

Issuer:	Riigikogu
Type:	act
In force from:	25.03.2019
In force until:	24.05.2020
Translation published:	29.03.2019

Rural Development and Agricultural Market Regulation Act

Passed 19.06.2008
RT I 2008, 33, 202
Entry into force 01.08.2008

Amended by the following acts

Passed	Published	Entry into force
10.06.2009	RT I 2009, 34, 224	01.01.2010, in part 01.07.2009
11.11.2009	RT I 2009, 56, 375	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
10.06.2010	RT I 2010, 35, 193	08.07.2010
23.02.2011	RT I, 15.03.2011, 13	25.03.2011
19.02.2014	RT I, 13.03.2014, 4	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.
11.12.2014	RT I, 30.12.2014, 2	01.01.2015
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 107 ⁴ (2) of the Government of the Republic Act.
23.02.2017	RT I, 14.03.2017, 1	24.03.2017, in part 01.04.2017
13.06.2018	RT I, 06.07.2018, 2	16.07.2018, in part 01.09.2018
05.12.2018	RT I, 19.12.2018, 17	29.12.2018
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 15.03.2019, 6	25.03.2019

Chapter 1

GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act establishes state measures for the balanced development of the agricultural market, the provision of quality foodstuffs to consumers, the profitable production of agricultural products, the development of other rural economic activity (hereinafter rural economic activity), and the ensuring of a fair standard of living for population in rural areas and balanced development of rural areas, the bases for and extent of supervision over implementation of state measures and liability for violation of this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

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

§ 2. State measures for regulation of rural development and agricultural market

For the purposes of this Act, state measures for the regulation of rural development and agricultural market are:

- 1) the granting of state aid;
- 2) the granting of *de minimis* aid;
- 3) the granting of support other than state aid or *de minimis* aid;
- 4) the implementation of control measures against wild oats;
- 5) the classification of agricultural products into quality classes.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 2¹. Establishment of support to be granted in budgetary year and of funds allocated for support

(1) The types, activities and regions of state aid, *de minimis* aid and support other than state or *de minimis* aid for which support is granted in a budgetary year are established by a regulation of the minister responsible for the field for each budgetary year based on the budgetary funds allocated for granting state aid, *de minimis* aid and support other than state aid or *de minimis* aid.

(2) The division of the budgetary funds allocated for granting state aid, *de minimis* aid and support other than state or *de minimis* aid for each budgetary year per type of aid, activity or region or on another relevant justified ground is decided by a directive of the minister responsible for the field.

(3) Where the right to grant state aid, *de minimis* aid or support other than state or *de minimis* aid has been granted to a state foundation established for the purpose of supporting the economic development (hereinafter *foundation*) of a rural area on the basis of and in accordance with this Act, the foundation grants state aid or *de minimis* aid out of the funds allocated to the foundation for such purpose in the state budget or out of the foundation's own funds or other funds.

(4) In the case provided for in subsection (3) of this section, the supervisory board of the foundation decides the types of state aid or *de minimis* aid to be granted in a budgetary year, the supported activities and regions and the division of the funds planned for granting aid, and discloses the relevant data on the foundation's website.

(5) No right to apply for state aid, *de minimis* aid and support other than state or *de minimis* aid arises where the granting of such aid has not been prescribed for the budgetary year based on subsections (1) and (4) of this section.

(6) This section does not apply to the grant of ad hoc individual aid.

[RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 2². Taotluse, maksetaotluse ja muu dokumendi esitamine

(1) In the case of application of state measures for the regulation of rural development and agricultural market, an application, a payment claim and another document is submitted to the Ministry of Rural Affairs, the Agricultural Registers and Information Board (hereinafter *ARIB*) or, in an event provided for in this Act, to another person or authority in writing on paper or electronically.

(2) The minister responsible for the field may, by a regulation, establish that an application, a payment claim or another document can be submitted solely via an electronic e-service environment.

[RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 2³. Unfavourable weather conditions

(1) In the event of such unfavourable weather conditions that considerably differ from the ordinary ones and cause significant economic damage to agricultural producers, the Government of the Republic may, by an order, determine the occurrence of unfavourable weather conditions. Upon assessment of weather conditions, long-term observation data collected on ordinary years are relied on.

(2) The occurrence of unfavourable weather conditions may be identified by the fields of activity of the agricultural producers affected by the unfavourable weather conditions.
[RT I, 15.03.2019, 6 - entry into force 25.03.2019]

Chapter 2

STATE AID

§ 3. State aid in agriculture sector

(1) On the basis of and in accordance with the procedure prescribed by this Act, state aid in the agriculture sector is granted to enterprises engaged in primary production of agricultural products (hereinafter *agricultural producer*) whose place of business is in Estonia and non-profit associations representing agricultural producers for the elimination of market failures during an established term and to an extent necessary in order to achieve the objectives set out Article 39 and paragraphs (2) and (3) of Article 107 of the Treaty on the Functioning of the European Union.

[RT I, 15.03.2011, 13 – entry into force 25.03.2011]

(2) State aid in the agriculture sector may be granted where:

1) the European Commission has made an authorising decision on a notification of state aid in the agriculture sector submitted to the Commission in compliance with the European Union Guidelines for state aid in the agricultural and forestry sectors and in rural areas 2014 to 2020 (OJ C 204, 01.07.2014, pp. 1–97) (hereinafter *guidelines for state aid*) or directly on the basis of the Treaty on the Functioning of the European Union;

[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

2) a summary information sheet has been submitted to the European Commission concerning the granting of state aid that benefits from a group exemption (hereinafter *group exemption notice in agriculture sector*) in accordance with the Commission Regulation (EU) No 702/2014 declaring certain categories of aid in the agricultural and forestry sectors and in rural areas compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 193, 01.07.2014, pp. 1–75);

[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

3) state aid is deemed to have been authorised by the European Commission in accordance with Article 4(6) of Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 248, 24.09.2015, pp. 9–29);

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

4) the Council of the European Union has, in accordance with the third subparagraph of Article 108(2) of the Treaty on the Functioning of the European Union, made a decision permitting state aid based on an application by the Member State.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(2¹) On the basis of and in accordance with this Act, state aid in the agriculture sector may also be granted to an enterprise engaged in processing and marketing agricultural products as well as to a person operating in the forestry sector whose place of business is in Estonia, and to a non-profit association representing them, provided that it is permitted based on the state aid guidelines, Commission Regulation (EU) No 702/2014 or the Treaty on the Functioning of the European Union.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(3) State aid in the agriculture sector, including aid in the forestry sector specified in the guidelines for state aid and in Regulation (EU) No 702/2014, may be granted on the basis of and in accordance with another Act, provided that a notice of state aid in the agriculture sector has been submitted via the Ministry of Rural Affairs and the European Commission has made an authorising decision regarding the notice, a group exemption notice in the agriculture sector has been submitted to the European Commission or the state aid complies with the conditions provided for in clause 3) or 4) of subsection (2) of this section.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 4. Other state aid

(1) On the basis of and in accordance with this Act, state aid is granted to enterprises engaged in the processing and marketing of agricultural and non-agricultural products and rural development activity whose place of business is in Estonia, and to non-profit associations representing them, provided that the European Commission has made an authorising decision concerning the notice of state aid submitted on the basis of and in accordance with the Competition Act, a group exemption notice has been submitted to the European Commission or the state aid complies with the conditions provided for in clause 3 (2) 3) or 4) of this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(2) On the basis of and in accordance with this Act, state aid is granted to agricultural producers also on the basis of other state aid legislation of the European Union than is specified in subsection 3 (2) of this Act, provided that the European Commission has made an authorising decision concerning the notice of state aid

submitted on the basis of and in accordance with the Competition Act, a group exemption notice has been submitted to the European Commission or the state aid complies with the conditions provided for in clause 3 (2) 3) or 4) of this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 5. Granting authority of state aid

On the basis of this Act, state aid may be granted directly by the state and the foundation or, indirectly, through the use of the state funds.

[RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 6. Amount of state aid

[Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 7. Support granted as state aid through Ministry of Rural Affairs and ARIB

(1) On the basis of and in accordance with this Act, the state may grant the following types of support via the Ministry of Rural Affairs or the ARIB:

- 1) market development support;
- 2) information support;
- 3) support for the breeding of farm animals;
- 4) natural damage support;
- 5) agricultural insurance support;
- 6) support for farm replacement services;
- 7) support for application of control measures against harmful organisms;
- 8) support for removal of carcasses of perished farm animals and for destroying the carcasses in waste treatment facilities;
- 9) joint economic activity support.

(2) In addition to the classes of support specified in subsection (1) of this section, other support may be granted via the Ministry of Rural Affairs or the ARIB on the basis of and in accordance with the procedure provided for in §§ 11-15 of this Act.

§ 8. State aid granted by foundation

The foundation may grant state aid to an agricultural producer, to an enterprise engaged in the processing and marketing of agricultural and non-agricultural products and rural development activity, a person operating in the forestry sector and to a non-profit association representing them in the form of support, loan or security or in another form on the basis of and in accordance with the procedure provided for in an administrative contract entered into between the Ministry of Rural Affairs and the foundation. The foundation may not provide support as state aid which the state grants through the Ministry of Rural Affairs or the ARIB.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

Chapter 3

SUBMISSION OF NOTICE OF STATE AID AND OF GROUP EXEMPTION AND PROCEDURE FOR GRANT OF STATE AID

§ 9. Submission of notification of state aid in agriculture sector

(1) Where the state grants state aid via the Ministry of Rural Affairs or the ARIB, the Ministry of Rural Affairs prepares a notice of state aid in the agriculture sector pursuant to Council Regulation (EC) No 794/2004 implementing the Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 30.04.2004, pp. 1–134) and in accordance with the guidelines for state aid. [RT I, 30.12.2014, 2 – entry into force 01.01.2015]

(2) Via the web application prescribed by the European Commission, the Ministry of Rural Affairs electronically forwards a notification of state aid in the agriculture sector together with necessary information to the Permanent Representation of the Republic of Estonia to the European Union, which forwards it to the European Commission.

(3) Where the foundation grants state aid or it is granted on the basis of and in accordance with another Act, the granting authority of state aid submits to the Ministry of Rural Affairs for review a notice of state aid in the agriculture sector along with necessary information in writing pursuant to Council Regulation (EC) No 794/2004 and in conformity with the guidelines for state aid via the web application prescribed by the European Commission.

[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

(4) Where a notification of state aid in the agriculture sector complies with the requirements, the Ministry of Rural Affairs, via the web application prescribed by the European Commission, electronically forwards it together with necessary information to the Permanent Representation of the Republic of Estonia to the European Union, which forwards it to the European Commission.

(5) Where the granting authority of state aid specified in subsection (3) of this section fails to submit the data required in the notification of state aid, the notification does not comply with the requirements or the notification or information submitted together with it contains omissions, the Ministry of Rural Affairs has the right to, within 20 working days as of the receipt of notification, request additional information from the granting authority of state aid, or make a proposal to it to amend the notification.

(6) Upon processing a notification of state aid in the agriculture sector, a granting authority of state aid electronically submits via the Ministry of Rural Affairs the additional information requested by the European Commission to the Permanent Representation of the Republic of Estonia to the European Union, which forwards it to the European Commission.

(7) Where the granting authority decides to withdraw the notification of state aid in the agriculture sector submitted to the European Commission, the granting authority submits the respective application to the Ministry of Rural Affairs which forwards it to the Permanent Representation of the Republic of Estonia to the European Union which forwards it to the European Commission.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 10. Submission of group exemption notice in agriculture sector

(1) For the purposes of this Act, state aid which benefits from the group exemption is deemed to be the aid which is referred to in Article 1 of Council Regulation (EU) No 2015/1588 on the application of Articles 107 and 108 of the Treaty establishing the European Community to certain categories of horizontal State aid (OJ L 248, 24.09.2015, pp. 1–8) with regard to which the European Commission has established Regulation (EU) No 702/2014.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(2) Where the state grants state aid via the Ministry of Rural Affairs or the ARIB, the Ministry of Rural Affairs draws up a group exemption notice in the agriculture sector and, via the web application prescribed by the European Commission, electronically forwards it together with necessary information to the Permanent Representation of the Republic of Estonia to the European Union, which forwards it to the European Commission.

(3) Where the foundation grants state aid or it is granted on the basis of and in accordance with the procedure prescribed by another Act, the granting authority submits at the latest 30 working days before the granting of state aid or the application of aid scheme, the group exemption notice in the agriculture sector in writing in accordance with the Council Regulation (EU) No 702/2014 and through the web-application prescribed by the European Commission to the Ministry of Rural Affairs for review.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(4) Where the group exemption notice in the agriculture sector complies with the requirements, the Ministry of Rural Affairs, via the web application prescribed by the European Commission, forwards it to the Permanent Representation of the Republic of Estonia to the European Union that forwards it to the European Commission.

(5) Where the granting authority of state aid specified in subsection (3) of this section fails to submit the data required in the group exemption notice in the agriculture sector, the notice does not comply with the requirements or the notice or information submitted along with the notice contains omissions, the Ministry of Rural Affairs has the right to, within 10 working days as of the receipt of the notice, request additional information from the granting authority of state aid or make a proposal to amend the group exemption notice in the agriculture sector.

§ 11. Procedure for granting state aid through Ministry of Rural Affairs or ARIB

(1) Where the state aid specified in §§ 3 and 4 of this Act is granted by the state via the Ministry of Rural Affairs or the ARIB, the minister in charge of the field establishes the requirements for the receipt of support and the procedure for the submission and processing of applications. The procedure for the submission and processing of applications may be established per each class of support separately. This procedure must set out:

- 1) the requirements for receipt of support;
- 2) the rate of support and amount of state aid;
- 3) the eligible costs of the support;
- 4) the due date for the submission of applications;
- 5) the substantive and formal requirements of applications;
- 6) the procedure for review and inspection of applications;
- 7) the due dates and procedure for the granting and payment of support.

(2) Where it is not possible to prescribe the due date for the submission of applications by legislation, the Ministry of Rural Affairs or the ARIB publishes it in the official publication *Ametlikud Teadaanded*.

(3) The Ministry of Rural Affairs or the ARIB makes decisions concerning the granting and payment of state aid and decisions concerning the denial of applications and other decisions relating to the granting of state aid.

(4) Where a decision made on the basis of this Act restricts a person's rights or imposes obligations on a person, a copy or extract of the decision is sent to the person within 10 working days as of making the decision by registered mail or a registered letter with advice of delivery or, with the applicant's consent, to the e-mail address indicated in the applicant's application. Information concerning other decisions is published on the website of the Ministry of Rural Affairs or the ARIB within 10 working days as of making the decision.

§ 12. Verification of conformity of applications

(1) The Ministry of Rural Affairs or the ARIB verifies the conformity of an applicant with the requirements for receipt of support on the basis of the application, other documents and the documents and databases certifying the data contained in them and in the course of on-site inspections.

(2) The Ministry of Rural Affairs or the ARIB returns an application and documents certifying the information presented therein at the written request of the applicant where the request is submitted prior to a decision on the granting of support. The processing of an application for support terminates as of the return of the application and documents certifying the information presented therein at the written request of the applicant.

(3) The time limit of the proceedings arising from this Act is not restored.

§ 13. Additional approval and opinion

Where it is provided for in legislation enacted on the basis of subsection 11 (1) of this Act, the Ministry of Rural Affairs or the ARIB may submit a copy of the application or a list of applicants for deciding on the grant of support or the denial of support to the administrative authority that is competent to give an approval or opinion and take the required administrative steps for that purpose.

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

§ 14. Denial of application

Where the state grants the state aid specified in §§ 3 and 4 of this Act as support via the Ministry of Rural Affairs or the ARIB, the Ministry of Rural Affairs or the ARIB may deny a submitted application where:

- 1) the applicant has knowingly submitted false data or the applicant influences the processing of the application by fraud or threats or in any other unlawful manner;
- 2) the applicant does not comply with the requirements provided for in this Act or other legislation;
- 3) the applicant knowingly submitted false information upon application for the same support in the preceding year;
- 4) the applicant has been requested to repay the support received in the preceding year into the state budget;
- 5) [Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]
- 6) [Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]
- 7) no funds for paying the support are available in the budget of the year of payment of the support;
- 8) [Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 15. Granting of state aid as ad hoc individual aid via Ministry of Rural Affairs

Where the state aid specified in §§ 3 and 4 of this Act is granted as ad hoc individual aid, the Ministry of Rural Affairs makes a decision or enter into an administrative contract with the recipient and publishes it on the website of the Ministry of Rural Affairs.

[RT I, 15.03.2011, 13 – entry into force 25.03.2011]

§ 16. Procedure for granting state aid via foundation

(1) Where the foundation grants the state aid specified in §§ 3 and 4 of this Act, the supervisory board of the foundation establishes the requirements for the granting of the state aid and the procedure for the submission of state aid applications and such procedure must set out the following:

- 1) the requirements for receipt of state aid;
- 2) the rate and amount of state aid;
- 3) the eligible costs;
- 4) the due date for the submission of state aid applications;
- 5) the due dates and procedure for the granting and payment of state aid.

[RT I, 15.03.2011, 13 – entry into force 25.03.2011]

(1¹) Where the state aid specified in §§ 3 and 4 of this Act is granted by the foundation as ad hoc individual aid, the supervisory board of the foundation makes a decision on the granting of state aid and enter into a relevant contract with the recipient, specifying the intended purpose of use of the aid.

[RT I, 15.03.2011, 13 – entry into force 25.03.2011]

(2) State aid is granted on the basis of and in accordance with the procedure set out in the administrative contract specified in § 8 of this Act. The substantive and formal requirements for state aid applications, the procedure for review and inspection of state aid applications and the grounds of and procedure for the denial of applications for state aid granted in the form of support are agreed upon in the administrative contract.

(3) The requirements for receipt of state aid referred to in subsection (1) of this section and the procedure for the processing of applications are published on the website of the foundation.

(4) The foundation makes decisions concerning the granting and payment of state aid and decisions concerning the denial of applications and other decisions relating to the granting of state aid.

(5) Where a decision made on the basis of this Act restricts a person's rights or imposes obligations on a person, a copy or extract of the decision is sent to the person within 10 working days as of making of the decision by registered mail or a registered letter with advice of delivery or, with the applicant's consent, to the e-mail address indicated in the applicant's application. Information concerning other decisions is published on the website of the foundation within 10 working days as of making the decision.

Chapter 4

PROCEDURE FOR GRANTING DE MINIMIS AID

§ 17. *De minimis* aid

(1) *De minimis* aid in the agriculture sector may be granted where it conforms to the requirements provided for in Commission Regulation (EU) No. 1408/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid in the agriculture sector (OJ L 352, 24.12.2013, pp. 9–17). [RT I, 30.12.2014, 2 – entry into force 01.01.2015]

(2) *De minimis* aid for the processing and marketing of agricultural and non-agricultural products, rural development activity and ensuring the balanced development of rural areas may be granted on the basis of and in accordance with the Competition Act where it conforms to the requirements provided for in Commission Regulation (EU) No 1407/2013 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid (OJ L 352, 24.12.2013, pp. 1–8). [RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(3) In order to grant *de minimis* aid, a notification of state aid in the agriculture sector or a group exemption notice in the agriculture sector specified in Chapter 3 of this Act does not need to be submitted to the European Commission.

§ 18. Procedure for grant of *de minimis* aid via Ministry of Rural Affairs or ARIB

(1) Where the *de minimis* aid specified in § 17 of this Act is granted by the state via the Ministry of Rural Affairs or the ARIB, the minister in charge of the field establishes the requirements for the receipt of *de minimis* aid and the procedure for the submission and processing of *de minimis* aid applications, which must set out:

- 1) the requirements for receipt of *de minimis* aid;
- 2) the rate and amount of *de minimis* aid;
- 3) the eligible costs;
- 4) the due date for the submission of applications;
- 5) the substantive and formal requirements for applications;
- 6) the procedure for review and inspection of applications;
- 7) the due dates and procedure for the granting and payment of *de minimis* aid.

(2) *De minimis* aid is granted in accordance with the procedure provided for in subsections 11 (2) to (4) and §§ 12–14 of this Act.

§ 18¹. Granting *de minimis* aid via Ministry of Rural Affairs as ad hoc individual aid

Where the *de minimis* aid specified in § 17 of this Act is granted by the Ministry of Rural Affairs as ad hoc individual aid, the Ministry of Rural Affairs makes a decision or enter into an administrative contract with the recipient and publishes it on the website of the Ministry of Rural Affairs. [RT I, 15.03.2011, 13 – entry into force 25.03.2011]

§ 19. Procedure for grant of *de minimis* aid via foundation

(1) Where the *de minimis* aid specified in § 17 of this Act is granted by the foundation, the supervisory board of the foundation establishes the requirements for the receipt of *de minimis* aid and the procedure for the submission of *de minimis* aid applications, which must set out:

- 1) the requirements for receipt of *de minimis* aid;
- 2) the rate and amount of *de minimis* aid;
- 3) the eligible costs;
- 4) the due date for the submission of applications;
- 5) the due dates and procedure for the granting and payment of *de minimis* aid.

(1¹) Where the *de minimis* aid specified in § 17 of this Act is granted by the foundation as ad hoc individual aid, the supervisory board of the foundation makes a decision on the granting of state aid and enter into a relevant contract with the recipient, specifying the intended purpose of use of the aid.
[RT I, 15.03.2011, 13 – entry into force 25.03.2011]

(2) The foundation may grant *de minimis* aid on the basis of and in accordance with the procedure provided for in an administrative contract entered into between the Ministry of Rural Affairs and the foundation. The substantive and formal requirements for *de minimis* aid applications, the procedure for review and inspection of the applications and the grounds of and procedure for the denial of applications for *de minimis* aid granted in the form of support are agreed upon in the administrative contract.

(3) *De minimis* aid is granted in accordance with the procedure provided for in subsections 16 (3) to (5) of this Act.

§ 20. Granting *de minimis* aid in agriculture sector

(1) Where *de minimis* aid in the agriculture sector is granted by the ARIB, the foundation or the State Shares Service Centre (hereinafter *regional aid granting authority*) or on the basis of and in accordance with another Act, the granting authority notifies the Ministry of Rural Affairs in writing of the intention to grant aid and of the amount of aid at least 30 days before the grant of aid and the Ministry of Rural Affairs replies within ten working days from the date on which it learned of the intention to grant aid whether the amount of planned aid does not exceed or exceeds the *de minimis* aid limit established for the state over the period of three years in Commission Regulation (EU) No 1408/2013.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(1¹) The Ministry of Rural Affairs identifies whether the amount of the planned aid does not exceed or exceeds the limit established to the state, taking into account the amounts of *de minimis* aid granted in the agriculture sector and the amounts of *de minimis* aid in the agriculture sector that have been communicated to the Ministry of Rural Affairs in accordance with subsection (1) of this section, but that have not been granted yet. The granting authority of aid may grant *de minimis* aid to the extent of the difference between the amounts of aid granted and planned and the limit established to the state, but not more than communicated in the intention to grant aid.

[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

(1²) In the intention to grant aid, the granting authority indicates the name of aid and the amount of aid per calendar year.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(1³) The Ministry of Rural Affairs submits the planned amount of *de minimis* aid calculated in accordance with subsection (1¹) of this section to the state aid and *de minimis* aid register kept on the basis of and in accordance with the Competition Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(1⁴) The granting authority may grant aid only to the extent of the amount specified in subsection (1³) of this section.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(2) The granting authority of *de minimis* aid in the agriculture sector monitors that upon the grant of new *de minimis* aid the granting authority does not exceed the limit of aid established in Commission Regulation (EU) No 1408/2013 per agricultural producer.

[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

Chapter 4¹

OTHER SUPPORT NOT GRANTED AS STATE AID OR *DE MINIMIS* AID

[RT I, 14.03.2017, 1 - entry into force 24.03.2017]

§ 20¹. Granting other support

(1) On the basis of and in accordance with this Act the state may grant other support that is not state aid or *de minimis* aid for attainment of the aims specified in § 1 of this Act.

(2) The state grants other support via the ARIB, unless otherwise provided by this Act.

(3) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

(4) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

(5) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 20². Procedure for granting other support via ARIB

(1) To grant the support specified in subsection 20¹(1) of this Act via the ARIB, the minister responsible for the field, by a regulation, establishes the requirements for support and the procedure for submission and processing of applications for support.

(2) The regulation specified in subsection (1) of this section sets out the following:

- 1) the requirements for receipt of support;
- 2) the rate and amount of support;
- 3) the eligible costs of the support;
- 4) the due date for the submission of applications;
- 5) the substantive and formal requirements for applications;
- 6) the procedure for review and inspection of applications;
- 7) the time limits of and procedure for the granting and payment of support.

(3) The requirements specified in subsection (1) of this section may be established separately per each type of support.

(4) Support granted on the basis of this section is granted in accordance with the procedure set out in subsections 11 (2) to (4) and in §§ 12 and 13 of this Act.

(5) The ARIB rejects an application on the grounds set out in § 14 of this Act.
[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

Chapter 4² **IMPLEMENTATION OF REGIONAL PROGRAMMES**

[RT I, 14.03.2017, 1 - entry into force 24.03.2017]

§ 20³. Support granted for implementing regional programme

(1) On the basis of and in accordance with this Act, the state may, for the purpose of ensuring the balanced development of rural areas, grant support via the regional aid granting authority. Support may be granted on the basis of a regional programme as *de minimis* aid or other support that is not granted as state aid or *de minimis* aid.
[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(2) A regional programme is established by a regulation of the minister responsible for the field.

(3) A regional programme sets out the following:

- 1) the purpose and general principles of the programme;
- 2) the area where the programme is implemented;
- 3) the requirements for receipt of support;
- 4) the conditions of and procedure for preparation, approval and rejection of an action plan;
- 5) the rate and amount of support;
- 6) supported activities and eligible and ineligible expenses;
- 7) the procedure for the submission of applications (incl. preliminary applications);
- 8) the substantive or formal requirements for applications (incl. preliminary applications);
- 9) the procedure for review and inspection of applications (incl. preliminary applications);
- 10) the composition and rules of procedure of the programme council;

- 11) the grounds for rejection of applications;
- 12) the conditions of and procedure for the granting and payment of support;
- 13) the duties and obligations of the recipient;
- 14) the procedure for notification of receipt and use of support.

(4) A regional programme is published on the website of the Ministry of Rural Affairs and the regional aid granting authority.

(5) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

(6) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

(7) [Repealed -RT I, 19.12.2018, 17 - entry into force 29.12.2018]

§ 20⁴. Procedure for granting support for implementation of regional programme

(1) The minister in charge of the field approves the action plan prepared for the use of support on the basis of a regional programme. Support can be asked for the purpose of implementing the activities approved in the action plan.

(2) The action plan sets out the following:

- 1) the person or agency that can apply for support on the basis of the plan;
- 2) the name, purpose, brief description and time limit of implementation of the activity supported under the plan;
- 3) estimated cost of the activity supported on the basis of the plan, the maximum amount of support and the minimum self-financing rate;
- 4) the due date for the submission of an application.

(3) To implement the regional programme, the regional aid granting authority grants support on the basis of and in accordance with this Act and the regional programme.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(4) A decision to grant support or pay aid to an applicant whose activity has been approved in the action plan or to refuse to grant an applicant's application and another decision related to granting support is made by the regional aid granting authority.

(5) Decisions related to granting support on the basis of the regional programme are announced in accordance with the procedure established in subsection 16 (5) of this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

Chapter 5 PRACTICAL TRAINING SUPPORT

[RT I, 14.03.2017, 1 - entry into force 24.03.2017]

§ 21. Practical training support

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 22. Applicant for practical training support

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 23. Requirements for granting practical training support

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 24. Rate and amount of practical training support

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 25. Granting practical training support

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

Chapter 6

CONTROL MEASURES AGAINST WILD OATS

§ 26. Wild oats

For the purposes of this Act, wild oats means wild oats or flaxgrass, wheat oats or oatgrass (*Avena fatua*L.), spring or common wild oats (*Avena ludoviciana*Dur.) and animated oats (*Avena sterilis*L.).
[RT I 2010, 35, 193 – entry into force 08.07.2010]

§ 27. Measures for preventing spread of wild oats and prohibition to spread wild oats

[RT I, 14.03.2017, 1 – entry into force 01.04.2017]

(1) A user of land takes measures required for preventing the spread of wild oats.

(2) For the purposes of this Act, ‘user of land’ means a landowner or, where the landowner has granted possession and use of the land to another person, the direct possessor of the land.

(3) The creation of favourable conditions for the spread of wild oats, which is demonstrated by failure to take adequate measures to prevent the spread of wild oats, is deemed to be the spreading of wild oats on an immovable whose intended purpose is profit-yielding land or on arable land that forms a part thereof, but has a separate type of use (hereinafter *agricultural land*) or on other land.

(4) For the purposes of this Act, ‘wild oats with capability of spread’ means a wild oat plant that is at least in the growth phase at the end of flowering.

(5) Measures for preventing the spread of wild oats are as follows:

- 1) using certified seed for sowing;
- 2) using crop rotation and successive cropping;
- 3) agro-technical methods;
- 4) hand-weeding of wild oats;
- 5) use of plant protection products for the control of wild oats;
- 6) cleaning agricultural machinery and equipment contaminated with wild oats with capability of spread immediately after use and in the event of putting agricultural machinery and equipment into use or outsourcing, informing the service provider of the possibility of the existence of wild oats with capability of spread on the agricultural land;
- 7) destruction of the seeds of wild oats capable of sprouting.

(6) On agricultural land contaminated with wild oats or on other land where adequate measures for preventing the spread of wild oats cannot be taken and that is neighbouring agricultural land, the user of land must cut down the crop before the wild oat plant has reached the growth phase at the end of flowering.

(7) More detailed measures for prevention of the spread of wild oats and the conditions of and procedure for taking them are established by a regulation of the minister responsible for the field.

[RT I, 14.03.2017, 1 – entry into force 01.04.2017]

§ 28. Handling of agricultural products and soil contaminated with wild oats

(1) An agricultural product or soil contaminated by wild oats may be carried, stored, handled, and offered for sale, sold or transferred in any other manner for a charge or without charge where measures that prevent the spreading of wild oats are taken.

(2) Upon handling of agricultural products and soil contaminated with wild oats, the following measures are implemented in order to prevent the spreading of wild oats:

- 1) the agricultural product contaminated with wild oats is used as food or feedingstuff only in such a processed manner that the wild oat seed is no longer capable of sprouting;
- 2) the sorting and cleaning waste of cereal or seeds is burned or destroyed in another manner that precludes the sprouting of wild oat seeds;
- 3) the notation ‘Contaminated with wild oats’ is used on the sales document of the agricultural product;
- 4) the notation ‘Possible risk of contamination with wild oats’ on sales or transfer document of the soil;
- 5) the agricultural product is carried in such a manner that the bulk product is under a cover.

[RT I, 14.03.2017, 1 – entry into force 01.04.2017]

(3) [Repealed – RT I, 14.03.2017, 1 – entry into force 01.04.2017]

§ 29. Notification obligation

[Repealed – RT I, 14.03.2017, 1 – entry into force 01.04.2017]

§ 30. Wild oat control plan

[Repealed – RT I, 14.03.2017, 1 – entry into force 01.04.2017]

§ 31. Declaration of agricultural parcel to be free of wild oats

[Repealed – RT I, 14.03.2017, 1 – entry into force 01.04.2017]

§ 32. Database of areas contaminated by wild oats

[Repealed – RT I, 14.03.2017, 1 – entry into force 01.04.2017]

Chapter 7

REQUIREMENTS FOR INGREDIENTS OF AGRICULTURAL PRODUCTS AND CLASSIFICATION OF QUALITY AND QUALITY CLASS REQUIREMENTS

§ 33. Requirements for ingredients of agricultural products and classification of quality and quality class requirements

(1) For the regulation of the agricultural market, the minister in charge of the field has the right to establish the requirements for ingredients of agricultural products and classification of quality, methodology and procedure and quality class requirements for agricultural products. The said procedure specifies the agricultural products for which the requirements for ingredients and classification of quality and quality class requirements are established and specifies the cases where and the extent to which the classification of ingredients of agricultural products and quality classes is compulsory.

(2) In order to classify the ingredients and quality of agricultural products, the organoleptic and microbiological indicators as well as the indicators of physical and chemical composition are classified on the basis of analysis methods and other assessment methods.

(3) The minister in charge of the field establishes the quality classes for agricultural products on the basis of ingredients and quality indicators of agricultural products and the indicators to be analysed and assessed on the basis of other assessment methods regarding each agricultural product.

§ 34. Requirements for authorised laboratories and procedure for authorisation

(1) The minister in charge of the field may establish the procedure for sampling and analysis of samples in order to analyse the ingredients of agricultural products and quality indicators.

(2) The ingredients of agricultural products and quality indicators are analysed in a laboratory authorised by the minister in charge of the field which complies with the requirements established in Article 12(2) 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).

(3) The minister in charge of the field may establish more specific requirements for authorised laboratories.

(4) The minister in charge of the field makes an authorisation decision to operate as an authorised laboratory within 20 working days as of the receipt of the corresponding application. The decision authorising a laboratory to operate as an authorised laboratory sets out the scope of authority. Authorisation is granted by a directive of the minister in charge of the field.

(5) The requirements for the content of applications for granting of authorisation to operate as authorised laboratories, a list of documents to be annexed to the applications and the procedure for processing of applications are established by the minister in charge of the field.

(6) An authorised laboratory immediately notifies the Veterinary and Food Board of the analysis results of an agricultural product where the analysis results refer to a possible violation of food hygiene requirements.

(7) An authorised laboratory preserves the source data of test protocols in digital form for at least two years.

(8) The minister in charge of the field may refuse to authorise a laboratory to operate as an authorised laboratory or revoke the authorisation where the laboratory does not comply with the requirements provided for in subsections (2) and (3) of this section.

§ 35. Costs of sampling and analysing

(1) Analysis fees charged by an authorised laboratory must be cost-based, transparent and based on the principle of equal treatment, and must be set so as to ensure that they cover the justified costs relating to the relevant services.

(2) A processor of agricultural products bears the costs relating to the sampling and analysis of samples taken for the purpose of analysing the ingredients and quality indicators of agricultural products.

Chapter 8 COUNCIL FOR AGRICULTURE AND RURAL DEVELOPMENT

§ 36. Council for agriculture and rural development

(1) The Council for agriculture and rural development is an advisory standing council formed in order to resolve issues belonging to the area of government of the Ministry of Rural Affairs and to submit conclusions and proposals to the minister in charge of the field. The council for agriculture and rural development meets at least once a quarter.

(2) The minister in charge of the field establishes rules of procedure of the council for agriculture and rural development and the procedure for submission of conclusions and proposals by the council.

§ 37. Competence of council for agriculture and rural development

(1) The council for agriculture and rural development:

1) analyses the results of the economic activity of agricultural producers and the state of the agricultural market;

2) makes proposals for the implementation of measures necessary to develop rural economic activity and the production and processing of agricultural products;

3) makes recommendations concerning the preferred direction of development in the production and processing of agricultural products and rural economic activity and, on the basis thereof, concerning the need for implementing state measures and the amount of aid and the need for granting aid, which is taken into consideration, when possible, upon preparing the state budget;

4) makes proposals for the grant of and better use of various supports;

5) makes other proposals relating to rural development and the production and processing of agricultural products;

6) performs the functions of a monitoring committee in the framework of the Estonian Rural Life Development Plan for 2004 to 2006;

7) makes proposals for the formulation of Estonia's positions in issues relating to agriculture and rural development under discussion in the Council of the European Union.

(2) Deliberations on the classes and amounts of support to be granted to agricultural producers in the following year are based on the state of the agricultural market and the preferred directions of development in rural economic activity and rural life.

Chapter 9 STATE AND ADMINISTRATIVE SUPERVISION

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

§ 38. Purpose and scope of state and administrative supervision

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

(1) The purpose of state supervision is to verify whether state aid, *de minimis* aid and other support is used for the intended purpose, the compliance of the activities of recipients of state aid, *de minimis* aid and other support following the payment of support or otherwise granting aid with the requirements provided for in a decision to grant the application and the relevant legislation of the European Union, this Act and legislation established on the basis of this Act, and the taking of other state measures for the organisation of the agricultural market provided for in this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(2) The purpose of administrative supervision is to verify the performance of administrative contracts concluded in accordance with § 8 and subsection 19 (2) of this Act and the compliance of recipients of state aid, *de minimis* aid and other support after the payment of support or otherwise granting of aid with the requirements established in the relevant legislation of the European Union, this Act and legislation established on the basis of this Act where the recipient of the state aid, *de minimis* aid or other support is a state authority or a local authority agency or another person or agency authorised to perform public functions.
[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

§ 39. Exercise of state and administrative supervision

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

(1) Where the state aid provided for in §§ 3 and 4, the *de minimis* aid provided for in § 17 and other support provided for in subsection 20¹(1) of this Act is granted by the state via the Ministry of Rural Affairs, the ARIB or the regional aid granting authority, state and administrative supervision over the activities of recipients of state aid, *de minimis* aid and other support is exercised respectively by the Ministry of Rural Affairs, the ARIB or the regional aid granting authority.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(2) Administrative supervision over the performance of an administrative contract concluded in accordance with § 8 and subsection 19 (2) of this Act by a foundation is exercised by the Ministry of Rural Affairs. In case an administrative contract is unilaterally terminated or other reasons occur which prevent the foundation from continuing the further performance of administrative duties, the Ministry of Rural Affairs regulates further performance.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(3) [Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(4) The Ministry of Rural Affairs exercises state supervision and administrative supervision over the implementation of control measures against wild oats provided for in Chapter 6 of this Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(5) The Veterinary and Food Board exercises state supervision over the compliance of requirements for the ingredients of agricultural products and classification of quality and quality class requirements provided for in Chapter 7 of this Act.

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

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

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

§ 40. Special measures of state supervision

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

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

(2) Where residential premises are also used as commercial premises, the law enforcement authority may inspect these during the working or opening hours without the authorisation of an administrative court specified in subsection 51 (2) of the Law Enforcement Act.

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

§ 41. Special and protective clothing of law enforcement authority

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

(1) The official of the law enforcement authority taking a measure of state supervision must, where necessary or at the request of the applicant, wear special or protective clothing provided by the applicant at the time of taking a supervision step.

(2) The minister in charge of the field may, by a regulation, establish a list of supervision steps during the taking of which the official of the law enforcement authority must wear special or protective clothing the costs of purchase of which are covered from the state budget.

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

Chapter 10

RECOVERY OF STATE AID, DE MINIMIS AID AND OTHER SUPPORT

[RT I, 14.03.2017, 1 - entry into force 24.03.2017]

§ 42. Recovery of state aid, *de minimis* aid and other support granted via Ministry of Rural Affairs, regional aid granting authority and ARIB

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(1) Where, after the payment of state aid, *de minimis* aid or other support, it becomes evident that the applicant for aid has knowingly submitted false information, has not fulfilled the requirements which constitute the basis for payment of the aid, has obtained the aid without basis in any other manner or has not used the aid for the intended purpose, the Ministry of Rural Affairs, the regional aid granting authority or the ARIB requires the recipient of the aid to repay the aid either in full or in part.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(2) The recovery of aid can be waived where the aid cannot be used for its intended purposes due to *force majeure* or any other circumstances beyond the control of the recipient of the aid.

(3) In the event specified in subsection (1) of this section, the Ministry of Rural Affairs, the regional aid granting authority or the ARIB makes a decision to recover the aid. The decision is sent to the recipient of aid by unregistered letter or by registered letter with notice of delivery within ten working days from the issue of the decision.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018] (4) Aid must be repaid within 60 working days from the issue of the decision.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(5) Where it is reasonable, the repayment of support may be initiated at the request of the recipient of support, and a security may be demanded, where necessary.

(6) A decision to recover aid may be made within 10 years from the date of making the decision to grant aid.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(7) Where the recipient of aid does not pay back the aid within the time limit provided for in subsection (4) of this section, the Ministry of Rural Affairs, the regional aid granting authority or the ARIB has the right to refer the decision to compulsory enforcement in accordance with the procedure provided for in the Code of Enforcement Procedure.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(8) Upon recovery of aid, interest is charged on the outstanding balance of the amount of aid to be repaid. The interest rate of the total amount of aid to be repaid in euros is one-year EURIBOR plus 5 percent a year. The interest rate is fixed annually on January 2 and it remains in force for one year. Interest is calculated as of the date when the recipient of aid is notified of the decision to recover until the date of repayment of aid. The basis for interest calculation is the actual number of days in a month and a year of 360 days.

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

§ 43. Recovery of state aid, *de minimis* aid and other support granted by foundation

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(1) In the contract for grant of state aid, *de minimis* aid or other support, the foundation determines the intended purpose thereof. The foundation monitors the purposeful use of the aid that it has granted.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(2) Where, after granting aid, it becomes evident that the recipient of aid has knowingly submitted false information or has not fulfilled the requirements that constitute the basis for payment of aid, has obtained aid without basis in any other manner or has not used the aid for the intended purpose, the foundation demands that the recipient of aid repay the aid to the foundation in full or in part within the time limit provided for in the decision to recover after learning of the corresponding decision.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(3) In the event provided for in subsection (2) of this section, the foundation makes a decision to recover the aid within 30 days as of the date on which the foundation learned of the violation.

[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

(4) A decision to recover may be made within 10 years from the date of making the decision to grant aid.

(5) The foundation applies subsections 42 (2), (5), (7) and (8) of this Act to the recovery of state aid, *de minimis* aid and other support, taking into account the variations arising from this section.
[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

§ 44. Recovery of state aid in agriculture sector based on decision of European Commission or judgment of European Court of Justice

(1) Where the European Commission has forwarded a decision or the European Court of Justice has forwarded a judgment according to which a recipient of state aid is required to repay the unlawful or misused state aid in the agriculture sector, the minister in charge of the field forwards such decision to the authority that granted the unlawful or misused state aid. The granting authority of the state aid recovers the state aid from the recipient along with interest in on the basis of the decision of the European Commission or the judgment of the European Court of Justice.

(2) The aid specified in Article 1(f) of Council Regulation (EU) No 2015/1589 is deemed to be unlawful state aid.
[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(3) The activity specified in Article 1(g) of Council Regulation (EU) No 2015/1589 is deemed to be misuse of state aid.
[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

Chapter 11 REPORTING ON STATE AID, DE MINIMIS AID AND OTHER SUPPORT

[RT I, 14.03.2017, 1 - entry into force 24.03.2017]

§ 45. Reporting on state aid in agriculture sector

(1) The Ministry of Rural Affairs prepares on the basis of a pre-filled reporting table of state aid in the agriculture sector an annual report on the state aid granted in the previous calendar year and forward it electronically to the Permanent Representation of the Republic of Estonia to the European Union, which forwards it to the European Commission by June 30 or by the due date set by the European Commission.

(2) The Ministry of Rural Affairs has the right to request information from granting authorities of state aid for the preparation of the report specified in subsection (1) of this section.

§ 45¹. Performance of transparency requirement for state aid in agriculture sector

(1) In the event of granting individual aid exceeding the amount specified in Articles 9(2)(c) and 9(3) of Commission Regulation (EU) No 702/2014 and in Section 128(c) and Section 129 of the Guidelines for State Aid, the granting authority enters the information specified in Annex III to Commission Regulation (EU) No 702/2014 and Sections 128(b) and (c) of the Guidelines for State Aid on the relevant website of the European Commission within four calendar months as of the granting of aid and, in the event of granting aid in the form of tax incentives, within ten calendar months as of the due date of submission of the tax return. The granting authority immediately informs the Ministry of Rural Affairs thereof in writing.

(2) The Ministry of Rural Affairs verifies the information entered by the granting authority and makes it available to the public on the relevant website of the European Commission by the due date set in Commission Regulation (EU) No 702/2014 or the Guidelines for State Aid.

(3) The Ministry of Rural Affairs has the right to demand that the granting authority submit additional information.
[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 46. Keeping account of and reporting on grant of *de minimis* aid in agriculture sector

(1) To keep account of and report on the granting of *de minimis* aid in the agriculture sector, the Ministry of Rural Affairs uses the data of the state aid and *de minimis* aid register kept on the basis of the Competition Act.

(2) The Ministry of Rural Affairs has the right to ask data from the granting authority for the purpose of keeping account of and reporting on the granting of *de minimis* aid.
[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 47. Entry of data in register

(1) The following data are entered in the register of agricultural support and agricultural parcels maintained on the basis of and in accordance with the procedure provided for in the European Union Common Agricultural Policy Implementation Act Information on state aid, *de minimis* aid and other support granted via the ARIB

on the basis of this Act as well as on support granted via the ARIB on the basis of the 2004-2006 Structural Assistance Act:

- 1) the name, registry code or personal identification code or, upon absence of a personal identification code, the date of birth of the applicant and recipient of support, data on their place of residence, seat or place of business, current account, and their contact details as well as information on the death of a natural person and the liquidation of a legal person;
 - 2) the details of the application for aid or support and data received in the course of processing the application.
- [RT I, 13.03.2019, 2 - entry into force 15.03.2019]

(2) The Ministry of Rural Affairs, the ARIB, the foundation, the regional aid granting authority and another authority that grants aid on the basis of law enter the data of the *de minimis* aid in the agriculture sector specified in subsection 17 (1) of this section and granted via them in the state aid and *de minimis* aid register kept on the basis of the Competition Act.

[RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 47¹. Verification of data

The correctness of data required for the application of national measures for the regulation of rural development and agricultural market may be verified with registers containing the data.

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

Chapter 12 LIABILITY

§ 48. Failure to comply with wild oat control requirements

[Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

§ 49. Violation of requirements for determining ingredients or quality of agricultural products

(1) The penalty for violation of the requirements for determining the ingredients or quality of agricultural products is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal entity is a fine of up to 3200 euros.

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

§ 50. Proceedings

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

(2) [Repealed – RT I, 14.03.2017, 1 – entry into force 24.03.2017]

(3) The Veterinary and Food Board is the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in § 49 of this Act.

Chapter 13 IMPLEMENTING PROVISIONS

§ 51. *De minimis* aid granted in previous years

Granting authorities of *de minimis* aid in the agriculture sector submit the information concerning the amount and recipients of *de minimis* aid in the agriculture sector granted from 1 August 2005 to the ARIB who enters the information on the recipients in the register of agricultural support and agricultural parcels maintained on the basis of and in accordance with the procedure provided in the Implementation of the European Union Common Agricultural Policy by 1 October 2008.

§ 52. Recovery of state aid and *de minimis* aid granted in previous years

1) The processing of recoveries and repayments initiated before 1 August 2008 is completed in accordance with the requirements provided for in legislation in force at the time of initiating the proceedings.

1) The processing of recoveries and repayments initiated before 1 August 2008 is completed in accordance with the requirements provided for in legislation in force at the time of initiating the proceedings.

2) Upon recovery of support granted in accordance with a decision to approve an application for support or an administrative contract made before 1 August 2008, the grounds for recovery provided for in legislation in force at the time of making the decision or contract are followed.

§ 52¹. Transfer of data of *de minimis* aid in agriculture sector

Not later than by 1 February 2015, the ARIB submits to the register of state aid and *de minimis* aid, the data registered as of 1 January 2009 in the register of agricultural support and agricultural parcels regarding the recipients of *de minimis* aid in the agriculture sector and on the amount of aid granted to them.
[RT I, 30.12.2014, 2 – entry into force 01.01.2015]

§ 53.–§ 55.[Omitted from this text.]

§ 56. Validity of provisions delegating authority in Rural Development and Agricultural Market Regulation Act

Legislation issued on the basis of subsection 19 (2), subsection 58 (1) solely regarding support for farm replacement services and practical training support, subsection 67 (4), subsection 68 (3), subsection 69 (2), subsection 70 (4) and (5), subsection 72 (3) and § 73 of the Rural Development and Agricultural Market Regulation Act that was in force prior to the entry into force of this Act, remain in force after the entry into force of this Act until their revocation or the entry into force of new legislation established on the basis of this Act.

§ 56¹. Transfer of performance of administrative duties

The employment contracts of the employees involved in the performance of an administrative contract specified in subsection 20⁴(3) of the version of this Act in force until 31 August 2018 transfer as of 1 September 2018 to the regional aid granting authority that continues the performance of the administrative duties and are governed by subsection 112 (1) of the Employment Contracts Act.
[RT I, 06.07.2018, 2 – entry into force 01.09.2018]

§ 57. [Omitted from this text.]

§ 58. Entry into force of Act

This Act enters into force on 1 August 2008.