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Veterinary Activities Organisation Act¹

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RT I 1999, 58, 608

Entered into force in accordance with § 51.

Amended by the following acts

Passed	Published	Entry into force
16.12.1999	RT I 1999, 97, 861	01.01.2000
13.12.2000	RT I 2001, 3, 4	01.07.2001
14.11.2001	RT I 2001, 93, 566	01.01.2002
14.11.2001	RT I 2001, 93, 565	01.02.2002
Consolidated text in paper version of RT I 2002, 13, 79 Riigi Teataja		
23.01.2002	RT I 2002, 18, 97	01.07.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
06.11.2002	RT I 2002, 96, 566	01.01.2003
21.04.2004	RT I 2004, 38, 257	01.05.2004, in part 15.05.2004
15.06.2005	RT I 2005, 39, 308	01.01.2006
01.06.2006	RT I 2006, 28, 211	01.07.2006
13.12.2007	RT I 2007, 70, 428	01.01.2008
19.06.2008	RT I 2008, 30, 191	01.07.2008
10.06.2009	RT I 2009, 34, 224	01.07.2009
09.12.2009	RT I 2009, 64, 422	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, 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).
17.02.2011	RT I, 02.03.2011, 1	04.03.2011
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
21.05.2014	RT I, 06.06.2014, 1	01.07.2014
12.06.2014	RT I, 29.06.2014, 2	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
23.09.2014	RT I, 09.10.2014, 2	01.01.2015
19.11.2014	RT I, 13.12.2014, 1	01.01.2016, date of entry into force amended to 01.07.2016 [RT I, 17.12.2015, 1]

11.06.2015	RT I, 30.06.2015, 4	01.09.2015, on the basis of subsection 107 ⁴ (2) of the Government of the Republic Act the words 'Ministry of Agriculture' have been replaced with the words 'Ministry of Rural Affairs' in the appropriate case form.
25.11.2015	RT I, 17.12.2015, 1	20.12.2015, in part 01.01.2016 and 01.07.2016
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
31.05.2017	RT I, 16.06.2017, 1	01.07.2017

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

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

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

(3) Veterinary activities include steps taken in the course of state veterinary supervision (hereinafter *veterinary supervision*), in the course of veterinary checks carried out in the framework of proceedings for granting activity and other licences (hereinafter *veterinary checks*) and in the course of veterinary practice.

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

(3¹) Veterinary practice means activities in the field of treatment, prevention and diagnosis, including laboratory diagnosis, of animal diseases. Veterinary supervision steps taken and veterinary checks carried out by official veterinarians and authorised veterinarians are not considered veterinary practice. A veterinarian has the right to engage in veterinary practice.

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

(3²) For the purposes of this Act, 'veterinarian' means a person who is qualified in veterinary medicine and holds a professional activity licence of a veterinarian (hereinafter *professional activity licence*).

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

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

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

(3⁴) The Ministry of Rural Affairs will conclude a public contract with the Estonian University of Life Sciences for six years for the additional financing required for covering the operating expenses relating to the organisation of the clinical studies of veterinary medicine.

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

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

(5) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act.

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

(6) The Law Enforcement Act applies to the veterinary supervision exercised on the basis of this Act, taking account of the specifics of this Act.

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

§ 2. Animal and animal product

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

(2) For the purposes of this Act, 'farm animal' means an animal kept or bred with the objective of producing animal products. For the purposes of this Act, *equidae* are also deemed to be farm animals.

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

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

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

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

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

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

(7) The provisions regulating products of animal origin also apply to animal by-products and derived products, unless otherwise provided for in Regulation (EC) No. 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, pp. 1–33). For the purposes of this Act, 'animal by-products' means the animal by-products specified in Article 3(1) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council. For the purposes of this Act, 'derived products' means products obtained from the animal by-products specified in n Article 3(2) of Regulation (EC) No. 1069/2009 of the European Parliament and of the Council.

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

§ 2¹. Veterinary requirements and attestation

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

(2) If there is reason to believe that that an animal or a product of animal origin might be directly or indirectly harmful to human or animal health, an official veterinarian or an authorised veterinarian with the relevant competence for control in whose territory of supervision the animal or the product of animal origin is located will certify by an animal health certificate the safety of the animal or the product of animal origin or the need to adhere to additional veterinary requirements.

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

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

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

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

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

§ 2². Acquisition of qualifications of veterinarian

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

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

Chapter 2

ORGANISATION OF VETERINARY SUPERVISION AND VETERINARY CHECKS

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

§ 4. Scope of veterinary supervision and veterinary checks

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

Veterinary supervision is exercised and veterinary checks are carried out over the following objects of supervision:

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

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

§ 5. Organisation of veterinary supervision and veterinary checks

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

(1) Veterinary supervision is exercised and veterinary checks are carried out by the Veterinary and Food Board and by a veterinarian who has concluded a public law contract with the Veterinary and Food Board on the basis of subsection 13 (4) of this Act (hereinafter *authorised veterinarian*).

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

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

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

(4) Samples obtained in the course of veterinary supervision and veterinary checks will be analysed in a laboratory authorised according to § 34¹ of this Act.

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

(6) If, as a result of laboratory analyses, an animal or a product of animal origin is declared non-conforming, the expenses relating to additional examination will be borne by the keeper of animals or the handler of the products of animal origin in accordance with Article 28 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules (OJ L 165, 30.04.2004, pp. 1–141).

(7) Veterinary supervision is exercised and veterinary checks are carried out in accordance with the provisions of Regulation (EC) No. 882/2004 of the European Parliament and of the Council and other relevant legislation.

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

§ 5¹. Cooperation in veterinary supervision between Member States of European Union and European Commission

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

(2) Cooperation in veterinary supervision is pursued in accordance with Council Directive 89/608/EEC on mutual assistance between the authorities of the Member states and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJ L 351, 02.12.1989, pp. 34–37).

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

§ 6. Authorisation of reference laboratory

(1) For the purposes of this Act, ‘national reference laboratory’ means the laboratory specified in Article 33 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council which performs the duties of a reference laboratory in the area of animal health.

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

(2) One national reference laboratory (hereinafter *reference laboratory*) will be authorised to operate per each Community reference laboratory referred to in Article 32 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

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

(3) Authority to operate as a reference laboratory will be granted within 20 working days as of the receipt of a written request from the laboratory by a directive of the minister responsible for the field, which specifies the scope of the authority.

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

(3¹) The state fee for reviewing an application for authority to operate as reference laboratory will be paid at the rate provided by the State Fees Act.

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

(3²) Only laboratories complying with the bio-safety requirements established for reference laboratories in the relevant European Union legislation for diagnosing an infectious animal disease may be authorised to operate as reference laboratories.

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

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

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

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

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

(8) The bio-safety requirements for reference laboratories specifying the requirement provided in subsection (3²) of this section and the requirements for the content of applications for authority to operate as a reference laboratory, the list of documents to be annexed to the application and the procedure for processing applications will be established by the minister responsible for the field.

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

§ 7. Special measures of veterinary supervision

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

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

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

§ 7¹. Specifics of veterinary supervision

(1) The Veterinary and Food Board has the right to:

- 1) prohibit trade in animals that do not conform to veterinary requirements, the grazing of such animals and the transfer of such animals from one herd to another and to an establishment where products of animal origin are handled;
- 2) prohibit the handling of animal products which do not conform to veterinary requirements;
- 3) suspend, in part or in full, the operations in an establishment that has violated the veterinary requirements.

(2) The possessor of an object of supervision is required to:

- 1) ensure safe working conditions for the official veterinarian, authorised veterinarian and veterinarian;

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

2) for the purpose of exercising veterinary supervision and carrying out veterinary checks, provide the official veterinarian and the authorised veterinarian with premises conforming to the occupational safety and health requirements free of charge, including with furnished office rooms and telecommunications, where necessary. The Veterinary and Food Board will pay for the telecommunication services.

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

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

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

§ 8. Obligation of supervisory official to present document

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

Chapter 3

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

§ 9. Authorised veterinarian

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

§ 10. Competition for operating as authorised veterinarian

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

(1) To conclude the public law contracts specified in subsection 5 (1) of this Act, the Veterinary and Food Board will announce a competition.

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

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

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

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

§ 11. Requirements for applicants for rights of authorised veterinarian

An applicant for the rights of an authorised veterinarian must:

1) hold a valid professional activity licence;

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

2) have the necessary training and equipment for the performance of duties related to the authority;

3) be able to act impartially and provide appropriate assessments of actual situations.

§ 12. Application for rights of authorised veterinarian

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

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

1) an application to be granted authority;

2) their *curriculum vitae*.

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

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

(1) In order to review and assess applications received for a competition, the Veterinary and Food Board will form a three-member committee comprising one representative from each of the Veterinary and Food Board, the local office of the Veterinary and Food Board which announced the competition, and a registered professional organisation. The committee will be formed for the given calendar year.

(2) The committee will review the applications received during the competition and assess the conformity of the applicants with the requirements set out in § 11 of this Act. The committee has the right to verify

the authenticity of materials submitted by the applicant for authority and, if necessary, request additional information and documents.

(3) Within 30 working days after receipt of all documents necessary for authorisation, the committee will submit a reasoned proposal in writing to the head of the local office of the Veterinary and Food Board concerning the grant of or refusal to grant authority to the applicant. The committee will decide the granting of or refusal to grant authority by a simple majority vote.

(4) For the performance of administrative functions under the Administrative Co-operation Act, the local office of the Veterinary and Food Board will conclude a public law contract with a veterinarian or legal person who passed the competition. In the latter case, the contract will set out the name of the authorised veterinarian exercising veterinary supervision and carrying out veterinary checks, with whom the legal person has a contractual relationship.

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

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

(6) The right to act as an authorised veterinarian is granted for up to five years.
[RT I 2004, 38, 257 – entry into force 01.05.2004]

§ 14. Termination of authority

(1) The authority terminates upon:

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

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

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

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

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

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

§ 15. Rights of authorised veterinarian

(1) An authorised veterinarian has the right, based on the scope of their authority, to:

- 1) have access to objects of supervision and to information and documentation necessary for supervision, and to demand copies of such documentation;
- 2) issue animal health certificates and prepare veterinary reports;
- 3) use equipment for monitoring and the services of laboratories specified in subsection 5 (5) of this Act for research relating to monitoring;
- 4) make a proposal to the official veterinarian of the given area to suspend the trade in animals not conformity to the veterinary requirements, the grazing of such animals, the transfer of such animals from one herd to another and to an establishment handling animal products, and the handling of animal products that do not conform to the veterinary requirements as well as the use of such products as food;

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

5) make a proposal to the official veterinarian of the corresponding area to suspend the operations of an establishment which is the object of supervision if the violation of the veterinary requirements poses a threat to human life and health or to animal health and welfare.

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

(2) An authorised veterinarian has the right to surrender their authority by notifying the head of the local office of the Veterinary and Food Board thereof by sending an unregistered letter by post at least 30 days in advance.

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

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

- 1) partial capacity for work, to the extent of their one year's average salary;
- 2) incapacity for work, to the extent of their five years' average salary.

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

(5) If necessary, the connection specified in subsection (3) of this section between the scope of the person's capacity for work and an injury or illness suffered as a result of performance of the tasks related to the powers of the authorised veterinarian is established by the Social Insurance Board in accordance with § 49¹ of the Civil Service Act.

[RT I, 17.12.2015, 1 - entry into force 01.07.2016]

§ 16. Duties of authorised veterinarian

(1) An authorised veterinarian is required to:

- 1) perform the functions vested in them by their authority;
- 2) Exercise their rights to prevent and establish violations of the veterinary requirements;

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

3) formalise decisions made in exercising their authority as reasoned written decisions and inform the official veterinarian thereof;

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

4) maintain business and professional secrets which become known to them during the inspection of objects of supervision;

5) store copies of certificates issued by them and other documents related to veterinary supervision and veterinary checks in accordance with the procedure established by a directive of the Director General of the Veterinary and Food Board;

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

6) deliver, upon the termination of their authority, the documents specified in clause 5) of this subsection to the local office of the Veterinary and Food Board that exercises veterinary supervision and carries out veterinary checks over their activities;

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

7) submit, at the request of the local office of the Veterinary and Food Board which exercises veterinary supervision and carries out veterinary checks over their activities, all documents necessary for the veterinary supervision and veterinary checks of the activities related to their authority.

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

(2) An authorised veterinarian is prohibited to exercise veterinary supervision over and carry out veterinary checks of an object of supervision that belongs to their authorised veterinarian or to their family members.

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

§ 17. Administrative supervision over activities of authorised veterinarian

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

(1) Administrative supervision over the activities of an authorised veterinarian is exercised by the local office of the Veterinary and Food Board that exercises supervision in the territory where the veterinarian operates.

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

(2) An authorised veterinarian submits reports to the local office of the Veterinary and Food Board that exercises supervision in the territory where the veterinarian operates.

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

§ 18. Suspension and withdrawal of authority

(1) Upon suspension of the professional activity licence of an authorised veterinarian, the authority granted to them is also suspended.

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

(2) If an authorised veterinarian fails to perform activities relating to their authority in the manner required, the head of the local office of the Veterinary and Food Board will suspend the authority of the authorised veterinarian and grant a term for the elimination of the deficiencies. If the deficiencies are not eliminated during the term, the head of the local office of the Veterinary and Food Board will withdraw the authority and unilaterally terminate the public law contract.

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

§ 19. Remuneration of authorised veterinarians

(1) Authorised veterinarians provide veterinary services for a fee and veterinary services financed from the state budget within the scope of their authority.

(2) An authorised veterinarian has the right to receive remuneration for a step of veterinary supervision and veterinary checks.

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

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

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

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

Chapter 4 VETERINARY PRACTICE

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

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

Chapter 5 REQUIREMENTS FOR ENGAGING IN VETERINARY PRACTICE

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

§ 22. Professional activity licence

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

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

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

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

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

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

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

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

§ 22¹. National register of veterinarians

(1) To register veterinarians, the minister responsible for the field will establish the national register of veterinarians (hereinafter *register*) by a regulation.

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

(3) The chief and authorised processor of the register is the Veterinary and Food Board.

(4) A person qualified in veterinary medicine who applies for or holds a professional activity licence is required to submit data to the authorised processor.

(5) The authorised processor has the right to make queries to and receive data from other databases by way of cross-usage for the purpose of obtaining the data to be entered in the register.

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

- 1) their *curriculum vitae*;
- 2) information certifying the qualifications and professional development;

- 3) Information related to the workplace, including the competence of the authorised veterinarian;
- 4) data related to the professional activity licence and the validity of the licence;
- 5) information on the registration of the steps taken.

(7) The data entered in the register has an informative meaning. Data entered in the digital database of the register is kept in the archives for five years as of making a decision to refuse to grant or a decision to revoke an activity licence or as of the expiry of an activity licence.

(8) The person who submits data is responsible for the correctness of the data entered in the register. In the event of a change of the data entered in the register, a request for a change of the data must be submitted immediately.

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

§ 23. Rights and duties of veterinarian

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

(1) A veterinarian has the right to:

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

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

(2) A veterinarian is required to:

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

- 1) adhere to the professional code of ethics of veterinarians and follow the good veterinary practice;

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

- 2) undergo professional supplementary training at least once every five calendar years;

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

- 3) submit the veterinary reports required in accordance with the procedure established by veterinary legislation to the local office of the Veterinary and Food Board that exercises supervision in the territory in which the veterinarian operates and comply with precepts made by such office in the area of veterinary activity.

- 4) keep records of the performed treatment and other proceedings, and events of death, and preserve the specified information for three years;

- 5) add their job title and the impression of the seal specified in clause 4) of subsection (1) of this section to their signature;

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

- 6) communicate up-to-date data to the register.

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

(3) Up-to-date data is submitted within 30 days as of the change of the data. Data on professional development is submitted after the passing of each five-year period following the acquisition of the qualifications in veterinary medicine by January 31 of the year following the five-year period.

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

§ 24. Professional development

The professional development of a veterinarian means:

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

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

§ 25. Application for professional activity licence

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

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

- 1) an application;
- 2) a curriculum vitae and an overview of the professional work experience;
- 3) a copy of the document certifying the qualifications in veterinary medicine;
- 4) a copy of the document certifying professional development.

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

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

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

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

§ 25¹. Application for professional activity licence by person who acquired qualifications in veterinary medicine in member state of European Union, member state of European Economic Area or Switzerland

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

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

(1) An applicant for a professional activity licence who has acquired qualifications in veterinary medicine in a member state of the European Union, member state of the European Economic Area (hereinafter *member state*) or in Switzerland must submit the documents and information specified in clauses 25 (1) 1-3) of this Act to the issuer of the activity licence.

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

(1¹) The issuer of the licence gives the applicant for an professional activity licence a confirmation of the receipt of the application within three working days as of the receipt of the documents and information specified in clauses 25 (1) 1) to 3) of this Act.

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

(1²) If in the course of processing of a professional activity licence a circumstance specified in subsection (4) of this section becomes evident, the issuer of the licence will have the right to extend the time limit of making of the decision to 60 working days, informing the applicant for the professional activity licence immediately of the extension of the term and the reasons of extension.

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

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

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

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

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

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

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

(5) If the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.09.2005, pp.22–142) and the competent authority of a member state of the European Economic Area or Switzerland has submitted to the Estonian competent authority a request for the working of a person in Estonia, the European Professional Card will be applied for and reviewed in accordance with §§ 21¹, 21⁴ and 21⁵ of the Recognition of Foreign Professional Qualifications Act.

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

§ 25². Application for professional activity licence by person who acquired qualifications in veterinary medicine in another foreign state

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

(1) In order to receive a professional activity licence, a person who has acquired qualifications in veterinary medicine in a foreign state not specified in § 25¹ of this Act must submit to the issuer of the activity licence, in addition to the documents and information specified in subsection 25 (1) of this Act, the curriculum in veterinary medicine of the educational institution that issued the document certifying the qualifications in veterinary medicine.

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

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

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

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

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

(7) If the qualifications of a person who has acquired their qualifications in a foreign country not specified in § 25¹ of this Act has been previously recognised by a member state or Switzerland and the person has acquired three years of work experience as a veterinarian in the member state or Switzerland that recognised their qualifications, the issuer of the licence will decide the granting of the licence in accordance with the procedure established in this Act, taking into account the provisions of the Recognition of Foreign Professional Qualifications Act. Upon applying for a professional activity licence, the person must, in addition to the documents and information specified in subsection 25 (1) of this Act, submit a document certifying the person's required work experience and the right to provide veterinary services in a member state or in Switzerland.
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

(8) In the event specified in subsection 7 of this section, if the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council and the competent authority of a member state of the European Economic Area or Switzerland has submitted to the Estonian competent authority a request for the working of a person in Estonia, the European Professional Card will be applied for and reviewed in accordance with §§ 21¹, 21⁴ and 21⁵ of the Recognition of Foreign Professional Qualifications Act.

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

§ 25³. Right to provide veterinary services temporarily

A person who has acquired their qualifications in a member state or in Switzerland may, in accordance with Chapters 3 and 31 of the Recognition of Foreign Professional Qualifications Act, temporarily provide veterinary services in Estonia without a professional activity licence provided for in § 22 of this Act. The competent authority for the purposes of Chapters 3 and 31 of the Recognition of Foreign Professional Qualifications Act is the Veterinary and Food Board.

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

§ 25⁴. Certificate certifying professional activities of veterinarian

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

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

- 1) the given name and surname of the requester of the certificate;

- 2) the number of the professional activity licence of the requester;
- 3) the state where the recognition of professional qualifications will be requested;
- 4) a description of the work experience.

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

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

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

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

(7) In the event of loss, theft or destruction of a certificate certifying the professional activities of a veterinarian, a duplicate will be issued to the veterinarian at their request.

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

(8) If the European Professional Card has been introduced in the veterinarian profession by an implementing regulation of the European Commission based on Article 4a(7) of Directive 2005/36/EC of the European Parliament and of the Council and the person applying for registration requests the European Professional Card for working outside the Republic of Estonia, the European Professional Card will be applied for and reviewed in accordance with §§ 21¹–21³ of the Recognition of Foreign Professional Qualifications Act.

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

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

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

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

(2) The licence issuer will refuse to grant a professional activity licence if:

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

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

§ 26¹. Suspension of professional activity licence

The licence issuer may suspend the validity of a professional activity licence for a time limit set for complying with a precept or until the revocation of the licence, making a respective notation in the register established on the basis of subsection 22¹(1) of this Act if:

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

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

§ 27. Revocation and termination of professional activity licence

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

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

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

(2) The professional activity licence will terminate in the event of the death of the veterinarian.
[RT I, 06.06.2014, 1 – entry into force 01.07.2014]

§ 27¹. Implementation of alert mechanism

The issuer of the licence will implement the alert mechanism in accordance with the procedure established in Chapter 3² of the Recognition of Foreign Professional Qualifications Act.
[RT I, 30.12.2015, 1 - entry into force 18.01.2016]

§ 28. Activity of veterinary technician

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

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

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

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

Chapter 6¹ AUTHORISATION OF LABORATORY

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

§ 34¹. Authorisation of laboratory

(1) Samples taken in the course of veterinary supervision, veterinary checks and within the framework of the infectious animal disease control programme established on the basis of subsection § 43³(2) of the Infectious Animal Disease Control Act with the purpose of diagnosis of infectious animal diseases will be analysed in a laboratory that is authorised to conduct the relevant analyses (hereinafter *authorised laboratory*) and complies with the requirements provided for in Article 12 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

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

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

(3) The Veterinary and Food Board will make a decision on the authorisation to operate as an authorised laboratory within 20 working days as of the receipt of a written application of the laboratory. The decision on the authorisation to operate as an authorised laboratory must set out the scope of authorisation.

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

(4) The requirements for the content of applications for authorisation to operate as authorised laboratories, a list of documents to be annexed to applications and the procedure for processing applications will be established by the minister responsible for the field.

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

(5) The Veterinary and Food Board may refuse to grant authorisation to operate as an authorised laboratory or revoke authorisation if the laboratory does not comply with the requirements provided for in Article 12(2) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

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

(6) A state fee will be paid for reviewing of an application for initial authorisation to operate as an authorised laboratory at the rates provided in the State Fees Act.

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

Chapter 7 **DUTIES OF LEGAL AND NATURAL PERSONS**

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

§ 35. Duties of person

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

Chapter 7¹ **VETERINARY SUPERVISION FEE**

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

§ 35¹. Veterinary supervision fee

(1) The veterinary supervision fee (hereinafter *supervision fee*) is an amount paid at the rate established in this Act for taking a step of veterinary supervision and veterinary checks (hereinafter *veterinary supervision step*), taking into account the principles and objectives provided for in Articles 27-29 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council. The supervision fee must be paid into the bank account of the Veterinary and Food Board within the group account of the State Treasury of the Ministry of Finance. The costs of taking a veterinary supervision step include the costs of sending an official veterinarian to a factory vessel for the purpose of exercising veterinary supervision and carrying out veterinary checks.
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

(2) Supervision fee will not be paid for taking veterinary supervision steps in establishments and businesses engaged in retail trade for the purposes of Article 3(7) of Regulation No. 178/2002/EC of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 01.02.2002, pp. 1–24) and in establishments and businesses engaged in primary production for the purposes of Article 3(17) of the same Regulation with the exception of operations relating to the determination of the content of pollutants in animals and products of animal origin.
[RT I 2007, 70, 428 – entry into force 01.01.2008]

§ 35². Person obligated to pay supervision fee

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

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

§ 35³. Principles of determining supervision fee and rates of supervision fee

(1) The rate of the supervision fee is calculated on the basis of the staff and economic expenses of taking veterinary supervision steps by the Veterinary and Food Board.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A supervision fee for the veterinary supervision steps listed in Regulation (EC) No. 882/2004 of the European Parliament and of the Council will be charged as follows:

- 1) handlers engaging in the slaughter of animals will pay a supervision fee for the *ante mortem* or *post mortem* inspection operations regarding slaughter animals based on the animal species;
- 2) handlers of food of animal origin will pay a supervision fee for the veterinary supervision steps based on food businesses or parts of food businesses and the quantity of food of animal origin;
- 3) in the event of processing milk, handlers will pay a supervision fee for the veterinary supervision steps based on the quantity of processed milk;
- 4) in the event of import of products of animal origin for the purposes provided for in Article 2(15) of Regulation (EC) No. 882/2004 of the European Parliament and of the Council (hereinafter *import*), the person responsible for the consignment will pay a supervision fee for the veterinary supervision operations based on the quantity of the consignment;

5) in the event of conveyance of animals and products of animal origin from a third country to the same or another third country through the territory of the European Union, including conveyance of animal products through a free zone or customs warehouse, the person responsible for the consignment will pay the supervision fee for the veterinary supervision steps based on the number of veterinary supervision officials engaged in the steps and the time needed for taking the steps;

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

6) in the event of import of animals, the person responsible for the consignment will pay a supervision fee for the veterinary supervision steps based on the live weight of the consignment and the animal species;

7) handlers of animals and products of animal origin will pay a supervision fee for determination of the content of pollutants based on the sector of handling and the quantity of processed animals and products of animal origin;

8) persons trading in farm animals within the meaning of subsection 15 (1) of the Infectious Animal Disease Control Act will pay a supervision fee for veterinary checks of animals and animal products at the place of departure and for veterinary checks preceding export within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 269, 10.10.2013, pp 1–101) (hereinafter *export*).

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

(3) A supervision fee for the veterinary supervision steps listed in clauses 1) to 6) of subsection (2) of this section will be charged based on the minimum rate specified in Division B of Annex IV and Division B of Annex V of Regulation (EC) No. 882/2004 of the European Parliament and of the Council.

(4) Handlers of animals and products of animal origin, except handlers of small quantities established on the basis of subsection 26 (3) of the Food Act, will pay a supervision fee for the determination of the content of pollutants in animals and products of animal origin as follows:

1) handlers engaged in the slaughter of animals – 1.61 euros per ton of meat;

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

2) undertakings engaged in aquaculture – 0.12 euros per ton of marketed aquaculture products;

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

3) purchasers of milk – 0.02 euros per 1000 litres of milk;

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

4) producers of eggs who sell directly to consumers or retailers; packagers of eggs and producers of egg products – 0.53 euros per ton of eggs or output;

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

5) producers and packagers of honey – 0.31 euros per ton of produced or packaged honey.

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

(5) A supervision fee will be charged as an hourly fee in accordance with subsection (6) of this section for the following veterinary supervision steps:

1) assessment of the conformity of an establishment or business having a notification or licence obligation or having fulfilled the notification and licence obligation under the Infectious Animal Disease Control Act and the Food Act, such as a livestock building or facility, an area enclosed for the keeping of animals, an embryo collection team, an establishment trading in farm animals, a handler of food of animal origin not specified in Division B of Annex IV to Regulation (EC) No. 882/2004 of the European Parliament and of the Council, an establishment where animal by-products are handled or a free zone or customs warehouse intended for storing non-conforming food of animal origin, and an establishment supplying vessels engaged in international transport operations outside the territorial waters of the EU with non-conforming food of animal origin;

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

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

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

(6) An obligated person must pay an hourly fee for the time spent on a veterinary supervision step, but not more than for eight hours per veterinary supervision step. The time spent by an official veterinarian is calculated to the accuracy of an hour and each hour commenced will be deemed to be the next full hour. The time spent on driving to the place of taking the veterinary supervision step is not be taken into account.

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

(7) The rate of the hourly fee is calculated on the basis of the average salary of the official veterinarian who took the veterinary supervision step and the average administrative and economic expenses relating to veterinary supervision steps. The average salary of the official veterinarian who took the veterinary supervision step is calculated based on the average salary of official veterinarians employed in the local offices of the Veterinary and Food Board and at border inspection posts in the calendar year preceding the taking of the veterinary supervision step. The average administrative and economic expenses relating to veterinary supervision steps are calculated on the basis of the costs of the Veterinary and Food Board specified in point 2 of Annex VI to Regulation (EC) No. 882/2004 of the European Parliament and of the Council per official veterinarian in the calendar year preceding the taking of veterinary supervision steps.

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

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

(9) In the course of taking veterinary supervision steps, the Veterinary and Food Board has the right to charge additional fee for waiting period of delayed consignments and for veterinary supervision steps taken at the request of a person outside working hours, which will be paid in accordance with the procedure provided for in § 35⁷ of this Act as follows:

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

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

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

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

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

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

(10) In the event specified in Article 28 of Regulation (EC) No. 882/2004 of the European Parliament and of the Council the obligated person will pay a supervision fee for taking additional veterinary supervision steps in the form of an hourly fee in accordance with subsection (6) of this section. Expenses relating to additional laboratory testing will be borne in accordance with subsection 5 (7) of this Act.

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

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

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

§ 35⁶. Explanation of supervision fee

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

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

§ 35⁷. Payment of supervision fee

(1) The supervision official will make a decision on the collection of the supervision fee for the veterinary supervision steps taken during the previous calendar month by the fifth day of each calendar month.

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

(1¹) The decision on the collection of the supervision fee specified in subsection (1) of this section will not be made if the supervision fee is less than 1.60 euros.

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

(2) A copy of the decision to collect the supervision fee will be delivered to the obligated person against signature or sent by post within five working days after the date on which the decision was made.

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

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

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

(4) Upon import of animals and products of animal origin, the obligated person must pay the supervision fee in the amount indicated in the decision on the collection of the supervision fee submitted by the official veterinarian before the assignment of a customs-approved treatment.

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

(5) Upon import of animals and products of animal origin, the Veterinary and Food Board may exempt the obligated person from payment of the supervision fee before the assignment of a customs-approved treatment if there is a sufficient guarantee or if the obligated person has previously paid the supervision fee in the correct amounts and by the due date.

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

(6) The procedure for the payment of the supervision fee, acceptance of the supervision fee in cash and verification of payment of the supervision fee will be established by the Government of the Republic or, with the authorisation thereof, by the minister responsible for the field.

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

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

§ 35⁹. Refund of overpaid supervision fees

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

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

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

(1¹) The overpaid supervision fee will be refunded if the supervision fee paid exceeds the prescribed amount.
[RT I 2007, 70, 428 – entry into force 01.01.2008]

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

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

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

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

(3¹) The overpaid supervision fee will not be refunded if the person who paid the supervision fee or the person for whom the supervision fee was paid cannot be ascertained or if the person is not entitled to a refund.

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

(4) The procedure for the refund of overpaid supervision fees will be established by the Government of the Republic or, with the authorisation thereof, by a regulation of the minister responsible for the field.

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

§ 35¹⁰. Precept of supervisory official

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

§ 35¹¹. Collection of supervision fee

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

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

Chapter 8 APPEAL AGAINST PRECEPT, DECISION OR STEP

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

§ 36. Contestation of precept, decision or step of official veterinarian

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

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

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

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

(3) The Director General of the Veterinary and Food Board or the head of the local office of the Veterinary and Food Board will make a decision to grant or deny the intra-authority appeal within ten working days after receipt of the appeal. The decision will be made in writing and given to the person who filed the appeal against signature or sent by mail with advice of delivery.

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

§ 37. Appeal against activity of authorised veterinarian

(1) If a person disagrees with the precept, decision or step of an authorised veterinarian, the person may file a written intra-authority appeal with the Director General of the Veterinary and Food Board within 30 calendar days as of the day of learning of the precept, decision or step.
[RT I, 02.03.2011, 1 – entry into force 04.03.2011]

(2) The head of the local office of the Veterinary and Food Board will make a decision to grant or deny the intra-authority appeal within ten working days after receipt of the appeal. The decision will be made in writing and given to the person who filed the appeal against signature or sent by mail with advice of delivery.
[RT I 2002, 61, 375 – entry into force 01.08.2002]

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

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

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

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

(3) The Director General of the Veterinary and Food Board will express their opinion on the quality of the veterinary service specified in subsection (1) of this section within 30 working days after the receipt of the request. The decision will be delivered to the person who requested the opinion against signature or sent by registered mail with advice of delivery.

(4) If the person disagrees with the decision specified in subsection (3) of this section, the person may appeal against it with the administrative court on the conditions and in accordance with the procedure provided for in the Code of Administrative Court Procedure.
[RT I, 02.03.2011, 1 – entry into force 04.03.2011]

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

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

Chapter 9 LIABILITY

§ 39¹. Failure of veterinarian to perform duties

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

(1) Failure by a veterinarian to perform their duties or failure to perform such duties in the manner required is punishable by a fine of up to 200 fine units.
[RT I 2007, 70, 428 – entry into force 01.01.2008]

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

§ 39². Issue of veterinary certificate not corresponding to actual state of object of veterinary supervision

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

§ 39³. Proceedings

The Veterinary and Food Board is the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in § 39¹ of this Act.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

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

Chapter 10

FINAL PROVISIONS

§ 43.–§ 49.[Omitted from this text.]

§ 50. Re-registration of valid activity licences

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

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

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

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

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

§ 50¹. Validity of authority

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

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

§ 50². Authorisation of Veterinary and Food Laboratory for laboratory diagnosis of infectious animal diseases

(1) Until making a decision on authorisation in accordance with the procedure provided for in Chapter 6¹ of this Act, the Veterinary and Food Laboratory may continue laboratory diagnosis of infectious animal diseases on the basis of samples taken in the course of supervision and in the framework of the infectious animal disease control programme established under subsection 43¹(2) of the Infectious Animal Disease Control Act.

(2) The Veterinary and Food Laboratory will submit the application specified in subsection 34¹(3) of this Act to the Veterinary and Food Board not later than by 1 February 2008.

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

§ 50³. Permanent incapacity for work

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

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

§ 51. Entry into force of Act

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

1) the provisions delegating authority that will enter into force on the date provided for in subsection (2) of this section;

2) sections 45 and 48 that will enter into force on 1 April 2000;

3) subsection 5 (5) and § 46 that will enter into force on 1 July 2000;

4) sections 29–34 that will enter into force on 1 January 2000;

5) subsection 6 (2) that will enter into force on 1 January 2002;

6) subsection 21 (1) regarding the activity licences of a veterinary laboratory that will enter into force on 1 January 2002;

7) subsection 6 (6) that will enter into force on 1 January 2005.

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

into force of this Act, except the provisions delegating authority contained in § 46, which may be enforced from 1 November 1999.

¹ Directive 2005/36/EC of the European Parliament and of the Council on the recognition of professional qualifications (OJ L 255, 30.09.2005, pp. 22–142), amended by Directives 2006/100/EC (OJ L 363, 20.12.2006, pp. 141–237) and 2013/25/EU (OJ L 354, 28.12.2013, pp. 132–170) and Regulations (EC) No. 1430/2007 (OJ L 320, 06.12.2007, p. 3), (EC) No. 755/2008 (OJ L 205, 01.08.2008, p. 10), (EC) No. 1137/2008 (OJ L 311, 21.11.2008, p. 1), (EC) No. 279/2009 (OJ L 93, 07.04.2009, p. 11), (EC) No. 213/2011 (OJ L 59, 04.03.2011, p. 4) and (EC) No. 623/2012 (OJ L 180, 12.07.2012, p. 9); Council Directive 89/608/EEC on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of legislation on veterinary and zootechnical matters (OJ L 351, 02.12.1989, pp. 34–37).
[RT I, 06.06.2014, 1 - entry into force 01.07.2014]