

Statutes for Maintenance of Plant Health Register¹

Approved by Regulation No 326 of the Government of the Republic of 11 November 2004 (RT² I 2004, 79, 534), entered into force 26.11.2004

Amended by the following Regulations (date, number, publication in the *Riigi Teataja*, date of entry into force):

6.02.2006 No 33 ([RT I 2006, 9, 50](#)) 18.02.2006

19.06.2008 No 102 ([RT I 2008, 26, 173](#)) 1.07.2008

The Regulation is established on the basis of subsection 30 (1) of the Plant Protection Act.

([RT I 2008, 26, 173](#), entered into force 1.07.2008)

1. Chapter 1

General Provisions

§ 1. Establishment and official name of register

(1) The Plant Health Register is established by the Regulation No 302 of the Government of the Republic of 20 September 2000 "The Plant Health Register¹"

(2) The official name of the organic farming register is "Taimetervise register" (hereinafter register).

(3) The name of the register in English is the Plant Health Register.

§ 2. Chief processor and authorised processor of register

The chief processor of the register is the Ministry of Agriculture and the authorised processor of the register is the Plant Production Inspectorate.

§ 3. Aim of maintaining register

For performance of the tasks arising from the Plant Protection Act, the aim of maintaining the register shall be to collect, process and store data concerning the persons specified in subsections 31 (1) and (2) of the Plant Protection Act.

§ 4. Legal effect of register data

Register data have legal effect to the extent provided by the Plant Protection Act.

2. Chapter 2

Composition of Register, Procedure for Maintenance of Register, Data Entered in Register and Procedure for Processing Data

§ 5. Manner of maintenance and structure of register

(1) The register is maintained as a single-level information technology database and the processing of data shall be carried out in an automated manner.

(2) The register comprises:

- 1) the digital database;
- 2) digital entry book;
- 3) registry files;
- 4) registry data in the archives.

§ 6. Protection of data entered in register

(1) The authorised processor of the register shall guarantee, by physical, organisational and information technology measures, the integrity and availability of the register data as well as the maintenance of the register and the processing, protection, preservation and archiving of register data.

(RT I 2008, 26, 173 – entered into force 1.07.08)

(2) The security class of the registry data shall be K2T1S1. The security level of the register shall be medium (M).

(RT I 2008, 26, 173 – entered into force 1.07.08)

§ 7. Data subject to entry in register

The following data shall be entered in the registry:

- 1) the registration number;
 - 2) name of the person;
 - 3) address of the seat or residence of the person;
 - 4) address of the place of business of the person (location of the enterprise or part thereof);
 - 5) in the case of a legal person, the commercial registry code or other registry code;
 - 6) in the case of a natural person, personal identification code;
 - 7) telecommunications numbers;
 - 8) name of person in charge of plant health;
 - 9) area of activity of person;
 - 10) name of the plant, plant product or other object which the person is producing, storing, packaging, bringing into Estonia from a third country, taking out of Estonia to a third country, or marketing;
- (RT I 2008, 26, 173 – entered into force 1.07.08)
- 11) description of conditions for production, storage, marketing, bringing into Estonia from third countries and taking out of Estonia to third countries;
- (RT I 2008, 26, 173 – entered into force 1.07.08)
- 12) notation concerning right to issue plant passports;
 - 13) notation concerning right to use conformity mark;
 - 14) notation concerning right to use wood markings;
 - 15) filing date of the application;
 - 16) time of exercise of supervision and the results of supervision.

§ 8. Source documents of register data

(1) The source documents of entry in the register of data are:

- 1) the application;
- 2) decision on making the register entry;
- 3) copy of decision on right to issue plant passports;
- 4) documents related to supervision;
- 5) reports specified in clause 33 (1) 8) of the Plant Protection Act;

- 6) other source documents for making register entry.
- (2) A source document submitted to the register must set forth the date and the name and signature of the person in charge.

§ 9. Submission of register data and person submitting register data

- (1) For making a register entry, a person shall submit an application in the format specified in the annex and where necessary, also a letter of authority to the authorised processor of the register.
- (2) The data to be entered in the register shall be submitted at the address specified on the website of the authorised processor of the register on paper or in digital form. A document submitted in digital form shall be accompanied by a digital signature.
- (3) The following shall submit data to the register:
 - 1) the persons listed on subsections 31 (1), (1¹) and (2) - in the case of data listed in clauses 7 2)-11) of this regulation;
(RT I 2006, 9, 50 – entered into force 18.02.06)
 - 2) The Plant Protection Inspectorate in the case of data specified in clauses 1) and 12)-16) of this regulation.
(RT I 2008, 26, 173 – entered into force 1.07.08)
- (4) Upon receipt of data in the register, the following shall be registered concerning the source documents in the digital entry book:
 - 1) the serial number or code;
 - 2) name;
 - 3) date of issue;
 - 4) issuer;
 - 5) date of submission to the authorised processor.
- (5) The person who submits data to the register shall be responsible for its accuracy.

§ 10. Entry of data in register

- (1) The authorised processor shall review the application, check the data submitted therein and enter the data in the register within 30 working days after receipt of the information.
- (2) If an application with deficiencies has been submitted, the authorised processor shall set a date for elimination of the deficiencies. If the deficiencies in the application have not been eliminated by the due date, the authorised processor shall refuse to review the application.
- (3) The authorised processor shall issue a registration certificate to a person entered in the register within 10 working days after the entry of the person in the register.

§ 11. Exchange of data

The data specified in clauses 7 2)-7) of this regulation shall be exchanged with other databases pursuant to the procedure established on the basis of clause 43⁹ (1) 5) of the Public Information Act via the data exchange layer of the state information systems.
(RT I 2008, 26, 173 – entered into force 1.07.08)

§ 12. Change of data entered in register

- (1) In case of a change in the data entered in the register, the person who submitted the data shall immediately apply for change of the register data and pay a state fee for the change of the register data.
- (2) Upon discovery of inaccurate data in the register, the authorised processor shall issue a precept to the person entered in the register. If the person does not apply for amendment or invalidation of a register entry within five working days after the receipt of the precept, or does not contest the precept, the authorised processor of the register may amend or invalidate the entry.
- (3) If a change in the data entered in the register or inaccurate data is discovered in the register, the authorised processor of the register shall close access to the inaccurate data until such data is corrected.
- (4) The authorised processor of the register shall amend the entry within five working days after receipt of the correct data.
- (5) The authorised processor of the register shall correct, on its own initiative, any data in the register not corresponding to the document on the basis of which the entry was made within five working days after the date on which such deficiency becomes evident.
- (6) The authorised processor of the register shall forward the correct data to the persons and agencies who have received incorrect data within five working days after the amendment is made.
- (7) Based on a written request of a person, the authorised processor of the register shall issue a certificate concerning the amendment of the register entry or a registration certificate bearing the amended data within 10 working days after amendment of the entry.

§ 13. Archival processing of registry data

- (1) Registry data shall be entered in the archives on paper and digitally.
- (2) Registry data and source documents shall be entered in the archives within ten working days after the date on which the data ceases to be actual.
- (3) Archived registry data and source documents shall be preserved for 10 years.

§ 14. Release of data from register

- (1) Data entered in the register shall be public, except for the data entered in the register containing a business secret which can be issued to persons for the performance of duties imposed on them by an Act or pursuant to law. Public data concerning register entries shall be disclosed on the website of the authorised processor of the register.
- (2) Data shall be released from the register on paper or in digital form as requested by the person who applies for them.
- (3) A state fee shall be paid for making an excerpt from register data on paper. Data in digital form shall be issued through a public data communication network or are recorded on the recipient's digital data carrier free of charge.
- (4) The authorised processor of the register shall issue the data within 10 working days after receipt of the relevant application.
- (5) Upon release of data from the register, the following is registered in the digital entry book:
 - 1) the composition of the data;
 - 2) purpose of the use of the data;
 - 3) time of release of the data;
 - 4) the name of the person receiving the data.

3. Chapter 3

Supervision over Maintenance of Register, Financing of Maintenance of Register and Liquidation of Register

§ 15. Supervision of maintenance of register

(1) Supervision is exercised over the maintenance of the register by the chief processor of the register and the agency specified in subsection 53 (1) of the Public Information Act.

(RT I 2008, 26, 173 – entered into force 1.07.08)

(2) Within the limits of their competence, the persons authorised to carry out supervision have the right to inspect, at any time, the compliance of the maintenance of the register with Acts and other legislation and to receive information on the release of data from the register and the use of data.

(RT I 2008, 26, 173 – entered into force 1.07.08)

(3) If deficiencies become evident in the maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies indicated in the precept issued by the person exercising supervision by the due date.

§ 16. Financing of maintenance of register

The maintenance of the register is financed from the state budget as amounts for specific purposes from the budget line of the authorised processor of the register.

§ 17. Liquidation of register

Liquidation of the register is decided by the Government of the Republic. The register shall be liquidated in conformity to the requirements provided by the Archives Act.

(RT I 2008, 26, 173 – entered into force 1.07.08)

4. Chapter 4

Implementing Provisions

§ 18. – 20 (Omitted from this text)

¹ Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.07.2000, pp 1–112), amended by Directives 2001/33/EC (OJ L 127, 9.05.2001, pp 42–44), 2002/28/EC (OJ L 77, 20.03.2002, pp 23–25), 2002/36/EC (OJ L 116, 3.05.2002, 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, 5.06.2003, pp 47–48), 2003/116/EC (OJ L 321, 6.12.2003, 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, 6.10.2004, pp 9–25), 2005/15/EC (OJ L 56, 2.03.2005, pp 12–13), 2005/16/EC (OJ L 57, 3.03.2005, pp 19–22), 2005/77/EC (OJ L 296, 12.11.2005, pp 17) and Regulations (EC) No 806/2003 (OJ L 122, 16.05.2003, pp 1–35) and (EC) No 882/2004 (OJ L 165, 30.04.2004, pp 1–141), Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344, 26.11.1992, pp 38–39),

Commission Directive 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L 205, 17.08.1993, pp 22–23).

(RT I 2006, 9, 50 – entered into force 18.02.06)

² RT = Riigi Teataja = State Gazette

Appendix to the Government of the Republic Regulation No. 326 of 11 November 2004
"Statutes for Maintenance of State Plant Health Register"
(RT I 2008, 26, 173 – entered into force 1.07.08)

Application for Entry in Plant Health Register

Name of applicant:

Registry code / Personal identification code:

Address of seat:

Address of place of business:

Name of person in charge of plant health:

Phone:

Mobile phone:

Fax:

E-mail:

Plants, plant products and other objects	From third countries to Estonia	Manufacture	Storage	Packaging	Marketing	From Estonia to third countries
Planting and propagating material for fruit plants						
Planting and propagating material for berries						
Planting and propagating material for						

vegetable						
Propagating material for field crops						
Seed potato						
Propagating material for ornamental trees and shrubs						
Propagating material for ornamental herbaceous plants						
Bulbs, corms and other variants of stems						
Cultivating material for forest trees						
Cut flowers, cut herbs and potted plants						
Roundwood						
Sawn timber						
Bark						
Pallets and packaging material made of wood						
Fruits						
Berries						
Vegetables						
Potatoes for consumption						
Grains (wheat, rye, triticale)						
Soil and substrata						

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The code of the usage unit and the description of the conditions of manufacture, primary processing, storage, packaging or marketing;

Date: ...

Applicant: ...

name

signature

(RT I 2006, 9, 50 – entered into force 18.02.06)