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# Animal Protection Act<sup>1</sup>

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RT I 2001, 3, 4

Entered into force in accordance with § 82 of the Act.

Amended by the following acts

Passed	Published	Entry into force
14.11.2001	RT I 2001, 93, 566	01.01.2002
Consolidated text in paper version of Riigi Teataja	RT I 2002, 13, 78	
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
06.11.2002	RT I 2002, 96, 566	01.01.2003, in part 01.05.2004
21.04.2004	RT I 2004, 38, 257	01.05.2004
21.04.2004	RT I 2004, 38, 258	10.05.2004
26.10.2005	RT I 2005, 61, 477	01.12.2005
20.04.2006	RT I 2006, 21, 162	01.06.2006
15.02.2007	RT I 2007, 23, 119	01.04.2007
15.02.2007	RT I 2007, 23, 119	01.09.2007
15.02.2007	RT I 2007, 23, 119	02.01.2008
20.11.2008	RT I 2008, 51, 284	01.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
14.05.2009	RT I 2009, 29, 174	19.06.2009
26.11.2009	RT I 2009, 62, 405	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Decision No. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp 24-26).
20.05.2010	RT I 2010, 29, 151	20.06.2010
03.06.2010	RT I 2010, 34, 183	23.06.2010
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 and 01.11.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
05.12.2012	RT I, 18.12.2012, 2	01.01.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 2	23.03.2014, , in part 01.01.2015, 01.01.2017 and 01.01.2019

19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014; the words ‘supervisory official’ and ‘supervisory authority’ have been replaced with ‘law enforcement authority’ throughout the text
21.05.2014	RT I, 06.06.2014, 1	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	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.
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, the words ‘Ministry of Agriculture’ have been replaced with the words ‘Ministry of Rural Affairs’ on the basis of subsection 1074 (2) of the Government of the Republic Act.
08.06.2016	RT I, 16.06.2016, 3	26.06.2016, in part 01.09.2016
26.09.2017	RT I, 11.10.2017, 1	01.06.2018
06.12.2017	RT I, 28.12.2017, 2	01.02.2018

## Chapter 1 GENERAL PROVISIONS

### § 1. Scope of application of Act

(1) This Act regulates the protection of animals from human acts or omissions that endanger or may endanger the health or welfare of animals.

(2) In addition to this Act, the protection of animals living freely in the wild is regulated by the Nature Conservation Act.

(3) The protection of animals from disease and infectious animal disease is regulated by the Infectious Animal Disease Control Act.

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act.  
[RT I 2004, 38, 258 – entry into force 10.05.2004]

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

### § 2. Animal

(1) For the purposes of this Act, ‘animal’ means a mammal, bird, reptile, amphibian, fish or invertebrate.

(2) For the purposes of this Act, ‘farm animal’ means an animal kept or bred with the objective of producing animal products. For the purposes of this Act, *Equidae* are also deemed to be farm animals.  
[RT I 2008, 51, 284 – entry into force 01.01.2009]

(3) For the purposes of this Act, ‘pet animal’ means an animal kept or intended for keeping with the aim of providing personal entertainment or company for humans. Provisions concerning pet animals also apply to animals that are trained to perform special functions and are used, for example by the blind, the police or the Rescue Board.  
[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4) For the purposes of this Act, ‘experimental animal’ means a vertebrate animal, an independently feeding larval form, the foetal form of a mammal as from the last third of its normal development or a live cephalopod used in a procedure or bred for animal experimentation or for the purpose of use of tissue and organs for scientific or educational purposes. ‘Experimental animal’ also means a larval form at an earlier stage of development and the foetal form of a mammal if it is to be allowed to live beyond that stage of development and, as a result of the procedures performed, is likely to experience pain, suffering, distress or lasting harm after it has reached that stage of development.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

## **Chapter 2**

# **REQUIREMENTS FOR KEEPING ANIMALS**

### **§ 3. Keeping animals**

(1) For the purposes of this Act, ‘animal keeper’ means a person who owns an animal (animal owner) or who, on the basis of a commercial lease or another such relationship with the animal owner, is engaged in keeping the animal.

(2) An animal keeper must ensure that an animal, according to its species and age, be provided with:

- 1) appropriate quantities of feed and drinking water;
- 2) adequate care;
- 3) adequate microclimate, and space or construction works that satisfies the need for movement characteristic of the given species;
- 4) other factors necessary for the health and welfare of an animal.

(3) The use of devices or equipment that may cause injury to animals is prohibited in the keeping of animals.

(3<sup>1</sup>) The health and welfare of farm animals must be examined as frequently as necessary in order to prevent avoidable suffering.

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

(3<sup>2</sup>) The health and welfare of farm animals in respect of which intensive farming is applied must be examined at least once a day. For the purposes of this Act, ‘intensive farming’ means keeping of animals in such numbers or density or in such conditions or at such production levels that their health and welfare depend upon frequent human care.

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

(3<sup>3</sup>) Technical equipment used in intensive farming must be inspected at least once a day, and any defect discovered must be remedied with the least possible delay. When a defect cannot be remedied forthwith, temporary measures necessary to safeguard the health and welfare of the animals must be taken immediately.

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

(3<sup>4</sup>) In intensive farming, the number of animals kept in a room or construction works for certain animal keeping purposes or for keeping animals of a certain species or belonging to a certain group must not exceed the maximum stocking density. The maximum stocking density may be exceeded only to the permitted extent if the room or construction works used for keeping animals complies with additional requirements regulating animal welfare and health or if, according to the results of state supervision, the animal keeper’s level of compliance with animal keeping requirements has been high or if the animal keeper takes measures to ensure animal welfare and health. The Veterinary and Food Board must be informed of the exceeding of the maximum stocking density in advance. The animal keeper must keep record of its activities.

[RT I 2010, 34, 183 – entry into force 23.06.2010]

(4) The Government of the Republic or a minister authorised by the Government of the Republic must establish:

- 1) requirements for keeping farm animals and rooms or construction works for such purposes;
- 2) [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]
- 3) [Repealed – RT I 2007, 23, 119 – entry into force 01.04.2007]

(4<sup>1</sup>) The requirements specified in clause 1) of subsection (1) of this section may also set out the maximum stocking density, the permitted extent of exceeding it and requirements applicable to rooms and construction works used for keeping animals and to animal keepers in the event of exceeding the maximum stocking density and to accounting the activities of animal keepers.

[RT I 2010, 34, 183 – entry into force 23.06.2010]

(5) The Government of the Republic or a minister authorised by the Government of the Republic may establish requirements for keeping animals on the basis of the purpose of keeping animals or the characteristics of particular species or groups of animals, which particularise the requirements provided for in subsections (2) and (3) of this section, including requirements provided for rooms or construction works for keeping animals.

[RT I 2007, 23, 119 – entry into force 01.04.2007]

### **§ 3<sup>1</sup>. Animal keeping competence**

(1) For the purpose of ensuring the health and welfare of an animal, the animal keeper must have the required knowledge of the anatomy and physiology of the animal, the behaviour characteristic of the animal species and the animal protection requirements.

(2) Based on the purpose of animal keeping or the animal belonging to a species or group, the person directly attending to keeping the animal must have undergone training in the proper keeping of the animal, provided that the obligation to undergo training has been established under this Act.

(3) The person must hold a certificate regarding the completion of the training specified in subsection (2) of this Act, which certifies that the person may directly engage in keeping animals kept for the purpose specified therein or in keeping animals of the species or group specified therein.

(4) The requirements for the purpose of animal keeping, the animal species or groups whereby the person directly engaged in keeping animals must have completed the training specified in subsection (2) of this section and the requirements for the training, that arise from the purpose of animal keeping or from the animal belonging to a certain species or group, may be established by the minister responsible for the field.  
[RT I 2010, 34, 183 – entry into force 23.06.2010]

### **§ 4. Prohibited act with respect to animal**

(1) A prohibited act with respect to an animal is an act causing the death or injury of an animal, or an act causing pain or avoidable physical or mental suffering to an animal, such as forcing an animal to undertake efforts beyond its capabilities, organising animal fights, abandoning or leaving an animal in a helpless state, breeding activities that cause suffering to an animal, and other acts with similar consequences that are not caused by the medical treatment of an animal, another veterinary procedure or an emergency, except the events specified in subsection 10 (1) of this Act and procedures in compliance with the requirements established by this Act.

(2) For the purposes of this Act, ‘animal fight’ means a fight between two animals or an animal and a human, which is organised for commercial, entertainment or other purposes, and as a result of which an animal may be killed, injured or may suffer.

(3) Forced feeding of animals is prohibited, except in the event of medical indications.  
[RT I 2008, 51, 284 – entry into force 01.01.2009]

### **§ 5. Stray animals**

(1) Animals without an owner and loose (hereinafter *stray*) domestic animals within the meaning of subsections 12 (1) and (2) of the Infectious Animal Disease Control Act must be captured and returned to the owner or a new owner must be found for such animals.

(2) If the owner of a stray animal cannot be identified and a new owner cannot be found for the animal, animal euthanasia must be performed in accordance with the procedure provided for in § 18 of this Act. A period of at least two weeks must be left between the beginning of the procedure of identifying the owner of an animal and the euthanasia of the animal, during which the keeping of the animal in compliance with the requirements and, if necessary, the medical treatment of the animal must be ensured.

(3) Local authorities organise the capture, keeping and killing of stray animals and the destruction of bodies of deceased animals within their territories.

(4) The Government of the Republic will establish the procedure for the capture and keeping of stray animals, for the identification of their owners, and for the killing of stray animals.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

## **Chapter 2<sup>1</sup> PROTECTION OF PET ANIMALS**

[RT I 2007, 23, 119 - entry into force 01.09.2007]

### **§ 5<sup>1</sup>. Health and welfare of pet animals**

(1) The health and welfare of a pet animal must be examined regularly. Greater attention must be paid to the health and welfare of an animal during the period when the animal is giving birth, is reproducing or ill and if significant changes occur in the environment where the pet animal is kept. If, upon examination of the health and welfare of a pet animal, a deviation from usual behaviour is found, the reasons for such deviation must be immediately identified and measures for improvement of the health and welfare of the pet animal must be taken. A pet animal who has fallen ill or is injured must receive proper treatment.

(2) Indoors, a pet animal may be kept tied only for a short period of time and on the grounds of ensuring the welfare of the animal.

[RT I 2007, 23, 119 – entry into force 01.09.2007]

#### **§ 5<sup>2</sup>. Rooms or constructions works and devices and equipment for keeping pet animals**

(1) Rooms or constructions works for keeping pet animals must allow the animal, in accordance with the behavioural habits of the species, to see and hear what is going on in the room or construction works or in the surroundings thereof and allow the animal to communicate.

(2) Rooms or construction works for keeping a pet animal and devices and equipment used for keeping of the animal must be safe for the animal and easy to clean.

(3) The devices and equipment used for feeding and watering pet animals must be placed in the rooms or construction works so as to minimise any risk of contamination of the feed and water.

(4) Rooms and construction works for keeping pet animals must be equipped suitably for the animal species. If the behavioural habits of the species, such as scratching, digging, chewing, hiding, bathing, diving and nest building, cannot be practised by a pet animal outside of the room or construction works, the room or construction works must be equipped with suitable material for the specified activities.

[RT I 2007, 23, 119 – entry into force 01.09.2007]

## **Chapter 3**

### **PROTECTION OF ANIMALS LIVING FREELY IN WILD**

#### **§ 6. Protection of animals living freely in wild**

(1) In addition to this Act, the protection and use of animals living freely in the wild is regulated by the Nature Conservation Act, Hunting Act and Fishing Act.

[RT I 2004, 38, 258 – entry into force 10.05.2004]

(2) The capture of an animal living freely in the wild that is to be used in a procedure may be carried out only by a competent person using methods that do not cause the animals avoidable pain, suffering, distress or lasting harm. The described capturing is not subject to the Hunting Act.

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

(3) An injured animal or an animal in poor health captured in the wild for the purpose of animal experimentation must be examined by a veterinarian or another competent person and the veterinarian or another competent person will take measures to minimise the suffering of the animal, if necessary.

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

#### **§ 7. Protection of animals upon performance of work**

(1) In order to prevent the death of animals living freely in the wild, the law enforcement authority has the right to:

- 1) demand that technological measures and equipment that ensure that animals living freely in the wild are kept off be taken and used in field work;
- 2) demand that corresponding amendments be made to the technological schemes for the performance of work, informing the person who granted the permit to perform the work thereof;
- 3) suspend excavation and forestry work for the reproduction period of animals living freely in the wild.

(2) A precept for the suspension of the activities specified in subsection (1) of this section or for the application of protective measures will enter into force as of the time of its delivery or communication. The costs of compliance with the precept must be borne by the person who commissioned the work.

(3) Access by animals living freely in the wild to hazardous substances and to places for treatment of hazardous raw materials and waste that pose a threat to the health of the animals must be precluded.

## **Chapter 4**

# **MEDICAL TREATMENT OF ANIMALS AND VETERINARY PROCEDURES**

## **§ 8. Medical treatment of animals**

Upon medical treatment of animals, the animals must be protected from avoidable suffering and from contraction of diseases.

## **§ 9. Veterinary procedures**

(1) Surgeries and other veterinary procedures that alter the appearance of an animal and that are not performed for the purpose of medical treatment are prohibited. The ear cropping and tail docking of dogs and cats is allowed only in the event of medical indications.

(2) Veterinary procedures such as the castration, sterilisation, clipping of hooves of animals, tattooing of animals and implantation of animals with a micro-chip identification system, docking of tails of bird dogs and badger dogs used in hunting, clipping the teeth of piglets, fitting bulls with nose-rings, trimming the beaks of chicks and fitting of boars kept in outdoor pens with nose rings are permitted. The tails of piglets may be cut only in the event where this is essential for the safeguarding of their health and welfare pursuant to the decision of a veterinarian. Castration of animals in a manner that causes long-lasting pain and tissue necrosis is prohibited.

(3) Surgeries and other veterinary procedures, including the tattooing of dogs and cats and the implantation of animals with a micro-chip identification system must be performed by a veterinarian. Surgeries and other veterinary procedures may also be performed by a student of the veterinary medicine curriculum under the direct supervision and liability of a veterinarian. The actions of the student are deemed to be those of the veterinarian under whose supervision the student is acting. Permitted procedures that take little time and cause only insignificant pain may also be performed by a person with appropriate training.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(4) The Government of the Republic or a minister authorised by the Government of the Republic will establish a list of permitted veterinary procedures, and of persons authorised to perform the procedures, and requirements for the performance of the procedures and the training of the persons performing such procedures.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

## **Chapter 5 PROTECTION OF ANIMALS UPON SLAUGHTER AND KILLING**

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

## **§ 10. Permitted killing of animals**

(1) Permitted killing of an animal means the following:

- 1) slaughter or killing of a farm animal;
- 2) killing of day-old chicks and embryos in hatchery waste;
- 3) emergency slaughter of a farm animal;
- 4) killing of an animal in a helpless state;
- 5) slaughter of an animal for religious purposes;
- 6) animal euthanasia;
- 7) killing of caught fish;
- 8) hunting of game;
- 9) extermination of invertebrates, moles and rodents for the purpose of protection of property or health;
- 10) diagnostic slaughter of animals and killing animals in order to control the spreading of an infectious animal disease as prescribed by the Infectious Animal Disease Control Act;
- 11) killing of an animal for self-protection;
- 12) killing of an experimental animal.

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

(2) In the event of permitted slaughter and killing of an animal, a method for slaughter and killing that causes the animal the least possible amount of physical and mental suffering must be chosen.

(3) An animal may be killed in self-defence if an attack by the animal endangers human life or health and the attack cannot be prevented or repelled in any other manner.

(4) The killing of a protected animal is regulated by the Nature Conservation Act.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

## **§ 11. Conditions of slaughter of farm animals**

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

## **§ 12. Keeping of animals in slaughterhouses prior to slaughter**

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

## **§ 13. Slaughtering and killing farm animals**

(1) Poultry, rabbits and hares kept as farm animals and slaughtered outside a slaughterhouse for private domestic consumption must be stunned and, if necessary, restrained before slaughter.

(2) For the purposes of this Act, ‘stunning’ means a process that, when applied to an animal, causes immediate loss of consciousness and lasts until the death of the animal and is carried out in a manner that causes as little suffering and pain as possible.

(3) The animals specified in subsection (1) of this section must be stunned and slaughtered by a person having relevant knowledge and practical skills.

(4) Before the further handling of the animals specified in subsection (1) of this section, one must verify that the animal is dead.

(5) The requirements provided for in Council Regulation (EC) No. 1099/2009 on the protection of animals at the time of killing (OJ L 303, 18.11.2009, pp. 1–30) must be followed upon slaughtering farm animals, except animals specified in subsection (1) of this section.

(6) The Veterinary and Food Board is the competent authority for the purposes of Article 2(q) of Council Regulation (EC) No. 1099/2009.

(7) The Veterinary and Food Board will publish on its website the guides to good practice of slaughter and killing drafted in accordance with Article 13 of Council Regulation (EC) No. 1099/2009 and approved by the Veterinary and Food Board, and submit them to the European Commission.

(8) For the purposes of implementation of Article 14(3) of Council Regulation (EC) No. 1099/2009, the minister responsible for the field may, based on animal species, establish requirements for mobile slaughterhouses and equipment used therein for stunning and slaughtering farm animals.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

## **§ 13<sup>1</sup>. Training and examination in slaughtering farm animals**

(1) The Veterinary and Food Board or a further training establishment (hereinafter *training establishment*) provides training and holds examinations in slaughtering animals and related operations (hereinafter *training in slaughtering animals*) in accordance with the requirements provided for in the Adult Education Act, Vocational Educational Institutions Act, this Act and Council Regulation (EC) No 1099/2009.  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(2) A training establishment specified in subsection (1) of this section may provide training in slaughtering animals if the Veterinary and Food Board has approved the training establishment’s programme of training in slaughtering animals. The Veterinary and Food Board will decide to approve the programme of training in slaughtering animals or refuse to approve it within 20 working days after the receipt of the programme. The Veterinary and Food Board will not approve a programme of training in slaughtering animals if it does not comply with the requirements established for the programme.

(3) A training establishment specified in subsection (1) of this section may provide training in slaughtering animals if the Veterinary and Food Board has approved the examination structure and procedure prepared by the training establishment. The Veterinary and Food Board will decide to approve the structure and procedure for examination in slaughtering animals or refuse to approve it within 20 working days after the receipt thereof.

(4) The training establishment must inform the Veterinary and Food Board in writing of a change in the details specified in subsections (2) and (3) of this section and in the staff organising training and examinations within seven working days after the change.

(5) The training establishment will submit the data of the persons who passed the examination to the Veterinary and Food Board within three working days after the examination.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

## **§ 13<sup>2</sup>. Certificate of competence for slaughtering farm animals**

Regarding the passing of the examination specified in subsection 13<sup>1</sup>(3) of this Act, the Veterinary and Food Board will, in accordance with Council Regulation (EC) No. 1099/2009, issue a certificate to a person who has passed the examination.

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

## **§ 14. Killing day-old chicks and embryos in hatchery waste**

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

## **§ 15. Emergency slaughter of farm animals**

(1) [Repealed – RT I, 18.12.2012, 2 – entry into force 01.01.2013]

(2) Emergency slaughter must be carried out with least physical and mental suffering possible to the farm animal being slaughtered and to other farm animals present at the place of slaughter.

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

(3) The emergency slaughter of sick, weak or injured farm animals must be carried out immediately. Farm animals that are unable to walk must be slaughtered on site or must be transported to the place of slaughter if it does not cause any suffering to the animals.

## **§ 16. Killing of animals in helpless state**

An animal that is in a helpless state as a result of an accident or emergency may be killed if survival would cause long-time suffering to the animal or if the animal cannot be granted species-specific life or if the re-introduction of the animal to its natural habitat proves to be impossible.

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

## **§ 17. Slaughter of animals for religious purposes**

(1) A religious association registered in Estonia may, for a religious purpose, slaughter a farm animal using a special method in accordance with the requirements set out in Council Regulation (EC) No. 1099/2009 and this section, provided that the animal is slaughtered in a slaughterhouse and it is necessary for the members of the religious association and the law enforcement authority attends the slaughter.

(2) A farm animal that has been electrically stunned or a farm animal that has not been stunned may be slaughtered for a religious purpose, taking into account the religious tradition of the religious association.

(3) If a farm animal is slaughtered without prior stunning, the animal must be stunned immediately after cutting both jugular veins and carotid arteries, taking into account the tradition of the religious association.

(4) To slaughter a farm animal for a religious purpose, a religious association must have a permit to slaughter farm animals for a religious purpose.

(5) In order to obtain a permit to slaughter farm animals for a religious purpose, a religious association will submit to the Veterinary and Food Board a written application containing the following information:

- 1) the species and number of the farm animals to be slaughtered and the reasons for the choice of the animal species and the number animals;
- 2) the time and place of slaughtering the farm animals and a document issued by the slaughterhouse, which certifies the possibility of such slaughter in the slaughterhouse;
- 3) a description of the special method of slaughtering the farm animals and the reasons of the use of the method, including evidence of the association of the special method of slaughter with the religious tradition;
- 4) a description of the manner of use of the meat for the members of the religious association.

(6) The Veterinary and Food Board will decide to grant or refuse to grant a permit for slaughter of farm animals for a religious purpose within 20 working days after the receipt of an application specified in subsection (5) of this section.

(7) The Veterinary and Food Board may refuse to grant a permit for slaughter of farm animals for a religious purpose if:

- 1) the applicant is not in compliance with the requirements provided for in this Act;
- 2) the circumstances described in the application do not correspond to the relevant requirements established in this section or on the basis thereof or in Council Regulation (EC) No. 1099/2009;
- 3) the slaughter of the farm animals without prior stunning as described in the application is not associated with a religious tradition of the religious association;
- 4) the number of the farm animals to be slaughtered according to the application is disproportionately high, given the needs of the members of the religious association;
- 5) the application contains false information.



(8) The special methods of slaughtering farm animals for religious purposes, more detailed substantive and formal requirements for slaughtering for religious purposes and requirements and procedure for slaughtering for religious purposes will be established by a regulation of the minister responsible for the field.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

## **§ 18. Euthanasia**

(1) 'Euthanasia' means the killing of an animal on the initiative of the animal owner or for mercy if survival would cause long-time suffering to the animal or if the animal cannot be granted species-specific life.

(2) Animal euthanasia is carried out by a veterinarian.

(3) Euthanasia must be carried out with least physical and mental suffering to the animal possible under the circumstances.

(4) The method used for euthanasia must cause an immediate state of unconsciousness and consequent death of the animal or produce general anaesthesia that leads to the certain death of the animal. A veterinarian must verify the death of an animal killed by the veterinarian.

(5) It is prohibited to use suffocation, drowning, administration of toxic substances or medicinal products the dosage and administered amount of which might not bring on the effect referred to in subsection (4) of this section, and killing by electrocution, unless this brings on an instantaneous loss of consciousness.

## **§ 18<sup>1</sup>. Killing of experimental animal**

(1) An experimental animal may be killed by a person who has undergone relevant training specified in § 41<sup>4</sup> of this Act, on the conditions set out in a project authorisation and in accordance with the requirements established on the basis of subsection (2) of this section.

(2) The requirements for killing experimental animals and the methods of killing will be established by a regulation of the minister responsible for the field.

(3) An experimental animal may be killed on the conditions specified in a project using another method if it has been scientifically proven that it is at least as humane as a method established on the basis of subsection (2) of this section and if it has been scientifically proven that the purpose of the procedure cannot be achieved using the latter method.

(4) The requirements of this section do not apply if an experimental animal is killed in an emergency for reasons relating to the welfare or health of a person or animal, public safety or the environment.

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

## **§ 19. Killing of animal in presence of minor**

The killing of an animal in the presence of a minor is prohibited, except:

1) extermination of invertebrates, moles and rodents for the purpose of protection of property or health;  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

2) fishing;

3) killing of an animal in a helpless state;

4) killing relating to a study assignment in vocational education in the presence and at the liability of a supervisor.

# **Chapter 6 PROTECTION OF ANIMALS DURING TRANSPORT**

## **§ 20. Transport of animals**

(1) The requirements provided for in Council Regulation (EC) No. 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No. 1255/97 (OJ L 3, 05.01.2005, pp. 1–44) must be adhered to upon transporting animals.

(2) Control posts must comply with the requirements provided for in Council Regulation (EC) No. 1255/97 concerning Community criteria for control posts and amending the route plan referred to in the Annex to Directive 91/628/EEC (OJ L 174, 2.7.1997, pp. 1#6).

(3) For the purposes of Article 2(f) of Council Regulation (EC) No. 1/2005 and Council Regulation (EC) No. 1255/97, the competent authority is the Veterinary and Food Board.

### **§ 20<sup>1</sup>. Authorisation obligation of transporter and long journeys transporter**

(1) An undertaking engaged in the transportation of animals (hereinafter *transporter*) and an undertaking engaged in making long journeys for the purpose of transportation of animals (hereinafter *long journeys transporter*) must hold an authorisation granted in accordance with Article 10 or 11 of Council Regulation (EC) No 1/2005.

(2) The authorisation is valid for five years.

(3) Requirements applicable to transporters and long journeys transporters are set out in Council Regulation (EC) No 1/2005.

(4) The authorisation specified in subsection (1) of this section is not required in the events specified in Articles 1(2) and (5) and Article 6(7) of Council Regulation (EC) No 1/2005.

[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

### **§ 20<sup>2</sup>. Application for transporter authorisation and long journeys transporter authorisation**

(1) The Veterinary and Food Board decides an application for an authorisation by granting or refusing to grant the authorisation.

(2) In addition to the information required in the General Part of the Economic Activities Code Act, an application for an authorisation must contain the following data and documents:

- 1) the certificates of competence of the driver and attendant of a road vehicle transporting animals, which have been issued in accordance with Article 17(2) of Council Regulation (EC) No 1/2005;
- 2) data on the road vehicle and container used for transporting animals and on loading and unloading equipment;
- 3) data on the manner of transporting animals;
- 4) data on the species of animals to be transported.

(3) In addition to the data and documents specified in subsection (2) of this section, an application for a long journeys transporter authorisation must contain the documents specified in Article 11(1)(b) of Council Regulation (EC) No 1/2005 and, in the event specified in Article 11(2) thereof, the application must contain data on the navigation systems used.

(4) The information specified in this section is entered in the register of farm animals established on the basis of subsection 11 (3) of the Infectious Animal Disease Control Act.

(5) The operator does not have to pay a state fee for a review of an application for the activity licence specified in subsection 20<sup>1</sup>(1) of this Act.

[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

### **§ 20<sup>3</sup>. Object of inspection of transporter authorisation**

An undertaking is granted a transporter authorisation if the undertaking meets the requirements established in Article 10 of Council Regulation (EC) No 1/2005.

[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

### **§ 20<sup>4</sup>. Object of inspection of long journeys transporter authorisation**

An undertaking is granted a long journeys transporter authorisation if the undertaking meets the requirements established in Article 11 of Council Regulation (EC) No 1/2005.

[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

### **§ 20<sup>5</sup>. Secondary conditions of transporter authorisation and long journeys transporter authorisation**

The following secondary conditions are added to an authorisation:

- 1) the manner of transporting animals;
- 2) the species of the animals to be transported;
- 3) the term of validity of the authorisation.

[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

### **§ 20<sup>6</sup>. Training and examination of drivers and attendants of road vehicle**

(1) The training and examination of drivers and attendants of road vehicles transporting animals (hereinafter driver and attendant) is organised by the Veterinary and Food Board or a supplementary training establishment in accordance with the requirements established in the Adult Education Act, this Act and Council Regulation (EC) No 1/2005.

(2) The supplementary training establishment specified in subsection (1) of this Act may organise driver and attendant training if the Veterinary and Food Board has approved the driver and attendant training curriculum drawn up by the supplementary training establishment. The Veterinary and Food Board decides to approve or reject a driver and attendant training curriculum within 20 working days as of its receipt. The Veterinary and Food Board does not approve a driver and attendant training curriculum if it does not meet the requirements established for the training curriculum.

(3) The supplementary training establishment specified in subsection (1) of this section may provide driver and attendant training if the Veterinary and Food Board has approved the examination structure and procedure prepared by the supplementary training establishment. The Veterinary and Food Board will decide to approve the structure and procedure for driver and attendant examination or refuse to approve it within 20 working days after the receipt thereof.

(4) Before amendment of the curriculum and the structure and procedure for driver and attendant examination specified in subsections (2) and (3) of this section, the Veterinary and Food Board must approve the amendments planned by the supplementary training establishment. The Veterinary and Food Board decides to approve or refuse to approve the amendments within 20 working days after the receipt of the planned amendments.

(5) The supplementary training establishment sends to the Veterinary and Food Board the given name and surname of a person who passed the driver and attendant examination and data on their date of birth, place of birth and citizenship within three working days after the examination.  
[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

#### **§ 20<sup>7</sup>. Certificate of competence of driver and attendant of road vehicle**

Regarding the passing of the examination specified in subsection 20<sup>6</sup>(1) of this Act, the Veterinary and Food Board will, in accordance with Council Regulation (EC) No 1/2005, issue a certificate of competence to a person who has passed the examination.  
[RT I, 16.06.2016, 3 – entry into force 01.09.2016]

**§ 21.–§ 24.**[Repealed – RT I 2007, 23, 119 – entry into force 01.04.2007]

## **Chapter 7**

# **ANIMAL COMPETITIONS, PUBLIC EXHIBITION AND SALE OF ANIMALS**

#### **§ 25. Animal competitions**

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

(1) Animal competitions (hereinafter *competitions*) must be organised in compliance with the Infectious Animal Disease Control Act.

(2) Animals participating in competitions or being trained for such purposes must not be administered any substances that have or might have an effect on the capabilities of the animals.

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

#### **§ 26. Requirements concerning organisation of competitions**

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

(1) A veterinarian holding a professional activity licence must be present at a competition.  
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(2) The veterinarian of a competition must:

- 1) monitor compliance with animal protection requirements during the competition;
- 2) check the fitness of animals for competition;
- 3) check the suitability of the equipment and technical aids to be used in the competition;
- 4) provide animals with first aid and, if necessary, prescribe further treatment;
- 5) decide on the killing of an animal in distress;
- 6) in the event of unfavourable weather conditions, make a proposal to the organiser of the competition to cancel the competition.

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

## **§ 27. Public exhibition of animals**

(1) The public exhibition of animals is permitted in zoos and at animal exhibitions, animal competitions, animal fairs, animal auctions or at other public events involving the gathering of animals in compliance with the Infectious Animal Disease Control Act.  
[RT I 2010, 34, 183 – entry into force 23.06.2010]

(2) Fish bred in artificial conditions and animals of a person trading in animals may also be displayed to the public for commercial purposes, provided that the welfare of the animals is ensured and the requirements for their keeping are complied with. On the conditions specified above, aquarium fish may also be demonstrated in the interior design of premises.  
[RT I 2007, 23, 119 – entry into force 01.04.2007]

(3) Only such animals that have been born in artificial conditions, the species-characteristic behavioural habits or way of life of which allow for it without damaging the health of the animal, may be used in animal shows, animal competitions, animal fairs, animal auctions or at other public events involving the gathering of animals.  
[RT I, 11.10.2017, 1 - entry into force 01.06.2018]

(3<sup>1</sup>) The list of the animal species and sub-species the members of which may be used in animal shows, animal competitions, animal fairs, animal auctions or at other public events involving the gathering of animals is established by a regulation of the minister responsible for the field.  
[RT I, 11.10.2017, 1 - entry into force 01.06.2018]

(4) It is prohibited to use an animal in an animal exhibition, animal competition, animal fair, animal auction or at another public event involving the gathering of animals if the participation of the animal in such event may cause the animal pain, suffering or injury; it is also prohibited to train an animal in a manner that causes the animal pain, suffering or injury.  
[RT I 2010, 34, 183 – entry into force 23.06.2010]

(5) It is prohibited to publicly exhibit a dog born in Estonia who belongs to a person domiciled in Estonia or to a legal person located in Estonia if the dog's ears have been cropped and the tail has been docked without medical indication. A dog with a docked tail whose tail is permitted to be docked on the basis of subsection 9 (2) of this Act may be exhibited to the public at an exhibition.

## **§ 28. Zoo**

(1) A zoo is a place where animals are permanently kept for showing to the public over seven or more days a year.

(2) A zoo must be designed and constructed in a manner that ensures the health and welfare of the animals and prevents their escape.

(3) The design and construction works of a zoo must comply with the requirements established by the Government of the Republic.

(4) The health and welfare of animals upon their display to the public in a zoo must be ensured by their keeping in compliance with the requirements. A zoo engages in research of animals, provision of information to the public concerning animal species and their natural habitat, and dissemination of animal protection information.

## **§ 29. Licence obligation of zoo operator**

An activity licence is required to operate a zoo.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

## **§ 29<sup>1</sup>. Applying for activity licence**

(1) The Environmental Board will review an application for an activity licence and grant or refuse to grant the activity licence within 60 days as of the receipt of the application.

(2) In addition to the information required in the General Part of the Economic Activities Code Act, an application for authorisation must contain the following data and documents:

- 1) if the zoo has a name, the name of the zoo;
- 2) a description of the activities of the applicant to date and the planned activities related to the zoo;
- 3) documents certifying that the land required for the operations of the zoo belongs to the applicant or that the applicant has the right to use it;
- 4) a list of the animal species of the zoo, which sets out the Latin name of the animal species and the number of specimen planned for the zoo;
- 5) a list of the management positions of the zoo along with job descriptions and a list of the positions vacant at the time of applying for the licence;
- 6) an overview of the construction works of the zoo or the building design documentation of the zoo along with a description of the level of completion of the construction works;

7) a calculation of the funds required for construction and operation of the zoo in the next financial year along with a description of the planned source of the funds.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 29<sup>2</sup>. Object of inspection of activity licence**

An activity licence will be granted to a person if the following requirements have been fulfilled:

- 1) the building design documentation of the zoo complies with the requirements applicable to the plan of the zoo;
- 2) the person has staff properly qualified to work in a zoo and sufficient funds for building the zoo and performing the duties specified in subsection 28 (4) of this Act.

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

### **§ 30. Refusal to issue activity licence of zoo**

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

### **§ 31. Suspension of activity licence of zoo**

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

### **§ 32. Requirements for winding up of zoo**

(1) Upon winding up a zoo, the owner of the zoo must ensure the health and welfare of the animals, make further living arrangements for the animals kept at the zoo or organise the euthanasia of the animals.

(2) The law enforcement authority must ascertain that, upon winding up a zoo, the provisions of subsection (1) of this section are duly complied with. If necessary, compliance with the requirements provided for in subsection (1) of this section must be organised by the law enforcement authority. In such event, the law enforcement authority has the right to demand that the holder of the suspended activity licence cover reasonable expenses relating to the steps taken.

### **§ 33. Transactions with animals**

(1) The sale of an animal or the transfer of an animal in any other manner for a charge or without a charge to a person less than 16 years of age is permitted only with the consent of their parent or legal representative, unless otherwise provided by law.

(2) Animals must not be used as prizes in lotteries, games of chance or other similar events.

### **§ 33<sup>1</sup>. Keeping pet animals in shop**

(1) It is prohibited to keep pet animals offered for sale in a shop on the shop window.

(2) Pet animals offered for sale in a shop must be provided with a sufficiently peaceful and quiet environment necessary for their normal existence. A physical contact between a pet animal offered for sale in a shop and a visitor of the shop without the supervision of an employee of the shop must be precluded.

(3) The cage, terrarium and aquarium of a pet animal offered for sale in a shop must be separated from the pet animal supplies and feed sold in the same room by a partition wall or any other means enabling separation.

[RT I 2007, 23, 119 – entry into force 01.09.2007]

## **Chapter 8 PROTECTION OF EXPERIMENTAL ANIMALS**

[RT I 2001, 93, 566 - entry into force 01.01.2002]

### **§ 34. Procedure and project**

(1) For the purposes of this Act, ‘procedure’ means the use of an experimental animal for a permitted scientific or educational purpose that may cause the animal pain, suffering or injury equivalent to or higher than that caused by the introduction of a needle in accordance with good veterinary practice. ‘Procedure’ also means an act that may cause pain, suffering or injury to an animal to the aforementioned extent and that intentionally or likely leads to the birth, hatching or death of the animal or in the course of which a genetically modified animal line is created and maintained. A procedure does not include the killing of an experimental animal for the purpose of using its tissue or organs.

(2) For the purposes of this Act, 'procedure' also means the use of an experimental animal for the purposes specified in subsection (1) of this section along with analgesia.

(3) For the purposes of this Act, 'procedure' does not mean a clinical trial required for the marketing authorisation of a veterinary medicinal product or a non-experimental veterinary practice, agricultural practice or practice whose main purpose is the identification of an animal using a permitted means and method.

(4) For the purposes of this Act, 'project' means a programme of work having a defined scientific objective and involving one or more procedures.

(5) A project must be designed by a person (hereinafter project designer) who holds at least a master's degree or equal qualifications in veterinary medicine, medical science, biology or another field relating to the project and has undergone the training and passed an examination in carrying out the procedures and projects specified in § 41<sup>4</sup> of this Act.

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

### **§ 35. Permitted purposes of carrying out procedures**

A procedure may be carried out for a scientific or educational purpose in the following events:

- 1) basic research;
- 2) applied research aimed at preventing, diagnosing or treating a human, animal or plant disease, health disorder or their impact;
- 3) applied research aimed at identifying, evaluating, regulating or changing the physiological condition of a human, animal or plant;
- 4) applied research aimed at improving animal welfare or the conditions of keeping farm animals;
- 5) development and production of medicinal products, food and other substances and products for the purposes specified in clauses 2) to 4) of this section and their quality, efficacy and safety control;
- 6) protecting the natural environment in the interest of the welfare or health of humans or animals;
- 7) a study aimed at the preservation of an animal species;
- 8) obtaining higher education or vocational education, or further training;
- 9) forensic research.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

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

### **§ 36. Restrictions for procedures**

(1) It is prohibited to carry out a procedure for a permitted purpose listed in § 35 of this Act if the purpose may be achieved by other scientific methods that do not prescribe the use of experimental animals.

(2) It is prohibited to carry out a procedure without anaesthesia if the procedure causes severe long-lasting pain.

(3) It is prohibited to use an animal living freely in the wild as an experimental animal, unless for scientifically justified reasons the use of another experimental animal in the procedure is insufficient for achievement of the objective of the procedure.

(4) It is prohibited to use a stray animal in a procedure, unless:

- 1) for scientifically justified reasons the use of another experimental animal is insufficient for achievement of the objective of the procedure;
- 2) there is an essential need for studies concerning the health and welfare of the stray animals or serious threats to the environment or to human or animal health.

(5) It is prohibited to carry out a procedure for the purpose of development of weapons and ammunition, and for the development of the production of tobacco products.

(6) It is prohibited to carry out a procedure for the purpose of certifying compliance with public health requirements in the event of cosmetic products that are:

- 1) placed on the market and made available to the final consumer;
- 2) samples or designs of cosmetic products that have not been manufactured as a batch, but according to which products are manufactured or developed to completion.

(7) It is prohibited to carry out a procedure for the purposes of conformity assessment of the safety of the ingredients of cosmetic products or their combinations as of the date when the procedure must be replaced with at least one of the validated method listed in Commission Regulation (EC) No. 440/2008 laying down test methods pursuant to Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) (OJ L 142, 31.05.2008, pp. 1–739) or Annex IX to Council Directive 76/768/EEC on the approximation of the laws of the Member States relating to cosmetic products (OJ L 262, 27.09.1976, pp. 169–200).

(8) A procedure may be conducted either on the basis of a decision of the European Chemicals Agency or with the consent of the Health Board in order to obtain information required in the dossiers provided for in Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency,

amending Directive 1999/45/EC and repealing Council Regulation (EEC) No. 793/93 and Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC and 2000/21/EC (OJ L 396, 30.12.2006, pp. 1–850), or in the Biocides Act.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

### **§ 37. Using animal belonging to endangered species in procedures**

(1) It is prohibited to use an animal specified in Article 7(1) of Directive 2010/63/EU of the European Parliament and of the Council on the protection of animals used for scientific purposes (OJ L 267, 20.10.2010, pp. 33–79) in a procedure, unless the procedure is in accordance with the Nature Conservation Act and the purpose of the procedure is specified in clause 2), 5) or 7 of § 35 of this Act and there is scientific justification to the effect that the purpose of the procedure cannot be achieved by the use of another experimental animal.

(2) Subsection (1) of this section does not apply to any species of non-human primates.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

### **§ 37<sup>1</sup>. Using non-human primates in procedures**

(1) It is prohibited to use non-human primates in a procedure, unless there is scientific justification to the effect that the purpose of the procedure cannot be achieved by the use of another experimental animal and if the purpose of the procedure is:

- 1) the purpose specified in clause 2) of § 35 of this Act and the procedure is undertaken with a view to the avoidance, prevention, diagnosis or treatment of a debilitating or potentially life-threatening clinical condition in human beings;
- 2) the purpose specified in clause 7) of § 35 of this Act.

(2) It is prohibited to carry out a procedure if the procedure carried out for the purpose specified in subsection (1) of this section results in severe long-lasting pain or stress that cannot be ameliorated.

(3) The non-human primates listed in Annex II to Directive 2010/63/EU of the European Parliament and of the Council may be used in a procedure on the conditions established in the Annex and only where they are the offspring of non-human primates which have been bred in captivity or where they are sourced from self-sustaining colonies.

(4) For the purposes of this Act, ‘self-sustaining colony’ means a colony in which animals are bred only within the colony or sourced from other colonies but not taken from the wild, and where the animals are kept in a way that ensures that they are accustomed to humans.

(5) It is prohibited to use great apes in a procedure.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

### **§ 38. Experimental animal**

(1) An experimental animal specified in Annex I to Directive 2010/63/EU of the European Parliament and of the Council must have been bred in an establishment that has received an activity licence for breeding experimental animals.

(2) An experimental animal specified in subsection (1) of this section, which has not been bred in the establishment of an operator that received an activity licence for breeding experimental animals may be used in a procedure if it has been scientifically proven that the use of an animal bred in the establishment is not sufficient for attaining the goal of the procedure.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 39. Licence obligation in supplying, breeding and using experimental animals**

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

(1) The operator must have an activity licence for operating in an establishment engaged in:

- 1) supplying experimental animals;
- 2) breeding experimental animals;
- 3) using experimental animals.

(2) An activity licence gives the operator the right to commence and pursue economic activities only in or with regard to the establishment specified in the activity licence. An activity licence is effective for up to five years.

(3) The requirements applicable to establishments engaged in breeding, supplying and using experimental animals will be established by a regulation of the minister responsible for the field.

(4) If this is justified from a scientific point of view, a procedure may be conducted in a livestock building, construction works, area enclosed for keeping animals or zoo to which an activity licence for using experimental animals has not been granted.

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

#### **§ 40. Applying for activity licence for breeding, supplying and using experimental animals**

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

(1) The Veterinary and Food Board decides an application for an activity licence by granting or refusing to grant the activity licence.

(2) In addition to the information required in the General Part of the Economic Activities Code Act, an application for an activity licence must contain the following data and documents:

- 1) the site map along with the layout of the outdoor water supply and sewerage lines;
- 2) the layout of the rooms along with the layout of the equipment and indoor water supply and sewerage lines;
- 3) information on the finishing materials used;
- 4) the cleaning and disinfection plan that contains information on the measures taken and substances used for cleaning and disinfecting the means of transport, equipment and rooms;
- 5) the pest control plan along with information on the control measures taken;
- 6) information on the heating and ventilation systems;
- 7) the emergency plan that contains instructions for acting for the purpose of ensuring the health and welfare of experimental animals;
- 8) information on organising waste handling.

(3) The information specified in this section is entered in the register of farm animals established on the basis of subsection 11 (3) of the Infectious Animal Disease Control Act.

(4) An operator applying for an activity licence for breeding, supplying and using experimental animals must pay the state fee for reviewing the application at the rate provided for in the State Fees Act before submitting the application.

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

#### **§ 40<sup>1</sup>. Object of inspection of activity licence for breeding, supplying and using experimental animals**

An activity licence will be granted to an operator if its establishment engaged in breeding, supplying or using experimental animals complies with the requirements of this Act and legislation established on the basis thereof.

#### **§ 40<sup>2</sup>. Secondary conditions of activity licence for breeding, supplying and using experimental animals**

The following secondary conditions are added to an activity licence:

- 1) the person in charge of the compliance of the establishment's operations with the requirements;
- 2) the person in charge of the welfare and care of experimental animals;
- 3) the veterinarian or a person with proper qualifications whose duty is to give advice regarding the care and treatment of experimental animals;
- 4) the term of validity of the activity licence.

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

**§ 41.–§ 41<sup>3</sup>.**[Repealed – RT I, 29.06.2014, 1 – entry into force 01.07.2014]

#### **§ 41<sup>4</sup>. Training in care and killing of experimental animals, carrying out procedures and designing projects**

(1) A natural person directly engaged in the care and killing of experimental animals, carrying out procedures and designing projects must have undergone relevant training, passed an examination and hold a certificate proving it.

(2) In accordance with the requirements of the Adult Education Act, Vocational Educational Institutions Act and this Act and on the basis of a programme approved by the Ministry of Rural Affairs, a further training establishment carries out training in the care and killing of experimental animals, training in procedures and training in designing projects.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

(3) A further training establishment specified in subsection (2) of this section will draw up a programme for training in the care and killing of experimental animals, training in procedures and training in designing projects, taking into account the characteristics of the functions and liability of persons engaged in caring and killing experimental animals, carrying out procedures and designing projects, and will submit it to the Ministry of Rural Affairs for approval.

[RT I, 23.03.2015, 5 – entry into force 01.07.2015]



(4) The Ministry of Rural Affairs will approve or reject a training programme specified in subsection (3) of this section within 20 working days after the receipt thereof.

(5) The Ministry of Rural Affairs will reject a training programme specified in subsection (3) of this section if it does not comply with the requirements established for the programme.

(6) A training establishment will issue a relevant certificate to a person who has passed an examination in the care and killing of experimental animals, in carrying out procedures and in designing projects.

(7) More detailed requirements for programmes of training in the care and killing of experimental animals, carrying out procedures and designing projects and for topics covered by training will be established by a regulation of the minister responsible for the field.

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

## **§ 42. Keeping experimental animals**

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

### **§ 42<sup>1</sup>. Person responsible for experimental animal welfare and experimental animal welfare records**

(1) A person engaged in breeding, supplying or using experimental animals will appoint in their establishment a competent person responsible for animal welfare and care, grant employees access to information about the animal species kept in the establishment and bear liability for the competence of the employees.

(2) A person engaged in breeding, supplying or using experimental animals will appoint a veterinarian or another qualified person to give advice on the care and treatment of experimental animals.

(3) A person engaged in breeding, supplying or using experimental animals will draw up relevant records in their establishment for the purpose of ensuring experimental animal welfare and health. More detailed requirements for drawing up the records are provided for in subsection (3) of § 39, subsection (3) of § 40 and subsection (2) of § 41 of this Act.

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

### **§ 42<sup>2</sup>. Animal welfare body**

(1) A person engaged in breeding, supplying or using experimental animals will establish an animal welfare body comprising of at least the persons specified in § 42<sup>1</sup> of this Act, whose duty is to give advice on the welfare, treatment and care of experimental animals. In a user establishment, the animal welfare body must comprise at least one person with a research degree in medicine, biology or another relevant field and experience in carrying out procedures.

(2) More detailed requirements for animal welfare bodies will be established by a regulation of the minister responsible for the field.

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

### **§ 42<sup>3</sup>. Marking of experimental animals and keeping records of experimental animals**

(1) Before weaning, a dog, cat or a non-human primate used as an experimental animal is provided with an individual permanent identification mark in the least painful manner possible.

(2) Where a dog, cat or non-human primate is transferred from establishment to another before it is weaned, a record specifying the animal's mother must be maintained until the animal is marked. Where an unmarked dog, cat or non-human primate, which has been weaned, is received by an establishment, it will be marked as soon as possible.

(3) A person engaged in breeding, supplying or using experimental animals keeps records of the experimental animals.

(4) After birth, each dog, cat and non-human primate will get an individual history file that contains information about the animal.

(5) More detailed requirements for keeping records of experimental animals, including the list of data to be recognised in such records, will be established by a regulation of the minister responsible for the field.

(6) A person engaged in breeding, supplying or using experimental animals preserves the records for a minimum of five years after the death or transfer of the animal. The individual history files of dogs, cats and non-human primates are preserved for at least three years after the death or transfer of the experimental animal.

### **§ 43. Carrying out procedures**

- (1) A procedure may be carried out on the conditions specified in a project authorisation.
  - (2) Upon choosing the method of a procedure, preference is given to a method that is likely to produce a satisfactory result, uses the minimum number of animals, involves animals with the lowest capacity to experience pain and causes the least pain, suffering, distress or lasting harm.
  - (3) A procedure is carried out under general or local anaesthesia or analgesia or other appropriate methods are used to reduce pain, suffering and injuries. If the animal may suffer pain once anaesthesia has worn off, post-operative analgesics or other appropriate pain-relieving methods are used. It is prohibited to give an animal any drug to stop or restrict their showing pain without an adequate level of anaesthesia or analgesia.
  - (4) The provisions of subsection (3) of this section do not apply if:
    - 1) anaesthesia or analgesia will be more traumatic to the animal than the pain or suffering caused by the procedure itself, or
    - 2) anaesthesia or analgesia is incompatible with the purpose of the procedure.
  - (5) Death as the end-point of a procedure must be avoided and, if possible, the animal is killed at an earlier stage. Where death as the end-point is unavoidable, the procedure must be designed so as to result in the deaths of as few animals as possible and reduce the duration and intensity of suffering to the animal to the minimum possible and, as far as possible, ensure a painless death.
  - (6) Upon completion of a procedure, the veterinarian or another competent person will decide whether the animal will be kept alive or killed. The animal may be kept alive only if this does not cause it pain or suffering.
  - (7) If the health status of an experimental animal allows it, if there is no threat to human or animal health or to the environment and if animal welfare is ensured, the animal that has been kept alive may be rehomed or taken back to a suitable environment, livestock building or facility or to an area enclosed for keeping animals.
- [RT I, 18.12.2012, 2 – entry into force 01.01.2013]

### **§ 43<sup>1</sup>. Severity categories of procedures**

- (1) The categories of severity of a procedure based on the pain, stress and lasting harm are as follows: “non-recovery”, “mild”, “moderate” and “severe”.
  - (2) An experimental animal may be used in a severe procedure only once. An experimental animal used in a moderate or mild procedure may be reused if, according to the estimate of a veterinarian, taking into account what the animal has experienced during its life, the health status and welfare of the animal has restored and the next procedure is a mild, moderate or non-recovery procedure.
  - (3) The definitions of severity categories of procedures and more detailed requirements for classification of procedures will be established by a regulation of the minister responsible for the field.
- [RT I, 18.12.2012, 2 – entry into force 01.01.2013]

### **§ 44. Documentation of procedures**

- (1) A protocol must be drawn up on a procedure.
  - (2) A protocol must contain all relevant information such as the time of carrying out the procedure, the person responsible for the project, a person involved, the number of animals used, the origin and species of the non-human primate (if any), the progress of the procedure (including information about the actual severity of the procedure), and the time of completion of the procedure.
  - (3) The procedure protocol form will be established by a regulation of the minister responsible for the field.
  - (4) An authorisation holder keeps paper or electronic records of experimental animals at all times, recording the number of animals, the procedures carried out on them and the fate of the animal following the completion of the procedure.
  - (5) The authorisation holder preserves procedure protocols and experimental animal records for five years after the completion of a procedure.
  - (6) By February 1 each year, an authorisation holder submits to the Ministry of Rural Affairs a protocol on each procedure completed last year and on each pending procedure started last year.
- [RT I, 18.12.2012, 2 – entry into force 01.01.2013]

#### **§ 45. Project authorisation and project authorisation committee**

(1) In order to carry out a project one must hold a project authorisation (hereinafter *project authorisation*). The authorisation sets out the name and address of the designer of the procedure and of the person responsible for the project, the name of the person involved in the project, the time and place of the project, the species and number of experimental animals, the proceedings applied in the procedure and, if necessary, other conditions of carrying out the procedure.

(2) Authorisations are granted by the project authorisation committee established by the minister responsible for the field.

(3) The procedure for establishment and the rules of procedure of the project authorisation committee will be established by a regulation of the minister responsible for the field.

(4) The activities of the members of the project authorisation committee (hereinafter *authorisation committee*) are financed via the budget of the Ministry of Rural Affairs.

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

#### **§ 46. Persons carrying out procedures**

(1) A project and a procedure undertaken in the framework thereof are carried out by the project authorisation holder.

(2) The person responsible for a project must hold at least a master's degree or equal qualifications in veterinary medicine, medicine, biology or another field relating to the project and must have undergone training and passed an examination in carrying out procedures and designing projects specified in § 41<sup>4</sup> of this Act.

(3) If a person responsible for a project is a legal person, the requirements provided for in subsection (2) of this section are met if a natural person working for the legal person under a contract meets the requirements.

(4) A person involved in a project must have undergone training and passed an examination in carrying out procedures and designing projects specified in § 41<sup>4</sup> of this Act. Until passing the examination, the person may work under the supervision and at the liability of a person who has passed the examination.

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

#### **§ 47. Application for authorisation**

(1) In order to receive the licence, the person in charge of the animal experimentation project or the person who has received an activity licence in a user establishment submits to the issuer of the licence a standard-form written application (hereinafter *licence application*) along with documents certifying the information set out therein.

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

(2) An application sets out information about the designer of the project, the person responsible for the project, the involved person, the experimental animals and genetically modified animals to be used, and the time and place of the project, justifies the need for the project, the choice of the animal species and the number of animals to be used, and lists and describes various proceedings that the animals will be subjected to. In addition to the aforementioned, the following is annexed to an application for a procedure involving genetically modified animals: information concerning the donor, recipient and parental organism, and also concerning the genetic modification, monitoring, control and waste handling involved in the procedure; an emergency plan indicating extraordinary measures to be applied in the event of an accident.

(3) Standard application forms for project authorisations will be established by a regulation of the minister responsible for the field.

(4) As soon as possible the authorisation committee communicates to the applicant in writing the time limit during which a decision to grant or refuse to grant the authorisation will be made.

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

(5) In the event of a procedure involving a genetically modified animal, the authorisation committee will forward a copy of the application and of the documents annexed thereto to the gene technology committee specified in § 5 of the Release into Environment of Genetically Modified Organisms Act. The authorisation committee will take into account the opinion of the gene technology committee upon deciding whether to grant or refuse to grant the authorisation.

(6) In the event of a procedure involving an animal living freely in the wild, the authorisation committee will forward a copy of the application and of the documents annexed thereto to the Environmental Board for

the purpose of obtaining its opinion. The authorisation committee will take into account the opinion of the Environmental Board upon deciding whether to grant or refuse to grant the authorisation.

(7) The authorisation committee will make a decision to grant or refuse to grant an authorisation within 40 working days after the receipt of a due application.

(8) The authorisation committee may extend the time limit specified in subsection (7) of this section once by up to 15 working days where an authorisation for a project calling for additional expert assessment is applied for or where the project involves several fields. The applicant is informed of the extension of the time limit in writing.  
[RT I, 28.12.2017, 2 - entry into force 01.02.2018]

(9) The application and the documents annexed thereto, a copy of the application and other documents and records relating to the procedure are preserved for three years after the completion of the project.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

#### **§ 48. Granting authorisation and term of validity of authorisation**

(1) An authorisation is granted on the conditions set forth in the application and it will be valid until the expiry of the term of validity or until the authorisation becomes invalid or is revoked.  
[RT I, 18.12.2012, 2 – entry into force 01.01.2013]

(1<sup>1</sup>) Non-technical summaries of authorised projects will be published on the website of the Ministry of Rural Affairs.

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

(2) An authorisation becomes invalid upon the death of the holder of the authorisation who is a natural person or upon termination of the holder of the authorisation who is a legal person.

(3) An authorisation is revoked by a decision of the authorisation committee:

- 1) on the basis of an application of the holder of the authorisation;
- 2) if it becomes evident in the course of state or administrative supervision that false information has been submitted upon application for the licence or that the conditions specified in the licence, this Act or the requirements provided by legislation established on the basis of this Act have been violated.

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

#### **§ 49. Refusal to grant authorisation**

(1) The authorisation committee has the right to refuse to grant an authorisation if:

- 1) the designer of the project, the applicant, the person responsible for the project or the person involved in the project does not meet the requirements of this Act;
- 2) false information has been submitted upon application for the authorisation;
- 3) the procedure is not justified;
- 4) the procedure described in the application does not comply with the requirements established by this Act;
- 5) the procedure may pose a serious threat to the environment or to human or animal health.

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

(2) [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]

#### **§ 50. Amendment of conditions of authorisation**

In order to amend the conditions of an authorisation or information set out in an authorisation, the holder will apply for the issue of a new authorisation.

#### **§ 51. Marking of dogs, cats and non-human primates used as experimental animals**

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

#### **§ 51<sup>1</sup>. Retrospective assessment of project**

(1) The authorisation committee must carry out a retrospective assessment of a project in the event of a severe or moderate procedure and if non-human primates have been used in a procedure made in the framework of a project.

(2) Upon retrospective assessment of a project, the attainment of the purpose of the project must be assessed on the basis of the procedure protocol and the harm caused to animals, taking into account the number of experimental animals used, the severity of the procedure and other circumstances that contribute to the application of the requirement to replace, reduce and refine the procedure.

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

## **§ 51<sup>2</sup>. Experimental animal protection committee and experimental animal protection commission**

(1) The experimental animal protection committee advises the authorisation committee, the animal welfare body and the law enforcement authority on matters concerning the keeping of experimental animals and using them in procedures.

(2) The functions of the experimental animal protection committee are performed by the Ministry of Rural Affairs.

(3) Upon performance of the functions provided for in subsection (1) of this section, the Ministry of Rural Affairs may, for the purpose of obtaining an opinion, address the experimental animal protection commission that has been established by the minister responsible for the field for advisory purposes and involves experts of the following fields:

- 1) breeding of experimental animals;
- 2) supply of experimental animals;
- 3) use of experimental animals.

(4) The activities of the experimental animal protection commission are financed via the budget of the Ministry of Rural Affairs.

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

## **Chapter 9 PROTECTION OF GENETICALLY MODIFIED ANIMALS UPON CARRYING OUT PROCEDURES**

[RT I 2001, 93, 566 - entry into force 01.01.2002]

### **§ 52. Genetically modified animals**

(1) For the purposes of this Act, ‘genetically modified animal’ means each organism capable of reproduction or transfer of genetic material, whose genetic material has been modified in a manner that would be impossible under natural conditions, and that is listed in § 3 of the Release into Environment of Genetically Modified Organisms Act.

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

(2) The provisions of this Chapter do not apply to genetically modified animals that are marketed or deliberately released into the environment in compliance with the Act referred to in subsection (1) of this section or to genetically modified micro-organisms.

### **§ 53. Application for authorisations for carrying out procedures involving genetically modified animals**

(1) Upon application for an authorisation for carrying out a procedure involving a genetically modified animal, the applicant must submit a risk analysis of the procedure together with the application.

(2) The risk analysis of a procedure must contain an assessment of the hazards that might arise upon carrying out the procedure involving genetically modified animals, the consequences thereof and a risk management plan.

(3) The requirements for preparation of risk analyses of procedures and mandatory information to be presented in a risk analysis will be established by a regulation of the Government of the Republic or of a minister authorised by the Government of the Republic.

### **§ 54. Notification of procedures involving genetically modified animals**

(1) A person carrying out a procedure is required to immediately inform the authorisation authority of the following circumstances that become evident upon carrying out the procedure involving a genetically modified animal:

- 1) accidents;
- 2) information concerning the hazards of the premises to be used for the procedure or the genetically modified animals involved in the procedure, which has become evident during the processing of the application;
- 3) information concerning the hazards of the premises to be used for the procedure or the animals involved in the procedure, which have become evident after the granting of the authorisation;
- 4) intention to use genetically modified animals in a manner different from the one applied for.

(2) If any of the circumstances listed in subsection (1) of this section become evident, the person who carries out the procedure will immediately submit a new application for an authorisation and bring the conditions of the procedure into compliance with new requirements.

(3) If any of the circumstances listed in clauses 2) or 3) of subsection (1) of this section become evident, the processing of the application will be suspended until the submission of a new application and the procedure will be suspended until a new authorisation has been granted.

#### **§ 55. Informing public**

(1) The authorisation authority will publish a notice in the official publication *Ametlikud Teadaanded* concerning the granting of each authorisation to carry out a procedure involving a genetically modified animal.

(2) If necessary, the authorisation authority may grant the authorisation to carry out a procedure involving a genetically modified animal by way of open proceedings in accordance with § 10 of the Release into Environment of Genetically Modified Organisms Act, while adhering to the requirement of maintaining the confidentiality of information.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

#### **§ 56. Precautions**

Before carrying out a procedure involving a genetically modified animal and the use of the premises prescribed for such purposes, the person carrying out the procedure will:

1) draw up an emergency plan for the protection of humans and the environment in the event of an accident;  
[RT I, 11.10.2017, 1 - entry into force 01.06.2018]

2) inform, in an appropriate manner, potentially endangered persons of safety measures to be applied and correct action to be taken in the event of an accident. The person carrying out a procedure will update this information at appropriate intervals and make the information available to the public.

#### **§ 57. Accident**

(1) 'Accident' means a large-scale and unintentional escape of genetically modified animals in the course of a procedure that may pose a threat to human health or the environment.

(2) In the event of an accident, the person carrying out the procedure will immediately inform the authorisation authority thereof and submit the following information:

- 1) circumstances of the accident;
- 2) identification and number of genetically modified animals involved in the accident;
- 3) any other information that would help to determine the effect of the accident to human health or the environment;
- 4) applied measures.

(3) Upon receipt of the information specified in subsection (2) of this section, the authorisation authority is required to:

- 1) ensure the application of all necessary measures;
- 2) as far as possible, gather information needed for the full analysis of the accident and where necessary, make recommendations for the prevention of similar accidents and the reduction of their effects in the future.

(4) The person carrying out the procedure will remove the genetically modified animals from the environment and remedy the environmental damage caused by the release of such animals into the environment.

(5) The law enforcement authority will remove the genetically modified animals from the environment and remedy the environmental damage caused by the release of such animals into the environment if the person carrying out the procedure fails to do so. Under § 26 of the Environmental Liability Act, the person who remedied the environmental damage has the right to demand that the person who carried out the procedure compensate reasonable expenses incurred upon remedying the environmental damage.

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

(6) The authorisation authority will organise an evaluation of the effectiveness of remedying the environmental damage at the cost of the person who caused the damage.

(7) The authorisation authority must record all accidents. Information concerning an accident must be preserved together with the materials relating to the corresponding application for carrying out a procedure in accordance with subsection 45 (6) of this Act.

#### **§ 58. Restriction of procedures involving genetically modified animals**

(1) The authorisation authority has the right to temporarily restrict or suspend procedures involving genetically modified animals if concrete evidence exists that such procedures endanger human health or the environment.

(2) If, after granting an authorisation, the authorisation authority learns that the conditions established in the authorisation have been violated or are not complied with as required, the authority will have the right

to demand that the person carrying out the procedure amend the conditions of the procedure or suspend or terminate the procedure.

#### **§ 59. Confidentiality of information**

An applicant for an authorisation involving a genetically modified animal has the right to make a reasoned proposal in the application for the handling of the information presented in the application as confidential in accordance with § 23 of the Release into Environment of Genetically Modified Organisms Act.

## **Chapter 10 STATE SUPERVISION**

#### **§ 60. State and administrative supervision**

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

(1) State and administrative supervision over compliance with the requirements of this Act and the legislation established on the basis thereof is exercised by the Veterinary and Food Board and the Environmental Inspectorate.

(2) The Environmental Inspectorate exercises state supervision over the compliance with the requirements established in this Act regarding animals living freely in the wild.

(3) In addition to the requirements established in this chapter, the requirements provided for in Article 34 of Directive 2010/63/EU of the European Parliament and of the Council apply upon exercising state supervision over adherence of the requirements for protecting experimental animals.

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

#### **§ 60<sup>1</sup>. Special measures of state supervision**

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, 45, 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.

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

#### **§ 60<sup>2</sup>. Use of direct coercion**

The law enforcement authority is authorised to use physical force on the grounds and in accordance with the procedure established in the Law Enforcement Act.

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

#### **§ 61. Exercising state supervision**

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

#### **§ 62. Rate of penalty payment**

In the event of failure to comply with a precept the maximum penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 13 000 euros.

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

#### **§ 63. [Repealed – RT I 2002, 61, 375 – entry into force 01.08.2002]**

#### **§ 64. Taking of animal away from owner**

(1) Upon repeated failure to comply with a precept issued by the law enforcement authority or repeated failure to comply therewith according to the requirements, or upon a material violation of the requirements of this Act, the law enforcement authority has the right to take the animal away from the owner if leaving the animal with the owner threatens the health or life of the animal.

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

(2) The law enforcement authority will give an animal that has been taken away from its owner to the local authority that will impose substitutive enforcement for the keeping of the animal in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

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

(3) An animal owner from whom the animal has been taken away in accordance with subsection (1) of this section will either transfer the animal or organise slaughter or killing of the animal by the date, in the manner and under the conditions prescribed by the precept issued by the law enforcement authority.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

(4) In the event of failure to transfer, slaughter or kill an animal by the due date, the law enforcement authority will organise the transfer, slaughter or killing of the animal pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

(5) The income received from the transfer, slaughter or killing of an animal in the event specified in subsection (4) of this section will be used for covering the costs of substitutive enforcement incurred by the local authority and the remaining income belongs to the owner of the animal from whom the animal has been taken away.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

(6) A local authority may take a loan for organising the keeping of an animal that has been taken away from the owner. Subsection 38 (3) of the Local Authority Financial Management Act regulates the taking of such a loan.  
[RT I, 13.03.2014, 2 – entry into force 23.03.2014]

#### **§ 64<sup>1</sup>. Special conditions of taking of animal away from owner in connection with bankruptcy proceedings initiated with regard to animal owner who is legal person**

If the law enforcement authority has, on the basis of subsection 64 (1) of this Act, taken an animal away from an animal owner who is a legal person and if bankruptcy proceedings are initiated with regard to the animal owner on the basis of subsection 15 (1) of the Bankruptcy Act before the transfer, slaughter or killing of the animal, the reasons for taking the animal away are deemed to have ceased to exist, and the law enforcement authority will return the animal to the animal owner.  
[RT I 2005, 61, 477 – entry into force 01.12.2005]

#### **§ 65. Imposing of prohibition to keep farm animals**

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]  
The court will send a copy of the judgment on the prohibition to keep a farm animal subject to registration to the register of farm animals within five working days after the date on which the court judgment enters into force.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

#### **§ 66. [Repealed – RT I 2007, 23, 119 – entry into force 02.01.2008]**

## **Chapter 11 LIABILITY**

#### **§ 66<sup>1</sup>. Violation of animal keeping requirements**

(1) The penalty for a violation of animal keeping requirements 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 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

#### **§ 66<sup>2</sup>. Commission of prohibited act with respect to animals**

(1) The penalty for the commission of a prohibited act with respect to an animal 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 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

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

#### **§ 66<sup>3</sup>. [Repealed – RT I 2004, 38, 257 – entry into force 01.05.2004]**

#### **§ 66<sup>4</sup>. Violation of requirements for animal competitions and animal exhibitions**

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

(1) The penalty for a violation of the requirement for animal competitions and animal exhibitions 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 3200 euros.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]



#### **§ 66<sup>5</sup>. Violation of requirements for transporting animals**

(1) The penalty for a violation of the requirements for transporting animals 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 3200 euros.

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

#### **§ 66<sup>6</sup>. Violation of requirements for slaughtering or killing animals**

(1) The penalty for a violation of the requirements for slaughtering or killing animals 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 3200 euros.

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

#### **§ 66<sup>7</sup>. Violation of requirements for medical treatment of animals or other veterinary procedures**

(1) The penalty for a violation of the requirements for medical treatment of animals or other veterinary procedures 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 3200 euros.

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

#### **§ 66<sup>8</sup>. Carrying out procedure without authorisation or violation of requirements for carrying out procedure**

(1) The penalty for carrying out of a procedure without authorisation or violation of the requirements for a procedure 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 3200 euros.

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

#### **§ 66<sup>9</sup>. [Repealed – RT I 2005, 61, 477 – entry into force 01.12.2005]**

#### **§ 66<sup>10</sup>. Acts of person deprived of right to keep animals**

(1) The penalty for the keeping of any animal or animals belonging to certain animal species by a person on whom the prohibition to keep animals has been imposed as an additional penalty 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 3200 euros.

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

#### **§ 66<sup>11</sup>. Proceedings**

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

(2) The extrajudicial proceedings of the misdemeanours provided for in §§ 66<sup>1</sup>–66<sup>10</sup> of this Act are conducted by:

- 1) the Environmental Inspectorate;
- 2) the Veterinary and Food Board;
- 3) the Police and Border Guard Board.

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

(3) The court will hear misdemeanours provided for in § 66<sup>2</sup> of this Act if revocation of the right to keep animals is to be decided upon hearing the misdemeanour case.

[RT I 2007, 23, 119 – entry into force 02.01.2008]

#### **§ 67.–§ 76. [Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]**

## **Chapter 12**

# IMPLEMENTING PROVISIONS

§ 77.–§ 81.[Omitted from this text]

## § 81<sup>1</sup>. Transition provisions

(1) Animal keepers who are operating on 1 July 2002 must comply with the requirements for keeping of animals established on the basis of 3 (4) of this Act as of 1 January 2003, unless the requirements prescribe a later date for compliance with specific requirements.

[RT I 2001, 93, 566 – entry into force 01.01.2002]

(2) A zoo that is operating on the date of entry into force of this Act must hold an activity licence of a zoo not later than as of 1 January 2003.

[RT I 2001, 93, 566 – entry into force 01.01.2002]

(3) The prohibition provided for in subsection 27 (5) of this Act applies to dogs born after 1 January 2006.

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

(4) Cases relating to revocation of the right to keep animals admitted by the court for adjudication before 2 January 2008 must be adjudicated on the grounds and in accordance with the procedure currently in force.

[RT I 2007, 23, 119 – entry into force 02.01.2008]

(5) The requirements of this Act, which entered into force on 1 January 2013, do not apply to procedures that, before the given date, have been granted an authorisation that will remain in force no later than until 1 January 2018.

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

(6) Decisions authorising breeding establishments, supply establishments and user establishments under this Act before 1 January 2013 will remain in force until 31 December 2016.

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

(7) If a person has gained at least three years of experience in slaughtering animals and related acts before 1 January 2013, it will, until 8 December 2015, be considered equal to undergoing training and passing an examination in slaughtering animals and a certificate specified in Article 21 of Council Regulation (EC) No. 1099/2009 will be issued to the person.

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

(8) A person specified in subsection (7) of this section will, not later than by 8 November 2015, submit to the Veterinary and Food Board information on at least three-year experience in slaughtering animals and performing related acts along with copies of documents certifying the experience.

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

(9) If, on the basis of the documents specified in subsection (8) of this section, the at least three-year experience of a person in slaughtering animals and performing related acts, which has been acquired before 1 January 2013, is considered certified, the Veterinary and Food Board will issue a certificate specified in Article 21 of Council Regulation (EC) No. 1099/2009 within 20 working days after the submission of the documents.

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

(10) Subsections (6) and (7) of § 36 of this Act will remain in force until 11 July 2013.

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

## § 82. Entry into force of Act

(1) This Act will enter into force on 1 July 2001, except subsections 22 (1)-(3) and (7) that will enter into force on 1 January 2002, Chapters 8 and 9 will enter into force on 1 July 2002 and subsection 11 (1) will enter into force on 1 January 2003.

(2) The requirements for keeping animals established on the basis of subsection 3 (4) of this Act will enter into force on 1 July 2002.

[RT I 2001, 93, 566 – entry into force 01.01.2002]

<sup>1</sup> Council Directive 98/58/EC concerning the protection of animals kept for farming purposes (OJ L 221, 08.08.1998, pp. 23–27), amended by Regulation (EC) No. 806/2003/EC (OJ L 122, 16.05.2003, pp. 1–35); Council Directive 1999/74/EC laying down minimum standards for the protection of laying hens (OJ L 203, 3.8.1999, pp. 53–57), amended by Regulation (EC) No. 806/2003/EC (OJ L 122, 16.05.2003, pp. 1–35); Council Directive 2007/43/EC laying down minimum rules for the protection of chickens kept for meat production (OJ L 182, 12.07.2007, pp. 19–28); Council Directive 2008/119/EC laying down minimum standards for the protection of calves (OJ L 10, 15.01.2009, pp. 19–28); Council Directive 2008/120/EC laying down minimum standards for the protection of pigs (OJ L 47, 18.02.2009, pp. 5–13); Directive 2010/63/EU of the

European Parliament and of the Council on the protection of animals used for scientific purposes (OJ L 267, 20.10.2010, pp. 33–79).  
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