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

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RT I 2004, 32, 226  
Entry into force 01.05.2004

Amended by the following acts

Passed	Published	Entry into force
08.12.2005	RT I 2005, 68, 530	01.01.2006
01.06.2006	RT I 2006, 28, 211	01.07.2006
12.03.2008	RT I 2008, 15, 108	01.11.2008
21.05.2008	RT I 2008, 23, 150	01.07.2008
21.05.2008	RT I 2008, 23, 150	01.01.2009
06.11.2008	RT I 2008, 49, 271	01.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
10.06.2009	RT I 2009, 34, 224	27.06.2009, in part 01.01.2010
16.09.2009	RT I 2009, 48, 321	23.10.2009
22.04.2010	RT I 2010, 22, 108	01.01.2011 will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
20.05.2010	RT I 2010, 29, 151	20.06.2010
15.09.2010	RT I 2010, 72, 542	15.10.2010
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
17.11.2011	RT I, 25.11.2011, 3	26.11.2011, in part 26.11.2013
08.12.2011	RT I, 29.12.2011, 1	01.01.2012, in part 01.01.2014 and 01.11.2014; date of entry into force amended 01.07.2014 [RT I, 22.12.2013, 1]
23.10.2013	RT I, 05.11.2013, 1	15.11.2013, in part 01.06.2015
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
19.11.2014	RT I, 04.12.2014, 3	01.01.2015
18.02.2015	RT I, 23.03.2015, 5	01.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015

## **Chapter 1**

### **GENERAL PROVISIONS**

#### **§ 1. Scope of application of Act**

(1) This Act lays down the requirements for plant health and plant protection products to guarantee the safety of plant protection products to human and animal health and to the environment, as well as the requirements for plant protection equipment, and the grounds and scope of state supervision.

(2) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking account of the specifications provided for in this Act.

(3) The provisions of this Act apply to plant protection products containing genetically modified organisms, taking account of the specifications provided for in the Release into Environment of Genetically Modified Organisms Act

(4) Within the limits of their competence, the minister responsible for the field may establish legislation implementing plant health requirements and requirements applicable to plant protection products and equipment and their use in a matter which, according to the European Union legislation, falls within the competence of the Member States.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 2. Notification**

The Agricultural Board will notify in writing the European Commission, the competent authorities of other states and the Ministry of Agriculture about the harmful organisms, authorisation of a plant protection product, the technical inspector and about a step that must be notified of in accordance with the legislation of the European Union.

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

#### **§ 2<sup>1</sup>. Competent authority**

For the purposes of Article 3(30) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, pp. 1–50) the competent authority is the Agricultural Board, unless otherwise provided by this Act.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 2<sup>2</sup>. Delivery of decision**

Where a decision made on the basis of this Act is delivered by post, it may be delivered by unregistered post, registered post or registered post with advice of delivery.

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

## **Chapter 2**

### **PLANT HEALTH**

#### **Division 1**

### **Plant, Plant Product and Harmful Organism**

#### **§ 3. Plant and plant product**

(1) For the purposes of this Chapter, ‘plant’ means a live plant or a live part of a plant, including seeds.

(2) For the purposes of this Act, ‘seeds’ means, in the botanical sense, seeds intended for planting.

(3) For the purposes of this Act, ‘living parts of plants’ means:

- 1) fruit, in the botanical sense, other than that preserved by deep freezing;
- 2) vegetables, other than those preserved by deep freezing;
- 3) tubers, corms, bulbs, rhizomes and other variants of stems;
- 4) cut flowers and cut herbs;
- 5) cut trees retaining foliage;

- 6) branches with foliage;
- 7) plant tissue cultures.

(4) For the purposes of this Chapter, 'plant products' means substances of plant origin, unprocessed or having undergone simple preparation, insofar as these are not plants within the meaning of this section but may spread harmful organisms.

(5) In this Act, wood is deemed to be a plant product only when it retains at least a part of its natural round surface, or when it is in the form of sawn timber, chips, pieces, sawdust or wood waste, packing material, spacers, pallets or dunnage.

(6) 'Planting' means placing a plant on a growing site for the growing, reproduction or propagation thereof.

(7) 'Plants intended for planting' means:

- 1) plants, which are planted, and are intended to remain planted or will be replanted after conveyance to Estonia or offer for sale;
- 2) plants, which are not planted at the time of conveyance to Estonia or offering for sale, but are intended to be planted after conveyance to Estonia or offering for sale.

### **§ 3<sup>1</sup>. Consignment and batch**

(1) For the purposes of this Act, 'consignment' means a batch of plants, plant products and other objects or a batch transported inside one state or from one state to another and concerning which a phytosanitary certificate, an invoice or another consignment document has been issued.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(2) For the purposes of this Act, 'batch' means a unit of goods with the same composition and origin.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

### **§ 4. Harmful organism**

(1) 'Harmful organism' means any species, strain or biotype belonging to the animal kingdom or plant kingdom or pathogenic agent injurious to plants or plant products.

(2) Organisms whose spread is subject to supervision and against which the implementation of control measures is compulsory, are deemed to be harmful organisms, whether or not those organisms occur in Estonia.

(3) The list of harmful organisms will be established by the minister responsible for the field.

(4) The list provided for in subsection (3) of this section must set out the harmful organisms:

- 1) which must not be conveyed to or spread in Estonia;
- 2) which must not be conveyed to or spread in Estonia through plants, plant products or other objects.

(5) For the purposes of this Act, pests not included in the list specified in subsection (3) of this section the existence of which is established in Estonia for the first time and which may cause significant financial loss are also deemed to be harmful organisms.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **Division 2**

## **Organisation of Plant Health Protection**

### **§ 5. Plant health**

(1) For the purposes of this Act, 'plant health' means the condition of a plant, plant product, plot of land, soil, plantation, sown crop, substratum or other object which may be contaminated with harmful organisms (hereinafter *other object*).

(2) Plants, plant products and other objects are either free from harmful organisms or contaminated, in danger of contamination or suspected of contamination with harmful organisms.

(3) The Agricultural Board will declare a plant, plant product or another object to which a harmful organism has spread as contaminated on the basis of collected observation data and other relevant information.

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

(4) A plot of land, a building or civil engineering works that is situated in the vicinity of a plant, plant product or other object declared to be contaminated and contains plants which are suitable for spreading a harmful

organism is in danger of contamination. The danger of contamination exists until the destruction of the harmful organism.

(5) A plant, plant product or another object which the Agricultural Board declares, on the basis of observation data and other relevant information, to be suspected of contamination, is suspected of contamination. A thing that has come in contact with a contaminated plant, plant product or another object to which a harmful organism may have spread, or a facility where a contaminated plant, plant product or another object is taken, is also suspected of contamination. The suspicion of contamination will remain until the results of supervision which confirm contamination or absence of harmful organisms become clear or until the extinguishment of the obligation to take control measures.

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

## **§ 6. Plant health requirements**

(1) Plants, plant products and other objects must be free from harmful organisms.

(2) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(2<sup>1</sup>) [Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(3) For the purposes of this Act, the consignee is the person indicated as the recipient in the phytosanitary certificate.

(4) The requirements for the origin, characteristics and treatment of plants, plant products and other objects applicable upon the production, storage, conveyance from third countries to Estonia, the marketing of the plants, plant products and other objects, or at another stage will be established by the minister responsible for the field.

(4<sup>1</sup>) In event of non-compliance with the requirements established in the basis of subsection (4) of this section, the plant, plant product or other object will be declared as suspected of contamination.

(5) A person who possesses a plant, plant product or another object must ensure conformity with the requirements provided for in subsection (1) of this section, unless otherwise provided for in this Act.

(6) For the purposes of this Chapter, marketing means the offer for sale, sale and transfer in any other manner, free of charge or for a fee, of plants, plant products and other objects.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **§ 7. Prohibition to spread harmful organisms**

(1) It is prohibited to spread harmful organisms.

(2) The creation of favourable conditions for the spreading of harmful organisms as expressed by the failure to notify of harmful organisms or the failure to implement control measures is also deemed to be the spreading of harmful organisms.

(3) A person who deliberately spreads harmful organisms is required to compensate the costs relating to the control thereof and damage caused.

## **§ 8. Notification of harmful organism**

A person who ascertains the occurrence of a harmful organism or who suspects the occurrence of a harmful organism must notify the Agricultural Board promptly thereof.

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

## **§ 9. Control measures against harmful organism**

(1) In the event of existence of a harmful organism or suspicion of contamination or danger of contamination, control measures established in this Act, in legislation established on the basis thereof or in relevant legislation of the European Union will be implemented.

[RT I 2009, 34, 224 – entry into force 27.06.2009]

(2) Control measures against harmful organisms are defined as restrictions applied in order to prevent the spreading of a harmful organism or the destruction of a harmful organism in the prescribed manner.

(3) Control measures against harmful organisms include the following:

- 1) restriction on cultivation for a specified term;
- 2) the obligation to select resistant crops and varieties;
- 3) the prohibition of the use and marketing of plants, plant products and other objects which are contaminated, in danger of contamination or suspected of contamination;

- 4) the restriction on the use of plants, plant products and other objects that are contaminated, in danger of contamination or suspected of contamination;
- 5) the obligation to purify or destroy plants, plant products and other objects that are contaminated or suspected of contamination;
- 6) the obligation to organise control;
- 7) the obligation to destroy host plants;
- 8) the obligation to disinfect buildings, civil engineering works and other objects that are contaminated or suspected of contamination.

(4) Control measures appropriate to the species of harmful organisms that occur on plants, plant products and other objects that are contaminated, in danger of contamination or suspected of contamination with harmful organisms will be established by the minister responsible for the field.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

(5) If the control measures appropriate to the species of a harmful organism have been established on the basis of subsection (4) of this section or in relevant legislation of the European Union, the Agricultural Board will decide the implementation of a control measure appropriate to the species of the harmful organism, determining the scope of implementation of the control measure. If control measures appropriate to the species of a harmful organism have not been established by legislation, the Agricultural Board will decide the application of a control measure specified in subsection (3) of this section, which is appropriate to the species of the harmful organism, taking account of the biology and the manner of spreading of the harmful organism and determining the scope of application of the control measure.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **§ 10. Protected zone**

(1) 'Protected zone' means a zone declared by the European Commission as a protected zone in which harmful organisms are not established or endemic but in which there is a danger that certain harmful organisms will spread, given propitious ecological conditions or particular crops or forest plantation.

(2) A harmful organism is considered to be established in an area if appropriate measures taken there with a view to its eradication have proved, for a period of two years, to be ineffective.

(3) In order to declare an area a protected zone, the Agricultural Board must submit to the European Commission an application along with the results of supervision certifying that harmful organisms are not present in such territory.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(4) In order to prevent the spread and establishment of harmful organisms, the conveyance of plants, plant products and other objects or bee colonies to protected zones is permitted only upon adherence to the plant health requirements set for the protected zones, taking into account the nature of the harmful organisms and the location of the protected zone. The plant health requirements will be established with regard to those plants, plant products, other objects and bee colonies with which the harmful organisms may spread.

(5) Plant health requirements for protected zones will be established by the minister responsible for the field.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **§ 11. Zones free of harmful organisms**

(1) A zone is deemed to be free of harmful organisms if it has been established following supervision that harmful organisms are not present therein and the status of the zone is being maintained in accordance with requirements.

(1<sup>1</sup>) The Agricultural Board may declare a zone to be a zone free of harmful organisms if two years' supervision shows that harmful organisms do not exist in the zone, or in accordance with the procedure as provided for in subsection (3) of this section on the basis of an application submitted by a person.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) A person who wishes a zone to be declared free of harmful organisms must submit a corresponding application to the Agricultural Board.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3) The minister responsible for the field will establish the requirements for declaring a zone to be free of harmful organisms, the procedure for the submission and processing of applications, the requirements for a zone free of harmful organisms, and the procedure and requirements for maintaining the status of a zone free of harmful organisms.

(4) The Agricultural Board makes a decision to declare a zone free of harmful organisms or a reasoned decision to reject an application. The decision is delivered to the person within ten working days after making the decision.

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

(5) The application specified in subsection (2) of this section will be rejected if, based on the results of state supervision and other relevant evidence, it becomes evident that the area does not meet the requirements set for zones free of harmful organisms.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **§ 12. Use of harmful organisms and host plants thereof for plant breeding, testing and other research purposes**

(1) On the basis of a special permit of the Agricultural Board, breeders, research and development institutions and the Agricultural Research Centre may convey harmful organisms and their host plants intended for plant breeding, testing and other research purposes from third countries to Estonia and convey them inside Estonia, provided that this is done in compliance with plant health requirements.

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

(1<sup>1</sup>) The Agricultural Board may refuse to issue a special permit or to revoke a decision to issue a special permit if a breeder, research and development institution or the Agricultural Research Centre fails to comply with the plant health requirements specified in subsection (2) of this section.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(1<sup>2</sup>) A decision to issue, refuse to issue a special permit or to revoke a special permit is made within 60 days after receiving the application. The decision is delivered to the person within five working days after making the decision.

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

(2) In order to prevent the spreading of harmful organisms and their host plants outside premises intended for plant breeding, testing and other research, the requirements for the conveyance of harmful organisms and their host plants to Estonia and conveyance thereof inside Estonia, and the requirements for the use thereof in plant breeding, testing and other research, as well as the procedure for the issuing of special permits, will be established by the Government of the Republic.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

(3) Breeders, research and development institutions and the Agricultural Research Centre must maintain records concerning the handling of harmful organisms and their host plants by collecting and storing the corresponding information.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(4) Breeders, research and development institutions and the Agricultural Research Centre will, by August 1 each year, submit to the Agricultural Board information on harmful organisms, their host plants and their quantities which were used upon handling from July 1 of the year preceding the year of submission of the information up to June 30 of the year of the submission of the information, and on their quantities.

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

## **Division 3 Special Cases of Plant Health Protection**

### **§ 13. Implementation of control measures on state land, in state forests and on municipal land**

(1) On state land that is not in use, the Agricultural Board will organise the implementation of control measures out of the funds allocated for that purpose.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) In state forests that are not in use, the Environmental Board will organise the implementation of control measures out of the funds allocated for that purpose.

[RT I 2009, 3, 15 – entry into force 01.02.2009]

(3) On municipal land that is not in use, the rural municipality or city government will organise the implementation of control measures.

(4) In the events specified in subsections (1) and (2) of this section, the procedure for the implementation and financing of control measures will be established by the minister responsible for the field.

### **§ 14. Implementation of control measures on behalf of person**

If a person specified in subsection 6 (5) of this Act does not perform their obligations upon implementation of control measures, as a result of which an extensive spread of harmful organisms may cause significant financial

loss, the Agricultural Board will, in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act, organise the implementation of control measures on behalf of the person.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 15. Compensation of costs of implementation of control measures**

(1) The costs of application of control measures established in Acts, regulations, administrative decisions or a decision of the European Commission with regard to a species of a harmful organism will be covered from the state budget to the extent of up to 100 percent. The costs will be compensated to a person who produces plants, plant products or other objects.

(2) The costs of application of control measures will be compensated in accordance with the procedure established in the Rural Development and Agricultural Market Regulation Act or legislation established on the basis thereof.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **Division 4**

### **Phytosanitary Certificate and Plant Passport**

#### **§ 16. Phytosanitary certificate**

A phytosanitary certificate is a document that certifies the phytosanitary conformity of plants, plant products or other objects and is issued upon conveyance of plants, plant products or other objects from Estonia to a third country.

#### **§ 17. Issue of phytosanitary certificate**

(1) The Agricultural Board will issue a phytosanitary certificate concerning a consignment.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A phytosanitary certificate or a phytosanitary certificate for re-export will be issued if a person has paid the state fee and the plant health requirements of this Act and of the country of destination are fulfilled.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) A phytosanitary certificate will not be issued earlier than 14 days before the conveyance of a consignment from Estonia to a third country.

(4) If a consignment is re-packaged, stored, split, combined with another consignment or undergoes another similar procedure after arrival in Estonia, or if at the time when the consignment is in Estonia, more than 14 days pass from the issue of a phytosanitary certificate, the Agricultural Board will issue a phytosanitary certificate for re-exportation. A phytosanitary certificate for re-exportation must be accompanied by a phytosanitary certificate issued by the country of origin of the goods, or a copy thereof.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) [Repealed – RT I 2005, 68, 530 – entry into force 01.01.2006]

(6) The conduct of analyses necessary for the issue of a phytosanitary certificate or the phytosanitary certificate for re-exportation at the request of the country of destination will be paid for by the person conveying the consignment from Estonia to the third country.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

#### **§ 18. Validity of phytosanitary certificate**

A phytosanitary certificate is valid for the certification of the conformity of the consignment concerning which the phytosanitary certificate is issued.

#### **§ 19. Use of phytosanitary certificate**

(1) A consignment must be accompanied by a phytosanitary certificate until the competent authority of the country of destination has checked the certificate. A consignment must be identifiable.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A phytosanitary certificate that contains amendments not approved by the issuer is invalid.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

(3) The formal and substantive requirements for phytosanitary certificates and the procedure for issue, replacement and preservation of phytosanitary certificates will be established by the minister responsible for the field.

## **§ 20. Replacement of phytosanitary certificate**

(1) After a consignment of plants, plant products or other objects which are conveyed from a third country to Estonia has undergone inspection, the phytosanitary certificate issued with regard to such plants, plant products or other objects will be replaced by a plant passport, provided that the plants, plant products or other objects are included in the list of plants, plant products or other objects with regard to which plant passports are issued.

(2) A phytosanitary certificate will not be replaced if a plant, plant product or other object is contaminated or suspected of contamination.

## **§ 21. Preservation of phytosanitary certificate**

Phytosanitary certificates will be preserved for one year by the Agricultural Board.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **§ 22. Plant passport**

A plant passport is a document, which certifies the phytosanitary conformity of plants, plant products or other objects upon their movement within the territory of the European Union, or an official label.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **§ 23. Issue of plant passport**

(1) The Agricultural Board or a person who has been entered in the plant health register and possesses the right to issue plant passports will issue a plant passport. A plant passport with regard to certified propagating material will be issued by the Agricultural Board. The Agricultural Board will issue a plant passport only to a person whose data has been entered in the plant health register.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

(2) A plant passport will be issued if the person satisfies the requirements of this Act and legislation established on the basis thereof. A state fee will be charged for issuing a plant passport.

(3) A person to whom a plant passport has been issued will use the plant passport only for the certification of the conformity of plants, plant products and other objects belonging to the person.

(4) For conveyance to or marketing in a protected zone of plants, plant products and other objects with regard to which a plant passport has been issued, the notation ZP (*zona protecta*) certifying the compliance of the plants, plant products and other objects with the plant health requirements in force in the protected zone, and the mark of identification of the protected zone will be entered in the plant passport.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **§ 24. Validity of plant passport**

A plant passport is valid for the certification of the conformity of the consignment concerning which the plant passport is issued.

## **§ 25. Right to issue plant passport**

(1) The Agricultural Board will decide on the grant of the right to issue plant passports to a person entered in the plant health register on application of the person if the person has not been found, as a result of supervision, to be in violation of this Act or legislation established on the basis thereof during the current calendar year, and the person has paid the state fee. Persons engaged in the production, conveyance from third countries to Estonia, storage, packaging or marketing of seed potatoes, will not be granted the right to issue plant passports.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) An entry will be made in the plant health register concerning the right to issue plant passports. A person who is granted the right to issue plant passports will issue plant passports only with respect to plants, plant products and other objects marketed by the person.

(3) The validity of a decision to grant the right to issue plant passports will be suspended if the person entitled to issue plant passports fails to fulfil the requirements provided by this Act, until the time that the person complies with the precept of the Agricultural Board. The Agricultural Board will decide on the suspension of the validity of decisions to grant the right to issue plant passports.

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

(4) The validity of a decision to grant the right to issue plant passports is revoked if the person fails, by the time prescribed in the precept, to eliminate the deficiencies detected in the course of supervision. The Agricultural



Board decides the revocation of a decision to grant the right to issue plant passports. The decision is delivered to the person within five working days after making the decision.

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

(5) If as a result of supervision, the person is not found to be in violation of this Act or legislation established on the basis thereof during the calendar year following the year of revocation of the decision specified in subsection (4) of this section, the person has the right to re-apply for the right to issue plant passports.

#### **§ 26. Use of plant passport**

(1) A consignment must be accompanied by a plant passport. A plant passport may also be attached to a plant or affixed to the labelling of a plant product or other object, or to a vehicle carrying them. A consignment must be identifiable.

(2) A plant passport that has been amended or corrected is invalid.

(3) The list of plants, plant products and other objects which are inspected at the place of production and with regard to which plant passports are issued, the list of information to be entered on a plant passport and the procedure for issuing and replacing plant passports will be established by the minister responsible for the field.

(4) A person entitled to issue plant passports will give advance notice to the Agricultural Board of the issuing of plant passports with regard to plants, plant products and other objects to be conveyed to a protected zone. Plants, plant products and other objects may be conveyed to a protected zone only after their conformity with the plant health requirements in force in the protected zone has been established.

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

#### **§ 27. Prohibition on issue and use of plant passports**

(1) Where the spread of harmful organisms is detected, the issue of plant passports with regard to plants, plant products and other objects which spread harmful organisms, and the use of the issued plant passports is prohibited. The Agricultural Board makes an appropriate decision and immediately notifies the person who has been granted the right to issue plant passports of the decision.

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

(2) Where the reasons for prohibiting the issue and use of a plant passport have been eliminated, the Agricultural Board makes a decision to permit the use of the plant passport and immediately notifies the person of the decision.

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

#### **§ 28. Replacement of plant passport**

(1) The Agricultural Board or a person entitled to issue plant passports will replace a plant passport with a new one in the event of splitting or combining conforming consignments, and if the condition of consignments has changed. In order to indicate that a given plant passport has been issued in replacement of another plant passport, the number of the entry in the plant health register concerning the producer or recipient whose plant passport is being replaced will be entered on the new plant passport beside the abbreviation RP (*replacement passport*). The specified documents may be replaced if there is no danger that harmful organisms will spread.

(2) A plant passport will not be replaced if a plant, plant product or another object is contaminated or suspected of contamination.

#### **§ 29. Preservation of plant passport**

(1) A person who purchases a plant, plant product or another object with regard to which a plant passport has been issued will preserve the plant passport, which was given to the person or the information contained therein for a period of one year after the date of purchase of the plant, plant product or other object.

(2) A person issuing plant passports will keep a record of marketing the plants, plant products and objects concerning which a plant passport has been issued.

## **Division 5 Plant Health Register and Notification Obligation**

### § 30. Plant health register

(1) The plant health register and its statutes are established by a regulation of the minister responsible for the field.

(2) The controller of the plant health register is the Ministry of Rural Affairs. The processor is specified in the statutes of the register.

(3) The purpose of the plant health register is to ensure the protection of plant health and efficient supervision over the compliance with plant health requirements.

(4) The data specified in subsection 1 of § 51 of the General Part of the Economic Activities Code Act is entered in the plant health register regarding the following persons and their activities:

- 1) operators who have submitted a notice of economic activities under the Plant Protection Act;
- 2) operators who have submitted a notice of economic activities or received an activity licence under the Plant Propagation and Variety Rights Act.

(5) The provisions of the General Part of the Economic Activities Code Act regulating registers apply to the plant health register, taking account of the specifics provided for in this Act.

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

### § 31. Notification obligation

(1) Before commencement of operations, a notice of economic activities must be submitted in the event of production, storage, packaging or marketing of the following plants, plant products or other objects:

- 1) bulbs, corms and other variants of stems;
- 2) planting and propagating material of fruit trees, vegetables, berries and ornamental plants;
- 3) seed potatoes;
- 4) potatoes for consumption;
- 5) mangold and sugar-beet plants intended for planting;
- 6) citrus fruits with leaves and peduncles;
- 7) the raw wood and bark of chestnut and plane trees.

(2) The notification obligation before commencement of operations also applies to an operator who wishes to:

- 1) produce plants, plant products and other objects, and to deliver them from Estonia to countries and territories outside the customs territory of the European Union (hereinafter *third country*);
- 2) deliver plants, plant products and other objects from Estonia to a third country;
- 3) engage in the delivery of plants, plant products or other objects included in the list established on the basis of subsection 41 (2) of this Act from a third country to Estonia, or
- 4) engage in the delivery of raw wood of coniferous trees and chestnut to an area protected by a Member State of the European Union.

(3) Under this Act, the notification obligation does not apply to an operator who:

- 1) markets plants, plant products or other objects produced by it, except plants, plant products and other objects equipped with a plant passport under subsection 26 (3) of this Act and potatoes, only to a person entered in the plant health register;
- 2) markets plants, plant products or other objects produced by it, except plants, plant products and other objects equipped with a plant passport under subsection 26 (3) of this Act and potatoes, only by way of retail trade directly to the end consumer in the territory of the Republic of Estonia;
- 3) uses plants, plant products or other objects produced by it for its own purposes;
- 4) grows potatoes in an area of up to one hectare for a purpose other than marketing;
- 5) markets plants and plant products received from a person entered in the plant health register, except plants, plant products and other objects equipped with a plant passport under subsection 26 (3) of this Act and potatoes, by way of retail trade directly to the end consumer in the territory of the Republic of Estonia, or
- 6) engages in the propagation, production, conservation, processing, marketing or importing of seed or propagating or cultivating material, and has the notification obligation under the Plant Propagation and Variety Rights Act.

(4) In addition to the information required in the General Part of the Economic Activities Code Act, a notice of economic activities must contain the following information:

- 1) the name of the plant, plant product or another object whose production, storage, packaging, marketing or delivery from a third country to Estonia or from Estonia to a third country or a protected area of a Member State of the European Union the person is engaged in;
- 2) the area of the production entity;
- 3) the data of the person in charge of plant health.

(5) A notice of economic activities is submitted to the Agricultural Board. The data specified in subsection (4) of this section will be entered in the plant health register established on the basis of subsection 30 (1) of this Act.  
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

### **§ 32. Data subject to entry in plant health register**

In addition to the information given in the notice of economic activities on the basis of this Act, the Agricultural Board will enter the following in the plant health register:

- 1) a notation concerning the right to issue a plant passport;
- 2) a notation concerning the right to use the conformity mark;
- 3) the data of the operator engaged in the delivery of a plant, plant product or another object included in the list specified in subsection 41 (2) of this Act from a third country to Estonia;
- 4) the data of the operator engaged in the delivery of raw wood of coniferous trees and chestnut to an area protected by a Member State of the European Union.
- 5) the data of the operator that applies for declaring a dry kiln or the establishment specified in subsection 45 (2) of this Act to be conformity with the requirements;
- 6) the data submitted on the basis of the Plant Propagation and Variety Rights Act.

(2) The information on the supplier of the cultivating material specified in clause 6) of subsection (1) of this section will be submitted to the Agricultural Board by the Environmental Board.

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

### **§ 33. Duties of persons entered in plant health register**

(1) A person entered in the plant health register is required to:

- 1) maintain records of the plants, plant products and other objects which are produced, purchased, stored, packaged, conveyed from third countries or other Member States to Estonia or from Estonia to third countries, and marketed, and preserve the accompanying documents and documents certifying the origin and the phytosanitary conformity thereof for at least one year as of drawing up the documents;

[RT I 2008, 23, 150 – entry into force 01.07.2008]

- 2) enable the Agricultural Board to access the object under inspection;

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

- 3) cooperate with the Agricultural Board upon assessment of plant health and appoint a person who is in charge of plant health issues in the establishment;

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

- 4) keep a field record established on the basis of subsection 26<sup>1</sup>(7) of the Water Act concerning used land, and if buildings and civil engineering works are used, draw up a plan for their use;

- 5) indicate, when marketing potatoes intended for consumption, the plant health register number of the producer on the packaging of the potatoes, or if the potatoes intended for consumption are not packaged, in the document accompanying the goods;

- 6) annually replace, upon producing potatoes for consumption, 20 percent of the planting material with certified propagating material;

- 7) inform the Agricultural Board of potatoes intended for consumption and plant propagating material conveyed from the Member States of the European Union;

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

- 8) submit to the processor of the register by no later than January 15 of each year information concerning the size of the areas used for production purposes, the places of production and the plant species grown.

(2) The plan for use specified in clause 1) of subsection (1) of this section is a body of data maintained on paper including data on the users, maps of the lands and information concerning civil engineering works such as the type, area and plant species grown.

### **§ 34. Refusal to make register entry**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

### **§ 35. Amendment and revocation of register entry**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

### **§ 36. Protection of data in plant health register**

[Repealed – RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force amended – RT I, 22.12.2013, 1)]

## **Division 6**

# **Organisation of Plant Health Protection upon Conveyance of Goods from Third Countries to Estonia and from Estonia to Third Countries**

## **§ 37. Procedure for conveyance of goods from third countries to Estonia**

(1) The plants, plant products and other objects specified in the list established on the basis of subsection 41 (2) of this Act may be conveyed from third countries to Estonia through border checkpoints intended for such purpose. The recipient or its representative must notify an official of the Agricultural Board at a border checkpoint in writing of the conveyance of plants, plant products and other objects specified above from third countries to Estonia at least 24 hours before the plants, plant products or other objects are conveyed to Estonia or, if this is not possible, immediately after loading thereof on a means of transport. The notification in writing must indicate the estimated date of arrival of the consignment, the number or other identification of the means of transport, the CN code, the botanical name in case of plants, the name of plant products and other objects, the destination, the notification “consignment subject to phytosanitary inspection”, the Member State where the recipient is entered in the official register, the registration number of the recipient in the official plant health register of the Member State and the place of origin of the consignment.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1<sup>1</sup>) If a consignment specified in subsection (1) of this section is conveyed from a third country to Estonia through a border checkpoint where the Agricultural Board exercises on-call supervision at the weekend or on a national or public holiday, the recipient or the representative of the recipient will notify the Agricultural Board in writing of the conveyance of the consignment on the day preceding the weekend, national holiday or public holiday.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The border checkpoints must have the necessary premises and resources to take the inspection steps provided for in this Act and legislation established on the basis thereof. The owner or possessor of the border checkpoint, who upon the transfer of possession of the border checkpoint has been granted the right to do so by the owner, is required to ensure that the Agricultural Board can, free of charge, use premises along with requisite equipment, including furnished office rooms and means of communication, which comply with the occupational safety and health requirements for the purpose of taking inspection steps. The Agricultural Board will pay for telecommunications services and the owner or possessor of the border checkpoint who, upon the transfer of possession of the border checkpoint, was granted the right to do so by the owner, will pay for public utility services and other services necessary for the maintenance of the premises.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) Plants, plant products and other objects conveyed from a third country to Estonia, which have phytosanitary certificates and are subject to phytosanitary inspection, may be forwarded to an authorised destination in Estonia for identity checks and phytosanitary inspection with the permission of the Agricultural Board. The list of authorised destinations located in Estonia will be published on the website of the Agricultural Board.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) If a threat of the spread of harmful organisms exists, the Agricultural Board in cooperation with the Tax and Customs Board, provided the agreement of the competent authorities of the third Member State, may, after the documents of the consignment have been checked, forward plants, plant products and other objects conveyed from third countries to Estonia which have phytosanitary certificates and are subject to phytosanitary inspection for identity check and check of the conformity of the consignment with the plant health requirements to the place of destination which is recognised by the competent authorities of that Member State.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(5) The list of border checkpoints, border checkpoints located on border and authorised destinations prescribed for the conveyance of plants, plant products and other objects from third countries to Estonia, and the requirements for the authorised destinations and the procedure for the recognition of the authorised destinations will be established by the Government of the Republic.

(6) A standard-form plant health movement document must accompany the consignment in order for the consignment to be transited from the border checkpoint to the authorised destination for identity check and check of the conformity of the consignment with the plant health requirements.

(7) The form of and procedure for the use of the plant health movement document will be established by the minister responsible for the field.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **§ 38. Attestation of conformity of consignments upon conveyance from third countries to Estonia**

(1) A phytosanitary certificate accompanying a consignment conveyed from a third country to Estonia and issued by the competent authority of the country of origin or dispatch of the consignment must certify the phytosanitary conformity of plants, plant products and other objects which the consignment comprises.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The list of plants, plant products and other objects for which phytosanitary certificates are issued will be established by the minister responsible for the field.

(3) If a consignment is repackaged, stored, disassembled, combined with another consignment or undergoes another similar procedure in at least one of the countries through which it passes before arrival in Estonia, a copy of the phytosanitary certificate of the country of origin and the phytosanitary certificate for re-exportation issued by the country through which it most recently passed and where such procedure was carried out must accompany the consignment.

(4) If a consignment conveyed from a third country to Estonia contains a plant, plant product or other object concerning which requirements have been established on the basis of subsection 6 (4) of this Act, the phytosanitary certificate must contain a reference to these requirements or implemented measures by which compliance with the requirements is ensured.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(5) A customs official may release a consignment for free circulation if the consignment has passed phytosanitary inspection as a result of which it has been declared conforming and concerning which the Agricultural Board has made a permissive notation on the accompanying document or in the electronic customs information system.

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

### **§ 39. Conveyance of goods from third countries to Estonia in accordance with simplified procedure**

(1) Conveyance of plants, plant products and other objects from third countries to Estonia in accordance with the simplified procedure means the transport of such goods from third countries to Estonia without a phytosanitary certificate.

(2) The list of plants, plant products and other objects which may be conveyed from third countries to Estonia in accordance with the simplified procedure, the quantities in which their transport is permitted, and the simplified procedure for transport thereof from third countries to Estonia will be established by the minister responsible for the field.

### **§ 40. Prohibition on conveyance from third countries to Estonia**

(1) Except in the events and in accordance with the procedure provided in § 12 of this Act, it is prohibited to convey, from third countries to Estonia:

- 1) harmful organisms;
- 2) plants, plant products and other objects contaminated with harmful organisms;
- 3) plants, plant products and other objects suspected of contamination;
- 4) plants, plant products and other objects from states or a region thereof concerning which a prohibition on conveyance to Estonia has been established;
- 5) plants, plant products and other objects, which do not comply with the requirements for plant health.

(2) The minister responsible for the field will establish the prohibition specified in clause 4) of section (1) of this section concerning a third country or a region thereof from which harmful organisms may spread to Estonia together with plants, plant products or other objects conveyed to Estonia.

(3) In the events specified in clauses 1) to 5) of subsection (1) of this section, the Agricultural Board will revoke the phytosanitary certificate or the phytosanitary certificate for re-exportation.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

### **§ 41. Inspection of consignments upon conveyance from third countries to Estonia**

(1) Before permission for conveyance of a consignment from a third country to Estonia is granted, the conformity of the consignment with plant health requirements must be verified.

(1<sup>1</sup>) A phytosanitary certificate accompanying a consignment conveyed from a third country to Estonia will not be issued earlier than 14 days before the conveyance of the consignment from a third country to Estonia.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(2) The list of plants, plant products and other objects subject to phytosanitary inspection at the border checkpoint will be established by the minister responsible for the field.

(3) In the event of suspicion of contamination of a consignment, the Agricultural Board immediately orders the implementation of control measures on the basis of observation data and other relevant information. If it is not possible for the Agricultural Board to establish suspicion of contamination on the basis of observation data or other relevant information, it takes a sample from the consignment and suspend the conveyance of the consignment from a third country to Estonia until the results of the tests performed on the sample are obtained,

but for no longer than 10 working days. If it is necessary to perform additional tests on a consignment, the time limit may be extended by up to 30 days. The consignee must be immediately notified of the extension of the time limit.

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

(4) A consignment whose conveyance from a third country to Estonia is suspended will be placed in a facility designated by the Agricultural Board. It is not permitted to place a consignment suspected of contamination in facilities where it may cause the contamination of other goods with a harmful organism. The Agricultural Board will seal a consignment that is suspected of contamination and it is prohibited to use or transport the consignment without its permission.

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

(5) On the basis of the results of tests performed on a sample, the Agricultural Board will declare a consignment to be in conformity with the requirements or prohibit, in accordance with § 42 of this Act, the conveyance of a contaminated consignment from a third country to Estonia and decide on the further use thereof.

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

(6) The costs of preserving goods whose conveyance from a third country to Estonia is suspended and the transport costs of such goods will be borne by the recipient.

(7) The recipient will organise the loading and unloading of goods necessary for their inspection.

(8) The procedure for inspecting plants, plant products and other objects upon their conveyance from third countries to Estonia will be established by the minister responsible for the field.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

#### **§ 41<sup>1</sup>. Checks at reduced frequency**

(1) In the event of conveyance of a consignment from a third country to Estonia, the Agricultural Board may carry out checks at reduced frequency on the basis of Commission Regulation (EC) No. 1756/2004 specifying the detailed conditions for the evidence required and the criteria for the type and level of the reduction of the plant health checks of certain plants, plant products or other objects listed in Part B of Annex V to Council Directive 2000/29/EC (OJ L 313, 12.10.2004, pp. 6–9).

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) The reduced frequencies of phytosanitary inspection may be established by the minister responsible for the field.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

#### **§ 42. Identification of contamination upon conveyance from third countries to Estonia**

(1) Upon identification of contamination, the Agricultural Board will decide on the returning, carriage out of Estonia in some other manner or designation of contaminated consignments for purification or destruction. Upon making a decision, the Agricultural Board may take into account the wishes of the recipient.

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

(2) If the Agricultural Board decides on the returning or carriage out of Estonia in some other manner of a consignment, the recipient will be required to carry the consignment out of Estonia. If the recipient fails to carry the consignment out of Estonia within 10 working days, the consignment will be destroyed.

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

(3) If a portion of a contaminated consignment is not contaminated and it can be separated from the contaminated portion, the Agricultural Board may grant permission to convey from a third country to Estonia the portion which is not contaminated. The costs of separating a portion which is not contaminated will be borne by the recipient.

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

(4) A decision on designation of a consignment for disinfection or other similar purification will be made if by purification of the consignment with the prescribed products, in the required manner and in accordance with the required procedure, compliance with the plant health requirements is guaranteed. The costs of purification of a consignment will be borne by the recipient.

(5) The customs authorities will seize, confiscate or destroy contaminated consignments in accordance with the procedure provided for in the Customs Act and based on the decision of the Agricultural Board. The costs of destruction of a contaminated consignment will be borne by the recipient.

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

#### **§ 43. Inspection steps in event of external transit**

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

In the event of conveyance of a consignment containing plants, plant products or other objects included in the list established on the basis of subsection 41 (2) of this Act from a third country to another third country through

Estonia, the existence of a phytosanitary certificate or other documents concerning the consignment of goods, and the compliance of the consignment with the accompanying documents will be checked immediately after the consignment enters Estonia from the third country.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

#### **§ 44. Conveyance of plants, plant products and other objects from Estonia to third countries**

(1) Plants, plant products and other objects conveyed from Estonia to third countries must comply with the plant health requirements of the country of destination.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

(1<sup>1</sup>) Checks of conformity of consignments with plant health requirements of the country of destination will be carried out at the storage premises of plants, plant products or other objects, at the place of production of plants or any other place of inspection that has the conditions required for taking inspection steps.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) After the issue of a phytosanitary certificate, the possessor of the consignment must ensure the identity of the batch of plants, plant products and other objects and the preservation of the conformity of goods with the accompanying documents and the plant health requirements until the consignment is conveyed to a third country.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

(3) A person conveying plants, plant products and other objects from Estonia to a third country will pay a state fee for the checking of documents, the identity check and the check of the conformity of consignment with plant health requirements necessary for the issue of a phytosanitary certificate or phytosanitary certificate for re-exportation.  
[RT I 2005, 68, 530 – entry into force 01.01.2006]

## **Division 6<sup>1</sup>** **Plant Health Supervision Fee**

[RT I 2005, 68, 530 - entry into force 01.01.2006]

#### **§ 44<sup>1</sup>. Plant health supervision fee**

(1) A plant health supervision fee (hereinafter *supervision fee*) is a sum payable in an amount established by this Act for checking of documents and the identity checks of plants, plant products and other objects conveyed from a third country to Estonia and for taking plant health inspection steps for the assessment of the conformity of the consignment with plant health requirements provided for in subsections 41 (1) and (2) of this Act (hereinafter *plant health supervision steps*).  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) A person required to pay a supervision fee (hereinafter *obligated person*) is a person concerning whose consignment the Agricultural Board has taken a plant health supervision step specified in subsection (1) of this section.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The obligated person will pay the supervision fee for the reduced frequency check carried out on the basis of § 41<sup>1</sup> of this Act in a sum established for the consignment or batch at a proportionally reduced rate, regardless of whether the consignment is checked or not.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(4) No state fee for the issue of a plant passport needs to be paid until the formalisation of the permission for the release of a consignment for free circulation concerning a consignment checked at a border checkpoint or at destination and for which supervision fee has been paid.

(5) No supervision fee is charged for the supervision taken regarding a consignment that is conveyed from a third country to Estonia in accordance with the simplified procedure.

(6) The minister responsible for the field will establish the rates of plant health supervision fees in euros conforming to the EU standard rates which are payable for plant health supervision on a consignment which is conveyed from a third country to Estonia.  
[RT I 2010, 22, 108 – entry into force 01.01.2011]

## **§ 44<sup>2</sup>. Additional fee for plant health supervision of consignments conveyed from third country to Estonia**

(1) In the course of plant health supervision steps, the Agricultural Board has the right to charge an additional fee per each official who took the plant health supervision step, which must be paid in accordance with the procedure provided for in § 44<sup>3</sup> of this Act as follows:

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

- 1) for the time spent on the plant health supervision steps taken in the course of a call at the request of a person outside working hours;
- 2) for waiting period of delayed consignments outside working hours;
- 3) for the time spent on additional inspection performed at the request of a person during working hours;
- 4) for additional laboratory testing performed in order to confirm the conclusions drawn from the results of supervision.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) Additional fee will be calculated on the basis of the time spent by the supervisory official 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 and back from the place of performance of phytosanitary inspection will be taken into account.

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

(3) The hourly fee will be calculated on the basis of the average remuneration of the supervisory official which will be based on the average wages of the supervisory officials exercising plant health supervision and the social security contributions and unemployment insurance premium paid on it in the calendar year preceding the taking of plant health supervision steps.

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

(4) The supervisory official's expenses of driving to and back from the place of phytosanitary inspection will be borne by the obligated person. If the supervisory official uses an official vehicle of the Agricultural Board to drive to and back from the place of performance of phytosanitary inspection the transportation costs will be calculated per full kilometres.

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

(5) The transportation costs will be calculated on the basis of the average cost of the use of the official vehicles of the Agricultural Board per kilometre during the calendar year preceding the taking of the plant health supervision step.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(6) The rate of an hourly fee to be charged for the taking of plant health supervision steps and the rate of the transportation costs of official vehicles used for plant health supervision will be established annually by the minister responsible for the field.

(7) An additional fee is charged for additional laboratory analyses on the basis of the price list of the laboratory where the tests are conducted.

(8) The fees charged by a laboratory must be cost-based, transparent and non-discriminatory and be set so as to ensure that the justified costs related to such services are covered.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **§ 44<sup>3</sup>. Payment of supervision fee**

(1) Upon conveyance of plants, plant products and other objects from third countries to Estonia, an obligated person must pay the supervision fee in an amount indicated in the decision on the collection of the supervision fee submitted by the Agricultural Board to the cash desk of the customs office before permission for conveyance of a consignment from a third country to Estonia is granted.

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

(2) Upon conveyance of plants, plant products and other objects from third countries to Estonia, the Agricultural Board may exempt an obligated person from payment of the supervision fee before granting permission for conveyance of a consignment from a third country to Estonia and make a notation permitting conveyance of the consignment from a third country to Estonia on the accompanying document or in the electronic customs information system if there is a sufficient guarantee or if the obligated person has previously paid the supervision fee in the correct amounts and in good time.

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

(3) In the event provided for in subsection (2) of this section, the Agricultural Board will make a decision on the collection of the supervision fee chargeable for plant health supervision operations performed during the preceding calendar month by the tenth day of every calendar month. Upon making a decision on the collection of the supervision fee, the Agricultural Board will take into account the number of the consignments checked within one calendar month, the types and quantities of the plants, plant products and other objects contained therein.

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



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

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

(5) In the event provided for in subsection (2) of this section, an obligated person will, within ten days as of the receipt of a copy of the decision on the collection of the supervision fee, transfer the amount indicated in the decision on the collection of the supervision fee to the bank account indicated in the decision.

(6) The Government of the Republic will establish the procedure for the payment and monitoring of the payment of supervision fees.

[RT I 2008, 23, 150 – entry into force 01.01.2009]

#### **§ 44<sup>4</sup>. Refund of overpaid supervision fee**

(1) An overpaid supervision fee will be refunded if the supervision fee paid exceeds the prescribed amount.

(2) An obligated person has the right to apply for the refund of an overpaid supervision fee within two years as of the date of the payment of the supervision fee.

(3) In order to apply for refund of an overpaid supervision fee, the obligated person must submit a respective written application to the Agricultural Board along with a document certifying the payment of the supervision fee.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(4) The Agricultural Board will make a decision to refund or refuse to refund the supervision fee within 10 working days as of the receipt of the application. The supervision fee will not be refunded if the person is not entitled to refund or if the person who paid the supervision fee or the person for whom the supervision fee was paid cannot be ascertained. The supervision fee subject to refund will be transferred to the bank account specified in the application within 10 calendar days as of the date on which the decision to refund the supervision fee is made.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(5) The Government of the Republic will establish the procedure for refund of overpaid supervision fees.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

#### **§ 44<sup>5</sup>. Funding of plant health supervision steps concerning plants, plant products and other objects**

The expenses borne by the Agricultural Board in relation with the performance of plant health supervision operations concerning plants, plant products and other objects conveyed from a third country to Estonia will be funded from the supervision fee payable by the obligated person.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **Division 7 Treatment and Marking of Wood**

### **Subdivision 1 Drying Wood and Marking Wood with Conformity Mark**

[RT I 2008, 23, 150 - entry into force 01.07.2008]

#### **§ 45. Attestation of conformity with requirements set for drying wood and use of conformity mark**

(1) An establishment or part of an establishment where wood is dried (hereinafter *dry kiln*) belonging to a person entered in the plant health register wishing to mark wood treated in a dry kiln or products produced from such wood with the conformity mark HT (hereinafter *conformity mark*) must be declared to be in conformity with the requirements established for drying wood. Establishments where wood is dried or timber products are produced will be declared to conform to the requirements and granted the right to use a conformity mark for a period of five years.

[RT I 2006, 28, 211 – entry into force 01.07.2006]

(2) A person who uses wood marked with a conformity mark in the production of products may also apply for the attestation of the conformity of the corresponding establishment and the right to use a conformity mark.

(3) The requirements for drying wood and for producing products from wood dried in a dry kiln, as well as the requirements for the form of the conformity mark will be established by regulation of the minister responsible for the field. The requirements for the drying procedure, the drying report, the production of timber products, the use of the conformity mark and the self-checking system of establishments will be specified therein.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

#### **§ 46. Attestation of conformity of dry kiln**

(1) A person who wishes the conformity of a dry kiln or establishment specified in subsection 45 (2) of this Act (hereinafter in this subdivision *establishment*) to be attested must submit a corresponding application to the Agricultural Board.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) In order to assess the conformity of an establishment, the Agricultural Board will verify the correctness of the data submitted in the application and the conformity of the establishment to the requirements of this Act on site, involving experts as necessary. The costs associated with the involvement of experts will be borne by the establishment.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3) If an establishment is found to conform to the requirements, the Agricultural Board will make the decision to attest the conformity of the establishment. A copy or extract of the decision will be sent to the person by regular mail or registered mail with advice of delivery within 10 ten working days as of making the decision.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

(4) The procedure for application for conformity attestation of, and processing of applications concerning establishments where wood is dried or timber products are produced will be established by regulation of the minister responsible for the field. Such procedure must set out the requirements for the experts specified in subsection (2) of this section.

(5) A person whose establishment where wood is dried or timber products are produced is declared to conform to the requirements must apply for the attestation of the conformity of the establishment and the right to use a conformity mark no later than three months before the expiry of the term specified in subsection 45 (1) of this Act. To that end, the person must submit an application specified in subsection (1) of this section to the Agricultural Board, and the application will be processed in accordance with the procedure established on the basis of subsection (4) of this section.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

#### **§ 47. Self-checking**

(1) The persons specified in subsections 45 (1) and (2) of this Act must conduct self-checking to verify the conformity of their establishments and to monitor the use of conformity marks. Self-checking is conducted with the aim of guaranteeing that wood is dried, a drying report is prepared in the event of drying of wood and wood and timber products are marked in conformity with the requirements.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

(2) For the conduct of self-checking, a self-check plan will be prepared in an establishment. A self-check plan must describe each stage of the wood drying process, and provide a description of the storage and marking of dried material. The self-check plan and applied measures form a system of self-checking. The data of a system of self-checking will be documented and preserved for five years.

(3) A drying report prepared in event of drying of wood will be preserved for one year as of the preparation of the report.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

#### **§ 48. Suspension of validity of decision on conformity attestation**

(1) If in the opinion of the Agricultural Board, drying and marking of wood in conformity to the requirements cannot be ensured due to circumstances temporarily prevailing in the establishment, the decision on attestation of the conformity of the establishment will be suspended until:

- 1) the circumstances relating to the violation have become clear;
- 2) the precept has been complied with.

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

(2) In the event of suspension of the validity of a decision on conformity attestation, the person has no right to mark wood dried in the dry kiln and products produced from such wood with a conformity mark.

(3) The Agricultural Board decides on suspension of the validity of a decision on conformity attestation. The decision is delivered to the person within five working days after making the decision.  
[RT I, 28.12.2017, 2 – entry into force 01.02.2018]

(4) The Agricultural Board revokes the decision to suspend the decision on conformity attestation of an undertaking where the circumstances which constitute the basis for suspension of a decision on conformity

attestation have been eliminated. The decision is delivered to the person within five working days after making the decision.

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

#### **§ 49. Revocation of decision on conformity attestation**

(1) A decision on conformity attestation will be revoked if a person:

- 1) has submitted a corresponding application;
- 2) has terminated its activities.
- 3) has knowingly submitted false information to the Agricultural Board;

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

4) has repeatedly failed to eliminate, by the date specified in the precept, any deficiencies identified in the course of supervision;

5) fails to observe the requirements of this Act and legislation established on the basis thereof.

(2) In the event of revocation of the decision on conformity attestation, the person will immediately terminate the marking of wood dried in a dry kiln and products produced from such wood with the conformity mark.

(3) The Agricultural Board decides on revocation of the validity of a decision on conformity attestation. The decision is delivered to the person within five working days after making the decision.

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

### **Subdivision 2**

**[Repealed – RT I 2010, 72, 542 – entry into force 15.10.2010]**

§ 50.–§ 50<sup>2</sup>. [Repealed – RT I 2010, 72, 542 – entry into force 15.10.2010]

## **Chapter 3 PLANT PROTECTION**

### **Division 1 Plant Protection Products**

[Repealed -RT I, 25.11.2011, 3 - entry into force 26.11.2011]

§ 51.–§ 59. [Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **Division 2 Active Substance, Safener and Synergist**

[RT I, 25.11.2011, 3 - entry into force 26.11.2011]

#### **§ 60. Submission of application for approval of active substance, safener and synergist**

(1) To apply for the approval of an active substance, safener or synergist provided for in Articles 2(2) and 3(a) and (b) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council, an applicant must submit to the Agricultural Board a written application in compliance with the requirements provided for in Article 7 of the same Regulation.

(2) The Agricultural Board will verify the admissibility of the application and send to the applicant a written acknowledgement confirming the receipt of the application in accordance with Article 9(1) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(3) The Agricultural Board will declare an application inadmissible if it is not in compliance with the requirements and inform the applicant, other Member States and the European Commission thereof on the basis of and in accordance with the procedure provided for in Article 9(2) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(4) The Agricultural Board will assess the compliance of an active substance with the approval criteria for active substances provided for in Article 4 of Regulation (EC) No. 1107/2009 of the European Parliament and

of the Council and submit a draft assessment report immediately to the European Commission and the European Food Safety Authority.

(5) If an applicant seeks the renewal of the approval of an active substance, safener or synergist, the applicant must submit to the Agricultural Board an application specified in Article 14 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council in accordance with the procedure provided for in Article 15 of the same Regulation.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 60<sup>1</sup>. Fee for reviewing application for approval of active substance, safener and synergist**

(1) An applicant specified in § 60 of this Act must pay the Agricultural Board for the assessment of the compliance of an application for approval of an active substance, safener or synergist.

(2) In addition to assessing the compliance of the application, the applicant must pay for the assessment of whether active substances, safeners or synergists are identical as well as for the assessment of their physical and chemical properties, methods of analysis, toxicological properties, exposure risk, residues, fate and behaviour in the environment, ecotoxicological properties and effectiveness.

(3) The fee specified in subsections (1) and (2) of this section will be paid as an hourly fee that is calculated on the basis of the staff and administrative expenses of the Agricultural Board relating to the plant protection area in the previous calendar year.

(4) The rates of the fees specified in subsection (3) of this section will be established by a regulation of the minister responsible for the field annually.

(5) The Agricultural Board makes a decision on the size of the fee specified in subsections (1) and (2) of this section within ten working days as of the submission of the assessment report specified in subsection 60 (4) of this Act and sends a copy of the decision to the applicant within five working days after making the decision. Where the Agricultural Board declares the application admissible in accordance with subsection 60 (3) of this Act, the Agricultural Board makes a decision on the size of the fee to be charged for assessing the compliance of the application within ten working days after sending the applicant a notice thereof.

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

(6) The applicant must transfer the amount specified in subsection (5) of this section to the bank account specified in the decision within 10 calendar days after the receipt of a copy of the decision. If the applicant does not pay the fee specified in subsections (1) and (2) of this section within the prescribed time limit, the Agricultural Board will have the right to have an enforcement officer enforce the decision ordering payment of the fee in accordance with the procedure provided for in the Code of Enforcement Procedure.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 61. Marketing active substance**

[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **Division 3 Requirements for Placing on Market, Marketing and Use of Plant Protection Products**

[RT I, 25.11.2011, 3 - entry into force 26.11.2011]

### **§ 62. Requirements for placing plant protection product on market**

(1) A plant protection product may be placed on the market in Estonia if it has been granted authorisation of a plant protection product for the purposes of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(2) Authorisation of a plant protection product is not required in the events specified in Article 28 (2) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(3) In an authorisation of a plant protection product classified as toxic, very toxic, carcinogenic, mutagenic or toxic to reproduction under the Chemicals Act, the Agricultural Board will designate the professional category of users specified in Article 31(4)(d) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(4) For the purposes of this Act, ‘professional user of a plant protection product’ (hereinafter *professional user*) means a person, above all, a self-employed person or an employee of their establishment and a member of the management board of a legal person operating in such field of activity, a person authorised to manage a legal person or an employee of an establishment who uses, buys and decides over the selection and use of a plant protection product in their economic and professional activities.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 63. Requirements for authorisation for placing on market**

[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 64. Effectiveness test of plant protection product**

(1) An effectiveness test of a plant protection product will be carried out in agricultural, plant health and environmental conditions which are relevant to the use of the plant protection product and representative of the conditions prevailing in zone A provided for in Annex I to Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(2) An effectiveness test will be carried out by a testing facility recognised under this Act.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 64<sup>1</sup>. Recognition of testing facility**

(1) A person or entity who wishes to act as a recognised testing facility must submit to the Agricultural Board an application for the recognition of the testing facility.

(2) In order to act as a recognised testing facility, the testing facility of a person or entity specified in subsection (1) of this section must comply with the requirements provided for in Clause 2 of the Annex to Commission Regulation (EU) No. 545/2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards the data requirements for plant protection products (OJ L 155, 11.06.2011, pp. 67–126).

(3) The Agricultural Board will assess the compliance of a testing facility with the requirements of this Act both on the basis of the information submitted by the person as well as on site. Based on the assessment results, the Agricultural Board will make a decision to recognise or to refuse to recognise the testing facility within three months after the receipt of the application.

(4) The decision to recognise a test facility will remain in force for five years from making the decision.

(5) A person or entity who would like to continue operating as a recognised testing facility must, not later than three months before expiry of the decision to recognise the testing facility, submit to the Agricultural Board an application for recognising the testing facility.

(6) A recognised testing facility will annually submit to the Agricultural Board relevant information on effectiveness tests of plant protection products by June 15. A recognised testing facility will preserve information relating to tests within the term provided for in Sub-clause 2.2 of Clause 2 of the Annex to Commission Regulation (EU) No. 545/2011.

(7) More detailed requirements for recognition of testing facilities, the substantive and formal requirements for applications and the procedure for processing applications will be established by a regulation of the minister responsible for the field.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 65. Application for authorisation for plant protection product**

(1) To place a plant protection product on the market, a person must submit to the Agricultural Board a written application for authorisation specified in Articles 30, 33, 40, 47, 51 and 43 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council and pay the state fee. The state fee does not need to be paid for the submission of an application specified in Article 51.

(2) A application specified in subsection (1) of this section must comply with the requirements provided for in Regulation (EC) No. 1107/2009 of the European Parliament and of the Council regarding a relevant application.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 66. Evaluation of compliance of plant protection product and processing of application**

[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 67. Use of information provided by another person for evaluation of plant protection product**

[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 68. Decision on whether to grant authorisation of plant protection product**

The Agricultural Board will review an application specified in subsection 65 (1) of this Act and decide whether to grant or refuse to grant the authorisation of a plant protection product on the grounds and in accordance with the procedure provided for in Regulation (EC) No. 1107/2009 of the European Parliament and of the Council. [RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 68<sup>1</sup>. Granting authorisation for research and development**

(1) In order to obtain an authorisation for the research or development specified in Article 54 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council, a person must submit to the Agricultural Board a written application, indicating the following information:

- 1) the name, seat and address, personal identification code or registry code and numbers of the means of communication of the applicant;
- 2) the name, address and registry code of the research and development institution carrying out tests;
- 3) the name of the plant protection product and its active substance, the type of the effect, the preparatory form and the quantity;
- 4) the name of the country of origin and the name and address of the producer of the plant protection product;
- 5) the purpose and place of use of the plant protection product.

(2) The Agricultural Board will decide to grant or refuse to grant the authorisation specified in subsection (1) of this section in the events provided for in Article 54(1) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council within 20 working days as of the receipt of the application.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 68<sup>2</sup>. Granting parallel trade permit**

(1) A person who wishes to market in Estonia a plant production product authorised in another Member State and identical to a plant protection product placed on the market in Estonia must submit an application for a parallel trade permit to the Agricultural Board in compliance with the requirements provided for in Article 52(4) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council and pay the state fee.

(2) The Agricultural Board will decide whether to grant or refuse to grant a parallel trade permit on the grounds and in accordance with the procedure provided for in Article 52 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

**§ 69.–§ 72.**[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 73. Amendment and revocation of authorisation of plant protection product**

(1) In order to amend or revoke an authorisation of plant protection product, the holder of the authorisation must submit to the Agricultural Board an application along with the information provided for in Article 43(2) or 45(1) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council and pay the state fee.

(2) The Agricultural Board will decide whether to amend, refuse to amend or revoke an authorisation of a plant protection product on the grounds and in accordance with the procedure provided for in Articles 43 to 45 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 73<sup>1</sup>. Duties of holder of authorisation of plant protection product**

(1) A holder of an authorisation of a plant protection product will draw up a safety data sheet on the plant protection product in accordance with the requirements provided for in Article 31 of Regulation (EC) No. 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, pp. 1–850).

(2) The holder of an authorisation of a plant protection product will classify the product in accordance with the Chemicals Act. The holder of an authorisation of a plant protection product will update the marking of the product immediately after each change in the classification and marking of the product in accordance with the Chemicals Act and Commission Regulation (EU) No. 547/2011 implementing Regulation (EC) No. 1107/2009 of the European Parliament and of the Council as regards the data requirements for plant protection products (OJ L 155, 11.06.2011, pp. 176–205) and inform the Agricultural Board thereof in writing.

(3) The holder of an authorisation of a plant protection product will inform the Agricultural Board of the possible harmful or unacceptable effect in accordance with the requirements of Article 56 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 74. Packaging, presentation and marking of plant protection product**

(1) The packaging and presentation of a plant protection product must comply with the requirements provided for in Article 64 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council and in the Chemicals Act.

(2) The marking of a plant protection product must comply with the requirements provided for in Commission Regulation (EU) 547/2011 and other relevant legislation of the European Union.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 75. Classification of plant protection products**

[Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 76. Requirements for marketing plant protection products**

(1) In the event of marketing a plant protection product to be used by professional users, the distributor of the product must ensure that it has sufficient employees who hold a plant protection certificate and give the professional user information about the use of the plant protection product and safety data sheets, health risks and environmental risks.

(2) In the event of marketing a plant protection product to be used by a non-professional user, the distributor of the product will give the buyer general information about how to use the product, especially about processing plants, proper storage and safe disposal of the product and the health risks and environmental risks relating to the use of the product and about lower-risk plant protection products.

(3) For the purposes of this Act, ‘distributor of a plant protection product’ means a natural or legal person, including a wholesaler, retailer, reseller or supplier who places the plant protection product on the market.

(4) The data of a person who wishes to engage in marketing a plant protection product must be entered in the register of plant protection products.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 77. Place of storage and marketing of plant protection product**

(1) The room where a marketed plant protection product is stored, must be in compliance with the requirements of the Chemicals Act and this Act. A marketed plant protection product will be kept and marketed separately from food, medicinal products and feed, in order to prevent their contamination by the plant protection product.

(2) No open packaging of a plant protection product may be kept in the place of storage and marketing of the plant protection product. It is prohibited to repackage a plant protection product in the place of storage and marketing. A plant protection product whose packaging has damaged will be immediately removed from marketing and be rendered harmless in accordance with the procedure established in the Chemicals Act.

(3) The distributor of a plant protection product will, before commencement of marketing, submit to the Agricultural Board an application for the entry of the place of storage and marketing in the register of plant protection products.

(4) The distributor of a plant protection product must keep account of the product marketed on the basis of a plant protection certificate in the place of storage and marketing either on paper or in electronic form. The accounts must indicate the date of marketing, the name of the buyer of the plant protection product, the number of the plant protection certificate and the name and quantity of the marketed plant protection product. The distributor of the plant protection product must preserve the records for five years as of the date of marketing.  
[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

#### **§ 78. Requirements for use of plant protection product**

(1) A plant protection product may be used only on the conditions specified in the authorisation of the plant protection product and on the marking of the product, taking into account the good practice of plant protection. A professional user also takes into account the principles of integrated plant protection.

(2) A plant protection product is used in compliance with the requirements provided for in the Water Act and the Nature Conservation Act.

(3) ‘Integrated plant protection’ means weighing the plant protection measures to be used and integration of suitable measures impeding the development of the populations of harmful organisms in such a manner that the use of the plant protection product and other measures would remain at an economically and ecologically reasoned level and the threat to human health and the environment would be reduced or minimised.

(4) The conditions and manner of implementation of the principles of integrated plant production will be established by a regulation of the minister responsible for the field.

(5) A plant protection product will be stored in a suitable room or, if the quantity of the plant protection product is small, in a special container or cupboard, which is locked and bears the warning sign used in the event of a toxic product. A marketed plant protection product will be kept and marketed separately from food, medicinal products and feed, in order to prevent their contamination by the plant protection product.

(6) A person who uses a plant protection product in their economic activities will keep account of the product on paper or in electronic form. The records must indicate the name of the product used, the time of use, the amount spent, the area and the plant species on which the product was used. In the event of commissioning the use of a plant protection product, the recipient of the service will also keep account of the service provider.

(7) A plant protection product must not be used from an aircraft.

(8) The residues and packaging waste of a plant protection product will be handled in accordance with the requirements established in the Waste Act and in the Packaging Act.

(9) More detailed requirements for the use and storage of plant protection products will be established by a regulation of the minister responsible for the field.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 78<sup>1</sup>. Special requirements for use of plant protection product**

(1) In a public place and in an area used by a vulnerable group specified in Article 3(14) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council, such as a public park, garden or sports, recreation or school area, children's playground or an area located in the immediate proximity of a health care institution, only a professional user may use a plant protection product.

(2) In the event of using a plant protection product in an area specified in subsection (1), a lower-risk plant protection product and biological control measure will be preferred.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 78<sup>2</sup>. Plant protection certificate**

(1) Distributors, professional users and advisers of plant protection products must have undergone plant protection training and they must hold a plant protection certificate certifying it.

(2) A plant protection certificate is a document which certifies that a person may distribute, buy and use all plant protection products, except those classified as very toxic.

(3) An adviser is a person whom the qualifications of an agricultural adviser have been conferred on the basis of and in accordance with the Professions Act.

[RT I, 04.12.2014, 3 – entry into force 01.01.2015]

(4) If the distributor of a plant protection product is a legal person, it is sufficient for the performance of the obligation provided for in subsection (1) of this section if a person specified in subsection 76 (1) of this Act works for it under a contract.

(5) The Agricultural Board issues a plant protection certificate. A plant protection certificate is valid for five years.

(6) The Agricultural Board has the right to declare a plant protection certificate invalid if:

1) a person has repeatedly violated requirements for the packaging, labelling, distribution or use of a plant protection product established by the relevant legislation of the European Union, this Act or legislation issued on the basis thereof;

2) a person has repeatedly failed to eliminate, by the term specified in the precept, any deficiencies detected in the course of supervision.

[RT I, 25.11.2011, 3 – entry into force 26.11.2013]

### **§ 79. Plant protection training**

(1) Plant protection training is organised by an adult training establishment (hereinafter *training establishment*) on the basis of a plant protection training programme approved by the Agricultural Board and in accordance with the requirements of the Adult Education Act, Institutions of Professional Higher Education Act and this Act.

(2) The training establishment will draw up a plant protection training programme, taking into account the specifications arising from the functions and responsibility of the professional user, distributor or adviser of the plant protection product, and submit it to the Agricultural Board for approval. The Agricultural Board will decide the approval or rejection of the plant protection training programme within 20 working days after the receipt of the plant protection training programme. The Agricultural Board will reject the plant protection



training programme if it does not comply with the requirements established on the basis of subsection (6) of this section.

(3) Plant protection training consists of fundamental training and further training. Fundamental training is undergone upon first application for a plant protection certificate. Further training is undergone in the event of application for a new plant protection certificate three months before the expiry of the existing plant protection certificate.

(4) Plant protection training will end with an examination. The training establishment will send to the Agricultural Board the details of the persons who passed the training within three working days after taking the examination.

(5) A person who did not pass the examination will be allowed to retake the examination within three months. A person who did not pass the re-examination will undergo the plant protection training again.

(6) More detailed requirements for the plant protection training programme, the topics and training covered in the plant protection training and the duration of the training will be established by a regulation of the minister responsible for the field.

[RT I, 25.11.2011, 3 – entry into force 26.11.2013]

### **§ 79<sup>1</sup>. Requirements for person using very toxic plant protection product**

(1) Data concerning a person who wishes to use very toxic plant protection products will be entered in the register of plant protection products.

(2) A person specified in subsection (1) of this section or its employee may use only such a very toxic plant protection product for the safe and proper use of which the person holds relevant qualifications for the purposes of the Chemicals Act.

(3) A person using a very toxic plant protection product will follow the requirements set out in the user manual of the product and ensure its safety to the vulnerable group and the environment.

(4) A person using a very toxic plant protection product will draw up a plan of use of the product and adherence to the plan will be compulsory. The plan will be drawn up taking into account the special characteristics and temperature of the treated object and be approved by the possessor of the site before the use of the very toxic plant protection product.

(5) A person using a very toxic plant protection product will keep record of the use. To that end, the person specified will prepare a report on the use of the very toxic plant protection product to the possessor or representative of the possessor of the site within 24 hours after termination of the use of the very toxic plant protection product on the site and the person who used the plant protection product will keep a copy of the report.

(6) A person using a very toxic plant protection product will preserve the report specified in subsection (5) for five years.

(7) The requirements for the plan and report of use of very toxic plant protection products will be established by the minister responsible for the field.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

### **§ 79<sup>2</sup>. Use of very toxic plant protection product**

(1) A very toxic plant protection product may be used for the treatment of plants, plant products and other objects in a building, structure or part thereof, carriage, ship or hold thereof or any other temporary storage facility and also for the treatment of a building, structure or part thereof, carriage, ship or hold thereof or any other temporary storage facility (hereinafter *site*).

(2) A person using a very toxic plant protection product must ensure the existence of telecommunications on the site for connection to emergency number 112.

(3) Before using a very toxic plant protection product the person using the product will notify the regional rescue service of the Rescue Board and other persons concerned, inspect the site and the area bordering it in order to ensure safety and mark danger zones in accordance with the Occupational Health and Safety Act.

[RT I, 29.12.2011, 1 – entry into force 01.01.2012]

(4) A person using a very toxic plant protection product or an employee thereof will use the appropriate personal protective equipment in accordance with the Occupational Health and Safety Act, depending on the

plant protection product. At least two persons complying with the requirements established for persons using such plant protection products will be present at the use of a very toxic plant protection product.

(5) A person using a very toxic plant protection product will check, before commencement of the use of the plant protection product, for unauthorised persons on the site and verify that accidental release of the very toxic plant protection product outside the site is precluded.

(6) After the use of a very toxic plant protection product the user will verify the safety of the site and remove the safety signs.

(7) More detailed requirements for the use of very toxic plant protection products will be established by the minister responsible for the field. Requirements will be established for notification required to ensure the safe use of very toxic plant protection products, inspection of the site prior and after the use of plant protection products, the selection and maintenance of personal protective equipment and action in the event of an accident. [RT I 2008, 23, 150 – entry into force 01.07.2008]

### **§ 79<sup>3</sup>. Action plan on sustainable use of plant protection products**

(1) The ministry of Agriculture will draw up an action plan on the sustainable use of plant protection products, setting out measures to be implemented for the purpose of reducing the risk and effect arising from the use of plant protection products on human health and the environment and the timetable of implementation of the measures, which plan supports the drafting of the principles of integrated plant protection and other measures, in order to reduce the dependency on the use of plant protection products.

(2) The provisions of the open procedure provided for in the Administrative Procedure Act apply to a plan on the sustainable use of plant protection products.

(3) The action plan on the sustainable use of plant protection products will be approved by the minister responsible for the field.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

### **§ 79<sup>4</sup>. Raising public awareness**

(1) In order to prevent cases of intoxication, the Agricultural Board will publish information about the risk arising from using a plant protection product and the possible acute and chronic effect on human health and the environment and the use of a biological plant protection product and another measure in a manner, which ensures that the information is understandable, accurate, comparable, up to date, and will effectively inform the public.

(2) In order to publish the information specified in subsection (1) of this section, the Agricultural Board has the right to use information about the active substance of a plant protection product, the composition of the plant protection product set out in the file of the product and its properties hazardous to human health and the environment.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **Division 4**

# **Register of Plant Protection Products**

### **§ 80. Register of plant protection products**

(1) The purpose of the register of plant protection products is to ensure the compliance of the plant protection product placed on the Estonian market with requirements and efficient supervision over the plant protection products placed on the market.

(2) The register of plant protection products and its statutes are established by a regulation of the minister responsible for the field.

(3) Data on plant protection products placed on the market as well as the name, registry or personal identification code or, upon absence of a personal identification code, the date of birth, contact details and data on the place of residence or seat and the place of business of producers and distributors of plant protection products and importers of highly toxic plant protection products, including data on the places of storage and distribution of plant protection products are entered in the register of plant protection products.

(4) The controller of the register of plant protection products is the Ministry of Rural Affairs and the processor is specified in the statutes of the register.

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

## **§ 81. Data entered in register of plant protection products, entry thereof in register and duties of registered person**

[RT I 2005, 68, 530 – entry into force 01.01.2006]

(1) Data provided in the statutes of the register of plant protection products concerning authorised plant protection products will be entered in the register without an application by the person concerned, on the basis of the decisions specified in § 68, subsections 68<sup>1</sup>(2), subsection 68<sup>2</sup>(2) and § 73 of this Act.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(2) To enter data provided for in the statutes of the register of plant protection products in the register of plant protection products concerning distributors of plant protection products, persons who use very toxic plant protection products, and the storage and marketing facilities belonging to such persons, such persons must submit a standard form application to the Agricultural Board and pay the state fee.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3) A person entered in the register of plant protection products is responsible for the correctness of the data submitted by the person. If the data change, the person will immediately request their amendment in the register.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(4) In the event of discovery of inaccurate data in the register, the processor will issue a precept to the person entered in the register. If the person does not apply for amendment or invalidation of a register entry within 10 working days from the receipt of the precept, or does not contest the precept, the Agricultural Board may amend or invalidate the entry on the basis of the data known to the Agricultural Board.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(5) [Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(6) [Repealed – RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## **§ 82. Protection of data entered in register of plant protection products**

(1) Data entered in the registers of plant protection products, except for data containing business secrets, are public.

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

(2) The following is not a trade secret:

- 1) the name of a plant protection product or an active substance thereof, the content of an active substance in a plant protection product and the name of a hazardous substance contained in a plant protection product;
- 2) the description of the physical and chemical properties of an active substance of a plant protection product;
- 3) the method of rendering a plant protection product or its active substance harmless;
- 4) the effectiveness of a plant protection product and the active substance thereof, the summary of the results of testing performed for the ascertainment of their safety for humans, animals, plants and the environment;
- 5) the safety measures applied in the packaging, storage, transportation and marketing of a plant protection product;
- 6) analytical methods;
- 7) the methods for the elimination of pollution caused by a plant protection product;
- 8) the methods of first aid and treatment to be provided in the event of intoxication.

(2<sup>1</sup>) The Agricultural Board will publish on its website information about valid and revoked authorisations of plant protection products, taking into account the requirements provided for in Article 57 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(3) The Agricultural Board will draw up and publish on its website and, once a year, on paper the list of authorised plant protection products in Estonia and a list of the conditions of use of such products.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(4) A person whose plant protection product has been authorised is required to inform the Agricultural Board of the disclosure of a trade secret.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **Chapter 4**

# PLANT PROTECTION EQUIPMENT

## § 83. Plant protection equipment

For the purpose of this Act, 'plant protection equipment' means equipment intended for using a plant protection product, including a part for its effective operation such as a sprayer, manometer, filter, sieve and tank cleaning device.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

## § 84. Requirements for plant protection equipment

(1) Upon proper designated use, cleaning, maintenance and storage, plant protection equipment must not present danger to human health or the environment.

(1<sup>1</sup>) A professional user will check the functionality of its plant protection equipment regularly and, where necessary, regulate its essential parts for the purpose of ensuring its functioning.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(2) The safety requirements for the use, cleaning, maintenance and storage of plant protection equipment will be established by the minister responsible for the field.

[RT I 2005, 68, 530 – entry into force 01.01.2006]

§ 85.–§ 86.[Repealed – RT I 2005, 68, 530 – entry into force 01.01.2006]

## § 87. Regular technical inspection of plant protection equipment

(1) Plant protection equipment, which is in use, except for spray guns and knapsack sprayers, must have undergone regular technical inspection once every three years. Disinfection equipment and an aerosol dispenser must have undergone regular technical inspection once every five years.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(2) The technical inspection specified in subsection (1) of this section will be conducted by a person so authorised on the basis of this Act or a research and development institution administered by the Ministry of Agriculture.

[RT I, 05.11.2013, 1 – entry into force 15.11.2013]

(3) The further training necessary for conducting the technical inspection specified in subsection (1) of this section will be organised by a research and development institution administered by the Ministry of Agriculture, who will issue a certificate concerning the training.

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

(3<sup>1</sup>) A person specified in subsection (2) of this section will keep records on the plant protection equipment which have undergone inspection and must submit the results of the inspection performed during the preceding quarter to the Agricultural Board by the fifteenth day of the first month of each quarter.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3<sup>2</sup>) The inspection specified in subsection (1) of this section will be conducted at the expense of the owner or possessor of the plant protection equipment.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(3<sup>3</sup>) The fees charged by a person conducting inspection specified in subsection (2) of this section must be cost-oriented, transparent and non-discriminatory and be set so as to ensure that the justified costs related to these services are covered.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(4) The procedure for the regular inspection of plant protection equipment will be established by the minister responsible for the field.

## § 87<sup>1</sup>. Persons conducting technical inspection of plant protection equipment

(1) A person conducting technical inspection of plant protection equipment means a natural person or a legal person in private law who, in accordance with the procedure provided for in this Act, has been granted authority to conduct technical inspection of plant protection equipment specified in subsection 87 (1) of this Act.

(2) The list of persons conducting technical inspection specified in subsection (1) of this section will be published on the website of the Agricultural Board.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **§ 87<sup>2</sup>. Requirements for persons conducting technical inspection of plant protection equipment**

A person applying for the right to conduct technical inspection of plant protection equipment or an employee thereof must:

- 1) have completed education in the field of agriculture or technical vocational education;
- 2) have completed a course of further training specified in subsection 87 (3) of this Act required for conducting the inspection of plant protection equipment;  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]
- 3) have the equipment and measuring instruments required for conducting the technical inspection of plant protection equipment;
- 4) be able to act impartially and make appropriate assessments of the actual state of plant protection equipment.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **§ 87<sup>3</sup>. Application for authority for conducting technical inspection of plant protection equipment**

In order to be authorised to conduct technical inspection of plant protection equipment, an applicant must submit the following to the Agricultural Board:

[RT I 2009, 34, 224 – entry into force 01.01.2010]

- 1) an application;
- 2) the list of employees who have completed the further training specified in subsection 87 (3) of this Act and the document or a copy of the document certifying the completion of the training;  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]
- 3) the list of the equipment and measuring instruments required for conducting the technical inspection of plant protection equipment;
- 4) a copy of the document certifying the vocational education of the person applying for authority to conduct technical inspection of plant protection equipment or an employee thereof.  
[RT I 2008, 23, 150 – entry into force 01.07.2008]

## **§ 87<sup>4</sup>. Grant of or refusal to grant authority to conduct inspection of plant protection equipment**

(1) The Agricultural Board authorises persons to conduct technical inspection of plant protection equipment and enters into public law contracts with them for the performance of the administrative functions.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(2) If a person complies with the requirements provided for in § 87<sup>2</sup> of this Act, the Agricultural Board will decide the authorisation of a person within 30 working days after receiving a corresponding application.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(3) The Agricultural Board may refuse to grant authority if the person does not comply with the requirements provided for in this Act.

[RT I 2009, 34, 224 – entry into force 01.01.2010]

(4) A decision to grant or to refuse to grant authority is communicated to a person within five working days after making the decision

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

## **§ 87<sup>5</sup>. Rights and duties of persons conducting technical inspection of plant protection equipment**

(1) A person conducting technical inspection of plant protection equipment has, within the limits of their competence, the right to:

- 1) obtain information necessary for conducting technical inspection of plant protection equipment;
- 2) draw up a technical inspection report of plant protection equipment;
- 3) use the equipment and measuring instruments required for conducting technical inspection of plant protection equipment.

(2) A person conducting technical inspection of plant protection equipment is required to:

- 1) conduct technical inspection of plant protection equipment in accordance with the procedure established on the basis of subsection 87 (4) of this Act;
- 2) perform, in an impartial manner, the duties vested in them by their authority;
- 3) guarantee that technical inspection reports of plant protection equipment and other documents are prepared in a lawful, conforming and proper manner;
- 4) maintain trade and professional secrets, which become known to them during technical inspection of plant protection equipment;
- 5) present a technical inspection report of plant protection equipment to the Agricultural Board at the latter's request;
- 6) keep records specified in subsection 87 (3<sup>1</sup>) of this Act;

- 7) at the request of the Agricultural Board, submit to the Agricultural Board all documents needed for exercising supervision over the person's activity connected to their authority;  
[RT I 2009, 34, 224 – entry into force 01.01.2010]
- 8) once a year, complete a course of further training required for conducting technical inspection of plant protection equipment in order to improve their professional knowledge, skills and experience.  
[RT I, 23.03.2015, 5 – entry into force 01.07.2015]

#### **§ 87<sup>6</sup>. Termination and suspension of authority**

- (1) Authority granted by a public law contract will terminate in the event of:
- 1) surrender of authority;
  - 2) expiry of the term of authority;
  - 3) withdrawal of authority.
- (2) The Agricultural Board will immediately take measures to ensure that the administrative functions are performed if a public law contract is terminated unilaterally or another reason becomes evident which prevents a person from continuing the performance of the administrative functions.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]
- (3) If an activity of a technical inspector relating to their authority does not comply with the requirements, the Agricultural Board will suspend the authority and set the person a time limit for elimination of deficiencies. If the deficiencies are not eliminated during the time limit, the Agricultural Board will withdraw the authority and terminate the public law contract unilaterally.  
[RT I 2009, 34, 224 – entry into force 01.01.2010]

## **Chapter 5 STATE AND ADMINISTRATIVE SUPERVISION**

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

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

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

- (1) The Agricultural Board exercises state and administrative supervision over the compliance with the requirements of this Act and legislation established on the basis thereof.
- (2) In exercising supervision over conformity with the requirements applicable to forest cultivating material, including forest seed, nursery stock and raw wood, the Agricultural Board will cooperate with the Environmental Board.
- (3) Supervision over plant health requirements upon conveyance of bee colonies to protected zones in Estonia will be exercised by the Veterinary and Food Board.
- (4) Upon conveyance from third countries to Estonia of plant protection products under the customs procedure of release for free circulation, the Tax and Customs Board will verify whether the plant protection product is entered in the register of plant protection products.
- (5) Supervision of the conformity with the requirements provided for in this Act of persons engaged in the production, marketing or conveyance from a third country to Estonia of plants having plant passports, and of their activities, is exercised once a year on a regular basis.
- (6) Administrative supervision over the performance of a public law contract concluded in accordance with subsection 87<sup>4</sup>(1) is exercised by the Agricultural Board.  
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

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

The law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 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]

#### **§ 88<sup>2</sup>. Specifics of state supervision**

- (1) 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.

(2) Analyses of plant protection products will be carried out in laboratories that are accredited according to international requirements. Laboratories where harmful organisms are analysed must use internationally recognised analytical methods.

(3) The quantities of samples taken from plants, plant products, other objects and plant protection products, and the procedure for the taking thereof, will be established by the minister responsible for the field.

(4) In the framework of plant health monitoring programmes, law enforcement authorities must collect, systematise and maintain information relating to the occurrences, outbreaks and spread of harmful organisms.

(5) The Agricultural Board will draft plant health monitoring programmes and organise monitoring activities.

(6) While exercising state supervision, the official of the Agricultural Board must wear the official uniform.

(7) The Agricultural Board has the right to issue a precept to suspend, in part or in full, also the handling of agricultural products in which case an unauthorised plant protection product has been used or there is justified doubt of the use thereof or in which case a plant protection product has been used incorrectly or there is justified doubt of the incorrect use thereof.

(8) If 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]

**§ 89.–§ 95.**[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **Chapter 6**

### **LIABILITY**

#### **§ 96. Violation of plant health requirements**

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

#### **§ 96<sup>1</sup>. Violation of requirements for use of phytosanitary certificates and plant health movement documents**

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

#### **§ 97. Spreading of harmful organism**

(1) The penalty for spreading harmful organisms or failure to apply control measures against a harmful organism is a fine of up to 300 fine units.

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

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

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

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

(2) The penalty for the same act committed by a legal person is a fine of up to 2000 euros.

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

#### **§ 98<sup>1</sup>. Failure of person registered in plant health register to perform obligations**

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

#### **§ 99. Violation of requirements for marketing and use of plant protection products**

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

(1) The penalty for violation of the requirements for making a plant protection product not authorised to be placed on the market as well as possessing the same for the purpose of sale, including offering for sale or otherwise handing over free of charge or for a charge, and violation of the requirements of use thereof, if human life and health has been put in jeopardy or significant damage has been caused to the environment, is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 32 000 euros.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 99<sup>1</sup>. Violation of requirements for packaging and labelling of plant protection products**

(1) The penalty for violation of the requirements for packaging or labelling of a plant protection product, if human life and health has been put in jeopardy or significant damage has been caused to the environment, is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 8400 euros.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 100. Violation of requirements for plant protection products**

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

### **§ 100<sup>1</sup>. Failure of technical inspector to perform obligations**

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

### **§ 100<sup>2</sup>. Violation of requirements for use of very toxic plant protection product**

(1) The penalty for violation of the requirements for the use of very toxic plant protection products is a fine of up to 300 fine units.

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

### **§ 101. Confiscation**

The Agricultural Board or a court may, in accordance with § 83 of the Penal Code, confiscate a plant protection product that was the direct object of commission of a misdemeanour specified in §§ 99 and 99<sup>1</sup> of this Act.  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

### **§ 102. Proceedings**

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

## **Chapter 7 IMPLEMENTING PROVISIONS**

### **§ 103. Plant health register**

The plant health register founded on the basis of subsection 46 (2) of the Plant Protection Act in force prior to the entry in force of this Act is deemed to be the plant health register specified in subsection 30 (1) of this Act.

### **§ 104. Register of plant protection products**

The register of plant protection products founded on the basis of subsection 69 (2) of the Plant Protection Act in force prior to the entry in force of this Act is deemed to be the register of plant protection products specified in subsection 80 (2) of this Act.

### **§ 105. Continuing processing registration applications for plant protection products and testing plant protection products**

Processing registration applications for plant protection products submitted on the basis of subsection 70 (1) of the Plant Protection Act in force prior to the entry into force of this Act, and organisation of testing of plant protection products will be continued in accordance with the procedure established by this Act.

### **§ 106. Inspection of plant protection equipment**

Agencies engaged in the organisation of inspection of plant protection equipment on the basis of § 68 of the Plant Protection Act in force prior to the entry into force of this Act may continue to conduct inspection of plant protection equipment on the basis of this Act until 1 January 2005.



§ 107.–§ 110.[Omitted from this text]

### § 111. Implementing provision

(1) Legislation adopted on the basis of the Plant Protection Act that was in force prior to the entry into force of this Act, except for legislation issued on the basis of subsection 21 (2), 35 (1) and § 86 thereof, will remain in force after the entry into force of this Act and until repealed or the entry into force of new legislation established on the basis of this Act.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(2) An authority granted for an unspecified term on the basis of the Plant Protection Act specified in subsection (1) of this section for testing a plant protection product is valid until approval of the testing facility of a person conducting effectiveness testing of a plant protection product on the basis of this Act or until 1 January 2009.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(3) A contract for conducting regular technical inspection of plant protection equipment entered into before 1 July 2008 is valid until 1 January 2009.

[RT I 2008, 23, 150 – entry into force 01.07.2008]

(4) The principles of integrated plant protection will apply as of 1 January 2014.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(5) Plant protection equipment in use, except mounted, semi-mounted, trailer and self-propelled sprayers intended for pest control, must have undergone the first regular technical inspection by 26 November 2016.

[RT I, 25.11.2011, 3 – entry into force 26.11.2011]

(6) The document certifying the passing of the technical inspection specified in subsection 87 (1) of this Act will remain in force until the arrival of the next regular technical inspection deadline.

[RT I, 05.11.2013, 1 – entry into force 15.11.2013]

(7) Certificates issued by the Estonian Research Institute of Agriculture before 1 July 2013 regarding the professional training specified in subsection 87 (3) of this Act will remain in force.

[RT I, 05.11.2013, 1 – entry into force 15.11.2013]

### § 112. Entry into force of Act

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

(2) The provisions of clause 33 (1) 6) and § 100 of this Act concerning liability for the failure to comply with the requirements for regular technical inspection of plant protection equipment will enter into force on 1 January 2006.

<sup>1</sup> Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.07.2000, pp. 1–112), amended by ), amended by Directives 2001/33/EC (OJ L 127, 09.05.2001, pp. 42–44), 2002/28/EC (OJ L 77, 20.03.2002, pp. 23–25), 2002/36/EC (OJ L 116, 03.05.2002, pp. 16–26), 2002/89/EC (OJ L 355, 30.12.2002, pp. 45–60), 2003/22/EC (OJ L 78, 25.03.2003, pp. 10–11), 2003/47/EC (OJ L 138, 05.06.2003, pp. 47–48), 2003/116/EC (OJ L 321, 06.12.2003, pp. 36–40), 2004/31/EC (OJ L 85, 23.03.2004, pp. 18–23), 2004/70/EC (OJ L 127, 29.04.2004, pp. 97–103), 2004/102/EC (OJ L 309, 06.10.2004, pp. 9–25), 2005/15/EC (OJ L 056, 02.03.2005, pp. 12–13), 2005/16/EC (OJ L 057, 03.03.2005, pp. 19–22), 2005/77/EC (OJ L 296, 12.11.2005, pp. 17) 2006/14/EC (OJ L 34, 07.02.2006, pp. 24–25), 2006/35/EC (OJ L 88, 25.03.2006, pp. 9–12), 2007/41/EC (OJ L 169, 29.06.2007, pp. 51–52), 2008/109/EC (OJ L 319, 29.11.2008, pp. 68–70), 2009/7/EC (OJ L 40, 11.02.2009, pp. 12–18), 2009/118/EC (OJ L 239, 10.09.2009, pp. 51–54), 2009/143/EC (OJ L 318, 04.12.2009, pp. 23–24) and 2010/1/EU (OJ L 7, 12.01.2010, pp. 17–20) and Regulations (EC) No 806/2003 (OJ L 122, 16.05.2003, pp. 1–35) and 2004/882/EC (OJ L 165, 30.04.2004, pp. 1–141); Commission Directive 2004/103/EC on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, pp. 16–20); Commission Directive 2004/105/EC determining the models of official phytosanitary certificates or phytosanitary certificates for re-export accompanying plants, plant products or other objects from third countries and listed in Council Directive 2000/29/EC (ELT L 319, 20.10.2004, pp. 9–14); Commission Directive 2008/61/EC establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EEC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (OJ L 158, 18.06.2008, pp. 41–55); Council Directive 69/464/EEC on control of Potato Wart Disease (OJ L 323, 24.12.1969, pp. 1–2); Council Directive 2007/33/EC on the control of potato cyst nematodes and repealing Directive 69/465/EEC (OJ L 156, 16.06.2007, pp. 12–22); Council Directive 2006/91/EC on control of San José Scale (OJ L 312, 11.11.2006, pp. 42–44); Council

Directive 74/647/EEC on control of carnation leaf-rollers (OJ L 352, 28.12.1974, pp. 41–42); Council Directive 93/85/EEC on the control of potato ring rot (OJ L 259, 18.10.1993, pp. 1–25), amended by Directive 2006/56/EC (OJ L 182, 04.07.2006, pp. 1–43); Council Directive 98/57/EC on the control of *Ralstonia solanacearum* (Smith) Yabuuchi et al. (OJ L 235, 21.08.1998, pp. 1–39), amended by Directive 2006/63/EC (OJ L 206, 27.07.2006, pp. 36–106); Commission Directive 98/22/EC laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries (OJ L 126, 28.04.1998, pp. 26–28); Commission Directive 93/51/EEC establishing rules for movements of certain plants, plant products or other objects through a protected zone, and for movements of such plants, plant products or other objects originating in and moving within such a protected zone (OJ L 205, 17.08.1993, pp. 24–25); Commission Directive 93/50/EEC specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L 205, 17.08.1993, pp. 22–23); Commission Directive 92/105/EEC establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 08.01.1993, pp. 22–25), amended by Directive 2005/17/EC (OJ L 57, 03.03.2005, pp. 23–24); Commission Directive 92/90/EEC establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344, 26.11.1992, pp. 38–39); Commission Directive 92/70/EEC laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community (OJ L 250, 29.08.1992, pp. 37–39); Commission Directive 94/3/EC establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger (OJ L 32, 05.02.1994, pp. 37–39); Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances (OJ L 196, 16.08.1967, pp. 1–98), amended by Directive 2006/121/EC (OJ L 396, 30.12.2006, pp. 851–857) and Regulation (EC) No 1272/2008 (OJ L 353, 31.12.2008, pp. 1–1355); Directive 1999/45/EC of the European Parliament and of the Council concerning the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (OJ L 200, 30.07.1999, pp. 1–68), amended by Directives 2001/60/EC (OJ L 226, 22.08.2001, pp. 5–6), 2004/66/EC (OJ L 168, 01.05.2004, pp. 35–67) and 2006/8/EC (OJ L 19, 24.01.2006, pp. 12–19) and Regulations (EC) No 1882/2003 (OJ L 284, 31.10.2003, pp. 1–53), (EC) No 1907/2006 (OJ L 396, 30.12.2006, pp. 1–850) and (EC) No 1272/2008 (OJ L 353, 31.12.2008, pp. 1–1355); Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, pp. 71–86).  
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