(40) of Regulation (EU) No 2017/625 of the European Parliament and of the Council (hereinafter *bringing to Estonia*), the law enforcement authority takes the measures specified in Articles 66–69 of the Regulation.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

#### **§ 7<sup>1</sup>. Specifics of veterinary supervision**

(1) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) The law enforcement authority may take samples at the expense of the person upon inspection of a movable. Where 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 is not compensated to the person.

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

#### **§ 8. Obligation of supervisory official to present document**

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

## **Chapter 3**

# **AUTHORISED VETERINARIAN, PROCEDURE FOR AUTHORISATION, AND RIGHTS AND OBLIGATIONS OF AUTHORISED VETERINARIAN**

#### **§ 9. Authorised veterinarian**

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

#### **§ 10. Competition for operating as authorised veterinarian**

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

(1) To conclude the administrative contracts specified in subsection 5 of § 1 of this Act, the Veterinary and Food Board announces a competition.

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

(2) Competition announcements are published in the official publication *Ametlikud Teadaanded*.

(3) A competition announcement must contain information concerning the requirements for participants in the competition, the documents to be submitted in order to participate in the competition, the term for submission of such documents, and the scope of authority accompanying the position of authorised veterinarian for which the competition is organised and the territorial jurisdiction of the authorised veterinarian.

(4) The term for submission of documents to be submitted in order to participate in the competition is 30 days after publication of the competition announcement.

#### **§ 11. Requirements for applicants for rights of authorised veterinarian**

An applicant for the rights of an authorised veterinarian should hold a valid professional activity licence and they should meet the criteria provided for in Article 30(b) of Regulation (EU) No 2017/625 of the European Parliament and of the Council.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

#### **§ 12. Application for rights of authorised veterinarian**

In order to be granted the status of an authorised veterinarian, the applicant must submit the following by the date specified in the competition announcement:

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

- 1) an application to be granted authority;
- 2) details of the professional activity licence in force and a description of the professional work experience.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

- 3) [Repealed – RT I 2001, 93, 566 – entry into force 01.01.2002]

#### **§ 13. Procedure for processing applications and granting rights of authorised veterinarian**

(1) In order to review and assess applications received for a competition, the Director General of the Veterinary and Food Board forms a three-member committee comprising two representatives of the Veterinary and Food Board and one representative of a professional organisation. The committee is formed for the given calendar year.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) The committee reviews the applications received during the competition and assess the conformity of the applicants with the requirements set out in § 11 of this Act. The committee has the right to verify the authenticity of materials submitted by the applicant for authority and, where necessary, request additional information and documents.

(3) Within 30 working days after receipt of all documents required for authorisation, the committee submits a reasoned proposal in writing to the Director General of the Veterinary and Food Board concerning the grant of or refusal to grant authority to the applicant. The committee decides the granting of or refusal to grant authority by a simple majority vote.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(4) For the performance of administrative functions under the Administrative Co-operation Act, the Veterinary and Food Board concludes an administrative contract with a veterinarian or legal person who passed the competition. In the latter event, the contract sets out the name of the authorised veterinarian exercising veterinary supervision with whom the legal person has a contractual relationship.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

- (5) [Repealed – RT I 2004, 38, 257 – entry into force 01.05.2004]

(6) The right to act as an authorised veterinarian is granted for up to five years.

[RT I 2004, 38, 257 – entry into force 01.05.2004]

#### **§ 14. Termination of authority**

(1) The authority terminates upon:

- 1) surrender of the authority;
- 2) expiry of the term of authority;
- 3) the death of the authorised person;
- 4) withdrawal of authority;
- 5) in the event of waiving the professional activity licence;

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

- 6) [Repealed – RT I, 06.06.2014, 1 – entry into force 01.07.2014]

- 7) in the event of suspension or revocation of the professional activity licence.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(2) The Veterinary and Food Board immediately takes measures in order to ensure that administrative functions are performed where an administrative contract is terminated unilaterally or another reason becomes evident, which prevents a legal or natural person to continue performance of the administrative functions.  
[RT I 2004, 38, 257 – entry into force 01.05.2004]

#### **§ 15. Rights of authorised veterinarian**

(1) The authorised veterinarian has the right, based on the scope of their authority, to take the measures provided for in §§ 30, 49 and 50 of the Law Enforcement Act.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The authorised veterinarian has the right to surrender their authority by notifying the Director General of the Veterinary and Food Board thereof by sending an unregistered letter by post at least 30 days in advance.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) In the event of the death of the authorised veterinarian as a result of the performance of duties related to their authority, the family members of the authorised veterinarian who were maintained by the authorised veterinarian are paid a single allowance to the extent of ten years' average salary of the deceased person. The funeral expenses of a person deceased under such circumstances are borne by the state.

(4) The authorised veterinarian whose capacity for work has diminished under the circumstances provided for in subsection 3 of this section is paid a single allowance upon:

- 1) partial capacity for work, to the extent of their one year's average salary;
  - 2) incapacity for work, to the extent of their five years' average salary.
- [RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended – RT I, 17.12.2015, 1)]

(5) Where necessary, the connection specified in subsection 3 of this section between the scope of the person's capacity for work and an injury or illness suffered as a result of performance of the tasks related to the powers of the authorised veterinarian is established by the Social Insurance Board in accordance with § 49<sup>1</sup> of the Civil Service Act.  
[RT I, 17.12.2015, 1 – entry into force 01.07.2016]

#### **§ 16. Duties of authorised veterinarian**

(1) The authorised veterinarian is required to:

- 1) perform the functions vested in them by their authority;
- 2) perform the obligations provided for in Article 32 of Regulation (EU) No 2017/625 of the European Parliament and of the Council;
- 3) retain the documents related to the tasks performed in the framework of their authority and hand these over to the Veterinary and Food Board at the request of the latter or upon termination of their authority.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The authorised veterinarian is prohibited from exercising veterinary supervision over objects of supervision that belong to them or to their family members.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

#### **§ 17. Administrative supervision over activities of authorised veterinarian**

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

(1) Administrative supervision over the activities of an authorised veterinarian is exercised by the Veterinary and Food Board.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) The authorised veterinarian submits reports to the Veterinary and Food Board.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) Requirements for reports submitted by authorised veterinarians and the procedure for the presentation of reports are established by a directive of the Director General of the Veterinary and Food Board.

#### **§ 18. Suspension and withdrawal of authority**

(1) Upon suspension of the professional activity licence of an authorised veterinarian, the authority granted to them is also suspended.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(2) Where an authorised veterinarian fails to perform activities relating to their authority in the manner required, the Veterinary and Food Board suspends the authority and grants a term for the elimination of the deficiencies. Where the deficiencies are not eliminated during the term, the head of the local office of the Veterinary and Food Board withdraws the authority and unilaterally terminates the administrative contract.



[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

#### **§ 19. Remuneration of authorised veterinarians**

(1) The authorised veterinarian provides veterinary services for a fee and veterinary services financed from the state budget within the scope of their authority.

(2) The authorised veterinarian has the right to charge a fee for veterinary supervision activities.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) Authorised veterinarians are prohibited to charge a fee for veterinary services financed from the state budget.

(4) Remuneration for veterinary services financed from the state budget is paid through the budget of the Veterinary and Food Board.

(5) The amounts of and procedure for remuneration provided within the scope of the authority of authorised veterinarians are established by the minister responsible for the field.

### **Chapter 4 VETERINARY PRACTICE**

[Repealed -RT I 2007, 70, 428 - entry into force 01.01.2008]

**§ 20.–§ 21.**[Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]

### **Chapter 5 REQUIREMENTS FOR ENGAGING IN VETERINARY PRACTICE**

[RT I, 06.06.2014, 1 - entry into force 01.07.2014]

#### **§ 22. Professional activity licence**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) In order to engage in veterinary practice, a veterinarian must hold a professional activity licence.

(2) A professional activity licence is granted to a person who is qualified in veterinary medicine.

(3) The following is indicated on the professional activity licence:

- 1) the given name and surname of the holder of the licence;
- 2) the personal identification code or, in the absence thereof, the date of birth of the holder of the licence;
- 3) the date and place of issue of the licence;
- 4) the number of the licence.

(4) The Veterinary and Food Board (hereinafter *issuer of licence*) decides to grant, suspend, revoke or refuse to grant a professional activity licence, taking the opinion of the professional organisation into account upon making the decision.

(5) A professional activity licence is granted for an unspecified term.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

#### **§ 22<sup>1</sup>. National register of veterinarians**

(1) The national register of veterinarians (hereinafter *register*) and its statutes are established by a regulation of the minister responsible for the field.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The purpose of the register is to ensure the provision of a consumer with the veterinary service in the framework of veterinary practice by a person holding the required qualifications, the veterinary supervision and veterinary controls of veterinary practice, and the data required for producing statistics enabling the organisation of veterinary activities.

(3) The controller of the register is the Veterinary and Food Board.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(4) A person qualified in veterinary medicine who applies for or holds a professional activity licence is required to submit data to the controller.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(5) The controller has the right to make queries to and receive data from other databases by way of cross-usage for the purpose of obtaining data to be entered in the register.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(6) The following information is gathered in the register regarding a veterinarian:

- 1) first name and surname, former first name(s) and surname(s), the personal identification code or, upon absence thereof, the date of birth, the name and number of the identity document, contact details, and the country of the previous place of work;  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]
- 2) information certifying the qualifications and professional development;
- 3) Information related to the workplace, including the competence of the authorised veterinarian;
- 4) data related to the professional activity licence and the validity of the licence;
- 5) information on the registration of the activities performed.

(7) The data entered in the register have an informative meaning. The data entered in the digital database of the register are kept in the archives for five years as of making a decision to refuse to grant or a decision to revoke a professional activity licence or as of the expiry of a professional activity licence. Logs are retained in accordance with the statutes of the register.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(8) The person who submits data is responsible for the correctness of the data entered in the register. In the event of a change of the data entered in the register, a request for a change of the data must be submitted immediately.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

### **§ 23. Rights and duties of veterinarian**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) A veterinarian has the right to:

- 1) engage in veterinary practice independently as a sole proprietor or via an undertaking with whom the veterinarian has a contractual relationship;
- 2) prescribe and issue medicinal products for the treatment of animals;
- 3) issue, within the limits of their competence, certificates concerning the state of health of animals and the state of products of animal origin;
- 4) use a seal with the number of their professional activity licence.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(2) A veterinarian is required to:

- 1) adhere to the professional code of ethics of veterinarians and follow the good veterinary practice;  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]
- 2) undergo professional supplementary training at least once every five calendar years;  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]
- 3) submit to the Veterinary and Food Board the veterinary reports required in accordance with the procedure established by veterinary legislation and comply with precepts made by the Board regarding veterinary activities;  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]
- 4) keep records of the performed treatment and other proceedings, and events of death, and preserve the specified information for three years;
- 5) add their job title and the impression of the seal specified in clause 4 of subsection 1 of this section to their signature;  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]
- 6) communicate up-to-date data to the register.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(3) Up-to-date data is submitted within 30 days as of the change of the data. Data on professional development is submitted after the passing of each five-year period following the acquisition of the qualifications in veterinary medicine by January 31 of the year following the five-year period.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

### **§ 24. Professional development**

The professional development of a veterinarian means:

- 1) participating in a professional training day, course, seminar or conference organised by a university teaching a veterinary medicine curriculum or by a professional organisation;
  - 2) practicing in a university teaching a veterinary medicine curriculum;
  - 3) acquisition of a professional research degree;
  - 4) supervision of the theoretical, practical or clinical studies of a student of the veterinary medicine curriculum of a university;
  - 5) publication of a research and practical work or a professional article in an Estonian or foreign professional magazine, publication of professional study or research literature;
  - 6) giving a professional presentation in a training day, course, conference or seminar organised by a university teaching a veterinary medicine curriculum or by a professional organisation.
- [RT I, 06.06.2014, 1 – entry into force 01.07.2014]

## **§ 25. Application for professional activity licence**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) An applicant for a professional activity licence must submit to the issuer the following:

- 1) an application;
- 2) a curriculum vitae that contains, among other things, the first name and surname, the former first name(s) and surname(s), the personal identification code or, upon absence thereof, the date of birth, the name and number of the identity document, contact details, and the country of the previous place of work;
- 3) a copy of the document certifying the qualifications in veterinary medicine;
- 4) a copy of the document certifying professional development.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The document specified in clause 4 of subsection 1 of this section does not need to be submitted upon applying for a professional activity licence within five years after the acquisition of the qualifications in veterinary medicine.

(3) Before the submission of an application, the applicant for an activity licence must pay a state fee for reviewing the application at the rate provided for in the State Fees Act.

(4) A person may submit an application for a professional activity licence in the digitally signed electronic form or in another similar manner that allows for identifying the person.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

## **§ 25<sup>1</sup>. Application for professional activity licence by person who acquired qualifications in veterinary medicine in member state of European Union, member state of European Economic Area or Switzerland**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) An applicant for a professional activity licence who has acquired qualifications in veterinary medicine in a member state of the European Union, member state of the European Economic Area (hereinafter jointly *member state*) or in Switzerland must submit to the issuer of the activity licence the documents and information specified in clauses 1–3 of subsection 1 of § 25 of this Act and, where the person has a European Professional Card, information on the European Professional Card as well.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

(1<sup>1</sup>) The issuer of the licence gives the applicant for a professional activity licence a confirmation of the receipt of the application within three working days as of the receipt of the documents and information specified in clauses 1–3 of subsection 1 § 25 of this Act.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1<sup>2</sup>) Where in the course of processing of a professional activity licence a circumstance specified in subsection 4 of this section becomes evident, the issuer of the licence has the right to extend the time limit of making of the decision to 60 working days, informing the applicant for the professional activity licence immediately of the extension of the term and the reasons of extension.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(2) The qualifications acquired in a member state or in Switzerland are certified by a document that grants a veterinarian the right to provide veterinary services in the corresponding member state or in Switzerland.

[RT I 2004, 38, 257 – entry into force 01.05.2004]

(3) The list of documents certifying the qualifications in veterinary medicine in a member state or in Switzerland, which serve as the basis for the issue of a professional activity licence is established by a regulation of the minister responsible for the field.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(4) Where the document certifying the qualifications of a person who acquired the qualifications in veterinary medicine in a member state or Switzerland is not included in the list specified in subsection 3 of this section, the issuer of the licence decides the granting of the licence in accordance with the provisions of the Recognition of Foreign Professional Qualifications Act, asking for an opinion of the Estonian University of Life Sciences, where necessary.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(5) Where the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.09.2005, pp. 22–142) and the competent authority of a member state of the European Economic Area or Switzerland has submitted to the Estonian competent authority a request for the working of a person in Estonia, the European Professional Card is applied for and reviewed in accordance with §§ 21<sup>1</sup>, 21<sup>4</sup> and 21<sup>5</sup> of the Recognition of Foreign Professional Qualifications Act.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

## **§ 25<sup>2</sup>. Application for professional activity licence by person who acquired qualifications in veterinary medicine in another foreign state**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) In order to receive a professional activity licence, a person who has acquired qualifications in veterinary medicine in a foreign state not specified in § 25<sup>1</sup> of this Act must submit to the issuer of the activity licence, in addition to the documents and information specified in subsection 1 of § 25 of this Act, the curriculum in veterinary medicine of the educational institution that issued the document certifying the qualifications in veterinary medicine.

(2) The issuer of the licence gives the applicant for a professional activity licence a confirmation of the receipt of the application within three working days as of the receipt of the documents and information specified in subsection 1 of this Act. Within three working days after the receipt of the required documents and information, the issuer of the licence submits the documents and information to the Estonian University of Life Sciences for the purpose of obtaining an opinion.

(3) The Estonian University of Life Sciences expresses an opinion on the compliance of the curriculum completed by the applicant with the respective Estonian curriculum and, where necessary, makes a proposal concerning supplementary training, taking into account the person's work experience and completed supplementary training, within 40 working days as of the receipt of the documents and information specified in subsection 1 of this section.

(4) Where, based on the opinion of the Estonian University of Life Sciences, the curriculum completed by the applicant does not considerably differ from the Estonian veterinary medicine curriculum, the issuer of the licence processes the application in accordance with the procedure established by this Act.

(5) Where on the opinion of the Estonian University of Life Sciences the curriculum completed by the applicant differs considerably from the Estonian veterinary medicine curriculum and the applicant must undergo relevant supplementary training, the applicant can take an aptitude test drawn up and organised by the Estonian University of Life Sciences within 60 working days following the receipt of the opinion in order to prove their knowledge or undergo, to the required extent, supplementary training corresponding to the conditions of the veterinary medicine curriculum along with final evaluation in the framework of tuition-based studies in the Estonian University of Life Sciences in accordance with the organisation of studies. The aptitude test examines and assesses the professional, specialised and occupational knowledge, skills and experience of the applicant for the activity licence.

(6) The procedure for compilation and conduct of aptitude tests and communication of the results of aptitude tests is established by a regulation of the minister responsible for the field.

(7) Where the qualifications of a person who has acquired their qualifications in a foreign country not specified in § 25<sup>1</sup> of this Act has been previously recognised by a member state or Switzerland and the person has acquired three years of work experience as a veterinarian in the member state or Switzerland that recognised their qualifications, the issuer of the licence decides the granting of the licence in accordance with the procedure established in this Act, taking into account the provisions of the Recognition of Foreign Professional Qualifications Act. Upon applying for a professional activity licence, the person must, in addition to the documents and information specified in subsection 1 of § 25 of this Act, submit a document certifying the person's required work experience and the right to provide veterinary services in a member state or in Switzerland.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(8) In the event specified in subsection 7 of this section, where the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council and the competent authority of a member state of the European Economic Area or Switzerland has submitted to the Estonian competent authority a request for the working of a person in Estonia, the European Professional Card is

applied for and reviewed in accordance with §§ 21<sup>1</sup>, 21<sup>4</sup> and 21<sup>5</sup> of the Recognition of Foreign Professional Qualifications Act.  
[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

### **§ 25<sup>3</sup>. Right to provide veterinary services temporarily**

A person who has acquired their qualifications in a member state or in Switzerland may, in accordance with Chapters 3 and 3<sup>1</sup> of the Recognition of Foreign Professional Qualifications Act, temporarily provide veterinary services in Estonia without a professional activity licence provided for in § 22 of this Act. The competent authority for the purposes of Chapters 3 and 3<sup>1</sup> of the Recognition of Foreign Professional Qualifications Act is the Veterinary and Food Board.  
[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

### **§ 25<sup>4</sup>. Certificate certifying professional activities of veterinarian**

(1) Where a veterinarian wishes to work outside the Republic of Estonia, the veterinarian must, where necessary, ask the Veterinary and Food Board for a certificate certifying their professional activities as a veterinarian.

(2) To obtain a certificate specified in subsection 1 of this section, a veterinarian must submit to the Veterinary and Food Board a request containing the following information:

- 1) the given name and surname of the requester of the certificate;
- 2) the number of the professional activity licence of the requester;
- 3) the state where the recognition of professional qualifications is requested;
- 4) a description of the work experience.

(3) Before filing the request, a veterinarian requesting the certificate specified in subsection 1 must pay a state fee at the rate provided for in the State Fees Act for having the request reviewed.

(4) A person may submit the request specified in subsection 1 of this section in the digitally signed electronic form or in another similar secure manner that allows for identifying the person.

(5) The Veterinary and Food Board issues a certificate of the professional activities of a veterinarian within 20 working days after the submission of a request.

(6) A certificate of the professional activities of a veterinarian remains in force for three months as of its issue.

(7) In the event of loss, theft or destruction of a certificate certifying the professional activities of a veterinarian, a duplicate is issued to the veterinarian at their request.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(8) Where the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council and the person applying for registration requests the European Professional Card for working outside the Republic of Estonia, the European Professional Card is applied for and reviewed in accordance with §§ 21<sup>1</sup>–21<sup>3</sup> of the Recognition of Foreign Professional Qualifications Act.  
[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

### **§ 26. Grant of and refusal to grant professional activity licence**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) The issuer reviews an application for a professional activity licence and makes a decision to grant or refuse to grant the licence within 20 working days after the receipt of all the documents and information required for making the decision.

(2) The licence issuer refuses to grant a professional activity licence where:

- 1) false information has been knowingly given upon applying for the licence;
- 2) the applicant has demonstrated clear unsuitability for the job in their prior professional activities, violating the code of ethics of veterinarians and the good veterinary practice;
- 3) a judgment depriving the veterinarian of the right to engage in veterinary practice is in force with regard to the veterinarian;
- 4) the applicant's qualifications do not correspond to the qualifications required for engaging in the profession;
- 5) the applicant has a valid employment contract for working in a general pharmacy, veterinary pharmacy or for the holder of an activity licence for wholesale distribution or manufacturing of medicinal products in accordance with subsection 7 of § 43 of the Medicinal Products Act.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

#### **§ 26<sup>1</sup>. Suspension of professional activity licence**

The licence issuer may suspend the validity of a professional activity licence for a time limit set for complying with a precept or until the revocation of the licence, making a respective notation in the register established on the basis of subsection 1 of § 22<sup>1</sup> of this Act where:

- 1) the veterinarian fundamentally violates a requirement of law that is of importance in their professional activities or where the violation poses a threat to the life or health of an animal;
- 2) the veterinarian fails to submit their up-to-date information to the register;
- 3) the veterinarian impedes the exercise of veterinary supervision and has failed to comply with a precept made to the veterinarian beforehand, which ordered the veterinarian to eliminate the impediment and warned the veterinarian of the suspension of the licence.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

#### **§ 27. Revocation and termination of professional activity licence**

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(1) The licence issuer revokes a professional activity licence on the following grounds:

- 1) the veterinarian has knowingly given false information upon applying for the licence and this information affected the granting of the licence and the licence would not have been granted where the information had not been given;
- 2) a judgment depriving the veterinarian of the right to engage in veterinary practice is in force with regard to the veterinarian.
- 3) the circumstance that resulted in the suspension of the licence has not been eliminated by the date set in a precept;
- 4) the veterinarian gives up veterinary practice on their own initiative;
- 5) the veterinarian has a valid employment contract for working in a general pharmacy, veterinary pharmacy or at a holder of a licence for wholesale distribution or marketing of medicinal products.

(2) The professional activity licence terminates in the event of the death of the veterinarian.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

#### **§ 27<sup>1</sup>. Implementation of alert mechanism**

The issuer of the licence implements the alert mechanism in accordance with the procedure established in Chapter 3<sup>2</sup> of the Recognition of Foreign Professional Qualifications Act.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

#### **§ 28. Activity of veterinary technician**

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

## **Chapter 6 VETERINARY LABORATORY ACTIVITY LICENCE AND APPLICATION FOR AND GRANTING OF VETERINARY LABORATORY ACTIVITY LICENCE**

[Repealed -RT I 2007, 70, 428 - entry into force 01.01.2008]

§ 29.–§ 34.[Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]

## **Chapter 6<sup>1</sup> AUTHORISATION OF LABORATORY**

[RT I 2007, 70, 428 - entry into force 01.01.2008]

#### **§ 34<sup>1</sup>. Authorisation of laboratory**

(1) Samples taken in the course of veterinary supervision and veterinary controls and within the framework of the infectious animal disease control programme established on the basis of subsection 2 of § 43<sup>3</sup> of the Infectious Animal Disease Control Act with the purpose of diagnosing infectious animal diseases are analysed in a laboratory authorised to conduct the relevant analyses (hereinafter *authorised laboratory*). The authorised laboratory must comply with the requirements provided for in Articles 37(4) and (5) of Regulation (EU) No 2017/625 of the European Parliament and of the Council.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(1<sup>1</sup>) In events specified in Articles 40 and 42 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, an unaccredited laboratory may be authorised to act as an authorised laboratory.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) [Repealed – RT I 2009, 64, 422 – entry into force 01.01.2010]

(3) The Veterinary and Food Board makes a decision on the authorisation to operate as an authorised laboratory within 20 working days as of the receipt of a written application of the laboratory. The decision on the authorisation to operate as an authorised laboratory must set out the scope of authorisation.  
[RT I 2007, 70, 428 – entry into force 01.01.2008]

(4) The requirements for the content of applications for authorisation to operate as authorised laboratories, a list of documents to be annexed to applications and the procedure for processing applications are established by the minister responsible for the field.  
[RT I 2007, 70, 428 – entry into force 01.01.2008]

(5) The Veterinary and Food Board may refuse to grant authorisation to operate as an authorised laboratory where the laboratory does not comply with the requirements provided for in Articles 37(4) and (5) of Regulation (EU) No 2017/625 of the European Parliament and of the Council.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(5<sup>1</sup>) The Veterinary and Food Board revokes the authorisation in the events provided for in Article 39(2) of Regulation (EU) No 2017/625 of the European Parliament and of the Council.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) A state fee is paid for reviewing of an application for initial authorisation to operate as an authorised laboratory at the rates provided in the State Fees Act.  
[RT I 2007, 70, 428 – entry into force 01.01.2008]

## **Chapter 7**

### **DUTIES OF LEGAL AND NATURAL PERSONS**

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

#### **§ 35. Duties of person**

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

## **Chapter 7<sup>1</sup>**

### **VETERINARY SUPERVISION FEE**

[RT I 2004, 38, 257 - entry into force 15.05.2004]

#### **§ 35<sup>1</sup>. Veterinary supervision fee**

(1) The veterinary supervision fee (hereinafter *supervision fee*) is a charge paid at the rate established on the basis of this Act for veterinary supervision and veterinary controls (hereinafter jointly *veterinary controls*). The supervision fee is transferred to the bank account of the Veterinary and Food Board within the group account of the State Treasury of the Ministry of Finance. The costs of veterinary controls include the costs of sending a veterinary supervision official to a factory vessel for the purpose of exercising veterinary supervision and performing veterinary controls.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The supervision fee is not paid for the performance of veterinary controls performed in retail establishments specified in Article 3(7) and in establishments engaged in primary production specified in Article 3(17) of Regulation (EC) No 178/2002/EC 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, pp. 1–24).  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

### § 35<sup>2</sup>. Person obligated to pay supervision fee

(1) A person obligated to pay the supervision fee (hereinafter *obligated person*) is a person in respect of whom an official veterinarian has performed a veterinary supervision activity.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(2) Several obligated persons are jointly and severally liable for payment of the supervision fee for a joint veterinary supervision activity.  
[RT I 2007, 70, 428 – entry into force 01.01.2008]

### § 35<sup>3</sup>. Principles of determining supervision fee and rates of supervision fee

(1) The supervision fee rate is calculated on the basis of the costs provided for in Article 81 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, which are related to the veterinary controls performed by the Veterinary and Food Board.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The supervision fee for the veterinary controls listed in Regulation (EU) No 2017/625 of the European Parliament and of the Council is charged as follows:  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

1) handlers engaging in the slaughter of animals pay a supervision fee for the *ante mortem* *post mortem* inspection operations regarding slaughter animals based on the animal species;  
2) handlers of food of animal origin pay a supervision fee for the veterinary supervision activities based on food businesses or parts of food businesses and the quantity of food of animal origin;  
3) in the event of processing milk, handlers pay a supervision fee for the veterinary supervision activities based on the quantity of processed milk;

4) in the event of bringing animal products to Estonia, the person responsible for it pays a supervision fee for the veterinary controls based on the quantity of the consignment;  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

5) in the event of conveyance of animals and products of animal origin from a third country to the same or another third country through the territory of the European Union, including conveyance of animal products through a free zone or customs warehouse, the person responsible for the consignment pays the supervision fee for the veterinary controls based on the number of veterinary supervision officials engaged in the controls and the time needed for performing the controls;  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

6) in the event of bringing animals to Estonia, the person responsible for the consignment pays a supervision fee for the veterinary controls based on the live weight of the consignment and the animal species;  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

7) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]  
8) persons trading in farm animals within the meaning of subsection 1 of § 15 of the Infectious Animal Disease Control Act pay a supervision fee for veterinary controls of animals and animal products at the place of departure and for veterinary controls preceding export within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 269, 10.10.2013, pp 1–101) (hereinafter *export*).  
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3) The supervision fee for the veterinary controls listed in clauses 1–6 of subsection 2 of this section is charged based at the rate specified in Annex IV to Regulation (EU) No 2017/625 of the European Parliament and of the Council.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(5) The supervision fee is charged as an hourly fee in accordance with subsection 6 of this section for the following veterinary controls:

1) assessment of the conformity of an establishment or operator having a notification obligation or licence obligation or having fulfilled the notification or licence obligation under the Infectious Animal Disease Control Act and the Food Act, such as a livestock building or facility, an area enclosed for the keeping of animals, an embryo collection team, an establishment trading in farm animals, a handler of food of animal origin not specified in Chapter II of Annex IV to Regulation (EU) No 2017/625 of the European Parliament and of the Council, an establishment where animal by-products are handled or a free zone or customs warehouse intended for storing non-conforming food of animal origin, and an establishment supplying vessels engaged in international transport operations outside the territorial waters of the EU with non-conforming food of animal origin;  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

2) veterinary controls of animals and products of animal origin at the place of departure and veterinary controls preceding export;

3) veterinary controls of animals and products of animal origin at the place of destination and at border control posts.

(6) An obligated person must pay an hourly fee for the time spent on a veterinary supervision activity, but not more than for eight hours per veterinary supervision activity. The time spent by an official veterinarian is



calculated to the accuracy of an hour and each hour commenced is deemed to be the next full hour. The time spent on driving to the place of performance of the veterinary supervision activity is not taken into account.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(7) The hourly fee rate is calculated on the basis of the costs specified in Article 81 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, which are related to the veterinary controls performed by the Veterinary and Food Board. The pay and administrative costs related to veterinary controls, including laboratory analysis and research are calculated on the basis of the actual costs in the calendar year preceding the activity. The total costs related to veterinary controls in the said period are divided by the work hours spent on the supervision activities performed during the same period, except on carrying out laboratory analysis and research.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(7<sup>1</sup>) Upon calculation of the administrative costs related to the veterinary controls specified in subsection 7 of this section, the costs of additional laboratory analysis specified in subsection 10 are not taken into account.  
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(8) The rate of an hourly fee to be charged for the performance of veterinary supervision activities is established annually by a regulation of the minister responsible for the field.

(9) In the course of performance of veterinary supervision activities, the Veterinary and Food Board has the right to charge additional fee for waiting period of delayed consignments and for veterinary supervision activities performed at the request of a person outside working hours, which is paid in accordance with the procedure provided for in § 35<sup>7</sup> of this Act as follows:

1) for the waiting time of a late consignment during the working time, an additional fee is charged as an hourly rate per official veterinarian in accordance with subsection 6 of this section;

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

2) an additional fee for the waiting time of a late consignment outside the working time is charged in the form of a double hourly fee per an official veterinarian in accordance with subsection 6 of this section;

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

3) in addition to the supervision fee charged for the relevant veterinary supervision activity, an additional fee is charged in the form of an hourly fee per official veterinarian in accordance with subsection 6 of this section for performing a relevant veterinary supervision activity at the request of a person outside the working time.

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

(10) In the event specified in Article 79(2)(c) of Regulation (EU) No 2017/625 of the European Parliament and of the Council the obligated person pays a supervision fee for the performance of additional veterinary controls in the form of an hourly fee in accordance with subsection 6 of this section. Where any additional laboratory analyses need to be carried out in connection with an established violation of the veterinary rules, the obligated person pays the supervision fee also to the extent of the total costs of these analyses.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

**§ 35<sup>4</sup>. [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]**

**§ 35<sup>5</sup>. [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]**

**§ 35<sup>6</sup>. Explanation of supervision fee**

The official veterinarian must give explanations regarding the rate of the supervision fee, the grounds for calculation of the hourly fee and the procedure for the payment and collection of the supervision fee to obligated persons.

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

**§ 35<sup>7</sup>. Payment of supervision fee**

(1) The supervision official makes a decision to collect the supervision fee for the veterinary supervision performed during the previous calendar month by the fifth day of each calendar month.

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

(1<sup>1</sup>) The decision to collect the supervision fee specified in subsection 1 of this section is not made where the supervision fee is less than 1.60 euros.

[RT I 2010, 22, 108 – entry into force 01.01.2011]

(2) A decision to collect the supervision fee is delivered to the obligated person within five working days after the day of making the decision.

[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

(3) The obligated person must transfer the supervision fee to the bank account indicated in the decision within 10 working days after the receipt of a decision to collect the supervision fee. The obligated person has the right to file an intra-authority appeal against the decision of the veterinary supervision official in accordance with the procedure provided for in § 36 of this Act.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) Upon bringing animals and animal products to Estonia, the obligated person must pay the supervision fee in the amount indicated in the decision to collect the supervision fee submitted by the veterinary supervision official before placing the goods under a customs procedure.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(5) Upon bringing animals and animal products to Estonia, the Veterinary and Food Board may discharge the obligated person from paying the supervision fee before placing the goods under a customs procedure, provided that both of the following criteria are met:

- 1) the obligated person has presented a sufficient guarantee;
- 2) the obligated person has previously paid the supervision fee in the prescribed amount and by the due date.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) The procedure for payment, receipt in cash and monitoring of payment of the supervision fee is established by a regulation of the minister responsible for the field.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

### **§ 35<sup>8</sup>. [Repealed – RT I 2007, 70, 428 – entry into force 01.01.2008]**

### **§ 35<sup>9</sup>. Refund of overpaid supervision fees**

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(1) The obligated person has the right to apply for a refund of the overpaid supervision fee within two years as of the date of payment.

[RT I 2004, 38, 257 – entry into force 15.05.2004]

(1<sup>1</sup>) The overpaid supervision fee is refunded where the supervision fee paid exceeds the prescribed amount.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(2) In order to apply for a refund of the overpaid supervision fee, the person specified in subsection 1 of this section submits to the Veterinary and Food Board a corresponding written application and a document certifying payment of the supervision fee.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(3) The Veterinary and Food Board refunds the overpaid supervision fee within 20 calendar days as of receipt of the application.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(3<sup>1</sup>) The overpaid supervision fee is not refunded where the person who paid the supervision fee or the person for whom the supervision fee was paid cannot be ascertained or where the person is not entitled to a refund.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(4) The procedure for refunding overpaid supervisory fees is established by a regulation of the minister responsible for the field.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

### **§ 35<sup>10</sup>. Precept of supervisory official**

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

### **§ 35<sup>11</sup>. Collection of supervision fee**

Where the obligated person has not made a payment within the time-limit prescribed in a precept, the Veterinary and Food Board has the right to have recourse to an enforcement officer who collects the overdue supervision fee from the obligated person in accordance with the procedure provided for in the Code of Enforcement Procedure.

[RT I 2005, 39, 308 – entry into force 01.01.2006]

## **Chapter 8 APPEAL AGAINST PRECEPT, DECISION OR ACTIVITY**

[RT I 2004, 38, 257 - entry into force 01.05.2004]

### **§ 36. Contestation of precept, decision or activity of official veterinarian**

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

(1) Where a person whom a precept, decision or activity is aimed at disagrees with the precept, decision or activity of the official veterinarian, the person may file a written intra-authority appeal with the Director General of the Veterinary and Food Board within 30 calendar days as of the day of learning of the precept, decision or activity, or appeal against the precept, decision or activity in the administrative court on the conditions of and in accordance with the procedure provided for in the Code of Administrative Court Procedure.

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

(2) Filing of an intra-authority appeal does not release the person from complying with the precept.

(3) The Director General of the Veterinary and Food Board makes a decision to grant or deny an intra-agency appeal within ten working days after receiving the appeal.

[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

(4) [Repealed – RT I, 02.03.2011, 1 – entry into force 04.03.2011]

### **§ 37. Appeal against activity of authorised veterinarian**

(1) Where a person finds that an activity relating to the authority of an authorised veterinarian has infringed upon their rights, the person may file a written intra-agency appeal with the Director General of the Veterinary and Food Board within 30 calendar days as of the day of learning of the activity.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The Director General of the Veterinary and Food Board makes a decision to grant or deny an intra-agency appeal within ten working days after receiving the appeal.

[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

### **§ 38. Appeal against quality of veterinary service provided by veterinarian**

(1) A person who has been provided with a veterinary service has the right to ask for an opinion of the Director General of the Veterinary and Food Board on the quality of the veterinary service.

(2) The Director General of the Veterinary and Food Board does not express an opinion on the quality of a veterinary service where:

- 1) more than two years has passed from the provision of the veterinary service;
- 2) a final court judgment exists in the same case, or
- 3) judicial proceedings are being conducted in the same case.

(3) The Director General of the Veterinary and Food Board expresses their opinion on the quality of the veterinary service specified in subsection 1 of this section within 30 working days after receiving the request.

[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

(4) Where the person disagrees with the decision specified in subsection 3 of this section, the person may appeal against it with the administrative court on the conditions and in accordance with the procedure provided for in the Code of Administrative Court Procedure.

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

### **§ 39. Expert committee for assessment of quality of veterinary service**

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

## **Chapter 9 LIABILITY**

### **§ 39<sup>1</sup>. Failure of veterinarian to perform duties**

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(1) Failure by a veterinarian to perform their duties or failure to perform such duties in the manner required is punishable by a fine of up to 200 fine units.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

(2) [Repealed – RT I, 06.06.2014, 1 – entry into force 01.07.2014]

### **§ 39<sup>2</sup>. Issue of veterinary certificate not corresponding to actual state of object of veterinary supervision**

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

### **§ 39<sup>3</sup>. Proceedings**

The Veterinary and Food Board is the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in § 39<sup>1</sup> of this Act.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

§ 40.–§ 42.[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]

## **Chapter 10 FINAL PROVISIONS**

§ 43.–§ 49.[Omitted from this text.]

### **§ 50. Re-registration of valid activity licences**

(1) A person to whom a state veterinary activity licence was issued prior to the entry into force of this Act must submit an application for an activity licence specified in § 22 or § 29 of this Act within one year after the entry into force of this Act. Upon the expiry of such term, the existing state veterinary activity licences become invalid.

(2) No fee is charged for the issue of an activity licence to a person whose state veterinary activity licence expires on 1 January 2001 or later and the activity licence is issued for the term specified on the existing licence.

(3) Until the issue of or refusal to issue a new activity licence for the provision of veterinary services, the person specified in subsection 1 of this section has the right to engage in veterinary practice on the basis of their existing state veterinary activity licence.

(4) The activity licence of a veterinarian granted before 1 July 2014 remains in force until the date of expiry. To a veterinarian whom the activity licence of a veterinarian, which expires on 1 July 2014 or later, has been granted before 1 July 2014, the licence issuer delivers a professional activity licence by registered mail without charging any state fee and in such a manner that the licence is handed over not later than five working days before the date of expiry.

[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

### **§ 50<sup>1</sup>. Validity of authority**

The authority granted by a directive of the head of the local office of the Veterinary and Food Board to an authorised veterinarian operating before 1 May 2004 remains in force until termination of the authority specified in the directive or until entry into the administrative contract provided for in subsection 4 of § 13 of this Act.

[RT I 2004, 38, 257 – entry into force 01.05.2004]

### **§ 50<sup>2</sup>. Authorisation of Veterinary and Food Laboratory for laboratory diagnosis of infectious animal diseases**

(1) Until making a decision on authorisation in accordance with the procedure provided for in Chapter 6<sup>1</sup> of this Act, the Veterinary and Food Laboratory may continue laboratory diagnosis of infectious animal diseases on the basis of samples taken in the course of supervision and in the framework of the infectious animal disease control programme established under subsection 2 of § 43<sup>1</sup> of the Infectious Animal Disease Control Act.

(2) The Veterinary and Food Laboratory submits the application specified in subsection 3 of § 34<sup>1</sup> of this Act to the Veterinary and Food Board not later than by 1 February 2008.

[RT I 2007, 70, 428 – entry into force 01.01.2008]

### **§ 50<sup>3</sup>. Permanent incapacity for work**

An authorised veterinarian who has been identified as being partially incapacitated for work under the State Pension Insurance Act is deemed as meeting the criterion for partial incapacity for work set out in § 15 of this Act. An authorised veterinarian who has been identified as being fully incapacitated for work under the State Pension Insurance Act is deemed as meeting the criterion for incapacity for work set out in § 15 of this Act.

[RT I, 13.12.2014, 1 – entry into force 01.07.2016 (entry into force amended – RT I, 17.12.2015, 1)]

## § 50<sup>4</sup>. Application of hourly rate

Until 31 December 2019, an hourly fee is charged for performing veterinary controls at the rate set for 2019 in subsection 8 of § 35<sup>3</sup> of this Act.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

## § 51. Entry into force of Act

(1) This Act enters into force on 1 January 2000, except for:

- 1) the provisions delegating authority that enter into force on the date provided for in subsection 2 of this section;
- 2) sections 45 and 48 that enter into force on 1 April 2000;
- 3) subsection 5 of § 5 and § 46 that enter into force on 1 July 2000;
- 4) sections 29–34 that enter into force on 1 January 2000;
- 5) subsection 2 of § 6 that enter into force on 1 January 2002;
- 6) subsection 1 of § 21 regarding the activity licences of a veterinary laboratory that enter into force on 1 January 2002;
- 7) subsection 6 of § 6 that enter into force on 1 January 2005.

(2) The provisions contained in this Act, which delegate the authority to issue regulations of the Government of the Republic or ministers, enter into force on the tenth day after the publication of the Act in the *Riigi Teataja*. Regulations issued on the basis of provisions delegating authority are not enforced before the entry into force of this Act, except the provisions delegating authority contained in § 46, which may be enforced from 1 November 1999.

<sup>1</sup> Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.09.2005, pp. 22–142), amended by Directives 2006/100/EC (OJ L 363, 20.12.2006, pp. 141–237), 2013/25/EU (OJ L 158, 10.06.2013, pp. 368–375) and 2013/55/EU (OJ L 354, 28.12.2013, pp. 132–170), Regulations (EC) No 1430/2007 (OJ L 320, 06.12.2007, pp. 3–11), (EC) No 755/2008 (OJ L 205, 01.08.2008, pp. 10–12), (EC) No 1137/2008 (OJ L 311, 21.11.2008, pp. 1–54), (EC) No 279/2009 (OJ L 93, 07.04.2009, pp. 11–12), (EU) No 213/2011 (OJ L 59, 04.03.2011, pp. 4–7) and (EU) No 623/2012 (OJ L 180, 12.07.2012, pp. 9–11) and Decisions (EU) 2016/790 (OJ L 134, 24.05.2016, pp. 135–228), (EU) 2017/2113 (OJ L 317, 01.12.2017, pp. 119–220) and (EU) 2019/608 (OJ L 104, 15.04.2019, pp. 1–91).  
[RT I, 04.12.2019, 2 - entry into force 14.12.2019]