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Plant Protection Act ¹

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Amended by the following acts

Reception	Publication	Enforcement
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, partially 01.01.2010
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20.05.2010	RT I 2010, 29, 151	20.06.2010
15.09.2010	RT I 2010, 72, 542	15.10.2010
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17.11.2011	RT I, 25.11.2011, 3	26.11.2011, partially 26.11.2013
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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, titles of ministers replaced on the basis of § 107 ³ subsection 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, on the basis of § 107 ⁴ subsection 2 of the Government of the Republic Act, the word "Ministry of Agriculture" was replaced by the word "Ministry of Rural Affairs" in the corresponding case
06.12.2017	RT I, 28.12.2017, 2	01.02.2018
30.01.2019	RT I, 22.02.2019, 1	01.10.2019
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
20.02.2019	RT I, 15.03.2019, 7	16.03.2019
20.04.2020	RT I, 06.05.2020, 1	07.05.2020
15.06.2020	RT I, 30.06.2020, 7	01.07.2020, partially 01.01.2021
10.06.2020	RT I, 01.07.2020, 1	01.01.2021; in the text of the law, the word "Agricultural Management Board" is replaced by the words "Agricultural and Food Board" in the corresponding case.
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 7 of the Act on the Government of the Republic, the word "Ministry of Rural Affairs" throughout the text is replaced by the words "Ministry of Regional and Agricultural Affairs" in the corresponding case.

Chapter 1 general settings

§ 1. Scope of the Act

(1) This Act regulates:

- 1) the protection of plant health, specifying and supplementing Regulation (EU) 2016/2031 of the European Parliament and of the Council, which deals with protective measures against plant pests, amending Regulation (EU) No. 228/2013 of the European Parliament and of the Council, (EU) No. 652/2014 and (EU) No. 1143/2014 and repealing Council Directives 69/464/EEC, 74/647/EEC, 93/85/EEC, 98/57/EC, 2000/29/EC, 2006/ 91/EC and 2007/33/EC (OJ L 317, 23.11.2016, pp. 4–104);
- 2) the placing on the market, marketing and use of plant protection products, specifying and supplementing Regulation (EC) No. 1107/2009 of the European Parliament and the Council on the placing on the market of plant protection products and the repeal of Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11. 2009, pp. 1–50);
- 3) use of plant protection devices.

(2) This Act stipulates:

- 1) norms to implement Regulation (EU) 2016/2031 of the European Parliament and Council, Regulation (EC) No. 1107/2009 of the European Parliament and Council and Regulation (EU) 2017/625 of the European Parliament and Council, concerning official controls and other official actions carried out with the aim of ensuring the application of legislation on food and feed and legislation on animal health and animal welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001 of the European Parliament and of the Council, (EC) No. 396/2005, (EC) No. 1069/2009, (EC) No. 1107/2009, (EU) No. 1151/2012, (EU) No. 652/2014, (EU) 2016/429 and (EU) 2016/2031 , Council Regulations (EC) No. 1/2005 and (EC) No. 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC and which repeals European Parliament and Council Regulations (EC) No. 854/2004 and (EC) No. 882/2004, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC , 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (official control regulation) (OJ L 95, 07.04.2017, pp. 1–142);
- 2) norms to adopt Directive 2009/128/EC of the European Parliament and of the Council, which establishes a Community action framework for achieving the sustainable use of pesticides (OJ L 309, 24.11.2009, pp. 71–86);
- 3) the procedure for performing state and administrative supervision over the fulfillment of plant health requirements, requirements for placing plant protection products on the market, distribution and use, and requirements for the use of plant protection equipment;
- 4) responsibility for violation of plant health and requirements established for the use of plant protection products and equipment.

(3) The provisions of the Administrative Procedure Act shall apply to the administrative procedure prescribed in the legislation of the European Union and this Act, taking into account the specifics of Regulation (EU) 2017/625 of the European Parliament and of the Council, other legislation of the European Union and this Act.

(4) The minister responsible for the field may, within the limits of his competence, establish legislation for the application of plant health requirements and the requirements for plant protection products and equipment and their use in matters which, according to the legislation of the European Union, the Member State has the right to decide.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 2. Notification

(1) The Agriculture and Food Board informs the European Commission, the competent authorities of other member states and the Ministry of Regional Affairs and Agriculture in writing about the discovery of a dangerous plant pest, the application of plant health measures and the violation of plant health requirements, the license of a plant protection product and the operator and operation of the technical inspection of the plant protection device, if notification of these is provided for in the legislation of the European Union .

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) Plant health measures include measures for the control of dangerous plant pests established in the legislation of the European Union, this Act and the legislation established on its basis.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

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§ 2 . Competent Authority

(1) Unless otherwise provided in this Act, the Agricultural and Food Board is the competent authority:

- 1) within the meaning of Article 2, Clause 6 of Regulation (EU) 2016/2031 of the European Parliament and of the Council;
- 2) within the meaning of Clause 1 of Article IV of the International Plant Protection Convention;
- 3) within the meaning of Article 3, point 3, sub-point a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, by performing an official inspection in the areas specified in points g and h of Article 1, paragraph 2 of the same regulation;
- 4) within the meaning of Article 3, Clause 30 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(2) The Board of Agriculture and Food performs the tasks set forth in Article 26, Article 32(4) and Article 35(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

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§ 2 . Delivery of the decision

If a decision made on the basis of this Act is delivered by post, it may be delivered by registered letter, registered letter or registered letter with delivery notice.

[RT I, 28.12.2017, 2 - enters into force. 01.02.2018]

Chapter 2 PLANT HEALTH

Section 1 Concepts

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 3. Plant, plant product and other object

(1) A plant within the meaning of this Act is a plant within the meaning of Article 2, Clause 1 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(2) A plant product in the sense of this Act is a plant product in the sense of Article 2 point 2 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(3) Other object within the meaning of this Act is another object within the meaning of Article 2, Clause 5 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

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§ 3 . Shipment, distribution and end user

(1) A consignment of goods within the meaning of this Act is a collection of plants, plant products or other objects which are transported within the country or from one country to another and for which a phytosanitary certificate, bill of lading or other shipping document has been issued. A consignment may consist of one or more lots within the meaning of Article 2, point 7 of Regulation (EU) 2016/2031 of the European Parliament and of the Council. It must be possible to identify the consignment.

(2) Marketing in the sense of this chapter means offering plants, plant products and other objects for sale, selling and otherwise handing them over for free or for a fee.

(3) For the purposes of this Act, the end user is the end user specified in point 12 of Article 2 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 4. Dangerous plant pest

A dangerous plant pest within the meaning of this Act is a plant pest specified in Articles 4, 6 and 29 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

Section 2 Organization of plant health protection

§ 5. Plant health

(1) Plant health within the meaning of this Act is the condition of a plant, plant product, plot of land, plantation and other object.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) The plant, plant product and other object is either free from a dangerous plant pest or contaminated with it, at risk of contamination or suspected of contamination.

(3) A plant, plant product or other object to which a dangerous plant pest has spread shall be declared contaminated by the Agriculture and Food Board based on observational data and other relevant data.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(4) A plot of land, a building or a facility located in the vicinity of a plant, plant product or other object declared to be contaminated, where there are plants suitable for the spread of a dangerous plant pest, is at risk of contamination. The risk of contamination remains until the dangerous plant pest is destroyed.

(5) A contamination suspect is a plant, plant product or other object that has been recognized as such by the Agriculture and Food Board based on observation data or other relevant data. Also, the contamination suspect is a thing that came into contact with a contaminated plant, plant product or other object, to which a dangerous plant pest could have spread, or a place where the contaminated plant, plant product or other object was taken. Suspicion of contamination remains until monitoring results are revealed, which confirm contamination or the absence of a dangerous plant pest, or until the obligation to implement control measures ends.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 6. Plant health requirements

(1) The plant, plant product and other object must be free of dangerous plant pests and meet special plant health requirements.

(2) In case of non-fulfillment of the requirements established on the basis of subsection 1 of this section, the plant, plant product or other object is recognized as suspected of contamination.

(3) Fulfillment of the requirements provided for in subsection 1 of this section shall be ensured by the person in possession of the plant, plant product or other object, unless otherwise provided in this Act.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 7. Prohibition of spreading a dangerous plant pest

(1) It is prohibited to spread a dangerous plant pest.

(2) The creation of favorable conditions for the spread of a dangerous plant pest is also considered to be the spread of a dangerous plant pest, which is expressed in failure to report the dangerous plant pest or failure to implement control measures.

(3) A person who knowingly spreads a dangerous plant pest is obliged to compensate the costs of its control and the damage caused.

§ 8. Notification of a dangerous plant pest

A person who detects the presence of a dangerous plant pest or who suspects the presence of a dangerous plant pest must immediately notify the Agriculture and Food Board.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 9. Control measures for dangerous plant pests

(1) In the event of the presence of a dangerous plant pest, suspicion of contamination or risk of contamination, the control measures established in this Act or on its basis or in the relevant legislation of the European Union must be implemented.

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

(2) The restriction applied to prevent the spread of this plant pest or the destruction of the plant pest in the prescribed manner shall be considered as a control measure against a dangerous plant pest.

(3) The control measure for a dangerous plant pest is:

- 1) temporary cultivation restriction;
- 2) obligation to select a resistant culture or variety;
- 3) a ban on the use and marketing of a contaminated, threatened or suspect plant, plant product or other object;
- 4) restriction on the use of a plant, plant product or other object that is contaminated, at risk of contamination or suspected of contamination;
- 5) the obligation to clean or destroy a contaminated or suspected contamination plant, plant product or other object;
- 6) obligation to organize control;
- 7) obligation to destroy host plants;
- 8) the obligation to disinfect a contaminated or suspected contamination building and facility or other object.

(4) The minister responsible for the field may establish more precise control measures appropriate to the type of dangerous plant pest found on a plant, plant product or other object contaminated with a dangerous plant pest, at risk of contamination or suspected of contamination .

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(5) In the case of a dangerous plant pest, for which control measures appropriate to the species have been established on the basis of subsection 4 of this section or in the relevant European Union legislation, the Agriculture and Food Board decides on the implementation of control measures appropriate to the plant pest species, determining the extent of the control measure implementation. In the case of a dangerous plant pest, for which control measures appropriate to the species have not been established by legislation or for which the application of the established control measure has not proven to be effective, the Agriculture and Food Board decides on the implementation of the control measure provided for in subsection 3 of this section appropriate to the plant pest species, taking into account the biology and mode of spread of the plant pest and determining the implementation of the control measure scope.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(6) In the case provided for in paragraph 2 of Article 52 of Regulation (EU) 2016/2031 of the European Parliament and of the Council, the minister responsible for the field may temporarily prohibit the delivery of plants, plant products and other objects from another member state or a country outside the Union to Estonia and their distribution in Estonia.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 10. Protected area

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 11. Pest-free area

(1) Pest-free is an area where, as a result of monitoring, it has been determined that there is no plant pest, and whose condition is properly maintained.

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(1) The Agriculture and Food Board may declare an area pest-free if, as a result of two years of monitoring, it has been determined that there is no plant pest, or on the basis of a person's request in accordance with the procedure established in subsection 3 of this section.

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

(2) A person who wants an area to be recognized as free of damage must submit a corresponding application to the Agriculture and Food Board.

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

(3) The requirements for applying for recognition of the area as damage-free, the procedure for submitting and processing the application, the requirements for the damage-free area, and the procedure and requirements for maintaining the area as damage-free shall be established by the minister responsible for the area .

(4) The Agriculture and Food Board shall make the decision to declare the area free of damage or reject the application for a reasoned decision. The decision is delivered to the person within 10 working days of the decision being made.

[RT I, 28.12.2017, 2 - enters into force. 01.02.2018]

(5) The application specified in subsection 2 of this section shall be rejected if, on the basis of the results of state supervision and other relevant evidence, it is found that the area does not meet the requirements for a damage-free area.

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

§ 12. Use of a dangerous plant pest and a plant, plant product and other object covered by special requirements

[RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

(1) The dangerous plant pest specified in Article 8(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council may be used for the activity and purpose specified in the same provision only with the permission of the Agriculture and Food Board.

(2) The plant, plant product and other object specified in Article 48(1), Article 49(1) and Article 58 of Regulation (EU) 2016/2031 of the European Parliament and of the Council may be used for the activities and purposes specified in the same provisions only with the permission of the Agriculture and Food Board.

(3) The Agriculture and Food Board issues the permit specified in subsections 1 and 2 of this section, specifying in the permit the relevant conditions specified in Articles 8, 48 and 58 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(4) The Agriculture and Food Board shall refuse to grant the permit specified in subsections 1 and 2 of this section in the relevant case provided for in Articles 8, 48 and 58 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(5) The Agriculture and Food Board shall revoke the permit specified in subsections 1 and 2 of this section in the relevant case provided for in Articles 8, 48 and 58 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(6) The decision to designate the quarantine station and closed unit referred to in Article 60 of Regulation (EU) 2016/2031 of the European Parliament and of the Council is made by the Agriculture and Food Board, taking into account the requirements set forth in Articles 61 and 62 of the same regulation.

(7) The Agriculture and Food Board recognizes the decision specified in subsection 6 of this section as invalid in the relevant case provided for in Article 63 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

Section 3 **Special cases of plant health protection**

§ 13. Implementation of preventive measures on state land, state forest and municipal land

(1) On state land that has not been put to use, the Agricultural and Food Board organizes the implementation of control measures at the expense of the funds provided for that purpose.

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

(2) In the state forest, which has not been put to use, the Environmental Board organizes the implementation of control measures at the expense of the funds provided for that purpose.

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

(3) On municipal land that has not been put to use, the municipality or city government organizes the implementation of control measures.

(4) In the case specified in subsections 1 and 2 of this section, the minister responsible for the field shall establish the procedure for the implementation of control measures and their financing.

§ 14. Implementation of preventive measures on behalf of a person

(1) If the person specified in subsection 6 (5) of § 6 of this Act does not fulfill his obligations in the implementation of control measures, as a result of which the large-scale spread of a dangerous plant pest may cause significant economic damage, the Agriculture and Food Board shall organize the implementation of control measures on behalf of the person in accordance with the procedure provided for in the Substitute Enforcement and Extortion Act.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) In addition to the cases provided for in subsections 12, subsections 1 and 2 of the Substitute Enforcement and Extortion Act, the Agriculture and Food Board may arrange for a person to implement measures to control a dangerous plant pest without a prescription even if it is obvious that the person is not capable of implementing control measures himself.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(3) The collection of the costs of replacement filling may be waived.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 15. Reimbursement of the costs of implementation of preventive measures

(1) On the basis of the prescription, the costs of implementing measures to control a dangerous plant pest shall be reimbursed from the state budget to the extent of up to 100 percent. Costs are reimbursed to the person who produces the plants, plant products or other objects.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) The costs of implementing preventive measures shall be reimbursed in accordance with the procedure provided for in the Act on the Organization of the Rural Life and Agricultural Market or in legislation established on the basis thereof.

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

Section 4

Delivery of plants, plant products and other objects from Estonia to a country outside the Union and their transportation in Estonia

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 16. Delivery of a plant, plant product and other object from Estonia to a country outside the Union

[RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(1) The plant, plant product and other object delivered from Estonia to a country outside the Union must meet the plant health requirements in the destination country.

(2) The inspection of compliance with the plant health requirements applicable in the destination country is carried out at the place of storage of the plant, plant product and other object, at the place where the plants grow or at another inspection place where the entrepreneur has ensured the necessary conditions for carrying out inspection operations.

(3) An export phytosanitary certificate in the sense of this Act is an export phytosanitary certificate in the sense of Article 100(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(4) Phytosanitary certificate for re-export within the meaning of this Act is phytosanitary certificate for re-export within the meaning of Article 101(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(5) A pre-export certificate within the meaning of this Act is a pre-export certificate within the meaning of Article 102(2) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 17. Issuance of a phytosanitary certificate

(1) A state fee shall be paid for the examination of an application for an export phytosanitary certificate, a re-export phytosanitary certificate and a pre-export certificate at the rate specified in the State Fees Act.

(2) The phytosanitary certificate for export and the phytosanitary certificate for re-export may not have been issued earlier than 14 days before the delivery of the consignment from Estonia to a country outside the Union.

(3) The costs of analyzes related to the issuance of export phytosanitary certificate, re-export phytosanitary certificate and pre-export certificate shall be borne by the entrepreneur.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 18. Validity of export phytosanitary certificate and re-export phytosanitary certificate

[RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(1) The export phytosanitary certificate and the re-export phytosanitary certificate of a consignment of goods certify the compliance of the relevant consignment with the plant health requirements in the destination country.

(2) After the export phytosanitary certificate and the re-export phytosanitary certificate have been issued, the holder of the consignment ensures the identity of the batch of plants, plant products and other objects and their compliance with the shipping documents and plant health requirements until the batch is delivered to a country outside the Union.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 19. Use of export phytosanitary certificate and re-export phytosanitary certificate

[RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

Export phytosanitary certificate and re-export phytosanitary certificate with changes or corrections not approved by the issuer are invalid.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 20. Replacement of phytosanitary certificate

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

§ 21. Maintenance of phytosanitary certificate

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 22. Plant passport

A plant passport within the meaning of this law is a plant passport within the meaning of Article 78 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 23. Issuance of plant passport

[RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(1) A plant passport is issued by an enterprise that has a license to issue plant passports in accordance with Article 84 of Regulation (EU) 2016/2031 of the European Parliament and of the Council, and whose company has a designated person responsible for issuing plant passports.

(2) The Agriculture and Food Board issues plant passports only for certified propagating material and plants, plant products and other objects specified in Article 79(1)(c) and Article 94(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council. A state fee is paid for issuing a plant passport at the rate specified in the State Fees Act.

(3) The Agriculture and Food Board may replace the plant passport in the case provided for in Article 93, subsections 1 and 2 of Regulation (EU) 2016/2031 of the European Parliament and of the Council. A state fee is paid for issuing a plant passport at the rate specified in the State Fees Act.

(4) The Agriculture and Food Board issues a plant passport only to an entrepreneur whose data is entered in the plant health register.

(5) An entrepreneur to whom the Agriculture and Food Board has issued a plant passport may use the plant passport only to prove the appropriateness of the plant, plant product or other object belonging to him.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 24. Validity of plant passport

[Invalid - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 25. Requirements for issuing a plant passport

[RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

An entrepreneur who has received an activity permit for issuing a plant passport shall issue a plant passport in accordance with this Act and Article 83, paragraphs 1, 2, 4 and 5, Articles 87 and 88, Article 89, paragraph 1, Article 90 and Article 93, paragraph 1 of Regulation (EU) 2016/2031 of the European Parliament and of the Council. , 2, 3 and 5 according to the requirements.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 26. Use of a plant passport

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

§ 27. Prohibition of issuing and using a plant passport

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

§ 28. Replacement of plant passport

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 29. Preservation of the plant passport

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

Section 5 **Plant health register and notification and permit obligations** **[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]**

§ 30. Register of plant health

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

(2) The responsible processor of the plant health register is the Ministry of Regional Affairs and Agriculture. The authorized processor is designated in the statute of the registry.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

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

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

- 1) entrepreneurs who submitted an economic activity notification based on the Plant Protection Act;
- 2) entrepreneurs who have submitted an economic activity notification or obtained an activity license based on the Plant Propagation and Variety Protection Act;
- 3) entrepreneurs who have submitted an economic activity notification based on the Act on the Release of Genetically Modified Organisms into the Environment.

[RT I, 15.03.2019, 7 - enters into force. 16.03.2019]

(5) The plant health register shall be subject to the provisions of the General Part of the Code of Economic Activities Act regarding the register, taking into account the differences provided in this Act.

[RT I, 13.03.2019, 2 - enters into force. 15.03.2019]

§ 31. Notification obligation

(1) The economic activity notification shall be submitted to the Agriculture and Food Board before starting the activity:

- 1) the entrepreneur specified in points a, c, d and e of Article 65(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council;
- 2) an entrepreneur who markets plants, plant products or other objects that must be equipped with a plant passport according to Regulation (EU) 2016/2031 of the European Parliament and of the Council;
- 3) an enterprise that produces, stores or packages plants, plant products or other objects for the purpose of marketing, which must be equipped with a plant passport according to Regulation (EU) 2016/2031 of the European Parliament and of the Council;
- 4) an entrepreneur who grows potatoes on more than one hectare;
- 5) an entrepreneur who is engaged in the production and distribution of cultivation material specified in § 5 subsection 1 of the Plant Propagation and Variety Protection Act, including distribution to the end user.

(2) The economic activity notice does not have to be submitted by the company specified in subsection 1 of this section:

- 1) who must have an activity permit for issuing a plant passport;
- 2) who must have an activity permit for marking wooden packaging material and wood or other objects with a conformity mark.

(3) In addition to the data provided in the law of the general part of the Code of Economic Activities, the following data are provided in the economic activity notice:

- 1) the data specified in Article 66(2) of Regulation (EU) 2016/2031 of the European Parliament and of the Council;
- 2) data on the location and area of the production unit;
- 3) data of the person responsible for plant health.

(4) The data specified in subsection 3 of this section shall be entered in the plant health register established on the basis of § 30 subsection 1 of this Act.

(5) For entering the data specified in subsection 3 of this section into the plant health register, the entrepreneur shall pay a state fee at the rate specified in the State Fees Act. The state fee shall not be paid for the change of the data specified in subsection 3 of this section, as well as for the entry in the plant health register of the data submitted with the notice of abandonment of economic activity, temporary abandonment of economic activity and continuation of economic activity.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

1

§ 31 . Licensing obligation to issue a plant passport

(1) An entrepreneur must have an activity permit for the issuance of a plant passport, if in the case of his activity and the associated plant, plant product or other object, according to Regulation (EU) 2016/2031 of the European Parliament and of the Council, it is required to equip the plant, plant product or other object with a plant passport.

(2) The company specified in subsection 1 of this section does not need to have a license to issue a plant passport if its activity is related only to such a plant, plant product or other object that has been provided with a plant passport by another company or in the cases specified in subsection 23 (2) or (3) of this Act Agriculture- and the Food Board.

(3) The activity permit for issuing a plant passport entitles an entrepreneur to issue a plant passport only in the enterprise specified in the activity permit or in its part.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

2

§ 31 . Applying for an activity permit for issuing a plant passport

(1) The application for an activity permit for issuing a plant passport shall be resolved by the granting or refusal of the permit by the Agriculture and Food Board.

(2) The following data and documents shall be submitted in the application for a license to issue a plant passport, in addition to the data provided in subsection 2 of § 19 of the General Part of the Code of Economic Activities:

1) the name and contact details of the person responsible for issuing the plant passport and the number of the certificate of completion of the additional training of the plant passport issuer;

2) data on the family, genus or species and type of goods of the plant, plant product and other object for which a plant passport is to be issued;

3) description of the system and procedure for fulfilling the obligations provided for in Articles 69 and 70 of Regulation (EU) 2016/2031 of the European Parliament and of the Council;

4) data on the critical points of the production process and transport specified in Article 90(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council, and the procedure for monitoring and keeping records of critical points;

5) a training plan for the employees specified in Article 90(2) of Regulation (EU) 2016/2031 of the European Parliament and of the Council, in order to train them to carry out the checks necessary for issuing a plant passport.

(3) The data specified in subsection 2 of this section shall be entered in the plant health register established on the basis of § 30 subsection 1 of this Act.

(4) The entrepreneur shall pay a state fee for the review of an application for a license to issue a plant passport at the rate specified in the State Fees Act. The state fee is not paid for entering the data submitted in the plant health register with the request to change the activity permit for issuing plant passports, as well as with the notice of renunciation of the activity permit for issuing plant passports and the notice of temporary withdrawal of the activity permit for issuing plant passports.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

3

§ 31 . Inspection subject of plant passport issuing activity permit

An entrepreneur is granted an activity permit for issuing a plant passport, if he has appointed a proper responsible person who has a
5 of this Act.

valid certificate of completion of the additional training specified in § 31

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

4

§ 31 . Additional condition of the activity permit for issuing a plant passport

The plant, plant product and other object genus, family or species and commodity type are added as a side condition to the activity permit for issuing a plant passport.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

5

§ 31 . Additional training for the plant passport issuer

(1) The Agriculture and Food Board organizes the further training of the plant passport issuer.

(2) The additional training of the plant passport issuer includes the theoretical part specified in Article 89(1)(a) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(3) The additional training of a plant passport issuer ends with an exam.

(4) A person who did not pass the exam specified in subsection 3 of this section is allowed to take a repeat exam within one year of failing to pass the exam. A person who does not pass the re-examination will undergo the refresher training of the plant passport issuer again.

(5) A person who has passed the in-service training exam of the plant passport issuer is given a certificate of completion of the in-service training, which is valid indefinitely.

(6) The person specified in subsection 5 of this section shall undergo professional in-service training once every two years.

(7) The certificate specified in subsection 5 of this section is valid for two years from the date of its issuance if the person has not participated in the additional training specified in subsection 6 within two years from the year of issuance of the certificate.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

6

§ 31 . Licensing obligation for labeling wooden packaging material and wood and other objects with a conformity mark

(1) The entrepreneur must have an activity permit for labeling wooden packaging material and wood or other objects with a conformity mark (hereinafter *activity permit for labeling with a conformity mark*) for the activities specified in Article 98, paragraphs 1 and 2 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(2) The business license specified in subsection 1 of this section gives the entrepreneur the right to operate only in the company or part of it specified in the business license for marking with a conformity mark.

(3) An activity permit for labeling with a conformity mark, which has been granted only for the activities specified in Article 98, subsection 2 of Regulation (EU) 2016/2031 of the European Parliament and of the Council, does not give the right to process wood in accordance with Articles 96 and 97 of the same regulation.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

7

§ 31 . Applying for an activity permit for labeling with a conformity mark

(1) The request for an activity permit for marking with a conformity mark shall be resolved by the granting or refusal of the permit by the Agriculture and Food Board.

(2) In addition to the data provided in § 19 subsection 2 of the General Part of the Economic Activity Code Act, the following data and documents are submitted in the application for a business permit for marking with a conformity mark:

- 1) data on wooden packaging material and wood and other objects that are to be marked;
- 2) data on the wooden packaging material that is to be repaired and marked;
- 3) in the case provided for in Article 98(2) of Regulation (EU) 2016/2031 of the European Parliament and of the Council, data and documents on the proper processing of wood;
- 4) data on wooden packaging material and the method of processing wood and other objects;
- 5) data on premises and equipment for the processing and marking of wooden packaging material and wood and other objects, as well as repair of wooden packaging material;
- 6) self-control plan describing all stages of processing, labeling and correction;
- 7) the name and contact details of the person responsible for the correctness of the processing and marking of wooden packaging material and wood and other objects, as well as the repair of wooden packaging material.

(3) The data specified in subsection 2 of this section shall be entered in the plant health register established on the basis of § 30 subsection 1 of this Act.

(4) The entrepreneur shall pay a state fee for the examination of an application for a business permit for marking with a conformity mark at the rate provided for in the State Fees Act.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

8

§ 31 . Inspection subject of the activity permit for labeling with a conformity mark

An activity permit for labeling with a conformity mark is granted to an entrepreneur who meets all of the following conditions:

- 1) the entrepreneur meets the relevant requirements set forth in Article 98 of Regulation (EC) 2016/2031 of the European Parliament and of the Council;
- 2) the entrepreneur has appointed a responsible person;
- 3) the entrepreneur has a proper self-control plan.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

9

§ 31 . Side condition of the activity permit for labeling with the conformity mark

The processing method of wooden packaging material, wood and other objects is added as a secondary condition to the activity permit for marking with the conformity mark.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 32. Data entered in the plant health register

In addition to the data submitted in the economic activity notification based on this Act, the Agriculture and Food Board shall also enter the data submitted on the basis of Article 66(2) and Article 67 of Regulation (EU) 2016/2031 of the European Parliament and of the Council, the Plant Propagation and Variety Protection Act and the Act on the Release of Genetically Modified Organisms into the Environment in the Plant Health Register.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 33. Obligations of the person entered in the plant health register

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

1) fulfill the relevant requirements set forth in this Act and the legislation issued on its basis and Regulation (EU) 2016/2031 of the European Parliament and of the Council;

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

2) allow the Agriculture and Food Board access to the object under inspection;

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

3) cooperate with the Agricultural and Food Board in assessing plant health and appoint a person responsible for plant health in the company;

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

4) keep the field book specified in subsection 1 of § 155 of the Water Act and, in the case of the use of buildings and facilities, their use plan;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

5) indicate the manufacturer's plant health register number on the packaging of the marketed consumer potato or, in the case of unpackaged consumer potatoes, on the accompanying document of the goods;

6) renew 20 percent of the planting material with certified propagating material every year in the production of consumer potatoes;

7) to inform the Agriculture and Food Board about consumer potatoes and plant propagating material produced from the member

states of the European Union.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

8) [invalid - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(2) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(3) Subsection 1 of this section does not apply to an entrepreneur entered in the plant health register on the basis of §§ 78, 84, 90 and
3

95 of the Plant Propagation and Variety Protection Act or § 28 of the Act on the Release of Genetically Modified Organisms into the Environment, except for the packager of seeds of the plant species to be provided with a plant passport.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 34. Refusal to make a register entry

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

§ 35. Changing the register entry and invalidating the entry

[Repealed - RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

§ 36. Protection of plant health register data

[Repealed - RT I, 25.03.2011, 1 - entered into force. 01.07.2014 (enforcement amended - RT I, 22.12.2013, 1)]

Section 6

Organization of plant health protection in case of delivery of a plant, plant product and other object from a non-Union country to Estonia

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 37. Delivery of a plant, plant product and other object from a non-Union country to Estonia

[RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(1) Delivery of plants, plant products and other objects to Estonia from a country or territory located outside the customs territory of the European Union (hereinafter referred to as a *non-EU country*) within the meaning of this Act is an activity provided for in Article 3, Clause 40 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(2) A plant, plant product and other object may be delivered to Estonia from a country outside the Union on the basis and according to the procedure provided for in this Act and Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) If the plant, plant product and other object specified in the list established on the basis of Article 72(1), Article 73 and Article 74(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council are delivered from a country outside the Union to Estonia, Article 71 of the same regulation must accompany the shipment. The phytosanitary certificate referred to in paragraph 1.

(4) Wooden packaging material may be delivered to Estonia from a country outside the Union only if it meets the requirements established in Article 43(1) of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(5) The plant, plant product and other object specified in subsections 3 and 4 of this section are allowed to be transported to Estonia from a country outside the Union through the border point designated on the basis of Article 59(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(6) If the plant, plant product and other object specified in subsection 3 of this section is delivered from a non-Union country to Estonia on a weekend, national holiday or public holiday through a border point at which the Agriculture and Food Board carries out inspections on call, the consignee or his representative shall notify the Agriculture and Food Board of this at the latest to the relevant on the working day immediately preceding a weekend, national holiday or public holiday.

(7) A customs official may release a consignment for free circulation if the Agriculture and Food Board has made a permissive note to this effect on the accompanying document or in the electronic customs information system.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 38. Verification of the conformity of a consignment of goods in case of delivery from a non-Community country to Estonia

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

1

§ 38 . Border point

(1) On the basis of the State Border Act, a border point open to international traffic, through which it is permitted to transport the plant, plant product and other object specified in § 37 subsection 3 of this Act to Estonia from a country outside the Union, is designated by the Agriculture and Food Board, if the right to designate a border point is in accordance with the relevant legislation of the European Union Member State.

(2) The list of border points is published on the website of the Agriculture and Food Board in accordance with the requirements set forth in Article 60 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) The owner or occupier of a border point submits an application to the Agriculture and Food Board for the designation of a border point specified in subsection 1 of this section and pays the state fee at the rate specified in the State Fee Act.

(4) The owner or occupier of the border crossing point, to whom the owner has granted the relevant right upon transfer of possession, shall provide the Agriculture and Food Board with free premises in accordance with the occupational safety and health requirements, with appropriate facilities, including communication facilities and furnished office premises, necessary for carrying out inspection operations. The Agriculture and Food Board pays for the communication service. Communal services and other services necessary for the maintenance of the premises are paid for by the owner or the occupier of the border crossing, to whom the owner has given the right to do so upon the transfer of possession.

(5) The Board of Agriculture and Food submits a notification in accordance with Article 59(2) of Regulation (EU) 2017/625 of the European Parliament and of the Council on the intention to designate a border point to the European Commission.

(6) After receiving the notification provided for in Article 59, subsections 3-5 of Regulation (EU) 2017/625 of the European Parliament and of the Council from the European Commission, the Agriculture and Food Board shall immediately make an appropriate decision.

(7) The Board of Agriculture and Food makes a relevant decision in the case provided for in Article 62(1) and Article 63(1) and (4) of the Regulation (EU) 2017/625 of the European Parliament and of the Council and makes a relevant change in the list of border points and informs the European Commission and other member states of this in accordance with the articles of the same regulation according to 62 and 63.

(8) The requirements for the content of the application for the designation of a border point as provided for in subsection 1 of this section and the procedure for processing the application shall be established by a regulation of the minister responsible for the field .
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

2

§ 38 . The place of official inspection of the plant, plant product and other object in case of delivery to Estonia from a country outside the Union

(1) The Agriculture and Food Board may designate a place of official inspection other than the border point (hereinafter *the place of official inspection*) in the event that the plant, plant product and other object specified in § 37 subsection 3 of this Act is delivered to Estonia from a country outside the Union. The place of official inspection is accepted by the Tax and Customs Board.

(2) The list of places of official inspection is published on the website of the Agriculture and Food Board in accordance with the requirements set out in Article 53(2) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) The Agriculture and Food Board assesses the compliance of the official inspection site with the requirements referred to in Article 53(1)(a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, both on the basis of documents and on-site.

(4) If the place of official inspection meets the requirements set out in Article 53(1)(a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agriculture and Food Board makes a decision on the designation of the place of official inspection.

(5) If the place of official inspection does not meet the requirements set out in Article 53(1)(a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agriculture and Food Board makes a decision to refuse to designate a place of official inspection.

(6) If an entrepreneur requests the appointment of an official inspection place, the Agricultural and Food Board makes the decision provided for in subsections 4 and 5 of this section within 30 working days of receiving the request. For the settlement of the application for the determination of the place of official inspection, the entrepreneur shall pay a state fee at the rate specified in the State Fees Act.

(7) In the case provided for in Article 62(1) and Article 63(1) and (4) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Board of Agriculture and Food makes a relevant decision and a relevant change in the list of places of official inspection and informs the European Commission and other member states of this in the same manner in accordance with Articles 62 and 63 of the Regulation.

(8) The requirements for the content of the application for the designation of the place of official inspection specified in subsection 1 of this section and the procedure for processing the application shall be established by a regulation of the minister responsible for the field .
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 39. Delivery of goods from a non-EU country to Estonia under simplified procedure

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 40. Prohibition of delivery to Estonia from a non-EU country

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 41. Inspection of a consignment of goods in case of delivery to Estonia from a country outside the Union

[RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(1) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

1

(1) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(2) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(3) In the case of a shipment of goods suspected of contamination, the Agriculture and Food Board shall determine the implementation of control measures without delay based on observation data and other relevant data. If it is not possible for the Agriculture and Food Board to determine the suspicion of contamination based on observational data or other relevant data, it will take a sample from this consignment and stop the delivery of the consignment from a non-Union country to Estonia until the results of the analysis of the sample are known, but for no longer than 10 working days. If it is necessary to carry out an additional check on the shipment, the specified deadline can be extended by up to 30 days. The consignee must be notified of the extension of the deadline without delay.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(4) The shipment of goods, the delivery of which has been suspended from a non-Union country to Estonia, is placed in a place designated by the Agriculture and Food Board. It is not allowed to place a consignment suspected of contamination in a place where it may cause contamination of other goods with a dangerous plant pest. A shipment suspected of contamination is sealed by the Agriculture and Food Board, and it is prohibited to use or hand over the shipment without its permission.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(5) Based on the results of the monitoring, the Agriculture and Food Board makes a decision on the compliance of the consignment with the requirements or prohibits the delivery of a contaminated consignment from a non-Union country to Estonia on the basis of § 42 of this Act and decides on its further use.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(6) The consignee shall pay the storage and transportation costs of the goods whose delivery to Estonia from a non-Union country has been suspended.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(7) The loading and unloading work necessary for checking the goods is organized by the consignee.

(8) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

1

§ 41 . Reduced control

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 42. Determination of contamination in case of delivery to Estonia from a non-Union country

[RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

(1) If contamination is determined, the Agriculture and Food Board decides to return the consignment or send it out of Estonia in another way or send it for cleaning or destruction. When making a decision, the Agriculture and Food Board may take into account the wishes of the recipient.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) If the Agricultural and Food Board decides to send the consignment back or to deliver it out of Estonia in another way, the consignee is responsible for delivering the consignment out of Estonia. If the consignee does not deliver the consignment out of Estonia within 10 working days, the consignment will be destroyed.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(3) If the contaminated consignment contains an uncontaminated part that can be separated from the contamination, the Agriculture and Food Board may grant permission to deliver the uncontaminated part to Estonia from a non-Union country. The cost of separating the uncontaminated part is paid by the consignee.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(4) A decision on sending a consignment for disinfection or cleaning in another similar way is made if the fulfillment of plant health requirements is ensured by cleaning the consignment with the prescribed means and in the required manner and procedure. The costs of cleaning the consignment are paid by the consignee.

(5) Seizure, confiscation and destruction of a contaminated consignment shall be carried out by customs in accordance with the procedure provided for in the Customs Act on the basis of the decision of the Agriculture and Food Board. The cost of destroying the contaminated consignment shall be paid by the consignee.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 43. Inspection procedures in case of foreign transit

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 44. Delivery of plants, plant products and other objects from Estonia to a non-EU country

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

1

6 . section

Plant health surveillance fee

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

1

§ 44 . Plant health surveillance fee

(1) The plant health supervision fee (hereinafter *the supervision fee*) is related to the assessment of the appropriateness of the activity of the operator and the plant, plant product or other object with the notification or authorization obligation in the cases specified in Article 79, paragraph 1 and paragraph 2, point c of Regulation (EU) 2017/625 of the European Parliament and of the Council the amount payable at the rate established on the basis of this Act for the performance of an official inspection and other official action (hereinafter, *a supervisory action*).

(2) The person obliged to pay the supervision fee (hereinafter *the obliged person*) is the person in respect of whom a supervision action has been taken.

(3) Several obligated persons shall be jointly and severally liable for the performance of a joint supervisory act in case of payment of the supervision fee.

(4) In the cases specified in Article 79(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the supervision fee is charged at the rate established in Annex IV of the same regulation.

(5) In the cases provided for in Article 79(2)(c) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the obliged person shall pay the supervision fee for the performance of the supervision act at the rate established on the basis of subsection 6 of this section. If it is necessary to carry out additional laboratory tests in connection with the detected violation of plant health requirements, the obliged person shall additionally pay a supervision fee for carrying out these tests.

(6) The rate of the supervisory fee to be paid for the performance of a supervisory act shall be established for each year by the minister responsible for the field by regulation, based on the following data during the four quarters preceding the quarter of adoption of

the regulation:

- 1) the average salary of the official performing the supervisory act and the social and unemployment insurance contribution paid from him;
 - 2) The average cost of using the official vehicles of the Agriculture and Food Board for the performance of one supervisory action;
 - 3) the average time spent by an official performing a supervisory action per performance of one supervisory action.
- [RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

2

§ 44 . Premium for plant health supervision of a consignment delivered to Estonia from a non-EU country

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

3

§ 44 . Payment of supervision fee

(1) In the cases specified in clause 1 and clause c of clause 2 of Article 79 of Regulation (EU) 2017/625 of the European Parliament and of the Council, the obliged person shall pay the supervision fee for the performance of the supervision procedure before allowing the delivery of the consignment from a country outside the Union to Estonia in the amount specified in the decision on the collection of the supervision fee submitted by the Agriculture and Food Board to the Ministry of Finance to the settlement account of the Agriculture and Food Board, which is part of the state treasury's group account. In the cases specified in Article 79(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the obliged person may pay the supervision fee to the customs office.

(2) In the cases specified in Article 79(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agricultural and Food Board may, in the case of a sufficient guarantee or in the event that the obliged person has previously paid the supervision fee in the correct amount and at the right time, exempt the obliged person from paying the supervision fee before authorizing the delivery of a consignment from a non-Union country to Estonia and making a mark authorizing the delivery of a consignment from a non-Union country to Estonia on the shipping document or the electronic customs information system.

(3) In the case provided for in Article 79(2)(c) of Regulation (EU) 2017/625 of the European Parliament and of the Council and in the case provided for in subsection 2 of this section, the Agriculture and Food Board makes a decision to collect the supervision fee for the plant health monitoring operations performed during the previous calendar month by the tenth day of each calendar month.

(4) The decision to collect the supervision fee shall be delivered to the obliged person within five working days after the decision was made.

(5) In the case provided for in subsection 3 of this section, the obligated person shall transfer the amount determined in the decision to collect the supervision fee to the current account indicated in the decision within ten working days from the receipt of the decision to collect the supervision fee.

(6) The procedure for the payment of the supervision fee and the control of payment shall be established by a regulation of the minister responsible for the field .

(7) The obligated person shall pay the amount specified in the injunction issued to collect the unpaid supervision fee within ten working days from the receipt of the injunction.

(8) In the event of failure to comply with the injunction issued to collect the unpaid supervision fee within the time limit specified in the injunction, the Agricultural and Food Board has the right to turn to the bailiff, who will demand the collection of the unpaid supervision fee from the person obliged to do so in accordance with the procedure provided for in the Code of Enforcement Procedures.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

4

§ 44 . Refund of overpaid supervision fee

(1) The overpaid supervision fee is returned if the supervision fee has been paid in an amount larger than the prescribed amount.

(2) The obliged person has the right to request the refund of the overpaid supervision fee within two years from the day of its payment.

(3) In order to request a refund of the supervision fee, the obliged person submits a written request to the Agriculture and Food Board and a document certifying the payment of the supervision fee.

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

(4) The Agriculture and Food Board makes a decision to return or refuse the supervision fee within 10 working days from the day of receiving the application. The supervision fee will not be returned if the person is not entitled to a refund or if it is not possible to determine the person who paid the supervision fee or the person for whom the supervision fee was paid. The refundable supervision fee is transferred to the bank account specified in the application within 10 calendar days from the decision to return the supervision fee.

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

(5) The procedure for returning the overpaid supervision fee shall be established by a regulation of the minister responsible for the field .

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

5

§ 44 . Funding of plant health surveillance activities for plants, plant products and other objects

The costs of the Agriculture and Food Board for plant health supervision of plants, plant products and other objects delivered to Estonia from a non-Union country are covered by the supervision fee paid by the obliged person.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

Organization of plant health protection in the case of wooden packaging material and processing and labeling of wood and other objects, as well as repair of wooden packaging material

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

Section 1

Processing and marking of wooden packaging material and wood and other objects and repair of wooden packaging material

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 45. Recognition of wood drying as meeting the requirements and use of the conformity mark

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

1

§ 45 . Requirements for the processing and marking of wooden packaging material and wood and other objects, as well as the repair of wooden packaging material

(1) Wooden packaging material and wood and other objects may be processed and marked, and wooden packaging material may be repaired by an entrepreneur:

6

1) who has an activity permit for marking with the conformity mark specified in § 31 of this Act within the meaning of Article 98 of Regulation (EU) 2016/2031 of the European Parliament and of the Council ;

2) in whose company a person responsible for the marking of wooden packaging material and wood and other objects, as well as the repair of wooden packaging material, has been appointed.

(2) The minister responsible for the field shall establish the requirements for the company, which is involved in the processing and marking of wooden packaging material and wood and other objects with a conformity mark, as well as the repair of wooden packaging material, by regulation.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 46. Recognition of a wood dryer as meeting the requirements

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

§ 47. Self-control

performs

(1) The entrepreneur specified in subsection 1 of § 45 of this Act a self-inspection on compliance with the requirements for the processing and marking of wooden packaging material and wood and other objects, as well as the repair of wooden packaging material.

(2) In order to perform self-inspection, a self-inspection plan is drawn up in the company. The self-control plan describes all stages of processing wooden packaging material and wood and other objects, as well as the storage and labeling of the processed material. Data from the self-monitoring plan will be documented and retained for five years.

(3) The more precise requirements of the self-control system shall be established by a regulation of the minister responsible for the field .

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 48. Suspension of the validity of the decision on recognition as meeting the requirements

[Repealed - RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

§ 49. Revocation of the decision on recognition as meeting the requirements

[Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

Section 2

Marking with a wooden sign

[Repealed - RT I 2010, 72, 542 - entry into force. 15.10.2010]

3

§ 50. – § 50 . [Repealed - RT I 2010, 72, 542 - entry into force. 15.10.2010]

**Chapter 3
PLANT PROTECTION**

Section 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 - entered into force. 26.11.2011]

Section 2

Active ingredient, plant protection agent and synergist

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 60. Submission of application for approval of active substance, plant protection substance and synergist

(1) The applicant submits a written application to the Agriculture and Food Board in accordance with the requirements set forth in Article 7 of the same regulation in order to apply for the approval of the active substance, plant protection substance and synergist

defined in Article 2(2) and Paragraph 3(a) and (b) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(2) The Agriculture and Food Board checks the appropriateness of the application and sends the applicant a written notice of 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 Agriculture and Food Board will not review the application if the application is not proper, and will send a notification about it to the applicant, other member states and the European Commission on the basis and according to the procedure provided for in Article 9(2) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council .

(4) The Agriculture and Food Board evaluates the compliance of the active substance with the criteria for the approval of the active substance provided for in Article 4 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council, and immediately forwards the preliminary assessment report to the European Commission and the European Food Safety Authority.

(5) If the applicant wishes to extend the validity of the approval of the active substance, plant protection substance or synergist, he submits the application referred to 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 to the Agriculture and Food Board.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

1

§ 60 . Application review fee for active substance, plant protection product and synergist approval

(1) The applicant specified in § 60 of this Act shall pay the Agriculture and Food Board for checking the appropriateness of the application for the approval of the active substance, plant protection substance and synergist.

(2) In addition to checking the appropriateness of the application, the applicant shall pay for the assessment of the identity of the active substance, plant protection agent and synergist, physical and chemical properties, analysis methods, toxicological properties, risk from exposure, residues, behavior and spread in the environment, ecotoxicological properties and effectiveness.

(3) The fee specified in subsections 1 and 2 of this section is paid as an hourly fee, the basis of which is the personnel and management costs related to the field of plant protection of the Agriculture and Food Board in the previous calendar year.

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

(5) The Agriculture and Food Board makes a decision on the amount of the fee specified in subsections 1 and 2 of this section within ten working days from the transmission of the evaluation report specified in § 60 subsection 4 of this Act and delivers the decision to the applicant within five working days from the decision being made. If the Agriculture and Food Board fails to examine the application in accordance with § 60 (3) of this Act, it shall make a decision on the amount of the fee charged for checking the adequacy of the application within ten working days from the date of notification to the applicant.

[RT I, 28.12.2017, 2 - enters into force. 01.02.2018]

(6) The applicant transfers the amount specified in the decision specified in subsection 5 of this section to the bank account indicated in the decision within ten calendar days from the date of receipt of the 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 and Food Board has the right to issue a binding decision for enforcement in accordance with the procedure provided in the Enforcement Procedure Code.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 61. Distribution of the active substance

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

Section 3

Launching, distribution and use of plant protection products

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 62. Requirements for placing a plant protection product on the market

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

(2) The authorization of the plant protection product does not need to be in the cases specified in Article 28, subsection 2 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(3) With the permission of a plant protection product classified as toxic, highly toxic, carcinogenic, mutagenic or reproductive toxic according to the Chemicals Act, the Agricultural and Food Board designates the professional user of the plant protection product as the user group specified in Article 31(4)(d) of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(4) A professional user of a plant protection product (hereinafter referred to as a *professional user*) within the meaning of this Act is a person, in particular a self-employed person or an employee of his company and a member of the management board of a legal entity operating in such a field of activity, another person entitled to manage a legal entity or an employee of a company, who in his economic and professional activities uses a plant protection product, buys it and decides on its selection and use.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 63. Requirements for the market authorization of a plant protection product

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

§ 64. Plant protection product effectiveness test

(1) The efficacy test of the plant protection product is carried out under agricultural, plant health and environmental conditions that are appropriate for the use of the plant protection product and that are characteristic of the conditions prevailing in zone A provided for in Annex I of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

(2) The effectiveness test is performed by a test unit recognized on the basis of this Act.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

1

§ 64 . Test unit recognition

(1) A person or institution that wishes to operate as a recognized test unit shall submit an application for recognition of the test unit to the Agriculture and Food Board.

(2) In order to operate as a recognized test unit, the test unit of the person or institution specified in subsection 1 of this section must comply with Commission Regulation (EU) No. 545/2011, which implements Regulation (EC) No. 1107/2009 of the European Parliament and of the Council regarding data requirements for plant protection products (OJ L 155, 11.06 .2011, pp. 67–126), to the requirements stipulated in point 2 of the appendix.

(3) The Agriculture and Food Board assesses the test unit's compliance with the requirements of this Act both on the basis of the data provided by the person and on-site. Based on the evaluation results, the Agriculture and Food Board makes a decision on the recognition or refusal of the experimental unit within three months of receiving the application.

(4) The decision to recognize the test unit is valid for five years from the date of the decision.

(5) A person or institution that wishes to continue operating as a recognized experimental unit shall submit an application for recognition of the experimental unit to the Agriculture and Food Board no later than three months before the decision on the recognition of the experimental unit expires.

(6) By June 15 of each year, the recognized test unit submits relevant data on the efficacy tests of the plant protection product to the Agriculture and Food Board. The recognized test unit shall keep the data related to the tests within the time limit specified in point 2, point 2.2 of the Annex to Commission Regulation (EU) No. 545/2011.

(7) More detailed requirements regarding the application for recognition of the test unit, the content and form requirements of the application, and the procedure for processing the application shall be established by a regulation of the minister responsible for the field

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 65. Application for plant protection product permit

(1) In order to place a plant protection product on the market, a person submits a written application to the Agriculture and Food Board and pays a state fee for obtaining the permit specified in Articles 30, 33, 40, 47, 51 and 53 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council. The state fee does not have to be paid for submitting the application specified in Articles 51 and 53.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) The application specified in subsection 1 of this section must meet the requirements set forth in Regulation (EC) No. 1107/2009 of the European Parliament and the Council regarding the relevant application.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 66. Evaluation of the adequacy of the plant protection product and application processing

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

§ 67. Use of data provided by another person in the evaluation of a plant protection product

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

§ 68. Deciding to issue a plant protection product permit

The Agriculture and Food Board examines the application specified in subsection 1 of § 65 of this Act and decides to grant or refuse a plant protection product permit on the basis and in the manner provided for in Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

1

§ 68 . Granting permission for research and development activities

(1) In order to obtain a permit for the research or development activities referred to in Article 54 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council, a person submits a written application to the Agriculture and Food Board, in which he states the following information:

- 1) name, location and address of the applicant, personal or registry code and numbers of means of communication;
- 2) name, address and registry number of the research and development institution conducting the experiments;
- 3) the name, type of action, preparation form and quantity of the plant protection product and its active ingredient;
- 4) the name of the country of origin of the plant protection product and the name and address of the manufacturer;
- 5) the purpose and place of using the plant protection product.

(2) The Agriculture and Food Board shall decide whether to grant or refuse the permit specified in subsection 1 of this section in the cases provided for in subsection 1 of Article 54 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council within 20 working days of receiving the application.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

2

§ 68 . Authorization of parallel trade

(1) A person who wishes to market in Estonia a plant protection product authorized in another member state, which is identical to a plant protection product placed on the market in Estonia, submits an application in accordance with the requirements set out in Article

52, subsection 4 of Regulation (EC) No. 1107/2009 of the European Parliament and Council to the Agriculture and to the Food Board and pays a state fee.

(2) The Board of Agriculture and Food decides on the granting or refusal of a parallel trade permit on the basis and in 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 - enters into force. 26.11.2011]

§ 69. Recognition of the decision to allow a plant protection product on the market made in another member state of the European Union

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

§ 70. Temporary release of a plant protection product on the market

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

§ 71. Extension of the area of use of the plant protection product

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

§ 72. Allowing a plant protection product on the market in a simplified manner

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

§ 73. Change and revocation of plant protection product permit

(1) In order to change or revoke a plant protection product permit, the plant protection product permit holder submits an application to the Agriculture and Food Board together with the information provided in Article 43(2) or Article 45(1) of Regulation (EC) No. 1107/2009 of the European Parliament and Council and pays a state fee.

(2) The Board of Agriculture and Food decides to change, refuse or revoke the permit for a plant protection product on the basis and according to the procedure provided for in Articles 43-45 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

1

§ 73 . Obligations of the plant protection product authorization holder

(1) The plant protection product permit holder prepares a safety data sheet for the plant protection product in accordance with Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) and which establishes the European Chemicals Agency and amends Directive 1999/45/EC and Council Regulation (EEC) No. 793/93, 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, p. 1–850), in accordance with the requirements set out in Article 31.

(2) The plant protection product permit holder classifies the plant protection product in accordance with the Chemicals Act. The plant protection product authorization holder shall update the plant protection product labeling immediately after each change in the classification and labeling of the plant protection product in accordance with the Chemicals Act and Commission Regulation (EU) No. 547/2011, which implements Regulation (EC) No. 1107/2009 of the European Parliament and the Council regarding the labeling requirements for plant protection products (OJ L 155, 11.06 .2011, pp. 176–205), and informs the Agriculture and Food Board about it in writing.

(3) The holder of a plant protection product permit shall notify the Agriculture and Food Board of the possible harmful or impermissible effect of the plant protection product in accordance with the requirements set forth in Article 56 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 74. Packaging, presentation and labeling of plant protection products

(1) The packaging and presentation of the plant protection product must meet the requirements set forth in Article 64 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council and on the basis of the Chemicals Act.

(2) The labeling of the plant protection product must meet the requirements laid down in Commission Regulation (EU) No. 547/2011 and other relevant legislation of the European Union.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 75. Classification of plant protection products

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

§ 76. Requirements for marketing plant protection products

(1) In the case of marketing a plant protection product intended for professional users, the distributor of the plant protection product ensures that there are enough employees with a plant protection certificate working for him, who provide the professional user with information about the use of the plant protection product and safety data sheets, as well as health and environmental risks.

(2) In the case of distribution of a plant protection product intended for non-professional users, the distributor of the plant protection product shall provide the purchaser with general information on the use of the plant protection product, in particular on the processing, proper storage and safe disposal of plants, as well as on the health and environmental risks associated with the use of the plant protection product and on plant protection products with a lower risk level.

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

(4) The data of the person who wants to deal with the marketing of a plant protection product must be entered in the register of plant protection products.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 77. Place of storage and distribution of plant protection product

(1) The room where the marketed plant protection product is stored must meet the requirements of the Chemicals Act and this Act. The marketed plant protection product is stored and marketed separately from food, medicines and feed to prevent their contamination with the plant protection product.

(2) There must not be open packages of the plant protection product in the place of storage and distribution of the plant protection product. It is forbidden to repackage the plant protection product at the place of storage and distribution. A plant protection product whose packaging is broken shall be immediately removed from the market and destroyed in accordance with the procedure provided for in the Chemicals Act.

(3) Before starting distribution, the distributor of plant protection products shall submit an application to the Agriculture and Food Board to enter the place of storage and distribution in the register of plant protection products.

(4) The distributor of the plant protection product shall keep records of the plant protection product distributed on the basis of the plant protection certificate at the place of storage and distribution in paper form or electronically. The record shows the date of distribution, the name of the buyer of the plant protection product, the number of the plant protection certificate, and the name and quantity of the plant protection product sold. The distributor of the plant protection product shall keep records for five years from the date of distribution.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 78. Requirements for the use of plant protection products

(1) The plant protection product may be used only under the conditions specified in the plant protection product permit and according to the plant protection product label, taking into account good plant protection practice. The professional user also considers the principles of integrated plant protection.

(2) The plant protection product is used in accordance with the requirements stipulated in the Water Act and the Nature Conservation Act.

(3) Integrated plant protection is the consideration of the plant protection measures used and the subsequent integration of appropriate measures to prevent the development of populations of harmful organisms in such a way that the use of plant protection products and other measures remains at an economically and ecologically justified level and the risk to human health and the environment is reduced or minimized.

(4) The conditions and manner of implementing the principles of integrated plant protection shall be established by a regulation of the minister responsible for the field .

(5) The plant protection product is stored in a suitable room, in the case of a small quantity of the plant protection product, also in a container or cabinet intended for this purpose, which is locked and has a warning sign used for toxic substances. The plant protection product is stored separately from food, medicines and feed to prevent contamination with the plant protection product.

(6) A person who uses a plant protection product in his economic activity shall keep records of the plant protection product used in paper or electronic form. The calculation shows the name of the plant protection product used, the time of use, the rate of consumption, the land area and the plant culture on which the plant protection product was used. When ordering the service of using a plant protection product, the recipient of the service must also keep records of the service provider.

(7) It is prohibited to use the plant protection product from an aircraft.

(8) Plant protection product residues and packaging waste are handled in accordance with the requirements set out in the Waste Act and the Packaging Act.

(9) The minister responsible for the field shall establish the detailed requirements for the use and storage location of the plant protection product by regulation.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

1

§ 78 . Special requirements for the use of plant protection products

(1) In a public place and in an area used by the vulnerable population group specified in Article 3, Clause 14 of Regulation (EC) No. 1107/2009 of the European Parliament and Council, such as a public park and garden, a sports, recreation and school area, a children's playground and an area in the immediate vicinity of a healthcare facility , the plant protection product may only be used by a professional user.

(2) When a plant protection product is used in the area specified in subsection 1 of this section, preference is given to a plant protection product with a lower risk level and a biological control method.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

2

§ 78 . Plant protection certificate

(1) The distributor, professional user and adviser of the plant protection product must have completed plant protection training and must have a plant protection certificate proving completion.

(2) A plant protection certificate is a document that proves that a person can market, buy and use all plant protection products except highly toxic ones.

(3) A consultant is a person who has been given a consultant's invitation on the basis and according to the procedure provided for in the Professional Act.

[RT I, 04.12.2014, 3 - enters into force. 01.01.2015]

(4) If the plant protection product distributor is a legal entity, it is sufficient to fulfill the obligation provided for in subsection 1 of this section if the person specified in § 76 subsection 1 of this Act acts on its behalf on the basis of a contract.

(5) The plant protection certificate is issued by the Agriculture and Food Board. The plant protection certificate is valid for five years.

(6) The Agriculture and Food Board has the right to invalidate a plant protection certificate if:

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

2) the person has repeatedly failed to eliminate the deficiencies discovered during supervision by the deadline specified in the injunction.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2013]

(7) A person whose plant protection certificate expires during the state of emergency declared by the Government of the Republic on March 12, 2020 may market, purchase and use all plant protection products, except highly toxic plant protection products, until November 30, 2020.

[RT I, 06.05.2020, 1 - enters into force. 07.05.2020]

§ 79. Plant protection training

(1) Plant protection training is organized on the basis of a plant protection training program approved by the Board of Agriculture and Food by an adult training institution (hereinafter *the training institution*) in accordance with the Adult Training Act, the Vocational Training Institution Act and the requirements of this Act.

(2) The training institution prepares a plant protection training program, taking into account the specifics arising from the tasks and responsibilities of a professional user, distributor or consultant of a plant protection product, and submits it to the Agriculture and Food Board for approval. The Agriculture and Food Board decides whether or not to approve the plant protection training program within 20 working days of receiving the plant protection training program. The Agriculture and Food Board will not approve the plant protection training program if it does not meet the requirements established on the basis of paragraph 6 of this section.

(3) Plant protection training consists of basic training and additional training. Basic training is completed when applying for a plant protection certificate for the first time. In case of applying for a new plant protection certificate, refresher training is completed three months before the plant protection certificate expires.

(4) Plant protection training ends with an exam. The training institution forwards the data of persons who have completed the training to the Agriculture and Food Board within three working days of passing the exam.

(5) A person who did not pass the exam is allowed to take a repeat exam within three months. A person who did not pass the re-examination will undergo plant protection training again.

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

[RT I, 25.11.2011, 3 - enters into force. 26.11.2013]

1

§ 79 . Requirements for a person using a highly toxic plant protection product

(1) The data of a person wishing to use a highly toxic plant protection product must be entered in the register of plant protection products.

(2) The person specified in subsection 1 of this section or his employee may only use highly toxic plant protection products for which he has the relevant qualifications for safe and proper use within the meaning of the Chemicals Act.

(3) A person using a highly toxic plant protection product must comply with the requirements set out in the user manual of this plant protection product and ensure its safety for the residents of the surrounding area and the environment.

(4) A person using a highly toxic plant protection product must prepare a plan for the use of this plant protection product, which must be followed. The plan is drawn up, taking into account the characteristics and temperature of the object to be treated, and is coordinated with the owner of the object before using the highly toxic plant protection product.

(5) A person using a highly toxic plant protection product shall keep records of its use. For this purpose, within 24 hours after the use of the highly toxic plant protection product on the object has been stopped, the said person prepares a protocol for the use of the highly toxic plant protection product for the owner of the object or his representative, a copy of which remains with the person who used the plant protection product.

(6) A person using a highly toxic plant protection product shall keep the protocol specified in subsection 5 for five years.

(7) Requirements for the plan and protocol for the use of highly toxic plant protection products are established by the minister responsible for the field .

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

2

§ 79 . Use of a highly toxic plant protection product

(1) A highly toxic plant protection product may be used for the treatment of plants, plant products and other objects in a building, facility or part thereof, a wagon, ship or its cargo hold or other such temporary storage place, as well as in a building, facility or its part, wagon, ship or its cargo hold or other such temporary storage place (hereinafter *object*) for processing.

(2) A person using a highly toxic plant protection product must ensure the availability of communication facilities at the facility to contact the emergency number 112.

(3) Before using a highly toxic plant protection product, its user must inform the relevant persons, check the object and the area adjacent to it to ensure safety, and mark the danger area in accordance with the Occupational Health and Safety Act.
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(4) A person using a highly toxic plant protection product or his employee must use appropriate personal protective equipment in accordance with the Occupational Health and Safety Act based on the plant protection product used. When using a highly toxic plant protection product, at least two persons who meet the requirements for a person using such a plant protection product must be present.

(5) Before starting to use a highly toxic plant protection product, a person who uses it checks that there are no outsiders present on the site, and makes sure that accidental spillage of the highly toxic plant protection product outside the site is excluded.

(6) After using a highly toxic plant protection product, its user must determine the safety of the object and remove danger signals.

(7) More precise requirements for the use of highly toxic plant protection products are established by the minister responsible for the field. Requirements are established regarding the notification necessary to ensure the safe use of a highly toxic plant protection product, inspection of the object before and after the use of the plant protection product, 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]

3

§ 79 . Action plan for the sustainable use of plant protection products

(1) The Ministry of Regional Affairs and Agriculture prepares an action plan for the sustainable use of plant protection products, which determines the remedies used to reduce the risk and impact of the use of plant protection products on human health and the environment and their implementation schedule, and which promotes the development and adoption of integrated plant protection principles and other remedies in order to reduce dependence the use of plant protection products.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The open procedure provisions of the Administrative Procedure Act apply to the preparation of an action plan for the sustainable use of plant protection products.

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

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

4

§ 79 . Improving public awareness

(1) In order to prevent cases of poisoning, the Board of Agriculture and Food publishes information about the danger caused by the use of plant protection products and the possible acute and chronic effects on human health and the environment, and about the use of biological plant protection products and other remedies in a way that ensures the comprehensibility, accuracy, comparability and timeliness of this information and the efficient use of the public notification.

1

(1) The Agriculture and Food Board collects and evaluates data related to the harmonized risk indicators of plant protection products and active substances, transmits the relevant results to the European Commission and other member states, and publishes the results on its website.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) The Agriculture and Food Board has the right to use data on the active ingredient of the plant protection product and the composition of the plant protection product presented in the plant protection product file and its properties hazardous to health and the environment in order to disclose the information specified in subsection 1 of this section.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

Section 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 appropriateness of plant protection products placed on the market in Estonia and effective supervision of plant protection products placed on the market.

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

(3) The register of plant protection products shall include information on the plant protection products placed on the market, as well as the name of the manufacturer and distributor of the plant protection product and the distributor of the highly toxic plant protection product in Estonia and the user in Estonia, the registry or personal identification number or, in the absence of a personal identification number, the date of birth, contact details and details of the residence or location and place of business, including the plant protection product about the place of storage and distribution.

(4) The responsible processor of the register of plant protection products is the Ministry of Regional Affairs and Agriculture, and the authorized processor is designated in the statute of the register.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 81. Data entered in the register of plant protection products and their entry in the register and obligations of the person entered in the register

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

(1) The data provided in the bylaws of the register of plant protection products regarding plant protection products placed on the market shall be entered in the register of plant protection products without a person's request on the basis of the decisions specified in

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§ 68, § 68 subsection 2, § 68 subsection 2 and § 73 of this Act.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(2) In order to enter the data provided in the bylaws of the register of plant protection products on the distributors of plant protection products, users of highly toxic plant protection products and their storage and distribution locations, a person shall submit a formal application to the Agriculture and Food Board and pay a state fee.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

(3) The person entered in the register of plant protection products is responsible for the correctness of the data provided by him. If the data changes, he must immediately request changes to the register.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(4) In case of discovery of incorrect data, the authorized processor issues an injunction to the person entered in the register. If the person has not requested to change or invalidate the register entry within 10 working days of receiving the injunction, or if he has not contested the injunction, the Agriculture and Food Board may amend or invalidate the entry based on the information known to him.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

(5) [Repealed - RT I, 25.11.2011, 3 - entered into force. 26.11.2011]

(6) [Repealed - RT I, 25.11.2011, 3 - entered into force. 26.11.2011]

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

(1) Data entered in the register of plant protection products, with the exception of data containing business secrets, are public.
[RT I, 13.03.2019, 2 - enters into force. 15.03.2019]

(2) Trade secrets cannot be:

- 1) the name of the plant protection product and its active ingredient, the content of the active ingredient in the plant protection product, and the name of the hazardous substance contained in the plant protection product;
- 2) description of the physico-chemical properties of the active ingredient of the plant protection product;
- 3) method of decontamination of plant protection product and active ingredient;
- 4) the effectiveness of the plant protection product and its active ingredient and a summary of the results of the tests conducted to determine safety for humans, animals, plants and the environment;
- 5) safety measures applied during packaging, storage, transportation and distribution of the plant protection product;
- 6) analysis methods;
- 7) methods of eliminating pollution caused by plant protection products;
- 8) methods of first aid and treatment in case of poisoning.

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(2) The Agriculture and Food Board publishes information on the plant protection product permit and the revoked plant protection product permit on its website, taking into account the requirements set forth in Article 57 of Regulation (EC) No. 1107/2009 of the European Parliament and of the Council.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(3) The Agriculture and Food Board compiles and publishes a list of plant protection products placed on the market in Estonia and the conditions for their use on an ongoing basis on its website.
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(4) A person whose plant protection product is allowed on the market is obliged to inform the Agriculture and Food Board about 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 device

For the purposes of this law, a plant protection device is a device intended for the use of a plant protection product, including the essential part for its effective operation, such as a sprayer, pressure gauge, filter, sieve and tank cleaning device.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

§ 84. Requirements for plant protection equipment

(1) The plant protection device must not endanger human health or the environment when properly used, cleaned, maintained and stored.

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(1) The professional user regularly checks the operation of the plant protection device in use and, if necessary, adjusts the parts important for its operation.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(2) Safety requirements for the use, cleaning, maintenance and storage of plant protection equipment shall be established by the minister responsible for the field.
[RT I 2005, 68, 530 - entry into force. 01.01.2006]

§ 85. Assessment and certification of plant protection device compliance

[Repealed - RT I 2005, 68, 530 - entered into force. 01.01.2006]

§ 86. Plant protection device testing and certificate of conformity

[Repealed - RT I 2005, 68, 530 - entered into force. 01.01.2006]

§ 87. Regular technical inspection of the plant protection device

(1) Plant protection equipment in use, with the exception of hand and backpack sprayers, must have undergone regular technical inspection every three years. The cleaning device and fogger must have undergone regular technical inspection every five years.

[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

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(1) A plant protection device whose technical inspection expires during the state of emergency announced by the Government of the Republic on March 12, 2020, may continue to be used during the state of emergency and within 60 days from the end of the state of emergency.

[RT I, 06.05.2020, 1 - enters into force. 07.05.2020]

(2) The technical inspection specified in subsection 1 of this section is carried out by a person authorized on the basis of this Act or by a research and development institution managed by the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(3) The additional training necessary to perform the technical inspection specified in subsection 1 of this section is organized by the research and development institution managed by the Ministry of Regional Affairs and Agriculture, which issues a certificate to that effect.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

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(3) The person specified in subsection 2 of this section keeps records of the inspected plant protection devices and submits the data of the regular technical inspection performed in the previous quarter to the Agriculture and Food Board by the 15th day of the first month of each quarter.

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

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(3) The technical inspection specified in subsection 1 of this section is carried out at the expense of the owner or possessor of the plant protection device.

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

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(3) The fees charged by the technical inspection provider specified in subsection 2 of this section must be cost-based, transparent and non-discriminatory and designed in such a way as to cover reasonable expenses related to these services.

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

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

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§ 87 . The operator of the technical inspection of the plant protection device

(1) The operator of the technical inspection of the plant protection device is a natural person or a legal entity under private law, who has been authorized to perform the technical inspection of the plant protection device specified in subsection 87 (1) of this Act in accordance with the procedure provided for in this Act.

(2) The list of technical inspection providers specified in subsection 1 of this section is published on the website of the Agriculture and Food Board.

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

2

§ 87 . Requirements for the operator of the technical inspection of the plant protection device

A person applying for the right to perform a technical inspection of a plant protection device or his employee must:

1) have an agricultural or technical vocational education;

2) have completed the additional training required to carry out the technical inspection of the plant protection device specified in subsection 87 (3) of this Act;

[RT I, 23.03.2015, 5 - enters into force. 01.07.2015]

3) have the necessary equipment and measuring instruments for technical inspection of the plant protection device;

4) be able to act impartially and give an appropriate assessment of the actual situation of the plant protection device.

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

3

§ 87 . Requesting an authorization to carry out a technical inspection of the plant protection device

In order to obtain an authorization to perform a technical inspection of plant protection equipment, a person submits to the Agriculture and Food Board:

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

1) application;

2) the list of employees who have completed the in-service training specified in § 87 subsection 3 of this Act and the document certifying completion of the training or a copy thereof;

[RT I, 23.03.2015, 5 - enters into force. 01.07.2015]

3) list of equipment and measuring instruments required for technical inspection of the plant protection device;

4) a copy of the document certifying the professional education of the person applying for the authorization to perform the technical inspection of the plant protection device or his employee.

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

4

§ 87 . Granting and refusal of authorization for technical inspection of plant protection equipment

(1) Authorization to perform technical inspection of the plant protection device is granted and an administrative contract is concluded by the Agriculture and Food Board for the performance of the administrative task.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

2

(2) If the person meets the requirements set forth in § 87 of this Act , the Agriculture and Food Board decides to grant the person authorization within 30 working days of receiving the application.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

(3) The Agriculture and Food Board may refuse to grant authorization if the person does not meet the requirements set forth in this Act.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

(4) The decision on the granting or refusal of the authorization shall be delivered to the person within five working days from the date of the decision.
[RT I, 28.12.2017, 2 - enters into force. 01.02.2018]

5

§ 87 . The rights and obligations of the operator of the technical inspection of the plant protection device

(1) The person conducting the technical inspection of the plant protection device has the right, within the limits of his authority:
1) to receive the information necessary for the technical inspection of the plant protection device;
2) prepare a protocol for the technical inspection of the plant protection device;
3) use the necessary equipment and measuring instruments for the technical inspection of the plant protection device.

(2)
. 2) impartially perform the tasks given to him by authority; 3) ensure the legal, proper and correct formalization of the technical control protocol and other documents of the plant protection device; 4) to keep the commercial and professional secret that became known to him during the technical inspection of the plant protection device; 5) submit to the Agriculture and Food Board, upon the latter's request, the report of the technical inspection of the plant protection device; 6) keep the records specified in § 87 subsection 3¹ of this Act ; 7) submit to the Agriculture and Food Board, upon the latter's request, the documents necessary to supervise the activities related to its authority; [RT I 2009, 34, 224 - entry into force. 01.01.2010] 8) once a year, to complete the necessary refresher training for the technical inspection of the plant protection device, in order to supplement their professional knowledge, skills and abilities. [RT I, 23.03.2015, 5 - enters into force. 01.07.2015]

6

§ 87 . Termination and Suspension of Authority

(1) The authorization granted by the management contract ends:
1) in case of renunciation of the authorization;
2) upon expiry of the authorization term;
3) in case of revocation of authorization.

(2) If the administrative contract is terminated unilaterally or if there is another reason that prevents the person from continuing to perform the administrative task, the Agriculture and Food Board shall immediately take measures to ensure the performance of the administrative task.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

(3) If the activity related to the authorization of the operator of the technical inspection of the plant protection device is not proper, the Agriculture and Food Board shall suspend the authorization and give a deadline for eliminating the deficiency. If the deficiency is not eliminated within the deadline, the Agriculture and Food Board withdraws the authorization and unilaterally terminates the administrative contract.
[RT I 2009, 34, 224 - entry into force. 01.01.2010]

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**4 . chapter
OFFICIAL CHECK**

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

7

§ 87 . Organization of official control

(1) Official control related to plant health and plant protection products is organized based on the control plan drawn up in accordance with Article 109 of Regulation (EU) 2017/625 of the European Parliament and of the Council. According to Article 111 of the same regulation, the control plan is published on the website of the Agriculture and Food Board.

(2) The data provided for in Article 11(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council regarding the results of official inspections are published on the website of the Agriculture and Food Board.

(3) The Agriculture and Food Board participates in the preparation of the multi-year inspection plan specified in Article 109 of Regulation (EU) 2017/625 of the European Parliament and of the Council, the coordinating authority and the submitter of the plan report being the Veterinary and Food Board.

(4) The Veterinary and Food Board is the contact authority for supervisory cooperation within the meaning of Article 103(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(5) Other law enforcement body, administrative body or government institution shall immediately forward information to the Agriculture and Food Board about the following possible violations of plant health requirements and plant protection product requirements:

- 1) violation that may pose a threat to human or animal health or the environment;
- 2) a violation committed by knowingly creating an incorrect perception of the actual circumstances.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

8

Section 87 . Analyzing samples

(1) Samples taken in the course of official inspection and other official actions are analyzed in an official laboratory that meets the requirements set forth in Article 37 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(2) Data on official laboratories, where samples taken in the course of official control and other official actions are analysed, are published on the website of the Agriculture and Food Board.

(3) In the case of a plant, plant product and other object, a person has the right to request, at his own expense, the review of the documents provided for in Article 35(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(4) In the case of a plant protection product, a person has the right to request, at his own expense, the review of the documents provided for in Article 35(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council and, if necessary, another analysis, study or diagnosis in another official laboratory.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

9

§ 87 . Official laboratory

(1) The Agriculture and Food Board appoints an official laboratory in accordance with the conditions set forth in Article 37 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(2) An unaccredited laboratory may also be designated as an official laboratory in the cases provided for in Articles 40 and 42 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) The Agriculture and Food Board may refuse to designate a laboratory as an official laboratory if the laboratory does not meet the requirements set forth in Article 37, paragraphs 4 and 5 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(4) In the cases provided for in Article 39(2) of the Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agriculture and Food Board recognizes the decision to appoint an official laboratory as invalid.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

10

§ 87 . National reference laboratory

(1) A national reference laboratory for the purposes of this Act is a laboratory provided for in Article 100 of Regulation (EU) 2017/625 of the European Parliament and of the Council, which performs the functions of a reference laboratory in the field of plant health.

(2) For each plant health reference laboratory of the European Union referred to in Article 93(1) of Regulation (EU) 2017/625 of the European Parliament and of the Council, a national reference laboratory is designated by a directive of the minister responsible for the field, which describes the scope of the right to act as a national reference laboratory.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

Chapter 5

STATE AND ADMINISTRATIVE SUPERVISION

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

§ 88. State and administrative supervision

[RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(1) The State and administrative supervision of the fulfillment of the requirements set forth in this Act and the legislation established on its basis is carried out by the Agriculture and Food Board.

(2) The Agriculture and Food Board cooperates with the Environment Board in supervising the fulfillment of the requirements for forest cultivation material, including forest seed and propagating material and raw wood.

(3) [Repealed - RT I, 01.07.2020, 1 - entry into force. 01.01.2021]

(4) When a plant protection product is delivered from a non-Union country to Estonia with the customs procedure for release into free circulation, the Tax and Customs Board checks whether the plant protection product is entered in the register of plant protection products.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(5) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(6) Administrative supervision over the execution of the administrative contract concluded in accordance with § 87 (1) of this Act is carried out by the Agriculture and Food Board.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

1

§ 88 . Special measures of state supervision

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 32, 49, 50 and 51 of the Law Enforcement Act on the basis and procedure provided for in the Law Enforcement Act to perform the state supervision provided for in this Act.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

2

§ 88 . Peculiarities of state supervision

(1) The law enforcement body may take samples at the expense of the person during the examination of movable property. If the inspected movable property cannot be used normally after the inspection, the person will not be compensated for the movable property or the cost of restoring the movable property to normal use.

(2) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(3) [Repealed - RT I, 30.06.2020, 7 - entry into force. 01.07.2020]

(4) The Agriculture and Food Board collects, systematizes and stores information on the presence, release and spread of dangerous plant pests and plant pests in a damage-free area during the studies provided for in Articles 19, 22–24 and 34 of Regulation (EU) 2016/2031 of the European Parliament and of the Council (hereinafter *plant health monitoring*). The Agriculture and Food Board informs the European Commission, the competent authorities of other member states and the Ministry of Regional Affairs and Agriculture of the result of plant health monitoring in writing in accordance with the procedure provided for in the legislation of the European Union.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(5) The Agriculture and Food Board prepares the multi-year research plans specified in Article 23 of Regulation (EU) 2016/2031 of the European Parliament and of the Council and the contingency plans specified in Article 25 of the same regulation and performs other tasks assigned to the member state in accordance with the aforementioned articles.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(6) During the exercise of state supervision, the official of the Agriculture and Food Board must wear official clothes.

(7) The Agriculture and Food Board has the right to issue an injunction to partially or completely stop the further handling of such agricultural products, in which a plant protection product that has not been approved for the market has been used or there is a reasonable suspicion of its use, or in which a plant protection product has been used improperly or there is a reasonable suspicion of the improper use of a plant protection product .

(8) If the residential premises are also used as business premises, the law enforcement body may inspect it during working hours or when it is open without the permission of the administrative court provided for in § 51 subsection 2 of the Law Enforcement Act.

[RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(9) Pursuant to Article 98(3) of Regulation (EU) 2016/2031 of the European Parliament and of the Council, an enterprise engaged in processing wooden packaging material and wood and other objects and marking them with a conformity mark, as well as repairing wooden packaging material, shall pay a state fee by the tenth day of the following month for supervising the appropriateness of its activities at the rate specified in the State Fee Act.

[RT I, 30.06.2020, 7 - enters into force. 01.01.2021]

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

Chapter 6 RESPONSIBILITY

§ 96. Violation of plant health requirements

[Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

1

§ 96 . Violation of the requirements for the use of phytosanitary certificate or plant health referral

[Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

§ 97. Distribution of a dangerous plant pest

(1) For spreading a dangerous plant pest, as well as for not implementing measures to control a dangerous plant pest - a fine of up to 300 fine units is imposed.

(2) For the same act, if it was committed by a legal entity, - shall be punished with a fine of up to 3200 euros.

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

§ 98. Failure to report a dangerous plant pest

[RT I, 30.06.2020, 7 - entered into force. 01.07.2020]

(1) Failure to report a dangerous plant pest or the suspicion of its presence - shall be punished with a fine of up to 200 fine units.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 2,000 euros.

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

1

§ 98 . Failure to fulfill the obligations of a person entered in the plant health register

[Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

2

§ 98 . Violation of the requirements for the processing and marking of wooden packaging material and wood and other objects, as well as the repair of wooden packaging material

(1) Violation of the requirements established in this Act and the legislation established on its basis and in Regulation (EU) 2016/2031 of the European Parliament and of the Council regarding the processing or marking of wood and other objects and the repair of wooden packaging material -

shall be punished by a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 8,400 euros.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

3

§ 98 . Violation of the requirements for issuing a plant passport

(1) Violation of the requirements established in this Act and in the legislation established on its basis and in Regulation (EU) 2016/2031 of the European Parliament and of the Council regarding the issuance of a plant passport - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 8,400 euros.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 99. Violation of requirements for distribution and use of plant protection product

[RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

(1) Violation of the requirements established in this Act and the legislation established on its basis and Regulation (EC) No. 1107/2009 of the European Parliament and of the Council regarding the placing on the market, distribution or use of a plant protection product endangering human or animal health or the environment -

shall be punished with a fine of up to 300 fine units.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

[RT I, 12.07.2014, 1 - enters into force. 01.01.2015]

1

§ 99 . Violation of plant protection product packaging and labeling requirements

(1) Violation of the requirements established in this Act and the legislation established on its basis and in Regulation (EC) No. 1107/2009 of the European Parliament and of the Council regarding the packaging or labeling of plant protection products endangering human or animal health or the environment

shall be punished with a fine of up to 300 fine units.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 8,400 euros.

[RT I, 12.07.2014, 1 - enters into force. 01.01.2015]

§ 100. Violation of plant protection device requirements

[Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

1

§ 100 . Non-fulfilment of the obligations of the person performing the technical inspection

[Repealed - RT I, 12.07.2014, 1 - entered into force. 01.01.2015]

2

§ 100 . Violation of the requirements for the use of a highly toxic plant protection product

(1) Violation of the requirements for the use of a highly toxic plant protection product - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 3,200 euros.

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

§ 101. Application of confiscation

The Agricultural and Food Board or the court may apply the confiscation of the plant protection product that was the direct object of the misdemeanor provided in §§ 99 and 99¹ of this Act in accordance with § 83 of the Penal Code.
[RT I, 12.07.2014, 1 - entry into force. 01.01.2015]

§ 102. Procedure

The out-of-court procedure for misdemeanors provided for in this chapter is the Agriculture and Food Board.
[RT I, 12.07.2014, 1 - enters into force. 01.01.2015]

Chapter 7 IMPLEMENTATION PROVISIONS

§ 103. Register of plant health

(1) The plant health register is regarded as the official register of enterprises and its data as data of the official register of enterprises within the meaning of Article 65 of Regulation (EU) 2016/2031 of the European Parliament and of the Council.

(2) The processing of the notification of economic activity submitted on the basis of subsections 1 and 2 of § 31 of this Act, which was valid before July 1, 2020, shall be continued in accordance with the revision of this Act that entered into force on July 1, 2020.
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 104. Register of plant protection products

The register of plant protection products specified in § 80 subsection 2 of this Act is considered to be the register of plant protection products established on the basis of § 69 subsection 2 of the Plant Protection Act, which was valid before the entry into force of this law.

§ 105. Continuation of processing of application for registration of plant protection product and testing of plant protection product

The processing of applications for the registration of a plant protection product submitted on the basis of § 70 (1) of the Plant Protection Act, which was in effect before the entry into force of this law, and the organization of tests of the plant protection product shall continue in accordance with the procedure established in this law.

§ 106. Inspection of the plant protection device

The authorities that organized the inspection of the plant protection device on the basis of § 68 of the Plant Protection Act, which was in force before the entry into force of this law, may carry out the technical inspection of the plant protection device on the basis of this law until January 1, 2005.

§ 107. – § 110. [Omitted from this text.]

§ 111. Implementation provision

(1) Legislation issued on the basis of the Plant Protection Act in force until now, with the exception of legislation issued on the basis of § 21 subsection 2, § 35 subsection 1 and § 86, shall be valid after the entry into force of this Act until they are repealed or until new legislation enters into force on the basis of this Act.
[RT I 2008, 23, 150 - entry into force. 01.07.2008]

(2) The open-ended authorization to perform plant protection product tests granted on the basis of the Plant Protection Act specified in subsection 1 of this section is valid until the approval of the test unit of the person conducting plant protection product effectiveness tests on the basis of this Act, or until January 1, 2009.
[RT I 2008, 23, 150 - entry into force. 01.07.2008]

(3) The contract concluded before July 1, 2008 for regular technical inspection of the plant protection device is valid until January 1, 2009.
[RT I 2008, 23, 150 - entry into force. 01.07.2008]

(4) The principles of integrated plant protection shall be applied from January 1, 2014.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(5) Plant protection equipment in use, with the exception of hanging, semi-hanging, hitched and self-propelled plant protection sprayers, must have passed the first regular technical inspection by November 26, 2016.
[RT I, 25.11.2011, 3 - enters into force. 26.11.2011]

(6) The document certifying the passing of the regular technical inspection of the plant protection device specified in subsection 87 (1) of this Act is valid until the next regular technical inspection deadline.
[RT I, 05.11.2013, 1 - enters into force. 15.11.2013]

(7) Certificates issued by the Estonian Institute of Agriculture before July 1, 2013 regarding the vocational training specified in § 87 subsection 3 of this Act remain valid.
[RT I, 05.11.2013, 1 - enters into force. 15.11.2013]

(8) An entrepreneur entered in the plant health register before July 1, 2020 is considered to be an entrepreneur operating in the field of activity with a notification obligation as of July 1, 2020, and his notification obligation is considered fulfilled, taking into account the exceptions provided in subsections 9 and 11 of this section. The provisions of this paragraph do not apply to an entrepreneur operating in such a field of activity, which as of July 1, 2020 is considered a field of activity subject to a permit obligation.
[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(9) The company specified in subsection 8 of this section, for which all the data provided for in subsection 2 of Article 66 of Regulation (EU) 2016/2031 of the European Parliament and of the Council have not been entered in the plant health register, shall submit the missing data no later than November 1, 2020. If the data is not submitted on time, it is considered that the notification obligation of the entrepreneur has not been fulfilled.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(10) An entrepreneur entered in the register of economic activities before July 1, 2020, who is engaged in the supply of cultivation material, is considered to be an entrepreneur operating in the field of activity subject to notification as of July 1, 2020, and his notification obligation is considered fulfilled, and his data is entered from the register of economic activities to the register of plant health. The provisions of this paragraph do not apply to an entrepreneur operating in such a field of activity, which as of July 1, 2020 is considered a field of activity subject to a permit obligation.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(11) The company specified in subsection 10 of this section, for which not all the data provided for in subsection 2 of Article 66 of Regulation (EU) of the European Parliament and of the Council 2016/2031 have been entered in the plant health register, shall submit the missing data to the Agriculture and Food Board no later than November 1, 2020 . If the data is not submitted on time, it is considered that the notification obligation of the entrepreneur has not been fulfilled.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(12) In the cases specified in subsections 9 and 11 of this section, the entrepreneur does not pay a state fee for entering missing data in the plant health register.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

(13) The right to issue a plant passport granted to a person before December 14, 2019 is valid until December 14, 2020. A person who has been granted the right to issue a plant passport before December 14, 2019, and who wishes to continue issuing a plant passport, submits an application for a license to issue a plant passport no later than December 14, 2020.

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(14) The refresher training of the plant passport issuer specified in § 31 of this Act is deemed to have been completed in the case of a person who has been granted the right to issue a plant passport in the period from December 14, 2019 to December 14, 2020, if the

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person participates within two years from the year of granting said right according to § 31 paragraph 6, in the professional further training.

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(15) A person whose wood dryer has been recognized as meeting the requirements before December 14, 2019, may process wood, mark it with a conformity mark, and manufacture wooden products until December 14, 2020. If the said person wants to continue marking with the conformity mark, he submits an application for a business permit for marking with the conformity mark no later than December 14, 2020. The decision to recognize the wood dryer as meeting the requirements, which was valid before December 14, 2019, or was made in the period from December 14, 2019 to July 1, 2020, is considered an activity permit specified in subsection 6,

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subsection 1 of § 31 of this

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(16) An entrepreneur who has been granted the right to issue a plant passport before December 14 2019, and who submits an application for a plant passport issuance license before December 14, 2020, shall not pay a state fee for the processing of an application for an activity permit specified in subsection 1, subsection 1 of § 31 of this Act.

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]

§ 112. Entry into force of the Act

(1) This Act enters into force on May 1, 2004.

(2) Clause 6 of § 33 (1) and § 100 of this Act regarding liability established for non-fulfillment of the requirements of regular technical inspection of plant protection equipment shall enter into force on January 1, 2006.

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Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and their spread there (OJ L 169, 10.07.2000, pp. 1–112), 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 56, 02.03.2005, p. 12–13), 2005/16/EC (OJ L 57, 03.03.2005, p. 19–22), 2005/77/EC (OJ L 296, 12.11.2005, p. 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), 2008/64/EC (OJ L 168, 28.06.2008, pp. 31–35), 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), 2010/1/EU (OJ L 7, 12.01.2010, pp. 17–20), 2014/19/EU (OJ L 38, 07.02.2014, pp. 30–31), 2014/ 78/EU (OJ L 183, 24.06.2014, pp. 23–48), 2014/83/EU (OJ L 186, 26.06.2014, pp. 64–71), (EU) 2017/1279 (OJ L 184, 15.07. .2017, pp. 33–62), (EU) 2017/1920 (OJ L 271, 20.10.2017, pp. 34–37), (EU) 2019/523 (OJ L 86, 28.03.2019, pp. 41–65) and regulations (EC) No. 806/2003 (OJ L 122, 16.05.2003, pp. 1–35), (EC) No. 882/2004 (OJ L 165, 30.04.2004, pp. 1–141), (EU) No. 652/2014 (OJ L 189, 27.06.2014, pp. 1–32) and (EU) 2016/2031 (OJ L 317, 23.11.2016, pp. 4–104);

Commission Directive 2004/103/EC on identity and phytosanitary checks on plants, plant products and other products listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at places other than at or near Community border crossing points, and which specifies that these checks related conditions (OJ L 313, 12.10.2004, pp. 16–20);

Commission Directive 2004/105/EC determining the specimens of official phytosanitary certificates or re-export phytosanitary certificates to accompany plants, plant products and other products from third countries and countries listed in Council Directive 2000/29/EC (OJ 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 products listed in Annexes I to V of Council Directive 2000/29/EC may be introduced into the Community or into certain Community protected areas or transported within them for testing for making, scientific purposes and variety selection (OJ L 158, 18.06.2008, pp. 41–55);

Commission Directive 98/22/EC, which lays down the minimum requirements for phytosanitary inspection of plants, plant products and other products from third countries in the Community at inspection points other than the destination (OJ L 126, 28.04.1998, pp. 26-28);

Commission Directive 93/51/EEC establishing rules on the movement of certain plants, plant products or other products through a protected area and on the movement of plants, plant products and other products originating from such a protected area and taking place in that area (OJ L 205, 17.08.1993 , pp. 24–25);

Commission Directive 93/50/EEC defining certain plants not listed in Part A of Annex V of Directive 77/93/EEC, whose producers or warehouses and warehouses located in production areas must be entered in the official register (OJ L 205, 17.08.1993, pp. 22-23);

Commission Directive 92/105/EEC establishing the scope of harmonization of plant passports used for the movement of certain plants, plant products and other products within the Community and the detailed procedure for issuing plant passports and the conditions and detailed procedure for exchanging them (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 the obligations of producers and importers of plants, plant products and other products and the details of their registration (OJ L 344, 26.11.1992, pp. 38-39);

Commission Directive 92/70/EEC, which lays down the detailed rules for inspections to be carried out for the recognition of protected areas in the Community (OJ L 250, 29.08.1992, pp. 37-39);

Commission Directive 94/3/EC, which lays down the procedure for notification of the detention of consignments directly threatening plant health or harmful organisms from third countries (OJ L 32, 05.02.1994, pp. 37–39);

Directive 2009/128/EC of the European Parliament and of the Council establishing a framework for Community action to achieve sustainable use of pesticides (OJ L 309, 24.11.2009, pp. 71–86), amended by Commission Directive (EU) 2019/782 (OJ L 127, 16.05.2019, pp. 4–10).

[RT I, 30.06.2020, 7 - enters into force. 01.07.2020]