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# Trade in, Import and Export of Animals and Animal Products Act<sup>1</sup>

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

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Amended by the following acts

Passed	Published	Entry into force
01.06.2006	RT I 2006, 28, 211	01.07.2006
08.02.2007	RT I 2007, 17, 81	01.03.2007
22.04.2010	RT I 2010, 22, 108	01.01.2011 will enter into force on the date specified in the decision of the Council of the European Union regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24 26).
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
17.02.2011	RT I, 02.03.2011, 1	04.03.2011
05.12.2012	RT I, 18.12.2012, 2	01.01.2013
12.06.2014	RT I, 29.06.2014, 2	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
08.06.2016	RT I, 16.06.2016, 3	26.06.2016
31.05.2017	RT I, 16.06.2017, 1	01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
12.12.2018	RT I, 28.12.2018, 35	01.01.2019
10.06.2020	RT I, 01.07.2020, 1	01.01.2021

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act provides veterinary requirements for the trade in animals and animal products with the Member States of the European Union, veterinary requirements for the import of animals and animal products from states remaining outside of the customs territory of the European Union (hereinafter *third countries*) and for the export

thereof to third countries, the grounds of and procedure for exercising veterinary supervision and carrying out veterinary checks, and the liability for violation of this Act.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings laid down in the legislation of the European Union, this Act and the legislation established on the basis of this Act, taking account of the specifications of the legislation of the European Union and this Act.

(3) Unless a restriction arising from the safeguard measures established on the basis of this Act has been established on the import of goods, this Act does not apply to the following categories of animal products imported to Estonia:

1) food containing products of animal origin (hereinafter *food of animal origin*) intended for personal consumption and imported as a part of travellers' personal luggage or sent as small consignments or ordered remotely and delivered to the customer in accordance with Commission Regulations (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, pp. 11–23) and (EC) No. 206/2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No. 136/2004 (OJ L 77, 24.03.2009, pp. 1–19);

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

2) food of animal origin on board of a vessel or aircraft operating internationally, which is intended for consumption by the passengers and crew, provided that such foodstuffs are brought into the customs territory of the European Union with the aim of their destruction under customs supervision, or its direct transfer, at the same port or airport, to another vessel or aircraft operating internationally in order to take the food of animal origin out of the customs territory of the European Union in accordance with the customs legislation 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 *Customs Code*);

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

3) animal products sent as trade samples or goods intended for exhibitions, provided that they are imported with the prior written approval of the Agriculture and Food Board and that the final consignee is able to ensure that such goods are not marketed and that after distributing of the goods or participation in exhibitions, these products are destroyed or redispached under certain conditions laid down by the Agriculture and Food Board;

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

4) animal products which are imported with the prior written approval of the Agriculture and Food Board and are intended for particular studies or laboratory analyses, provided that the final consignee is able to ensure that such goods are not supplied for consumption or other further use, and that when the particular studies or analyses have been carried out, these products are destroyed or redispached under certain conditions laid down by the Agriculture and Food Board.

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(4) This Act does not apply to checks carried out in the course of non-discriminatory state supervision exercised on the basis of other Acts over animals, animal products and activities which fall within the scope of application of this Act.

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

(5) Upon application of this Act, the exceptions arising from the agreements entered into between the European Union and third countries must be taken into account.

## § 2. Organisation of veterinary supervision and veterinary checks

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

(1) For the purposes of this Act, veterinary checks carried out in the course of state supervision (hereinafter *veterinary supervision*) and veterinary checks carried out in the course of the proceedings of granting an activity licence or another authorisation (hereinafter *veterinary checks*) are the checks specified in Article 2(1) of Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJ L 395, 30.12.1989, pp. 13–22) and Article 2(1) of Council Directive 90/425/EEC concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.08.1990, pp. 29–41).

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(2) [Repealed – RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(3) Veterinary supervision is organised and exercised and veterinary checks are organised and carried out by the Agriculture and Food Board (hereinafter *Board*).

[RT I, 01.07.2020, 1 – entry into force 01.01.2021]

(4) An official veterinarian is an official specified in subsection 5 (2) of the Veterinary Activities Organisation Act.

(5) In the field of veterinary supervision and checks the Board cooperates with the competent authorities of other Member States.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(6) In order to facilitate cooperation in the field of veterinary supervision and checks referred to in subsection (5) of this section, the Board uses, in accordance with the requirements established in the legislation of the European Union, the computer system that connects the relevant competent authorities of the European Union.

(7) The costs related to veterinary supervision exercised over a consignment and to veterinary checks of a consignment in accordance with this Act must be borne by the person responsible for the consignment, paying the fee specified in subsection 35<sup>1</sup>(1) of the Veterinary Activities Organisation Act in accordance with the procedure established in Chapter 7<sup>1</sup> therein for exercising veterinary supervision.

(8) If, as a result of laboratory analyses, an animal or a product of animal origin is declared non-compliant, the expenses relating to additional examination will be borne by the person responsible for the consignment whose sample does not comply with the requirements in accordance with Article 28 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, pp. 1–141).

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

### § 3. Veterinary requirements

(1) For the purposes of this Act, ‘veterinary requirements’ means requirements established for the trade in, and export and import of animals and animal products with the aim to protect human life and health, and animal health.

(2) In establishing veterinary requirements necessary for the prevention and control of transmissible spongiform encephalopathies, relevant provisions of the Regulation of the European Parliament and of the Council 999/2001/EC laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.05.2001, pp. 1–40) are taken into consideration.

(3) For the purposes of this Act, ‘animal product’ 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).

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

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

(5) The provisions regulating animal products 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 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]

(6) A veterinary certificate, health certificate or animal health certificate (hereinafter *certificate*) is a document certifying the compliance of animals or animal products with veterinary requirements.

(7) For the purposes of this Act, ‘consignment’ means a quantity of animals or animal products of the same species or type concerning which the same certificate or other document prescribed by EU legislation has been issued (hereinafter *other document accompanying consignment*), which has been carried by the same type of means of transport and which is brought into Estonia or another Member State from the same Member State, third country or a part thereof.

(8) For the purposes of this Act, ‘person responsible for a consignment’ means a natural or legal person who, upon the import of a consignment, is responsible for compliance thereof with the requirements arising from the Customs Code.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

### § 4. Trade

For the purpose of this Act, ‘trade’ means the trade between Estonia and other Member States of the European Union within the meaning of Article 2(3) of Council Directive 90/425/EEC and Article 2(2) of Council Directive 89/662/EEC.

## **§ 5. Animals and animal products trade in which is subject to veterinary supervision**

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(1) Trade in animals, reproductive material (semen, embryos and ova), animal products not intended for consumption, including pathogens, specified in Annex A and Annex B to the Council Directive 90/425/EEC are subject to veterinary supervision, and the trade in the foodstuffs of animal origin set out in the directives specified in Annex A, and in Annex B to the Council Directive 89/662/EEC is subject to veterinary supervision. [RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(2) The provisions of this Act concerning animals hereinafter also apply to reproductive material.

## **§ 6. Location of exercise of veterinary supervision upon trading**

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(1) Upon trading in the animals and animal products specified in § 5 of this Act, the Board exercises veterinary supervision at the origin or destination of the animals or animal products located in Estonia, such as a holding, centre, organisation or other location or establishment where animals are kept. [RT I, 28.12.2018, 35 – entry into force 01.01.2019]

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

(3) Upon conveyance of a consignment originating in another Member State into Estonia through a border inspection post, the documents accompanying the consignment must be checked at the border inspection post.

(4) For the purposes of this Act, ‘holding’ means the holding provided for in Article 2(4) of Council Directive 90/425/EEC.

(5) For the purposes of this Act, ‘centre’ or ‘organisation’ means the centre or organisation provided for in Article 2(5) of Council Directive 90/425/EEC.

(6) For the purposes of this Act, ‘establishment’ means the establishment provided for in Article 2(3) of Council Directive 89/662/EEC.

## **§ 7. Import and export**

(1) In this Act, import is deemed to be the conveyance of animals and animal products:

1) from a third country to the customs territory of the European Union for release for free circulation within the meaning of Article 201 of the Customs Code;

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

2) from a third country to the same or another third country through the territory of the European Union (hereinafter *transit*).

3) from a third country to a free zone or customs warehouse located in the customs territory of the European Union;

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

4) from a third country to the territory of the European Union for another purpose.

(2) In this Act, ‘export’ means the transport of animals and animal products from the European Union to a third country within the meaning of Article 269 of the Customs Code.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

## **§ 8. Animals and animal products import of which is subject to veterinary checks and location of conduct of checks**

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(1) The import of animals and animal products listed in the 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, pp. 9–33), and the import of plant products listed in Annex IV to Commission Regulation 136/2004/EC is subject to veterinary checks.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(2) Upon the import of the goods specified in subsection (1) of this section, the compliance thereof is checked at border inspection posts.

(3) For the purposes of this Act, ‘border inspection post’ means a point located at the border between Estonia and a third country, in a port or airport (hereinafter *external border of the European Union*), which has been declared conforming for the purpose of carrying out veterinary checks of consignments arriving from third countries.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(4) The compliance of frozen or deep-frozen gutted tuna complete with head may be checked in the establishment of destination of the consignment provided that:

1) the establishment has an activity licence to handle such food of animal origin in accordance with the Food Act;

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

2) the establishment specified in clause 1) of this subsection is not located further than 75 km from the border inspection post through which the consignment was imported;

3) the goods specified in this section are imported through a border inspection post to the establishment set out in clause 1) of this section under customs supervision.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

## **§ 9. Provisions applicable to pet animals**

[Repealed – RT I, 16.06.2016, 3 – entry into force 26.06.2016]

# **Chapter 2 VETERINARY REQUIREMENTS FOR TRADE, IMPORT AND EXPORT**

## **Subchapter 1 Veterinary Requirements for Trade**

### **§ 10. Veterinary requirements for trading in animals and animal products**

(1) Animals and animal products not intended for consumption covered by the directives listed in Annex A to Council Directive 90/425/EEC and the food of animal origin covered by the directives listed in Annex A to Council Directive 89/662/EEC which are traded must comply with veterinary requirements.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(2) Veterinary requirements for the animals the trade in which is subject to veterinary supervision, and for the animal products the trade in which is subject to veterinary supervision are established by the minister responsible for the field separately for each class of animal and animal product, taking account of the requirements of the legislation of the European Union specified in subsection (1) of this section and other relevant legislation of the European Union.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(3) Animals and animal products not intended for consumption specified in Annex B to Council Directive 90/425/EEC and the food of animal origin specified in Annex B to Council Directive 89/662/EEC which are traded must comply with the requirements established by the Member State of destination. The Board must inform the European Commission and competent authorities of other Member States of the veterinary requirements governing the trade in the animals and animal products mentioned above established by Estonia.

### **§ 11. Veterinary requirements for trading in animals and animal products not intended for consumption**

(1) Upon trade in animals and animal products not intended for consumption, the animals or animal products not intended for consumption must meet the following requirements:

1) the animal originates in a holding, centre or organisation on which a notice of economic activities has been submitted or for which an activity licence has been applied for before the commencement of activities therein;

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

2) the animals, except for the reproductive material, have been identified and registered in the state register of farm animals in accordance with § 11 of the Infectious Animal Disease Control Act, and the holding, centre or organisation which they originate in or are transited from, can be identified;

3) the animals or animal products not intended for consumption are accompanied, during transport to their destination, by the certificate prescribed in the relevant directive specified in Annex A to Council Directive 90/425/EEC, or another document accompanying the consignment. The animals and animal products not intended for consumption specified in subsection 10 (3) of this Act must be accompanied by the certificate required by the Member State of their destination, or another document accompanying the consignment;

4) an animal regarding which, due to its susceptibility to a certain epizootic disease, control measures prescribed for the prevention of such disease are applied (hereinafter *susceptible animal*), and the reproductive material and animal product not intended for consumption originating in a susceptible animal comply with the requirements established for it;

5) where animals and animal products not intended for consumption are to be transported to several places of destination, they must be grouped together in as many batches as there are places of destination. Each

consignment must be accompanied by the certificate or other document prescribed in clause 3) of this subsection.

(2) It is prohibited to send to another Member State animals that, under an epizootic disease control program, are subject to slaughter, or animal products not intended for consumption originating in such animals. It is also prohibited to send to another Member State animals and animal products not intended for consumption if the marketing thereof is prohibited in Estonia.

#### **§ 12. Requirements for origin of susceptible animals and animal products not intended for consumption originating in susceptible animals**

A susceptible animal or an animal product not intended for consumption originating in a susceptible animal must not originate in:

- 1) a holding, centre or organisation, or an area or region subject to restrictions arising from control measures to be implemented, in accordance with the Infectious Animal Disease Control Act, regarding the relevant animals or animal products not intended for consumption in the case of a suspicion, outbreak, prevention or control of an especially dangerous epizootic disease;
- 2) a holding, centre or organisation, or an area or region subject to restrictions arising from control measures to be implemented by the Board in the case of a suspicion, outbreak, prevention or control of other diseases than especially dangerous epizootic diseases;
- 3) a holding which is unable to furnish the guarantees regarding epizootic diseases that are required by the Member State of destination, if the susceptible animals or animal products originating in such animals are to be sent to a holding, centre or organisation of a Member State which has the right to demand, on the basis of Article 9 of Council Directive 64/432/EEC or in accordance with equivalent European Union legislation, the furnishing of such guarantees, or if the susceptible animals or animal products originating in such animals are to be sent to a country whose entire territory or a part thereof has been declared, based on the legislation of the European Union, free of animal disease;
- 4) a holding, centre or organisation, or where necessary, a part of the territory of the state which does not comply with prescribed additional guarantees, if the susceptible animals or animal products originating in such animals are to be sent to a Member State or a part thereof which has the right to demand, on the basis of Article 9 of Council Directive 64/432/EEC or in accordance with equivalent legislation of the European Union, the furnishing of additional guarantees.

#### **§ 13. Requirements for food of animal origin**

(1) Food of animal origin covered by the directives specified in Annex A to Council Directive 89/662/EEC which is traded must comply with the requirements established by the legislation of the European Union with respect to the Member State of destination as regards the origin, checks, health or identification marking and labelling of such food, and the food must be accompanied, until it reaches the final consignee, by a health certificate, animal health certificate or another document accompanying the consignment.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(2) An establishment of origin that handles food of animal origin must ensure, by way of regular self-checks, that the food of animal origin meets the requirements specified in subsection (1) of this section.

(3) Where food of animal origin is to be transported to several places of destination, products must be grouped together in as many batches as there are places of destination. Each batch must be accompanied by the document prescribed in subsection (1) of this section until it is received by the final consignee indicated in the relevant document.

(4) If concerning food of animal origin no unified Community rules exist, the Board has the right to demand that the establishment of origin of such food adhere to the requirements in force in Estonia. The competent authority of the country of origin must ensure the compliance checking of the food of animal origin. If the competent authority of another Member State demands adherence, as specified above, from an Estonian establishment of origin, the Board will ensure the compliance checking of the food of animal origin.

#### **§ 14. Final consignee**

(1) The final consignee is a person who, in the certificate or another document accompanying a consignment of animals or animal products, is indicated as the consignee of the consignment at the destination.

(2) In order to act as the final consignee, an establishment must hold an activity licence in accordance with the Food Act or Infectious Animal Disease Control Act, where the secondary condition is the receipt of animals or animal products from other Member States of the European Union or the person must have submitted a notice of economic activities on the basis of these acts regarding the commencement of economic activities in the field of activity or handling.

(3) Subsection (4) of this section does not apply to a person not specified in subsection (2) of this section who is indicated as the consignee of a consignment of animals and animal products in the certificate or another document accompanying the consignment.

(4) A person specified in subsection (1) of this section:

- 1) keeps account of the received consignments;
  - 2) informs the Board of the receipt of consignments in accordance with the procedure established in this Act;
  - 3) preserves certificates and other documents accompanying a consignment for at least six months after the receipt of the consignment,
- [RT I, 29.06.2014, 2 – entry into force 01.07.2014]

#### **§ 15. Duties of final consignee**

(1) The final consignee informs the Board about the origin and destination of the animals, the type and the estimated time of arrival of the consignment at least 48 hours before the planned arrival of the consignment. Such notification is not required for horses concerning which a compliant identification document (passport) has been issued and which have been registered in accordance with the requirements provided by Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.08.1990, pp. 55–59).

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

(2) The consignee of the destination of animal products not intended for consumption and food of animal origin informs the Board about the origin and destination of the animal products not intended for consumption and food of animal origin, the type and the estimated time of arrival of the consignment at least 24 hours before the planned arrival of the consignment. Based on the legislation of the European Union and results of a risk analysis, the Board publishes on its website a list of food of animal origin whereby the final consignee must inform the Board about the consignment.

[RT I, 16.06.2016, 3 – entry into force 26.06.2016]

(3) Before dividing up or marketing a consignment consisting of animals, the final consignee must verify the compliance thereof with the requirements specified in clauses 11 (1) 2) and 3) of this Act, inform the Board of any detected irregularity and, in the case of the latter, isolate the animals until receiving a decision of the official veterinarian.

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

(3<sup>1</sup>) Before dividing up or marketing a consignment consisting of animal products not intended for consumption, the final consignee must verify the compliance thereof with the requirements specified in clause 11 (1) 3), inform the Board of any detected irregularity and, in the case of the latter, isolate the animal products not intended for consumption until receiving a decision of the official veterinarian.

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

(4) If food of animal origin is to be received by an establishment that is under permanent on-the-spot veterinary supervision, the official veterinarian must verify that the establishment admits only food of animal origin complying with the requirements provided for in Article 3(1) of Council Directive 89/662/EEC with regard to the health or identification mark and documents accompanying consignments. The animals and animal products specified in subsection 10 (3) of this Act must be accompanied by a document certifying that such goods comply with the veterinary requirements in force in Estonia.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(5) Where food of animal origin is intended for an establishment that divides up the batches or for an establishment with many branches or any establishment not subject to permanent on-the-spot veterinary supervision, the final consignee must check, before the batch is divided up or marketed, that the health or identification marks, certificate or documents referred to in subsection 13 (1) of this Act are present and notify the Board of any irregularity or anomaly.

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

(6) Where food of animal origin is intended for an establishment not specified in subsection (4) or (5) of this section, the batch must be accompanied, in accordance with Article 3(1) of Council Directive 89/662/EEC, by the certificate or another document until the batch reaches the final consignee indicated therein. Where a consignment is partially unloaded during transport, each consignee must be provided with a copy of the relevant document upon unloading each batch.

#### **§ 16. Registration as final consignee**

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

#### **§ 17. Placing of animals in quarantine**

(1) For the purposes of this Act, ‘quarantine’ means the keeping of animals that enter a herd separately from the rest of the animals for a determined period of time during which, by way of diagnostic examinations, the state of health of the animals is determined and where necessary, preventive veterinary measures are taken.

(2) Animals are placed in quarantine on the basis of a precept of the Board if it is prescribed by the veterinary requirements established on the basis of subsection 10 (2) of this Act or if there is a reasoned need for it in the case of an animal species not covered by the veterinary requirements.

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

(3) Generally, the animals specified in subsection (2) of this section are placed in quarantine at their destination but, depending on the animal health situation, animals may be placed in quarantine at a quarantine centre on the basis of a precept of the Board. The Board must submit the reasons of the precept to the European Commission.

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

## **Subchapter 2 Veterinary Requirements for Import**

### **§ 18. Conditions of import of animals and animal products**

(1) Animals and animal products may be imported from third countries permitted by the legislation of the European Union or from regions of such countries and, if provided by the legislation of the European Union, from relevant compliant establishments.

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

(2) Animals and animal products to be imported to Estonia must comply with the relevant veterinary requirements provided for in the legislation of the European Union or this Act.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(3) The veterinary requirements for imported animals and animal products are established by the minister responsible for the field, taking account of the requirements of the legislation of the European Union.

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

(4) In cases specified in the legislation of the European Union, the Board may make a decision to allow the certain food of animal origin to be imported to Estonia from certain third countries (hereinafter *optional imports*). In the case of optional imports, the Board must notify the European Commission and the competent authorities of other Member States thereof.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(5) Animals and animal products for which no veterinary requirements have been established may be imported within the meaning of clause 7 (1) 1) of this Act with the prior written approval of the Board from a country or the region of a country with animal health situation equal to the situation in Estonia if the animals and animal products to be imported are harmless to human and animal health. To import such animals and animal products, the importer must submit a request for obtaining the relevant veterinary requirements.

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

(6) The Board must ascertain, on the basis of the results of a previous risk analysis, the potential risks to human and animal health involved in the importation of the animals and animal products specified in subsection (5) of this section, including the need to submit a certificate for the attestation of compliance with veterinary requirements. The Board must inform the importer of the veterinary requirements set for the importation of the animals and animal products specified in subsection (5) of this section and publish these on its website.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(7) The data to be entered in a certificate specified in subsection (6) of this section will be established by the minister responsible for the field.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(8) If a certificate is required upon importation of animals and animal products, a consignment must be accompanied by the original certificate that is harmonised with the other documents accompanying the consignment and is prepared as a single and uncorrected document (except for any amendment thereto, which must be confirmed by the signature of a supervisory official of the competent authority and a seal) and that bears the signature, name and title of the position of the supervisory official. The certificate must be attested by a seal which must be of a different colour than that used for the text of the document and it must be drawn up on the date of dispatch of the consignment for not more than one consignee.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(9) For the import of animals and animal products within the meaning of clause 7 (1) 1) of this Act, all information contained in the certificate must be presented in Estonian and in one of the official languages of the country of destination.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(10) Based on the provisions of the legislation of the European Union, the Board must publish on its website lists of third countries and regions thereof, and of establishments, for each category of animal and animal product approved for import, and the standard formats for the certificate to be issued concerning animals and animal products to be imported therefrom within the meaning of clause 7 (1) 1) of this Act.



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

### **§ 19. Requirements for border inspection post**

(1) Animals and animal products may be imported to Estonia only through the border inspection posts specified in a list established by the European Commission.

(2) A border inspection post must have compliant conditions for the inspection of animals and animal products to be imported.

(3) A border inspection post specified in subsection 8 (3) of this Act must be located in a border checkpoint open for international traffic at the external border of the European Union or in the close proximity thereof. The location of the border inspection post must be accepted by the Tax and Customs Board.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(4) Where the condition specified in subsection (3) of this section cannot be met due to geographical constraints, such as impossibility to build unloading wharfs or lack of access routes, the siting of an inspection post at a certain distance from a border checkpoint open for international traffic may be tolerated, and where animals are transported by rail, an inspection post may be located at the first railway station from the state border provided that it is not in the close proximity of a holding.

(5) A border inspection post must have necessary premises and equipment for carrying out veterinary checks. The Board has the right to obtain premises and, if possible, furnished office rooms, complying with occupational safety and health requirements from the lawful possessor thereof or from the owner if the owner is not the possessor, for use without charge at border inspection posts, in order to carry out veterinary checks. The lawful possessor of the premises or the owner, if the owner is not the possessor thereof, must pay for public utilities provided at the border inspection post, except for telecommunications services.

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

(6) The requirements for border inspection posts established for the import of animals and animal products, the operating hours of border inspection posts and the bases for the entry of the border inspection posts in the European Commission's list and the grounds of exclusion of the posts therefrom, requirements for the proceedings applicable thereupon and the procedure for the proceedings will be established by the Government of the Republic, taking account of the requirements of the legislation of the European Union.

### **§ 20. Official veterinarians of border inspection post**

(1) Necessary steps of veterinary checks at a border inspection post are taken by official veterinarians. A border inspection post must have a sufficient number of official veterinarians for carrying out veterinary checks. The operation of a border inspection post is directed by the official veterinarian who is the head of the corresponding structural unit of the Board located at the post (hereinafter *head of border inspection post*) and who is responsible for veterinary checks carried out at the border inspection post.

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

(2) The Director General of the Board has the right to appoint an assistant to the official veterinarian working at a border inspection post, and to determine the scope of their authority.

### **§ 21. Requirements for application of prophylactic quarantine**

(1) For the purposes of this Act, 'prophylactic quarantine' means the keeping of animals that enter a herd or animals that are imported for free circulation and are intended for commercial purposes separately from the rest of the animals for a determined period of time during which, by way of diagnostic examinations, the state of health of the animals is identified and where necessary, preventive veterinary measures are taken.

(2) Animals are placed in prophylactic quarantine if so prescribed by the veterinary requirements established on the basis of subsection 18 (3) of this Act for the import of animals to be imported or, in the absence of common European Union requirements, by the veterinary requirements of the Member State of origin, or if so requested, in accordance with a decision of the head of the border inspection made on the basis of a risk analysis.

(3) Where necessary, the Board has the right to demand the placing of all imported animals in prophylactic quarantine. Slaughter animals that are imported with a view of dispatching them immediately to a slaughterhouse for slaughter are not subject to prophylactic quarantine.

(4) In accordance with subsection (2) of this section, prophylactic quarantine is applied in the country of origin or a quarantine centre located within the territory of the European Union, or at the holding of destination. If an animal is placed in prophylactic quarantine on the basis of a decision of the head of the border inspection post, the prophylactic quarantine will, depending on the threat, be applied at the border inspection post, the

establishment of destination or the quarantine centre located in the immediate proximity thereof. The European Commission must have declared the quarantine centre to be in compliance with the requirements.

(5) Animals are placed in quarantine by the person responsible for their import based on a decision of an official veterinarian.

(6) The requirements for application of prophylactic quarantine and for quarantine centres will be established by the minister responsible for the field, taking account of the requirements of the legislation of the European Union.

(7) A person responsible for the import of animals is responsible for the compliance of the prophylactic quarantine with the requirements and bears the costs related thereto.

## **Subchapter 3 Veterinary Requirements for Export**

### **§ 22. Conditions of export of animals and animal products**

(1) Animals and animal products intended for export must comply with the veterinary requirements established for the trade therein and to the veterinary requirements established by the third country. Conveyance of animals and animal products intended for export from one Member State to another must comply with the veterinary requirements established for it. The veterinary requirements for the transport of animals and animal products intended for export between the Member States will be established by the minister responsible for the field, taking account of the requirements of the legislation of the European Union.

(2) Animals and animal products may be exported through all border checkpoints open for international traffic. [RT I 2007, 17, 81 – entry into force 01.03.2007]

(3) The transport of animals and animal products for the purpose of their export must be carried out under customs supervision from the time of placing the consignment under the export procedure until the time the consignment reaches the point of its exit from the territory of the European Union. [RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(4) Non-compliant animals and animal products intended for export, and animals and animal products intended for export concerning which no requirements exist, may be transited through Estonia only with the permission of the Board.

## **Chapter 3 BASES OF AND PROCEDURE FOR EXERCISING VETERINARY SUPERVISION AND CARRYING OUT VETERINARY CHECKS UPON TRADE IN AND IMPORT OF ANIMALS AND ANIMAL PRODUCTS**

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

### **Subchapter 1 Veterinary supervision and veterinary checks upon trade**

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

### **§ 23. Veterinary supervision and veterinary checks of compliance of animals and animal products**

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

(1) Regardless of the veterinary supervision obligation arising from the Infectious Animal Disease Control Act, in holdings and other places where animals are kept, such as animal exhibitions, contests, fairs, auctions, assembly centres, centres and organisations, which constitute the place of origin, the Board inspects, in the course of veterinary supervision and veterinary checks, the compliance of animals intended for trade and above all, the possibility to identify them in accordance with clauses 11 (1) 2) and 3) of this Act.

(2) Regardless of the veterinary supervision obligation arising from the Infectious Animal Disease Control Act and the Food Act, at the establishment of the place of origin of animal products the Board inspects in the course of veterinary supervision and veterinary checks the compliance of the animal products intended for trade. In the case of import of food of animal origin specified in subsection 10 (3) of this Act and food imported to Estonia under optional import programs, the Board determines their compliance with the requirements in force in their country of origin.

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

#### **§ 24. Application of measures to guarantee compliance of traded animals and animal products not intended for consumption**

(1) The Board takes necessary measures to guarantee compliance with the following requirements provided by the directives listed in Annex A to Council Directive 90/425:

1) the owner or lessee of an animal or animal product not intended for consumption must adhere, at all processing stages, to the veterinary requirements provided for in this Act and the Infectious Animal Disease Control Act;

[RT I, 28.12.2018, 35 – entry into force 01.01.2019]

2) animals and animal products not intended for consumption are subject to veterinary supervision of stringency at least equal to the checks prescribed for the marketing of such goods in Estonia, unless otherwise prescribed by the legislation of the European Union for the country of destination;

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

3) animals are transported by means of transport complying with the veterinary and animal protection requirements and in accordance with the veterinary and animal protection requirements applicable to the transport of animals.

(2) On the date of issue of a certificate or another document accompanying a consignment regarding an animal or animal product not intended for consumption the Board forwards the data required in the legislation of the European Union to the competent authority of the country of destination using the computer system specified in subsection 2 (6) of this Act.

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

#### **§ 25. Application of measures to guarantee compliance of traded food of animal origin**

The Board takes necessary measures to guarantee adherence to the following requirements:

1) the handler of food of animal origin adheres, at all stages of handling, to the requirements provided by this Act and other legislation;

2) veterinary supervision over food of animal origin specified in the directives listed in Annex A to Council Directive 89/662/EEC is exercised at least equally to supervision exercised over marketing in Estonia;

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

3) food of animal origin specified in Annex B of Council Directive 89/662/EEC must not be conveyed to the territory of another Member State if, under Article 36 of the Treaty establishing the European Community, marketing such food within the territory of the Member State of origin is impossible.

#### **§ 26. Veterinary supervision over compliance of animals and animal products at destination and at border inspection post**

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

(1) At the places of destination of animals and animal products not intended for consumption, the Board establishes by means of non-discriminatory veterinary spot-checks that the requirements of Article 3 of Council Directive 90/425/EES have been complied with, and that food of animal origin complies with the requirements established in Article 3 of Council Directive 89/662/EEC.

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

(3) Upon transport of animals and animal products from one Member State to another through a border inspection post, the Board checks the documents accompanying the consignment.

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

(5) If, as a result of veterinary supervision exercised at the destination or in the course of transport, it has been identified that animals or animal products are harmful to human or animal health, the Board will take the measures specified in Article 54 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

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

#### **§ 27. Decision of veterinary inspection authority of destination**

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

## **Subchapter 2 Veterinary Supervision upon Intra-Community Transit**

## **§ 28. Veterinary supervision over compliance of animals and animal products upon intra-Community transit**

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

(1) In the event of suspicion of violation of requirements established to a consignment or the conditions of transport, the Board has the right to check the compliance of the consignment and transport during intra-Community transit of animals and animal products.

(2) For the purposes of this Act, ‘intra-Community transit’ means conveyance of a consignment from one Member State to another through the territory of Estonia.

(3) If, as a result of veterinary supervision exercised during transport, it has been identified that animals or animal products are harmful to human or animal health, the law enforcement authority will take the measures specified in Article 54 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

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

## **Subchapter 3 Veterinary Checks upon Import**

### **§ 29. Organisation of veterinary checks upon import**

(1) Only animals and animal products that pass the veterinary check at the border inspection post in accordance with the procedure provided by this Act may be imported. Upon importation, veterinary checks are carried out in compliance with the requirements provided for in 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, pp. 1–141). The procedure of veterinary checks to be carried out upon import will be established by the minister responsible for the field, taking account of the requirements of the legislation of the European Union.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

(2) A person who wishes a veterinary check to be conducted at a border inspection post must notify the border inspection post through which the person intends to import the consignment of the planned import at least 24 hours in advance. Notice of the planned import of animals must be given in accordance with the procedure provided for in Commission Regulation 282/2004/EC introducing a document for the declaration of, and veterinary checks on, animals from third countries entering the Community (OJ L 49, 19.02.2004, pp. 11–24), and notice of the planned import of animal products must be given in accordance with the procedure provided for in Commission Regulation 136/2004/EC.

(3) Upon import of animals or animal products by vessel or aircraft, the person responsible for the cargo must submit a cargo manifest to the official veterinarian of the border inspection post.

### **§ 30. Process of veterinary checks**

(1) Regardless of the purpose of importing animals or animal products, the official veterinarian of a border inspection post, in the course of a veterinary check carried out at the border inspection post, carries out the prescribed documentary, identity and physical checks in accordance with the requirements provided by this Act.

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

(2) For the purposes of this Act, ‘documentary checks’ means the documentary checks provided for in Article 2(2)(a) of Council Directive 91/496/EEC laying down the principles governing the organisation of veterinary checks on animals entering the Community from third countries (OJ L 268, 24.09.1991, pp. 56–68) and Article 2(2)(b) of Council Directive 97/78/EEC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.01.1998, pp. 9–30).

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

(3) For the purposes of this Act, ‘identity checks’ means the checks provided for in Article 2(2)(b) of Council Directive 91/496/EEC and Article 2(2)(c) of Council Directive 97/78/EEC.

(4) For the purposes of this Act, ‘physical checks’ means the checks provided for in Article 2(2)(c) of Council Directive 91/496/EEC and Article 2(2)(d) of Council Directive 97/78/EEC.

(5) In addition to the basic checks specified in subsections (2) to (4) of this section, an official veterinarian of a border inspection post may carry out additional checks in the course of veterinary checks, where necessary.

### **§ 31. Document certifying conduct of veterinary checks at border inspection post**

(1) As a result of checks carried out in the course of a veterinary check, an official veterinarian of a border inspection post will issue a document in proof of the conduct of the veterinary checks at the border inspection post which, for animal products, must comply with the standard form established by Commission Regulation 136/2004/EC and for animals, must comply with the standard form established by Commission Regulation 282/2004/EC.

(2) The document proving the conduct of veterinary checks must accompany a consignment as long as the consignment is under customs control. The document must bear a reference to the relevant customs document. Upon import for free circulation, the document must accompany the consignment until the consignment reaches its destination.

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

(3) If a consignment is divided up upon importation, the document in proof of the conduct of veterinary checks is issued for each batch and such document must accompany a batch until the time provided for in subsection (2) of this section.

(4) A customs official may allow the import of a consignment if the consignment has passed veterinary checks as a result of which it has been declared compliant, the document in proof of the conduct of veterinary checks has been issued to this effect, and the importer of the consignment has paid or ensured the payment of the veterinary supervision fee in accordance with the procedure provided for in the Veterinary Activities Organisation Act. A customs official may permit the handling of a consignment only on the conditions provided for in the document in proof of the conduct of veterinary checks.

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

### **§ 32. Forwarding of information concerning veterinary checks of animal products at border inspection post**

(1) Upon import of animal products, an official veterinarian of a border inspection post will forward, via the computer system connecting the competent authorities of the Member States of the European Union, the information concerning the veterinary checks carried out at the border inspection post to the competent veterinary supervision authority exercising supervision over the consignment at the place of destination of the consignment, if:

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

1) the destination of the imported consignment is a Member State which has been granted special status under a legal instrument of the European Union, or a region of such Member State;

2) the results of an analysis of a sample obtained from the consignment to be imported are not known at the time the consignment is taken out of the border inspection post;

3) the consignment is imported for special purposes permitted under the legislation of the European Union;

4) the consignment to be imported has been returned by a third country to a Member State of the European Union.

(2) After authorising the transit of animal products, the official veterinarian of a border inspection post must give notice, via the computer system connecting the competent authorities of the Member States of the European Union, of such fact to the official veterinarian of the border inspection post indicated in the document in proof of the conduct of veterinary checks as the border inspection post through which the consignment is to be conveyed to a third country, or to the competent supervision authority of another Member State, if the consignment is to be transited through such Member State.

(3) If, as a result of veterinary checks carried out for the import of animal products, a consignment dangerous to human or animal health is detected at a border inspection post, the official veterinarian of the border inspection post must give immediate notice, via the computer system connecting the competent authorities of the Member States of the European Union, of such fact to the official veterinarians of the border inspection posts of other Member States, pointing out the origin of the non-compliant consignment and specifying the reason for declaring the consignment non-compliant.

### **§ 33. Forwarding of information concerning veterinary checks of animals at border inspection post**

(1) Upon import of animals, an official veterinarian of a border inspection post will forward, via the computer system connecting the competent authorities of the Member States of the European Union, the information concerning the veterinary checks carried out at the border inspection post to the official veterinarian exercising veterinary supervision over the consignment at the place of destination of the consignment, if

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

1) the destination of the imported consignment is a Member State which has been granted special status under a legal instrument of the European Union, or a region of such Member State;

2) the result of an analysis of a sample taken from a consignment to be imported is not known at the time the consignment is taken out of the border inspection post.

(2) After authorising the transit of animals, an official veterinarian of a border inspection post will inform, via the computer system connecting the competent authorities of the Member States of the European Union, an official veterinarian of the border inspection post prescribed by the document in proof of the conduct of veterinary checks as the border inspection post through which the consignment is to be conveyed, or to the competent supervision authority of another Member State, if the consignment is to be transited through such Member State.

(3) If, as a result of veterinary checks carried out for the import of animals, a danger to human or animal health is detected at a border inspection post, the official veterinarian of the border inspection post will give immediate notice, via the computer system connecting the competent authorities of the Member States of the European Union, of such fact to the official veterinarians of the border inspection posts of other Member States of the European Union, pointing out the origin of the non-compliant animal and specifying the reason for declaring it non-compliant.

(4) If veterinary checks of imported animals need to be carried out during their transport to their destination or at the place of their destination, the official veterinarian of the border inspection post will give notice, via the computer system connecting the competent authorities of the Member States of the European Union, of such fact to an official veterinarian of the destination.

### **§ 34. Grounds of prohibition on import of animals and animal products**

The Board will prohibit the import of animals or animal products if, as a result of veterinary checks carried out at the border inspection post, it has been determined that:

1) the consignment does not meet the requirements provided for in § 18 of this Act;

[RT I 2007, 17, 81 – entry into force 01.03.2007]

2) the animals are infected with an epizootic disease that has been declared dangerous to human or animal health, the presence of such disease in the animals is suspected or human or animal health is endangered in any other manner;

3) the import of animals or animal products is not allowed, in accordance with the legislation of the European Union, from the country of origin of the consignment;

4) the state of health of the animals does not allow their transport in accordance with the requirements;

5) the certificate accompanying the consignment or another document does not meet the requirements.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

### **§ 35. Transport of consignment containing product of animal origin from border inspection post to destination of consignment**

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

(1) In the events specified in subsection 32 (1) of this Act, a consignment containing an animal product is placed under the supervision of the Board for the time of transport to the destination from the border inspection post. Such a consignment may be transported in a leakproof means of transport or container that has been sealed by an official veterinarian of the border inspection post. In the event specified in clause 32 (1) 1) of this Act, the consignment remains under customs supervision until it reaches the destination.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2) A preventive means affixed by an official veterinarian is a seal affixed with the aim of ensuring the inviolability of a consignment, means of transport or container. Several seals may be affixed to one object.

(3) The possessor of the means of transport or container is liable for the inviolability of the consignment stored in the object protected by a seal and for the intactness of the seal. It is prohibited to remove a seal without the permission of the Board. A seal may be removed without the permission of the Board in unforeseeable circumstances with the aim of ensuring the preservation of the consignment transported by or stored in the means of transport or container.

(4) The Board may accept preventive measures affixed by another person or the competent authority of a foreign country. A preventive measure accepted by the Board is equivalent to a preventive measure affixed by the Board. An official veterinarian has the right to demand the presence of the person responsible for the consignment at the time of affixing or removing the seal.

(5) A seal must be affixed in a manner that prevents access to the consignment without damaging the seal or without leaving traces of tampering on the means of transport or container. The manner of affixing a seal must preclude the removal of the seal without damaging it. An official veterinarian will make a notice concerning the affixing of a seal on the document prescribed by Commission Regulation 136/2004/EC.

(6) The possessor of a means of transport or container must immediately notify the Board of the breaking, loss or removal in an unforeseeable situation of the seal or of the traces of tampering on or other damage to the means of transport or container protected by the seal.

(7) The representative of the establishment of the destination of a consignment specified in subsection (1) of this section will immediately inform the official veterinarian who carries out veterinary checks at the destination of the consignment about the arrival of the consignment and the official veterinarian will, in turn, inform

within 15 days as of the receipt of the notice the official veterinarian who carried out veterinary checks on the consignment at the border crossing point upon import of the consignment.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

### **§ 36. Transit of consignment containing animals and animal products**

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

(1) The transit of a consignment containing animals or animal products is permitted on the following conditions:

- 1) the consignment originates in a third country, from which it is permitted to import the corresponding animals or animal products into the European Union;
- 2) the documents accompanying the consignment indicate that the consignment is prescribed for transit;
- 3) the transit has been approved beforehand by an official veterinarian of the border inspection post through which the consignment is to be conveyed to the territory of the European Union;
- 4) the person responsible for the consignment undertakes, in planning the import of the animal products, to guarantee that if permission to import the consignment to a third country is refused, the goods will be handled exclusively in accordance with the requirements prescribed by this Act for the handling of non-compliant animal products;
- 5) the person responsible for the consignment undertakes, in planning the import of the animals, to guarantee that if permission to import the consignment to a third country is refused, the animals will not be returned to its country of origin through the territory of the European Union and that the transport operation will be conducted in accordance with the requirements of the European Union for the transport of animals.

(2) Upon transit of a consignment through a border inspection post at a road, railway or port, the consignment remains under custom supervision in accordance with the Customs Code until the consignment is taken to a third country.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3) A consignment containing animals or animal products must be taken out of the customs territory of the European Union through a border inspection post specified in subsection 19 (1) of this Act within 30 days after carrying out the veterinary checks for importation thereof at a border inspection post, unless otherwise provided, due to geographical restrictions, by a legal instrument of the European Union.

[RT I 2007, 17, 81 – entry into force 01.03.2007]

### **§ 37. Transport of animal products to free zone and customs warehouse**

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(1) Animal products may be imported from a third country to a free zone or customs warehouse located within the territory of the European Union provided that the person responsible for the consignment has submitted, upon planning the import, the following information to the official veterinarian of the border inspection post:

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

- 1) information on the objective of conveyance of the consignment (release for free circulation or another aim);
- 2) information concerning the compliance of the animal products with the conditions set for import.

(2) If determining the final objective of conveyance of a consignment into the European Union cannot be determined based on the information specified in subsection (1) of this section, the final objective of conveyance of the consignment into the European Union is deemed to be release for free circulation within the territory of the European Union.

(3) If the person responsible for the consignment specified in subsection (1) of this section knowingly submits incorrect information regarding the consignment, the official veterinarian of the border inspection post will make a notice on the document in proof of the conduct of veterinary checks that the consignment must be returned to its country of origin or be destroyed.

(4) Animal products that are declared compliant as a result of veterinary checks are deemed to be suitable, from a veterinary viewpoint, for release for free circulation.

(5) [Repealed – RT I 2007, 17, 81 – entry into force 01.03.2007]

(6) The transport of a consignment to a free zone or customs warehouse is permitted only under customs supervision and by a means of transport which has been sealed by a customs official.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(7) If the conveyance of animals or animal products to a free zone or customs warehouse could result in danger to human or animal health, the official veterinarian of the border inspection post may make a decision to refuse to permit the transport of the consignment to the free zone or customs warehouse.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

### **§ 38. Conveyance of non-conforming animals and animals products to free zone or customs warehouse**

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(1) The transport of animals and animal products which, as a result of veterinary checks, have been declared non-conforming, is permitted to a free zone or customs warehouse only on the following conditions:

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

1) the consignment originates in a third country, from which the import of the animal products contained in the consignment into the European Union is permitted;

2) the consignment will be stored in such a free zone or customs warehouse where such an animal product is allowed to be stored in accordance with an activity licence specified in subsection 40 (1) or (2) of this Act, which the establishment holds.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

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

(3) The conveyance of non-compliant animal products from a free zone or customs warehouse is permitted only to third countries or for destruction, or for supplying ships engaged in international transport operations outside of the territorial waters of the European Union. It is not permitted to convey non-compliant animal products from a free zone or customs warehouse to another free zone or customs warehouse.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(4) If the conveyance of non-compliant animal products from a free zone or customs warehouse may result in danger to human or animal health, the official veterinarian of a border inspection post may make a decision specified in subsection 37 (7) of this Act.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

### **§ 39. Establishment supplying non-compliant animal products to vessel engaged in international transport operations outside territorial waters of European Union**

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

(1) Animal products that, as the result of veterinary checks carried out at a border inspection post, are declared non-compliant may be conveyed from third countries with the aim of supplying a vessel engaged in international transport operations outside the territorial waters of the European Union if:

1) the person responsible for the consignment has submitted, upon planning the import, the information specified in subsection 37 (1) of this Act to an official veterinarian of the border inspection post;

2) the consignment originates in a third country, from which the import of the animal products contained in the non-compliant consignment into the European Union is permitted;

3) the consignment is handled only by an establishment that holds an activity licence specified in subsection 40 (3) of this Act;

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

4) the non-compliant food of animal origin is accompanied by a certificate, document in proof of the conduct of veterinary checks and a certificate drawn up in compliance with the standard form set out in the Annex to Commission Decision 2000/571/EC laying down the methods of veterinary checks for products from third countries destined for introduction into free zones, free warehouses, customs warehouses or operators supplying crossborder means of sea transport (OJ L 240, 23.09.2000, pp. 14–18); thereby concerning a consignment consisting of several consignments, a join certificate may be submitted.

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

(2) Non-compliant food of animal origin intended for a vessel engaged in international transport operations outside of the territorial waters of the European Union will not be released for free circulation.

(3) The transport, from a border inspection post, of a consignment consisting of non-compliant food of animal origin to an establishment supplying a vessel engaged in international transport operations outside of the territorial waters of the European Union with such food and, from such establishment, to the port where the non-compliant food is loaded on a vessel engaged in international transport operations outside of the territorial waters of the European Union must be carried out under customs supervision in accordance with the Customs Code.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3<sup>1</sup>) The official veterinarian exercising supervision over an establishment supplying a vessel engaged in international transport operations outside of the territorial waters of the European Union with non-compliant food of animal origin specified in subsection (3) of this section must be immediately informed of the arrival of the non-compliant food of animal origin by the establishment.

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

(4) If the conveyance of non-compliant food of animal origin with the aim to supply a vessel engaged in international transport operations outside of the territorial waters of the European Union with such food could result in danger to human or animal health, the official veterinarian of the border inspection post may make a



decision to prohibit the conveyance of the consignment to supply a vessel engaged in international transport operations outside of the territorial waters of the European Union.

**§ 39<sup>1</sup>. Certificate of non-compliant food of animal origin prescribed for supplying vessel engaged in international transport operations outside territorial waters of European Union**

(1) A competent official veterinarian will issue a certificate in the form specified in the Annex to Commission Decision 2000/571/EC regarding non-compliant food of animal origin aimed at supplying a vessel engaged in international transport operations outside the territorial waters of the European Union.

(2) Regarding non-compliant food of animal origin aimed at supplying a vessel engaged in international transport operations outside the territorial waters of the European Union, which is taken from the border inspection post directly to the port where it is loaded on the vessel engaged in international transport operations outside the territorial waters of the European Union, the certificate specified in subsection (1) of this section will be issued by an official veterinarian of the border inspection post. To obtain the certificate, the import of such food of animal origin must be notified of in accordance with the procedure established in § 29 of this Act and the data required for filling in the certificate form must be submitted as well.

(3) Regarding non-compliant food of animal origin aimed at supplying a vessel engaged in international transport operations outside the territorial waters of the European Union, which is taken from the establishment to the port where it is loaded on the vessel engaged in international transport operations outside the territorial waters of the European Union, the certificate specified in subsection (1) of this section will be issued by the official exercising veterinary supervision over the establishment. To obtain the certificate, the data required for filling in the certificate form must be submitted to the official exercising veterinary supervision over the establishment at least 24 hours before such food of animal origin is taken to the port.

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

**§ 40. Storage of non-conforming food of animal origin in free zone and customs warehouse and supplying vessel engaged in international transport operations outside territorial waters of European Union with non-conforming food of animal origin**

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(1) In order to engage in the storage of a non-compliant animal product not intended for consumption in a free zone or customs warehouse, the establishment must have an activity licence in accordance with the Infectious Animal Disease Control Act for the storage of the non-compliant animal product not intended for consumption in a free zone or customs warehouse.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2) In order to engage in the storage of non-conforming food of animal origin in a free zone or customs warehouse, the establishment must hold an activity licence in accordance with the Food Act for storing non-conforming food of animal origin in a free zone or customs warehouse.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(3) In order to supply a vessel engaged in international transport operations outside the territorial waters of the European Union with non-compliant food of animal origin, the establishment must hold an activity licence in accordance with the Food Act for supplying vessels engaged in international transport operations outside the territorial waters of the European Union with non-compliant food of animal origin.

(4) A person specified in subsections (1) and (2) of this section must keep account of consignments taken to and out of a free zone or customs warehouse, indicating the type and quantity of the consignment and the name and address of the person storing the goods, and preserve these accounting documents for at least three years as of the year of accounting.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(5) A person specified in subsection (3) of this section must keep account of incoming and outgoing consignments, indicating the type and quantity of the consignment and the name and address of the consignee of the consignment, and preserve these accounting documents for at least three years as of the year of accounting.

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

**§ 41. Approval of free zones, free warehouses and customs warehouses intended for storing non-compliant food of animal origin, and approval of establishments supplying vessels engaged in international transport operations outside territorial waters of European Union with non-compliant food**

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

#### **§ 42. Veterinary supervision over consignment containing animal products of European Union origin which is returned to European Union from third country**

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

(1) Conveyance from a third country to the European Union of a consignment containing animal products of European Union origin, which has been returned to the European Union from the third country is permitted on the following conditions:

- 1) the consignment is accompanied by the original certificate issued regarding the consignment, or a copy of such certificate confirmed by the supervisory official who issued the document, together with the reason for return of the consignment, and a letter of guarantee issued by the person responsible for the consignment or the competent authority of the third country confirming that the given animal product has been stored and transported under compliant conditions and that the animal product has not been processed;
- 2) the consignment is accompanied, if it is transported in a sealed container, by a certificate issued by the carrier confirming that the animal product has not been processed and the consignment has not been unloaded;
- 3) veterinary checks of the animal product have been carried out at the border inspection post;
- 4) the consignment is returned, on the conditions provided for in § 35 of this Act, to the establishment of origin of the animal product located in the European Union. Intra-Community transit of such consignments is permitted only on the condition that such transit is allowed by the official veterinarian of the border inspection post of the Member State where the consignment first arrives, and of the competent authority of the Member State through which the consignment is transited.

(2) An official veterinarian of a border inspection post must not refuse to grant permission for the return of a consignment from a third country to the European Union if the competent authority that issued the certificate regarding the consignment agrees to its return to the establishment of origin and the conditions provided by subsection (1) of this section have been fulfilled.

(3) A consignment that is returned to the establishment of origin of the animal product contained therein will be transported under the supervision of the Board in a leakproof means of transport or a sealed container that can be opened by other supervisory officials.

#### **§ 43. Veterinary checks of animals specified in subsection 10 (3) of this Act, and veterinary checks of animals concerning which veterinary requirements for trade have been established but concerning import of which from country of origin veterinary requirements do not exist**

(1) If the Republic of Estonia is the country of destination of the animals specified in subsection 10 (3) of this section, all animals must undergo veterinary checks at the border inspection post.

(2) If the country of destination of the animals specified in subsection (1) of this section is another Member State of the European Union, all animals must undergo veterinary checks at the border inspection post, or if a correspondent agreement exists between the Board and the competent authority of the country of origin, and if the animals are conveyed through another Member State, a correspondent agreement exists between the Board and the competent authority of such state, the animals must undergo documentary and identity checks at the border inspection post and physical checks at the establishment of destination.

(3) The import of animals concerning which veterinary requirements for trade have been established but concerning the import of which from the country of origin, veterinary requirements do not exist, is permitted only on the following conditions:

- 1) animals of the bovine, porcine, ovine and caprine species to be imported for breeding or production have stayed in the country of origin for at least six months, and animals younger than six months were born in the country of origin;
- 2) animals of the bovine, porcine, ovine and caprine species to be imported for slaughter in a slaughterhouse have stayed in the country of origin for at least three months, and animals younger than three months were born in the country of origin;
- 3) all imported animals have undergone veterinary checks at the border inspection post;
- 4) all imported animals have been kept at the border inspection post or quarantine centre until they have been declared, as a result of veterinary checks, compliant with the requirements established for the trade in animals of the corresponding species;
- 5) the animals are under veterinary supervision from the time they pass the veterinary checks at the border inspection post until they reach the establishment of destination.

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

(4) Animals imported for breeding or production purposes will be kept under the supervision of the Board at the holding of origin until it can be guaranteed that the further movement of the animals does not endanger other animals.

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

#### **§ 44. Non-compliant consignment**

(1) For the purposes of this section, the animal products specified in §§ 38 and 39 of this Act are not deemed to be non-compliant animal products.

(2) Imported animals and animal products that have entered the territory of Estonia without undergoing veterinary checks, or animals and animal products contained in an imported consignment that has been declared non-compliant as a result of veterinary checks carried out at a border inspection post will be declared non-compliant and the further handling thereof will be suspended. The further transport of such animals from the border inspection post or quarantine centre will be suspended.

(3) Upon declaring a consignment non-compliant, the official veterinarian of the border inspection post will make a notation on the document in proof of veterinary checks and order the return of the consignment to its country of origin or destruction of the consignment. If the consignment contains animals, they must be fed and watered and where necessary, treated, placed in quarantine or, if possible, returned to the country of origin in coordination with the person responsible for the animals. If placing in quarantine or returning the animals to the country of origin is impossible, the animals may be sent for slaughter.

(4) A consignment containing animal products concerning which a decision has been made to return it to its country of origin must be returned within 60 days after making the decision through a border inspection post agreed upon with the person responsible for the consignment by the same means of transport that was used for carrying the consignment intended for import to the border inspection post. If a consignment contains an animal product that poses a threat to animal or human life, the consignment must be returned to its country of origin immediately after an official veterinarian of the border inspection post has issued a corresponding order.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(5) If a consignment containing an animal product cannot be sent back to its country of origin or if the 60-day term specified in subsection (4) of this section has passed or if the person responsible for a consignment authorises its disposal, the consignment will be disposed in accordance with the requirements provided for in 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]

(6) The Board must submit information to the European Commission concerning the species, class, type and origin of an animal or animal product declared, as a result of veterinary checks at a border inspection post, non-compliant and presenting a direct danger to human or animal health, and must increase the efficiency of the veterinary checks of consignments containing animals or animal products of the same species, class, type and origin at the border inspection post.

## **Chapter 4**

### **Import of Fresh Fish and Fishery Products of First-Stage Processing**

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

#### **§ 45. Import of fresh fish and fishery products of first-stage processing**

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

(1) Only the requirements provided in this chapter apply to veterinary checks of the import of fresh fish and fishery products of first-stage processing.

(2) For the purposes of this Act, ‘fishery products of first-stage processing’ means fish that are cleaned, sorted, cooled, gutted or processed using another similar method.

(3) A supervisory official appointed by the Director General of the Board to exercise supervision over fresh fish and fishery products of first-stage processing does not need to have the qualifications of a veterinarian, but must have the skills and knowledge to assess the compliance of imported fresh fish and fishery products of first-stage processing.

(4) Upon import of fresh fish and fishery products of first-stage processing, veterinary checks are carried out in accordance with the requirements provided for in Article 15 of Regulation (EC) No. 854/2004 of the European Parliament and of the Council laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.04.2004, pp. 206–319).  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

## **Chapter 5**

# CERTIFICATION

## § 46. Certificate of conformity

(1) Based on the provisions of EU legislation, the Board will publish the type and standard form of certificates of conformity, and the information in the certificates to be signed by the certifying officers, for each species and class of animals and animal products, on its website.  
[RT I 2007, 17, 81 – entry into force 01.03.2007]

(2) In the case specified in subsection 10 (3) of this Act, a certificate of conformity will be issued in accordance with the requirements established by the country of destination.

(3) A certificate is drawn up by an official veterinarian of the Board who has territorial supervisory jurisdiction over the establishment, holding, centre or organisation that is the place of origin of the animal or animal product whose conformity is certified.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(4) In order to be granted a certificate, a written application must be submitted to the Board:  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

- 1) at least 48 hours prior to the importation of an animal or transportation of an animal to another Member State;
  - 2) at least 24 hours prior to the importation of animal products or transportation of animal products to another Member State.
- [RT I 2007, 17, 81 – entry into force 01.03.2007]

(5) An application specified in subsection (4) of this section must contain information which allows for taking the necessary supervisory steps and the form of the certificate to be completed. The Board has the right to require that an applicant submit the necessary information also in the language of the country of destination.  
[RT I 2007, 17, 81 – entry into force 01.03.2007]

(6) A certificate of conformity will not be issued if an official veterinarian of the Board has identified at least one of the following circumstances:

- 1) the animal or animal products do not comply with the relevant veterinary requirements;
  - 2) the application has not been submitted in accordance with the requirements provided for in subsections (4) and (5) of this section;
  - 3) the application contains false information.
- [RT I, 29.06.2014, 2 – entry into force 01.07.2014]

## § 47. Requirements for certifying officers

(1) An official veterinarian authorised by the Director General of the Board and, in cases provided by law, other supervisory officials of the Board (hereinafter *certifying officer*) have the right to issue certificates.  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) A certifying officer must have necessary knowledge of the requirements established by law concerning the animals or animal products to be certified.

(3) A certifying officer must be informed of the rules that must be adhered to upon preparation and issue of the certificates and, where necessary, must have knowledge of the nature and extent of the inquiries, tests and examinations to be carried out prior to certification.

## § 48. Conditions of certification

(1) A certifying officer must not certify information of which the certifying officer has no knowledge or which the certifying officer is unable to verify.

(2) A certifying officer must not sign a certificate which is not completed or contains deficiencies, or a certificate concerning animals or animal products which the certifying officer has not verified or which the certifying officer is not competent to verify. If a certifying officer signs a certificate on the basis of another certificate or other document, the official must have the document in their possession before signing the certificate.

(3) Upon drawing up a certificate, a certifying officer has the right to use information

- 1) verified by another person who has been duly authorised by the Director General of the Board and operates under the supervision of an official veterinarian, provided that the certifying officer can make certain that the information is correct, or  
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]
- 2) obtained in the framework of control programmes or via the infectious animal disease control programme.  
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

#### **§ 49. Measures to ensure integrity of certification**

(1) The Board will take necessary measures to guarantee the integrity of certificates.

(2) The Director General of the Board ensures that:

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

1) the certifying officer has the required conditions for fulfilment of the duties of an official provided for in the Public Service Act and the requirements arising from § 10 of the Administrative Procedure Act, which ensure their impartiality and that they have no direct commercial interest in the establishment, holding, centre or organisation in which the animals or products being certified originate;

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

2) the certifying officer is fully aware of the significance of the contents of each certificate that they sign.

(3) A certificate is drawn up at least in Estonian and at least in one of the official languages of the country of destination.

(4) A copy of a certificate issued by a certifying officer regarding an animal or animal product issued is retained by the Board for a period of three years after issue of the certificate. Copies are preserved separately based on the class and species of animals and animal products, and based on the officers who issued the certificates.

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

#### **§ 50. Checks of certification**

(1) The Board carries out such checks and takes other necessary measures in order to prevent the issue of false or misleading certification and the fraudulent issue, production or use of certificates.

(2) The Board carries out investigations and checks and takes other appropriate measures to penalise persons involved in issuing forged or false certificates. Such measures may include the temporary release of the certifying officer from their duties until the investigation is completed.

(3) Where a certifying officer has knowingly breached the conditions of certification, the Director General of the Board will take measures to ensure that the official cannot repeat the offence, thereby the Director General may revoke the certifying officer's right to issue certificates.

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

(4) If a person has forged a certificate, used a forged certificate or altered the details of a certificate, the Board will take measures to ensure that the person cannot repeat the offence, thereby the Board may refuse to issue a certificate to the person concerned, where necessary.

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

## **Chapter 6 SAFEGUARD MEASURES**

#### **§ 51. Safeguard measures for prevention of spreading of infectious animal disease**

(1) In addition to the notification obligation prescribed by § 42 of the Infectious Animal Disease Control Act, the Board must immediately inform the European Commission and the competent authorities of other Member States of zoonoses, outbreaks or other circumstances that may endanger human or animal health.

(2) In the case of the danger specified in subsection (1) of this section, the Board must immediately take the safeguard measures prescribed by the Infectious Animal Disease Control Act, rules for infectious animal disease control established on the basis thereof or, in the event of absence thereof, measures prescribed by the legislation of the European Union, or internationally acknowledged control measures. In particular, the buffer zones prescribed by legislation must be defined and other measures necessary for the control of the spread of the infectious animal disease must be taken. A buffer zone is deemed to be the protection zone and surveillance zone within the meaning of the Infectious Animal Disease Control Act.

(3) If the Board has determined, in the course of veterinary supervision specified in § 26 of this Act, the presence of the danger specified in subsection (1) of this section or the Board has reason to believe that a consignment originates in a danger zone, the Board will have the right to demand the taking of additional precautions, including the placing of the animals in quarantine.

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

(4) Until the European Commission takes appropriate measures, the Director General of the Board will take, where necessary, temporary safeguard measures with respect to the relevant establishment, holding, centre

or organisation, or to the buffer zone provided by law. The Board will immediately inform the European Commission and the competent authorities of other Member States of the safeguard measures taken.

(5) If an infectious animal disease subject to international notification, zoonosis or any other disease or circumstance that poses a threat to human or animal health occurs or spreads in a country or a region thereof where imported animals or animal products originate in, the Director General of the Board will have the right to immediately stop the import of animals and animal products from the country or the region of a country concerned or to restrict further use of such animals and animal products. The established restrictions must be published on the website of the Board immediately and the competent supervisory authority of the country concerned must be notified thereof.

## **Chapter 7 STATE SUPERVISION**

### **§ 52. Supervisory officials**

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

### **§ 53. Special measures of state supervision**

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

(1) The law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 31, 32, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(2) An expert of the European Commission also has the rights specified in subsection (1) of this section upon verification of the compliance of the requirements provided for in the legislation of the European Union on the conditions and in accordance with the procedure established in the legislation of the European Union.

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

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

**§ 54.–§ 59.**[Repealed – RT I, 29.06.2014, 2 – entry into force 01.07.2014]

## **Chapter 8 LIABILITY**

### **§ 60. Violation of veterinary requirements**

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

(1) The penalty for violation of the veterinary requirements is a fine of up to 200 fine units.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

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

### **§ 61. Violation of requirements for use, replacement or preservation of certificates issued concerning animals or animal products**

(1) The penalty for violation of the requirements for the use, replacement or preservation of a certificate issued concerning animals or animal products a fine of up to 200 fine units.

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

### **§ 62. Handling of animal products in unauthorised free zone or customs warehouse or in unauthorised establishment supplying vessel engaged in international transport operations outside territorial waters of European Union with non-conforming food of animal origin**

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(1) The penalty for the handling or the commencement of the handling of animal products in a free zone or customs warehouse or in an establishment supplying a vessel engaged in international transport operations

outside of the territorial waters of the European Union with non-conforming food of animal origin, which is not duly authorised for such activity, is a fine of up to 300 fine units.  
[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

### **§ 63. Failure to comply with notification obligation**

(1) The penalty for failure to comply with the notification obligation is a fine of up to 200 fine units.

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

### **§ 64. Confiscation**

The Board or a court may, in accordance with § 83 of the Penal Code, confiscate an animal or an animal product that was the direct object of commission of a misdemeanour specified in § 60 of this Act.

### **§ 65. Proceedings**

The Board is the body that carries out extrajudicial proceedings of the misdemeanours specified in this chapter.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

## **Chapter 9 FINAL PROVISIONS**

**§ 66.–§ 71.**[Omitted from this text.]

### **§ 72. Implementing provisions**

(1) An application for recognition of a free zone or customs warehouse designated for storage of a non-conforming animal product, and of an establishment supplying a vessel engaged in international transport operations outside the territorial waters of the European Union with non-conforming food of animal origin, which is operating at the time of entry into force of this Act and is subject to recognition, must be submitted not later than by 1 June 2004.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

(2) Handling may be continued in free zones or customs warehouses prescribed for storage of non-conforming animals and animals products, and establishments which supply vessels engaged in international transport operations outside EU territorial waters with non-conforming animal products for the recognition of which an application has been submitted pursuant to subsection (1) of this section until entry into force of the decision to recognise the free zones or customs warehouses prescribed for storage of non-conforming animals and animals products, and the establishments which supply vessels engaged in international transport operations outside EU territorial waters with non-conforming animal products. If a decision to refuse to recognise a free zone or customs warehouse designated for storage of non-conforming food of animal origin or an establishment supplying a vessel engaged in international transport operations outside the territorial waters of the European Union with non-conforming food of animal origin is issued, handling must be immediately stopped in the free zone or customs warehouse designated for storage of non-compliant food of animal origin or in the establishment supplying a vessel engaged in international transport operations outside the territorial waters of the European Union with non-compliant food of animal origin.

[RT I, 16.06.2017, 1 – entry into force 01.07.2017]

### **§ 73. Entry into force of Act**

(1) This Act will enter into force on 1 January 2004.

(2) Clause 69 (3) 3) and subsections 69 (7) and (9) of this Act will enter into force on 18 October 2004.

<sup>1</sup> Council Directive 89/662/EEC concerning veterinary checks in intra-Community trade with a view to the completion of the internal market (OJ L 395, 30.12.1989, pp. 13–22), amended by Directives 91/67/EEC (OJ L 46, 19.02.1991, pp. 1–18), 91/496/EEC (OJ L 268, 24.09.1991, pp. 56–68), 92/67/EEC (OJ L 268, 14.09.1992, pp. 73–74), 92/118/EEC (OJ L 62, 15.03.1993, pp. 49–68) and 2004/41/EC (OJ L 157, 30.04.2004, pp. 33–44) and Regulation (EC) No. 806/2003 (OJ L 122, 16.05.2003, pp. 1–35); Council Directive 90/425/EEC concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market (OJ L 224, 18.08.1990, pp. 29–41), amended by Directives 91/68/

EEC (OJ L 46, 19.02.1991, pp. 19–36), 91/174/EEC (OJ L 85, 05.04.1991, pp. 37–38), 91/496/EEC (OJ L 268, 24.09.1991, pp. 56–68), 92/60/EEC (OJ L 268, 14.09.1992, pp. 75–76), 92/65/EEC (OJ L 268, 14.09.1992, pp. 54–72), 92/118/EEC (OJ L 62, 15.03.1993, pp. 49–68) and 2002/33/EC (OJ L 315, 19.11.2002, pp. 14–15), and by Regulation (EU) No 2016/2012 (OJ L 171, 29.06.2016, pp. 66–143); Council Directive 91/496/EEC laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC (OJ L 268, 24.09.1991, pp. 56–68), amended by Directives 96/43/EC (OJ L 162, 01.07.1996, pp. 1–13), 2006/104/EC (OJ L 363, 20.12.2006, pp. 352–367) and 2008/73/EC (OJ L 219, 14.08.2008, pp. 40–54) and Decision 92/438/EEC (OJ L 243, 25.08.1992, pp. 27–31); Council Directive 96/93/EC on the certification of animals and animal products (OJ L 13, 16.01.1997, pp. 28–30); Council Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.01.1998, pp. 9–30), amended by Directives 2006/104/EC (OJ L 363, 20.12.2006, pp. 352–367) and 2013/20/EU (OJ L 158, 10.06.2013, pp. 234–239) and Regulation (EC) No. 882/2004 (OJ L 165, 30.04.2004, pp. 1–141). [RT I, 28.12.2018, 35 – entry into force 01.01.2019]