Issuer: Riigikogu
Type: act
In force from: 01.07.2022
In force until: In force
Translation published: 06.07.2022

Feed Act[1]

Passed 11.01.2007
RT I 2007, 6, 32
Entry into force 01.02.2007

Chapter 1
GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides the requirements for feed, handling and use of feed and the requirements for organising state supervision over the compliance of feed with safety and other requirements in order to ensure the harmlessness thereof in terms of human and animal health and to the environment, and the favourable effect thereof on animals and animal products.

(2) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act and in the legislation of the European Union, taking account of the specifications provided for in Regulation 2017/625 of the European Parliament and of the Council on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (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 of the European Parliament and of the Council, 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 repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, 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 Controls Regulation) (OJ L 95, 07.04.2017, p. 1–142), in other legislation of the European Union and in this Act.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) For the application of measures regarding feed, the minister in charge of the policy sector may, within his or her competence, enact legislation regarding issues in which a Member State has the right to decide according to the legislation of the European Union.

§ 2. Feed

(1) For the purposes of this Act, feed means the substance or product as laid down in Article 3 (4) of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 01.02.2002, p. 1–24).

(2) For the purposes of this Act, feed additives mean the feed additives as laid down in Article 2 (2) a) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council on additives for use in animal nutrition (OJ L 268, 18.10.2003, p. 29–43).

(3) For the purposes of this Act, premixture means the premixture as laid down in Article 2 (2) e) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council.

(4) For the purposes of this Act, feed materials mean the substances or products as laid down in Article 3 (2) g) of Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EEC and 96/25/EC, Commission Directive 80/511/EEC and Commission Decision 2004/217/EC (OJ L 229, 01.09.2009, p. 1–28).

(5) For the purposes of this Act, compound feed means the feed as laid down in Article 3 (2) h) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(6) For the purposes of this Act, complete feed means the compound feed as laid down in Article 3 (2) i) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(7) For the purposes of this Act, complementary feed means the compound feed as laid down in Article 3 (2) j) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(8) For the purposes of this Act, mineral feed means the complementary feed as laid down in Article 3 (2) k) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(9) For the purposes of this Act, feed intended for particular nutritional purposes means the feed as laid down in Article 3 (2) o) of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(10) For the purposes of this Act, medicated feed means the feed as laid down in Article 3 (2) a) of Regulation (EU) 2019/4 of the European Parliament and of the Council on the manufacture, placing on the market and use of medicated feed amending Regulation (EC) No 183/2005 of the European Parliament and of the Council and repealing Council Directive 90/167/EEC (OJ L 4, 07.01.2019, p. 1–23).
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

(11) For the purposes of this Act, intermediate product means the feed as laid down in Article 3 (2) b) of Regulation (EU) 2019/4 of the European Parliament and of the Council.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 3. Assessment of guide to good practice

(1) Compliance of the guide to good practice developed by the association of undertakings with the requirements of Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council laying down requirements for feed hygiene (OJ L 35, 08.02.2005, p. 1–22), shall be assessed by the Agriculture and Food Board.

(2) The Agriculture and Food Board refuses to approve the guide to good practice if the guide does not comply with the requirements as laid down in Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(3) The Agriculture and Food Board submits the guide complying with the requirements as laid down in Article 21 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council to the Ministry of Rural Affairs who shall forward it to the European Commission.

Chapter 2
REQUIREMENTS FOR FEED

§ 4. Compliance with requirements and harmlessness of feed

(1) Feed shall comply with the requirements specified in the relevant legislation of the European Union, this Act and in the legislation established on the basis thereof.

(2) Feed shall be harmless in terms of human and animal health and to the environment (hereinafter harmless) and in compliance with its intended purpose.

(3) Feed shall not include a prohibited ingredient. For the purposes of this Act, prohibited ingredient means the material as laid down in Chapter 1 of Annex III to Regulation (EC) No 767/2009 of the European Parliament and of the Council.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(4) Feed shall not include undesirable substance in higher quantities than permitted. For the purposes of this Act, an undesirable substance means the substance or product contained in a feed which is added, created or is present in a feed as a result of the manufacture process or as a result of environmental pollution, and the presence of which in feed in quantities larger than permitted may be harmful in terms of animal or human health or to the environment, or may harm the properties of animal products. Disease agents shall not be considered undesirable substances.

(5) Feed which includes undesirable substance in higher quantities than permitted shall not be mixed with the same or other feed in order to decrease the content of undesirable substance.

(6) The minister in charge of the policy sector shall establish a list of undesirable substances and the maximum allowed quantities for the content thereof in feed.

(7) If there is reason to believe that feed might be harmful in terms of human and animal health or to the environment or includes a prohibited ingredient (hereinafter harmful), the person who discovered such feed is immediately required to notify the Agriculture and Food Board thereof. Forwarded information shall be as accurate as possible and enable the commencement of supervision operations, setting out the location, origin and the operator of potentially harmful feed.

§ 5. Labelling of feed

(1) Feed shall be labelled in compliance with the requirements of Regulation (EC) No 767/2009 of the European Parliament and of the Council.

(2) [Repealed – RT I, 03.12.2020, 2 – entry into force 25.12.2020]

(3) Upon the labelling of compound feed intended for pets, the name of the feed material included in compound feed may be replaced with the name of such feed material category.

(4) The names and descriptions of feed material categories published on the labelling of compound feed for pets shall be established by the minister in charge of the policy sector.

(5) Feed containing, composed of or manufactured from genetically modified organisms shall be labelled in compliance with the requirements as laid down in Article 25 of Regulation (EC) No 1829/2003 of the European Parliament and of the Council on genetically modified food and feed (OJ L 268, 18.10.2003, p. 1–23) and in Articles 4 and 5 of Regulation (EC) No 1830/2003 of the European Parliament and of the Council concerning the traceability and labelling of genetically modified organisms and the traceability of food and feed products produced from genetically modified organisms (OJ L 268, 18.10.2003, p. 24–28).
[RT I 2010, 72, 542 – entry into force 15.10.2010]

Chapter 3
REQUIREMENTS FOR HANDLING AND USE OF FEED

§ 6. Handling and use of feed

(1) The requirements specified in the relevant legislation of the European Union, this Act and other legislation established on the basis thereof shall be complied with upon handling and use of feed.

(2) For the purposes of this Act, handling of feed means the activity related with feed in the stages of handling as laid down in Article 3 (16) of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

(3) For the purposes of this Act, the feed business operator means the person as laid down in Article 3 b) of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(3^{1}) The legal representative of a feed business operator who is a legal person shall organise the performance of duties of a legal person arising from this Act.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

(4) Premixtures and feed additives shall be transferred or delivered for other purpose only to the feed business operator who holds an activity licence for handling such premixtures or feed additives or who has submitted a notice of economic activities on the handling thereof.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

(5) The requirements of Annex III to Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be complied with upon the use of feed for feeding to animals kept for the manufacture of foodstuffs of animal origin for putting into circulation.

(5^{1}) Animal by-products are handled into feed, including feed materials, pet feed and fur-bearing animal feed on the basis and pursuant to the procedure provided for in the Veterinary Act.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(5^{2}) For the purposes of this Act, animal by-product means the product provided for in clause 1 of article 3 of Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(6) Animal protein and feed containing animal protein shall be handled and used in compliance with the requirements as laid down in Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.05.2001, p. 1–40).
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(7) For the purposes of this Act, animal protein means the product as laid down in sub-clauses b) i-iv of Chapter I and in sub-clauses a) i-iii of Chapter II to Annex IV of Regulation (EC) No 999/2001 of the European Parliament and of the Council and collagen and gelatine obtained from ruminants.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(8) The production of feed containing processed animal protein, dicalcium phosphate, tricalcium phosphate or blood products and feeding thereof to animals is allowed with the permission of the Agriculture and Food Board. The Agriculture and Food Board shall refuse to grant the permission if the undertaking fails to comply with the requirements specified in Regulation (EC) No 999/2001 of the European Parliament and of the Council.
[RT I, 04.07.2013, 1 – entry into force 14.07.2013]

(9) The requirements on the content and format of the application for the permission specified in subsection 8 of this section shall be established by the minister in charge of the policy sector.

(10) The small quantities of primary production of feed and the requirements for placing thereof on the market shall be established by the minister in charge of the policy sector.

§ 7. Self-checking

(1) A feed business operator whose undertaking engages in the activity as laid down in Article 5 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council shall check the compliance of feed and the handling thereof (hereinafter self-checking) and apply measures in order to ensure the compliance of feed with requirements.

(2) For the conduct of self-checking, a self-check plan in compliance with the requirements as laid down in Article 6 (2), Article 7 and Annex II to Regulation (EC) No 183/2005 of the European Parliament and of the Council shall be prepared in an undertaking.

(3) The self-check plan and applied measures for ensuring the compliance of feed and the handling thereof with requirements form a system of self-checking. The data of a system of self-checking shall be documented and preserved for at least eighteen months.

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

§ 9. Handling and use of feed additives

Feed additives and the premixtures including feed additives may be handled or used to feed animals in compliance with the requirements as laid down in Regulation (EC) No 1831/2003 of the European Parliament and of the Council.

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

§ 11. Use of feed intended for particular nutritional purposes

The list of purposes for feed intended for particular nutritional purposes and of methods needed for fulfilling such purposes has been provided for in Commission Regulation (EU) 2020/354 establishing a list of intended uses of feed intended for particular nutritional purposes and repealing Directive 2008/38/EC (OJ L 67, 05.03.2020, p. 1–26).
[RT I, 03.12.2020, 2 – entry into force 25.12.2020]

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

§ 13. Handling and use of medicated feed

[Repealed – RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 13^{1}. Handling and use of medicated feed and intermediate products

(1) The requirements for the handling and use of medicated feed have been laid down in Chapter II–IV of the Regulation (EU) 2019/4 of the European Parliament and of the Council.

(2) Unused or expired medicated feed and intermediate products are handled in accordance with the requirements provided for hazardous waste in the Waste Act.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 13^{2}. Prescription of medicated feed

(1) Medicated feed may be prescribed by a veterinarian who has been given a professional activity licence of a veterinarian required for provision of the veterinary service on the basis of the Veterinary Act (hereinafter *veterinarian*).

(2) Upon prescribing medicated feed, the veterinarian shall comply with the requirements provided for in Article 16 of Regulation (EU) 2019/4 of the European Parliament and of the Council.

(3) The specific requirements for the prescription of medicated feed, including the requirements for the content and form of the veterinary prescription of medicated feed used for prescribing, the requirements for the procedure of issue of the given veterinary prescription form and maintaining records over the forms shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 14. Handling and use of genetically modified feed

(1) Genetically modified feed and genetically modified organisms used in feed may be placed on the market in compliance with the requirements as laid down in Regulation (EC) No 1829/2003 of the European Parliament and of the Council.

(1^{1}) For the purposes of Article 17 (2) of Regulation (EC) No 1829/2003 of the European Parliament and of the Council, a competent authority shall be the Agriculture and Food Board.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(1^{2}) [Repealed – RT I, 10.11.2017, 2 – entry into force 01.01.2018]

(2) [Repealed – RT I, 10.11.2017, 2 – entry into force 01.01.2018]

§ 15. Use of feed for research

(1) With the written consent of the Agriculture and Food Board, a research and development institution may convey feed additives which have not been entered in the register of feed additives of the Community as laid down in Article 17 of Regulation (EC) No 1831/2003 of the European Parliament and of the Council to Estonia and use the feed additives for research, including the making of tests, taking into account of the requirements as laid down in Article 3 (2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(2) The Agriculture and Food Board shall refuse to grant the consent specified in subsection 1 of this section if the research and development institution is unable to comply with the requirements as laid down in Article 3 (2) of Regulation (EC) No 1831/2003 of the European Parliament and of the Council or to ensure the harmlessness of feed.

(3) The requirements on the content and format of the application submitted for the receipt of a written consent for the conveyance to Estonia and use for research of feed specified in subsection 1 of this section and the procedure for processing the application shall be established by the minister in charge of the policy sector.

§ 16. Conveyance of feed from third countries to Estonia

(1) For the purposes of this Act, conveyance of feed to Estonia from a state or territory remaining outside of the customs territory of the European Union (hereinafter third country) means the activity as laid down in Article 3 (40) of Regulation (EU) 2017/625 of the European Parliament and of the Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(1^{1}) Feed may be conveyed to Estonia from a third country through border crossing points open for international traffic based on the State Borders Act.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) Feed specified in the list established under Article 47 (2) a) of Regulation (EU) 2017/625 of the European Parliament and of the Council may be conveyed from third countries to Estonia on the bases of and pursuant to the procedure as laid down in the Veterinary Act.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(3) [Repealed – RT I 2010, 72, 542 – entry into force 15.10.2010]

(4) [Repealed – RT I 2010, 72, 542 – entry into force 15.10.2010]

(5) If, upon conveyance of feed unspecified in the list referred to in subsection 2 of this section (hereinafter non-animal feed) from a third country to Estonia, the compliance of feed must be inspected at a border crossing point or at the place of exercising official control over imported non-animal feed pursuant to the relevant legislation of the European Union, such feed may be conveyed to Estonia from a third country only through a border crossing point designated by the Agriculture and Food Board or through the place of exercising official control and the Agriculture and Food Board shall be notified of the conveyance of such feed to Estonia from a third country at least twenty-four hours before the submission of feed for exercising official control.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(7) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(8) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(9) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(10) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 16[1]. Border inspection posts and places of exercising official control over imported non-animal feed

[Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 16[2]. Border crossing point

(1) Based on the application of the owner or possessor of a border crossing point open for international traffic pursuant to the State Borders Act, the Agriculture and Food Board shall designate the border crossing point through which non-animal feed may be conveyed to Estonia from a third country (hereinafter border crossing point) if a Member State has the right to designate a border crossing point according to the relevant legislation of the European Union.

(2) The list of border crossing points shall be published on the website of the Agriculture and Food Board according to the requirements provided for in Article 60 of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) The Agriculture and Food Board shall submit to the European Commission a notice of the intention to designate a border crossing point in compliance with Article 59 (2) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(4) After receipt of a notice from the European Commission provided for in Article 59 (3)–(5) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agriculture and Food Board shall promptly make a relevant decision.

(5) In the case provided for in Article 62 (1) and Article 63 (1) and (4) of Regulation (EU) 2017/60 of the European Parliament and of the Council, the Agriculture and Food Board shall make the relevant decision and an amendment in the list of border crossing points and notify the European Commission and other Member States thereof according to Articles 62 and 63 of the Regulation.

(6) The requirements for the content of an application for designating a border crossing point specified in subsection 1 of this section and the procedure for processing the application shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 16[3]. Place of exercising official control over imported non-animal feed

(1) The Agriculture and Food Board shall, upon the request of a person, designate the place of exercising official control over imported non-animal feed if a Member State has the right to designate thereof according to the relevant legislation of the European Union. The place of exercising official control shall be in a place accepted by the Tax and Customs Board.

(2) The list of places of exercising official control over imported non-animal feed shall be published on the website of the Agriculture and Food Board according to the requirements provided for in Article 53 (2) of Regulation (EU) 2017/625 of the European Parliament and of the Council.

(3) If the place of exercising official control complies with the requirements referred to in Article 53 (1) a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, The Agriculture and Food Board shall make a decision to designate a place of exercising official control over imported non-animal feed.

(4) If the place of exercising official control does not comply with the requirements referred to in Article 53 (1) a) of Regulation (EU) 2017/625 of the European Parliament and of the Council, the Agriculture and Food Board shall make a decision to refuse to designate the place of exercising official control over imported non-animal feed.

(5) The Agriculture and Food Board shall make a decision specified in subsection 3 or 4 of this section within 30 working days after receipt of an application for designating a place of exercising official control over imported non-animal feed.

(6) In the case provided for in Article 62 (1) and Article 63 (1) and (4) of Regulation (EU) 2017/60 of the European Parliament and of Council and taking account of Article 53 (2), the Agriculture and Food Board shall make the relevant decision and an amendment in the list of places of exercising official control over imported non-animal feed and notify the European Commission and other Member States thereof according to Articles 62 and 63 of the Regulation.

(7) The requirements for the content of an application for designating a place of exercising official control over imported non-animal feed specified in subsection 1 of this section and the procedure for processing the application shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 17. Export of feed

(1) Feed can be exported in compliance with the requirements as laid down in Article 12 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

(2) Upon the export of feed, the Agriculture and Food Board shall issue an official certificate (hereinafter certificate) if the submission thereof is required in a third country.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(3) The type and form of the certificate as well as the relevant information on feed on the certificate shall be published on the website of the Agriculture and Food Board, taking into account the requirements of the third country.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(4) In order to receive the certificate, a written application shall be submitted to the Agriculture and Food Board at least 48 hours before the export of the feed.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(5) The application specified in subsection 4 of this section must contain the relevant data enabling to perform the official inspection and complete the certificate form. The Agriculture and Food Board may also request from the applicant the submission of necessary data in the language of the country of destination.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(6) A certificate shall not be issued if the Agriculture and Food Board has ascertained at least one of the following circumstances:
1) the feed does not comply with the relevant requirements;
2) the application has not been submitted according to the requirements provided for in subsections 4 and 5 of this section;
3) the information submitted in the application is incorrect.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

Chapter 4
NOTIFICATION AND LICENCE OBLIGATION

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 18. Notification obligation

(1) A notice of economic activities shall be submitted to the Agriculture and Food Board in order to engage in the area of activity as laid down in Article 9 (2) a) of Regulation (EC) No 183/2005 of the European Parliament and of the Council or for the retail sale of medicated feed intended for pets or for feeding medicated feed to animals kept as fur-bearing animals.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

(2) The minister in charge of the policy sector shall establish the specified list of the areas of activity and the substances used upon handling in case of which the submission of a notice of economic activities is required.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

(3) An undertaking shall not be required to pay state fee for entry of the data contained in the notice of economic activities specified in subsection 1 of this section in the national register of food and feed business operators.
[RT I, 29.06.2014, 1 – entry into force 01.07.2014]

§ 19. Licence obligation

(1) A feed business operator must hold an activity licence in the case as laid down in Article 10 of Regulation (EC) No 183/2005 of the European Parliament and of the Council or an activity licence for handling medicated feed or intermediate products except for in the case as laid down in Article 13 (2) of the Regulation (EU) 2019/4 of the European Parliament and of the Council.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

(2) An activity licence grants the feed business operator the right to commence and perform economic activities only in the undertaking or part of undertaking as specified in the activity licence.

(3) The minister in charge of the policy sector shall establish the specified list of the areas of activity and the substances used upon handling in the case of which a feed business operator is required to hold an activity licence.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 20. Application for activity licence

(1) An application for an activity licence shall be adjudicated by the Agriculture and Food Board by granting of or refusal to grant an activity licence within ninety days after the submission of an application for an activity licence.

(2) In addition to the data specified in the General Part of the Economic Activities Code Act, an application for an activity licence shall include the self-check plan specified in subsection 2 of § 7 of this Act and the following documents contained therein depending on the nature of activities:
1) documents certifying compliance with the principles of Hazard Analysis and Critical Control Point System (hereinafter HACCP);
2) documents certifying the suitability of the structures and instruments for the intended purpose;
3) cleaning and disinfection plan which includes data on the measures applied and substances used for the cleaning and disinfection of equipment and facilities;

4) pest control plan which includes data on the measures applied for pest control;
5) technological plan of the handling process with the significant parameters in view of feed safety and short description of the technology.

(3) The Agriculture and Food Board shall send the list of undertakings who have been granted an activity licence and the data on the alteration of activity licences to the European Commission.

(4) An undertaking shall not be required to pay state fee upon the adjudication of an application for an activity licence.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 20[1]. Subject of review of activity licence

A feed business operator shall be granted an activity licence if his or her undertaking complies with the requirements of the legislation of the European Union and the requirements arising from this Act.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 21. Specifications for suspension and prohibition of economic activities and suspension and revocation of activity licences

(1) The Agriculture and Food Board shall suspend the economic activities of a feed business operator or revoke an activity licence partially or in full in the cases as laid down in Article 14 of Regulation (EC) No 183/2005 of the European Parliament and of the Council.

(2) The Agriculture and Food Board shall prohibit the economic activities of an undertaking or revoke an activity licence partially or in full in the cases as laid down in Article 15 of Regulation (EC) No 183/2005 of the European Parliament and of the Council.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

§ 22. Revocation of approval decision and registration

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

§ 22[1]. Obligation to submit data on handling of feed

[Repealed – RT I, 04.12.2019, 2 – entry into force 01.01.2020]

Chapter 5
NATIONAL REGISTER OF FOOD AND FEED BUSINESS OPERATORS
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 23. National register of food and feed business operators

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

(1) The aim of the national register of food and feed business operators (hereinafter the register) is to maintain records on the following to ensure an efficient official control:
1) on food and feed business operators holding an activity licence;
2) on food and feed business operators who have submitted a notice of economic activities for the handling of food or feed;
3) on undertakings who have submitted a notice of economic activities for manufacturing, processing and putting into circulation of materials and items that come into contact with food.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1[1]) The information specified in subsection 1 of § 51 of the General Part of the Economic Activities Code Act shall be entered in the register concerning a person and the activities thereof.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(1[2]) The register shall be founded and the statutes thereof shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The controller of the register is the Ministry of Rural Affairs and the processor of the register shall be determined in the statutes of the register.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) The submitter of the data is responsible for the correctness of such data. If data entered in the register change, an application for changing data shall be submitted immediately.

(4) Registry data shall be public except for the data in the case of which a restriction on access has been established. State fee shall be paid for making an officially certified extract of registry data pursuant to the rate specified in the State Fees Act.

(5) The provisions of the General Part of the Economic Activities Code Act concerning registers shall be applied to the register, taking account of the specifications provided for in this Act.
[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force changed – RT I, 22.12.2013, 1)]

Chapter 6
OFFICIAL CONTROL AND OTHER OFFICIAL ACTIVITIES
[RT I, 04.12.2019, 2 - entry into force 14.12.2019]

§ 24. Performance of official control and other official activities

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]
The Agriculture and Food Board performs official control over compliance with the requirements established with the relevant legislation of the European Union, this Act and with the legislation established on the basis thereof on feed, handling of feed and feeding and performs other relevant official activities.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 25. Authorised veterinarian

[Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 26. Special state supervision measures

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]
For the execution of state supervision provided for in this Act, the law enforcement agency may apply the special state supervision measures provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 26[1]. Specifications for state supervision

(1) A business secret may be disclosed if maintaining it would endanger human or animal health or the environment. The following data are not deemed to be information subject to business secrecy:
1) name and composition of the feed;
2) physicochemical and biological characteristics of feed;
3) pharmacological and toxicological characteristics of feed, and their effect on the environment;
4) methods of analysis.

(2) If a dwelling is also used as business premises, the law enforcement agency may examine it within office or opening hours without the permission of the administrative court specified in subsection 2 of § 51 of the Law Enforcement Act.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

§ 27. Precept

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

§ 28. Organisation of official control

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

(1) Official control over feed, handling of feed and feeding shall be organised pursuant to the control plan prepared on the basis of Article 109 of Regulation (EU) 2017/60 of the European Parliament and of Council. The control plan shall be published on the website of the Agriculture and Food Board according to Article 111 of the aforesaid Regulation.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The data concerning the results of official control provided for in Article 11 (1) of Regulation (EU) 2017/60 of the European Parliament and of the Council shall be published on the website of the Agriculture and Food Board.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) [Repealed – RT I, 04.12.2019, 2 – entry into force 01.01.2020]

(5) The Agriculture and Food Board shall be the liasion body for the purposes of Article 103 (1) of Regulation (EU) 2017/60 of the European Parliament and of Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) [Repealed – RT I, 04.12.2019, 2 – entry into force 01.01.2020]

(7) The Agriculture and Food Board shall be the authority who coordinates the preparation of the contingency plan specified in Article 115 of Regulation (EU) 2017/60 of the European Parliament and of the Council and the authority responsible for the multi-annual national control plan specified in Article 109 (2). The Agriculture and Food Board shall submit the multi-annual national control plan and the implementation report thereof to the European Commission according to Article 113 of the aforesaid Regulation.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(8) The Government of the Republic may establish by a regulation the procedure of cooperation between law enforcement agencies for the preparation of the contingency plan and multi-annual national control plan specified in subsection 7 of this section.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(9) Other law enforcement agency, administrative body or governmental authority shall promptly notify the Agriculture and Food Board in case of the following potential violation of requirements concerning feed, handling of feed and feeding:
1) a violation that may pose a serious risk to animal or human health, animal's wellbeing or to the environment;
2) a violation that has been committed by knowingly creating an incorrect image of the actual circumstances.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 29. Measures taken upon detection of non-conforming feed

(1) The Agriculture and Food Board shall take the measures as laid down in Article 138 of Regulation (EU) 2017/60 of the European Parliament and of the Council upon the detection of the following violations:
1) non-conforming feed;
2) non-conforming handling of feed;
3) non-conforming feeding of feed.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2) Upon conveyance of non-conforming feed from third countries to Estonia, the Agriculture and Food Board shall take the measures as laid down in Article 66 of Regulation (EU) 2017/60 of the European Parliament and of the Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) Feed subject to destruction shall be treated in compliance with the requirements specified in the Waste Act.

(4) The measures specified in subsections 1 and 2 of this section shall be applied at the expense of the feed business operator and in a manner which does not endanger human and animal health or the environment.

(5) The Agriculture and Food Board shall notify the European Commission of harmful feed in terms of food safety through the rapid alert system as laid down in Article 50 of Regulation (EC) No 178/2002 of the European Parliament and of the Council.

Chapter 6[1]
FEED SUPERVISION FEE
[RT I, 04.12.2019, 2 - entry into force 01.01.2020]

§ 29[1]. Feed supervision fee

(1) Feed supervision fee (hereinafter supervision fee) is a charge paid at the rate established under this Act for the performance of official control and other official activities (hereinafter feed supervision activity) over compliance of the business, feed and handling of feed of an undertaking with a notification and licence obligation or an undertaking having complied with the obligation.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2) The supervision fee is transferred to the bank account of the Agriculture and Food Board within the group account of the State Treasury of the Ministry of Finance.

(3) The supervision fee is paid for the performance of feed supervision activities except for the performance of supervision activities connected with the assessment of compliance of undertakings handling feed that contains animal by-products provided for in clause 2 of subsection 3 of § 87 of the Veterinary Act and for the performance of feed supervision activities provided for in chapter I of Annex IV to Regulation (EU) 2017/625 of the European Parliament and of the Council.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(4) The supervision fee is not paid for the performance of activities specified in Article 5 (1) of Regulation (EC) No 183/2005 of the European Parliament and of the Council and for the performance of supervision activities connected with the primary production of plant feed materials and drying of the primary production for placing into market.
[RT I, 04.12.2019, 2 – entry into force 01.01.2020]

§ 29[2]. Person obligated to pay supervision fee

(1) A person obligated to pay the supervision fee (hereinafter obligated person) is a person in respect of whom a feed supervision activity has been performed.

(2) Several obligated persons are jointly and severally liable for payment of the supervision fee for the performance of a joint feed supervision activity.
[RT I, 04.12.2019, 2 – entry into force 01.01.2020]

§ 29[3]. Principles of determining supervision fee

(1) The supervision fee rate is calculated on the basis of the costs provided for in Article 81 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, which are related to the feed supervision activities performed by the Agriculture and Food Board.

(2) The supervision fee for the performance of feed supervision activities shall be charged as an hourly fee except for the performance of additional laboratory analyses specified in subsection 9 of this section.

(3) An obligated person must pay an hourly fee for the time spent on a feed supervision activity, but not more than for eight hours per feed supervision activity. The time spent on a supervision activity is calculated to the accuracy of half an hour. The time spent on driving to the place of performance of the supervision activity is not taken into account.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(4) The hourly fee rate is calculated on the basis of the costs specified in Article 81 of Regulation (EU) No 2017/625 of the European Parliament and of the Council, which are related to the feed supervision activities performed by the Agriculture and Food Board. The pay and administrative costs related to feed supervision activities, including laboratory analysis and research are calculated on the basis of the actual costs in the calendar year preceding the activity. The total costs related to feed supervision activities in the said period are divided by the work hours spent on the supervision activities performed during the same period, except on carrying out laboratory analysis and research.

(5) Upon calculation of the administrative costs related to the feed supervision activities specified in subsection 4 of this section, the costs of additional laboratory analysis specified in subsection 9 are not taken into account.

(6) The rate of an hourly fee to be charged for the performance of feed supervision activities is established annually by a regulation of the minister in charge of the policy sector.

(6^1) In case of feed that needs to undergo official control at a border crossing point or at the place of exercising official control over imported non-animal feed pursuant to a relevant legal instrument of the European Union, the obligated person shall pay supervision fee for the performance of supervision activities in the form of an hourly fee for all tariff classifications on one customs declaration.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(7) In the course of performance of feed supervision activities, the Agriculture and Food Board has the right to charge an additional fee for waiting period of delayed consignments as follows:
1) during working time as an hourly rate per official in accordance with subsection 3 of this section;
2) for a supervision activity performed outside working time and performed at the request of a person outside the working time in the form of a double hourly fee per an official in accordance with subsection 3 of this section.

(8) The procedure provided for in § 294 of this Act shall apply to the additional fee payable under subsection 7 of this section.

(9) In the event specified in Article 79 (2) c) of Regulation (EU) No 2017/625 of the European Parliament and of the Council the obligated person pays a supervision fee for the performance of additional feed supervision activities in the form of an hourly fee in accordance with subsection 3 of this section. Where any additional laboratory analyses need to be carried out in connection with an established violation of the requirements, the obligated person pays the supervision fee also to the extent of the total costs of these analyses.
[RT I, 04.12.2019, 2 – entry into force 01.01.2020]

§ 29^4. Payment of supervision fee

(1) The Agriculture and Food Board makes a decision to collect the supervision fee for the feed supervision activities performed during the previous calendar month by the seventh day of each calendar month.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2) A decision to collect the supervision fee is communicated to the obligated person within five working days after the day of making the decision by electronic means if the person has granted consent therefor.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2^1) In the case provided for in subsection 2 of this section, a decision to collect the supervision fee is deemed to be delivered to an obligated person not specified in clauses 3 and 4 of subsection 2 of § 27 of the Administrative Procedure Act if the decision or extract of decision has been sent to the e-mail address of the obligated person.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2^2) If the obligated person has not granted consent for the decision to collect supervision fee be communicated thereto by electronic means, the Agriculture and Food Board shall communicate the given decision to the person by delivering a copy or extract of the decision on paper thereto in person or by post within five working days after the date of making the decision.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(3) The obligated person must transfer the supervision fee to the bank account indicated in the decision within 28 days after the receipt of a decision to collect the supervision fee.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(3^1) If the obligated person fails to pay the supervision fee within the term provided for in subsection 3 of this section, the Agriculture and Food Board has the right to give the decision to collect the supervision fee for compulsory enforcement pursuant to the procedure provided for in the Code of Enforcement Procedure.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(4) Upon conveyance of feed to Estonia from a third country, the obligated person must pay the supervision fee in the amount indicated in the decision to collect the supervision fee submitted by the Agriculture and Food Board before placing the goods under a customs procedure.

(5) Upon conveyance of feed to Estonia from a third country, the Agriculture and Food Board may discharge the obligated person from paying the supervision fee before placing the goods under a customs procedure, provided that both of the following conditions are complied with:
1) the obligated person has presented a sufficient guarantee;
2) the obligated person has previously paid the supervision fee in the prescribed amount and by the due date.

(6) The procedure for payment, receipt in cash and monitoring of payment of the supervision fee is established by a regulation of the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 01.01.2020]

§ 29^5. Refund of overpaid supervision fees

(1) The Agriculture and Food Board shall make a decision to refund the overpaid supervision fee and refund the supervision fee paid in an amount exceeding the prescribed amount (hereinafter overpaid supervision fee) upon first opportunity but not later than after two months have passed since the date of making the decision to collect supervision fee.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(2) The obligated person has the right to apply for a refund of the overpaid supervision fee within two years as of the date of payment if overpaid supervision fee has not been refunded pursuant to subsection 1 of this section.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

(3) In order to apply for a refund of the overpaid supervision fee, the obligated person submits to the Agriculture and Food Board a corresponding written application and a document certifying payment of the supervision fee.

(4) In the case provided for in subsection 3 of this section, the Agriculture and Food Board shall make a decision to refund the overpaid supervision fee or refuse thereof within ten working days after receipt of an application.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

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

(6) The procedure for refunding overpaid supervisory fees is established by a regulation of the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 01.01.2020]

§ 29^{6}. Collection of supervision fee

[Repealed – RT I, 17.11.2021, 1 – entry into force 01.12.2021]

Chapter 6^{2}
TAKING OF AND ANALYSIS OF SAMPLES AND LABORATORIES
[RT I, 04.12.2019, 2 - entry into force 01.01.2020]

§ 30. Taking of samples upon performing official control or other official activities

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(1) Upon performing official control or other official activities, samples may be taken at the expense of a person upon the examination of a movable. If the examined movable cannot be used as normal after the examination, the cost of the movable or the cost of restoration of the movable for normal use shall not be reimbursed to the person.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) The procedure for taking of feed samples during official control or other official activities shall be established by the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3) A batch of feed from which a sample has been taken during official control or other official activities may be used or transferred only after receipt of a corresponding permission from the Agriculture and Food Board.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) A feed business operator may request that in addition to the sample specified in subsection 1 of this section, an additional sample is taken at the expense of the operator on the same conditions and which shall remain at his or her disposal.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 31. Analysis of samples

(1) [Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) Samples taken during official controls and other official activities shall be analysed in an official laboratory authorised by the Agriculture and Food Board for performing relevant analyses (hereinafter official laboratory) which complies with the requirements as laid down in Article 37 (4) and (5) of Regulation (EU) 2017/60 of the European Parliament and of the Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(3^{1}) A non-accredited laboratory may also be authorised to act as an official laboratory in the cases provided for in Articles 40 and 42 of Regulation (EU) 2017/60 of the European Parliament and of the Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) Information on the laboratories in which samples taken in the course of official control are analysed shall be published on the website of the Agriculture and Food Board.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(5) In case of a dispute between the Agriculture and Food Board and a feed business operator arising from a second expert opinion provided for in Article 35 of Regulation (EU) 2017/60 of the European Parliament and of the Council, the operator may request, at his or her own expense, the documentary review of the initial analysis and, where appropriate, another analysis of the sample specified in subsection 4 of § 30 of this Act by another laboratory specified in Article 37 (1) of the aforesaid Regulation.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(6) Regardless of requesting a second expert opinion, the Agriculture and Food Board shall apply the necessary measures provided for in Article 66 or 138 of Regulation (EU) 2017/60 of the European Parliament and of the Council.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(7) The expenses of analysing samples taken in the course of official control shall be covered from the state budget.
[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

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

§ 32. Reference laboratory

(1) National reference laboratory (hereinafter reference laboratory) shall be authorised for each European Union reference laboratory on feed as laid down in Article 93 (1) of Regulation (EU) 2017/60 of the European Parliament and of the Council. Laboratory complying with the requirements specified in Article 100 (2) and (3) of Regulation (EU) 2017/60 of the European Parliament and of the Council can be authorised as reference laboratory.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(2) Authorisation to operate as a reference laboratory shall be granted to a laboratory by a directive of the minister in charge of the policy sector, which shall set out the scope of the authorisation.

(3) The procedure for applying for and grant of the authorisation to operate as a reference laboratory shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

(4) If a reference laboratory fails to perform its functions as required or does not comply with the requirements specified in subsection 3 of § 31 of this Act, the minister in charge of the policy sector shall specify a term for the elimination of deficiencies and may suspend the validity of the directive specified in subsection 2 of this section partially or in full.

(5) If the deficiencies are not eliminated within the specified term, the minister in charge of the policy sector shall revoke the directive specified in subsection 2 of this section partially or in full.

§ 32[1]. Entry into civil law contract for performance of functions of reference laboratory

(1) A minister in charge of the policy sector or a person authorised thereby may enter into a civil law contract with a laboratory located in a member state of the European Economic Area for the performance of functions of a reference laboratory in Estonia in the area of feed.

(2) In deciding on the entry into a civil law contract for the performance of functions of a reference laboratory and determining the conditions of the contract, the provisions of articles 100 and 101 of Regulation (EU) 2017/625 of the European Parliament and of the Council and other important circumstances shall be governed from.
[RT I, 17.11.2021, 1 – entry into force 01.12.2021]

Chapter 7
LIABILITY

§ 33. Violation of requirements for feed

(1) Violation of the requirements for feed in a manner which endangers human or animal health or the environment is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 34. Violation of requirements for labelling of feed

(1) Violation of the requirements for the labelling of feed, or adulteration of feed is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 35. Violation of requirements for handling of feed and feeding to animals

(1) Violation of the requirements for the handling of feed or feeding to animals, including failure to comply with the recording requirement is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 36. Failure to notify of conveyance of feed from third countries to Estonia

(1) Failure to notify the Agriculture and Food Board of conveyance of feed from third countries to Estonia, if notification is required under this Act, is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10,000 euros.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 36[1]. Violation of notification obligation

(1) Violation of the requirement for notification obligation specified in § 18 of this Act is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10,000 euros.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 37. Failure to notify of quantity of feed

[Repealed – RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 37[1]. Violation of requirements for prescription of medicated feed

Violation of the requirements for the prescription of medicated feed is punishable by a fine of up to 200 fine units.
[RT I, 15.06.2022, 2 – entry into force 01.07.2022]

§ 38. Proceedings

(1) The Agriculture and Food Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in this chapter.

(2) A court or the extra-judicial body which conducts proceedings in matters of misdemeanours specified in subsection 1 of this section may, pursuant to § 83 of the Penal Code, apply confiscation of the substance or product which was the direct object of the commission of a misdemeanour provided for in § 33 of this Act.
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

Chapter 8
IMPLEMENTING PROVISIONS

§ 39. Repeal of Feedingstuffs Act

The Feedingstuffs Act (RT I 2002, 18, 97; 2006, 21, 162) is repealed.

§ 40. Reorganisation of state supervision

(1) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(2) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(4) Upon exercising state supervision over compliance with the requirements specified in §§ 13 and 15 of this Act, the supervisory officials of the Veterinary and Food Board perform the functions of supervisory officials provided for in this Act and they shall have all the rights of supervisory officials as of entry into force of this Act.

(5) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(6) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(7) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 41. [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 42. Other transitional provisions

(1) Undertakings approved or registered on the basis of subsection 4 of § 23 of the previous Feedingstuffs Act may continue its activity until the revocation or amendment of the approval or registration decision made on the basis of the previous Feedingstuffs Act.

(2) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(3) The State Register of Feedingstuffs founded on the basis of § 28 of the previous Feedingstuffs Act shall be deemed to be the State Register of Feedingstuffs specified in § 23 of this Act.

(4) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

(5) [Repealed – RT I 2009, 48, 321 – entry into force 23.10.2009]

§ 42[1]. Border inspection posts and places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported non-animal feed before 15 October 2010

Border inspection posts and places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported non-animal feed on the website of the Veterinary and Food Board before 15 October 2010 shall remain in the given list until the Veterinary and Food Board makes a decision on the exclusion of the border inspection post or place of exercising supervision from the given list.
[RT I 2010, 72, 542 – entry into force 15.10.2010]

§ 42[2]. Places of exercising official control

The places of exercising supervision entered in the list of border inspection posts and places of exercising supervision over imported feed shall be deemed to be the places of exercising official control.
[RT I, 29.06.2014, 2 – entry into force 01.07.2014]

§ 42[3]. National register of food and feed business operators

The national register of food and feed business operators founded on the basis of subsection 1 of § 23 of this Act in the wording in force on 1 July 2014 shall be deemed to be the national register of food and feed business operators specified in § 23 of this Act.

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

§ 42[4]. Submission of data on handling feed

A feed business operator, who in the last quarter of 2019, operates in an undertaking engaged in the manufacture or processing of feed in case of which the requirements provided for in Article 5 (2) of Regulation (EU) 2017/60 of the European Parliament and of the Council must be complied with, shall submit to the Veterinary and Food Board by 10 January 2020 the data on the last quarter of 2019:

1) the type and quantity of feed manufactured and put into circulation;

2) the quantity of feed materials manufactured and put into circulation;

3) the quantity of compound feed manufactured and used for the production of animal products for putting into circulation.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 42[5]. Payment of state fee

(1) A feed business operator shall pay by 10 January 2020 state fee for the performance of official control, including supervisory activities for every undertaking which, in the last quarter of 2019, engages in the activity as laid down in Article 5 (2) of Regulation (EC) No 183/2005 of the European Parliament and of the Council pursuant to the rate specified in the State Fees Act. State fee shall not be paid for an undertaking which engages in the sale of packaged feed in retail business.

(2) Upon releasing feed for free circulation, state fee shall be paid by 10 January 2020 in case of feeds for which tariff classification has been established on the basis of subsection 4 of § 28 of the wording of this Act in force until 31 December 2019.

[RT I, 04.12.2019, 2 – entry into force 14.12.2019]

§ 43. – § 46. [Omitted from this text.]

§ 47. Entry into force of Act

(1) This Act enters into force on 1 February 2007.

(2) § 44 of this Act enters into force on 1 July 2007.

[1] Commission Directive 82/475/EEC laying down the categories of ingredients which may be used for the purposes of labelling compound feedingstuffs for pet animals (OJ L 213, 21.07.1982, p. 27–28), amended by Directives 91/334/EEC (OJ L 184, 10.07.1991, p. 27) and 98/67/EC (OJ L 261, 24.09.1998, p. 10–31); Directive 2002/32/EC of the European Parliament and of the Council on undesirable substances in animal feed (OJ L 140, 30.05.2002, p. 10–22), amended by Directives 2003/57/EC (OJ L 151, 19.06.2003, p. 38–41), 2003/100/EC (OJ L 285, 01.11.2003, p. 33–37), 2005/8/EC (OJ L 27, 29.01.2005, p. 44–45), 2005/86/EC (OJ L 318, 06.12.2005, p. 16–18), 2005/87/EC (OJ L 318, 06.12.2005, p. 19–24), 2006/13/EC (OJ L 32, 04.02.2006, p. 44–53), 2006/77/EC (OJ L 271, 30.09.2006, p. 53–55), 2008/76/EC (OJ L 198, 26.07.2008, p. 37–40), 2009/8/EC (OJ L 40, 11.02.2009, p. 19–25), 2009/124/EC (OJ L 254, 26.09.2009, p. 100–103), 2009/141/EC (OJ L 308, 24.11.2009, p. 20–23) and 2010/6/EU (OJ L 37, 10.02.2010, p. 29–32) and Regulations (EC) No 219/2009 (OJ L 87, 31.03.2009, p. 109–154), (EU) No 574/2011 (OJ L 159, 17.06.2011, p. 7–24), (EU) No 277/2012 (OJ L 91, 29.03.2012, p. 1–7), (EU) No 744/2012 (OJ L 219, 17.08.2012, p. 5–12), (EU) No 107/2013 (OJ L 35, 06.02.2013, p. 1–2), (EU) No 1275/2013 (OJ L 328, 07.12.2013, p. 86–92), (EU) 2015/186 (OJ L 31, 07.02.2015, p. 11–17), (EU) 2017/2229 (OJ L 319, 05.12.2017, p. 6–9), (EU) 2019/1243 (OJ L 198, 25.07.2019, p. 241–344) and (EU) 2019/1869 (OJ L 289, 08.11.2019, p. 32–36); Commission Directive 2003/7/EC amending the conditions for authorisation of canthaxanthin in feedingstuffs in accordance with Council Directive 70/524/EEC (OJ L 22, 25.01.2003, p. 28–30). [RT I, 15.06.2022, 2 – entry into force 01.07.2022]