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Agricultural Animal Breeding Act

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RT I, 28.12.2018, 35
entry into force 01.01.2019

Chapter 1 General settings

§ 1. Scope of regulation and application of the Act

(1) This Act regulates the breeding of farm animals to the extent necessary for the implementation of relevant European Union legislation, and to the extent not regulated by relevant European Union legislation.

(2) This Act applies to Regulation (EU) 2016/1012 of the European Parliament and of the Council on the zootechnical and genealogical conditions applicable to the breeding, marketing and introduction of purebred breeding animals, cross-breeding pigs and their breeding material into the Union, which amends Regulation (EU) No. 652/2014, Council Directives 89/608/EEC and 90/425/EEC and certain legal acts in the field of breeding (breeding regulation) (OJ L 171, 29.06.2016, pages 66–143) are declared invalid, within the meaning of Article 2 point 1 of animals and farm birds of endangered breeds (hereinafter together with *agricultural animal*) in relation to breeding.

(3) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

§ 2. Breed and breed name

(1) A breed within the meaning of Article 2 point 2 of Regulation (EU) 2016/1012 of the European Parliament and of the Council is a name (hereinafter *breed name*) that differs from other used breed names and registered trademarks or product names.

(2) If two or more breeding trends with different breeding goals have been distinguished within a breed based on animal characteristics, they each form a separate subpopulation. Each such sub-population has a distinctive name, which is added after or on the line following the breed name on the pedigree document.

(3) In the sense of Article 2, Clause 2 of Regulation (EU) 2016/1012 of the European Parliament and of the Council, the definition of breed also applies to farm birds of an endangered breed.

§ 3. Endangered breed

(1) A breed or a distinct part of the population of animals belonging to one breed is considered endangered if the number of females used in breeding is less than one thousand or the number of males is less than twenty and the number of female birds is less than ten thousand or the number of male birds is less than one thousand (hereinafter *endangered breed*).

(2) The list of endangered breeds shall be established by regulation of the minister responsible for the field .

(3) The following are included in the list of endangered breeds:

- 1) a breed of agricultural animal whose historical Estonian origin and existence of a population have been scientifically proven;
- 2) local farm animal breed or breed subpopulation, the breeding of which in Estonia has lasted for at least 50 years in the case of cattle and equines and at least 30 years in the case of pigs, goats and sheep.

(4) Only agricultural animals of the same breed may be used in the breeding of endangered breed agricultural animals, or if several subpopulations have been formed within the breed, agricultural animals belonging to the same subpopulation of the same breed and their sperm, eggs and embryos (hereinafter *breeding material*).

(5) In the breeding of an endangered breed of agricultural animal, the breeding material of an agricultural animal of another breed specified in the breeding program may be used only in a scientifically proven case in a one-time crossing to avoid inbreeding.

§ 4. Competent authority

The competent authority within the meaning of Article 2, point 8 of Regulation (EU) 2016/1012 of the European Parliament and of the Council is the Agriculture and Food Board.

Chapter 2 Activity license and breeding program

§ 5. Activity permit

(1) A person engaged in the breeding of purebred cattle, pigs, sheep, goats, equidae and endangered agricultural birds, who wishes to operate as a breeding association within the meaning of Article 2, point 5 of Regulation (EU) 2016/1012 of the European Parliament and of the Council, must have an activity license for breeding agricultural animals (hereinafter *activity license*) .

(2) A person engaged in the breeding of cross-breeding pigs, who wishes to operate as a breeding company within the meaning of Article 2, Clause 6 of Regulation (EU) 2016/1012 of the European Parliament and of the Council, must have an activity permit.

(3) In addition to an activity permit, a breeding association and a breeding company must have a breeding program approved by the Agriculture and Food Board in the sense of Article 2, Clause 26 of Regulation (EU) 2016/1012 of the European Parliament and of the Council in order to engage in the breeding of agricultural animals. You do not need to apply for an activity license for each subsequent breeding program.

§ 6. Application for an activity permit

(1) The application for an activity license is resolved by the Agriculture and Food Board by granting or refusing to grant an activity license within 60 days from the submission of the application.

(2) In addition to the data provided in § 19, subsection 2 of the Act on the General Part of the Code of Economic Activities, the application for an activity license shall include the data specified in Article 4, subsection 3 of Regulation (EU) 2016/1012 of the European Parliament and of the Council, and documents certifying compliance with the requirements specified in the same subsection.

(3) At least one application for the approval of a breeding program in accordance with § 10 of this Act shall be submitted together with the application for an activity permit.

(4) The data specified in subsection 2 of this section shall be entered in the register of agricultural animals.

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(5) The applicant shall not pay a state fee for processing the application for an activity permit specified in § 5 of this Act.

§ 7. Inspection object of activity permit

In order to obtain an activity permit, the breeding society and the breeding company and their planned breeding activities must meet the requirements set out in Article 4, paragraph 3 of Regulation (EU) 2016/1012 of the European Parliament and of the Council.

§ 8. Obligation of the breeding program

(1) In order to engage in the breeding of agricultural animals, a breeding association and a breeding company must have a breeding program approved by the Board of Agriculture and Food, in addition to an activity permit, to which their activities must comply.

(2) If several sub-populations have been distinguished within a breed in accordance with § 2 (2) of this Act, there must be a breeding program for each sub-population corresponding to its breeding objective.

§ 9. Requirements regarding the breeding program

(1) The breeding program for cattle, pigs, sheep, goats and equines must comply with the requirements laid down in Article 8 of Regulation (EU) 2016/1012 of the European Parliament and of the Council and other relevant requirements laid down in the said regulation and the legislation established on the basis thereof and this Act and the legislation established on the basis thereof .

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(2) Requirements for determining the number of breeding animals sufficient for the breeding program of agricultural animals of an endangered breed shall be established by a regulation of the minister responsible for the field .

(3) The breeding program for farm birds of an endangered breed must meet the requirements set forth in Article 8(3) of Regulation (EU) 2016/1012 of the European Parliament and the Council and the relevant requirements set forth in this Act and the legislation established on its basis.

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(4) The parts of the breeding program for farm birds of an endangered breed are:

- 1) description of the appearance, performance characteristics and other characteristic features of farm birds;
- 2) data on the size of the population of agricultural birds and a description of the location and structure of the population;
- 3) description of methods of preserving the breed;
- 4) breed promotion procedure;
- 5) performance control procedure;
- 6) procedure for using performance data and genetic value assessment results of agricultural birds;
- 7) the procedure for recognizing agricultural birds and breeding material as suitable for breeding.

§ 10. Application for approval of the breeding program

(1) The request for approval of the breeding program is resolved by the Agriculture and Food Board.

(2) In order to approve the breeding program, a breeding program and an application in accordance with the requirements set forth in Article 8 of Regulation (EU) 2016/1012 of the European Parliament and of the Council shall be submitted to the Agriculture and Food Board, in which the applicant's name and registry code shall also be indicated.

(3) At least one application for approval of the breeding program shall be submitted together with the application for an activity permit.

(4) A breeding society or breeding company holding an activity license does not have to apply for an activity license for each subsequent breeding program.

§ 11. Approval of the breeding program

(1) The Agriculture and Food Board makes a decision to approve or refuse to approve the breeding program within 60 days of receiving the application.

(2) The Agriculture and Food Board makes a decision to refuse to approve a breeding program for cattle, pigs, sheep, goats and equines if the breeding program does not meet the requirements set out in Article 8 of Regulation (EU) 2016/1012 of the European Parliament and of the Council or other requirements specified in the said regulation or in the legislation established on the basis thereof

or to the relevant requirements set out in this Act or in legislation established on the basis thereof.

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(3) The Agriculture and Food Board makes a decision to refuse approval of a breeding program for farm birds of an endangered breed if the breeding program does not meet the requirements set forth in Article 8(3) of Regulation (EU) 2016/1012 of the European Parliament and the Council or the relevant requirements set forth in this Act or in legislation established on its basis.

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(4) In the case and under the conditions provided for in Article 19(2) of Regulation (EU) 2016/1012 of the European Parliament and of the Council, Section 1 of Part 3 of Annex I and Section 2 of Part 1 of Chapter III of Annex II, the Agriculture and Food Board may approve a breeding program with distinctions.

(5) Regarding the decision to approve the breeding program, the following data shall be entered in the register of agricultural animals:

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- 1) date and number of the decision;
- 2) the legal basis for making the decision;
- 3) date of entry into force of the decision;
- 4) name and contact details of the breeding association or breeding company that received the decision;
- 5) the name of the breed considered in the breeding program or, in the case of cross-breeding pigs, the name of the breed, line or crosses;
- 6) the geographical area of the breeding program;
- 7) if available, the deadline for completing the breeding program;
- 8) date of entry into force and expiry of the decision to suspend the approval of the breeding program.

(6) The breeding association, which is engaged in the breeding of endangered breed animals, submits an analysis of the implementation of the breeding program in the previous year to the Agriculture and Food Board by June 30 of each year.

Chapter 3

State supervision

§ 12. State supervision

National supervision over the fulfillment of the requirements of this Act and the legislation established on the basis thereof and Regulation (EU) 2016/1012 of the European Parliament and of the Council and the legislation established on the basis thereof is carried out by the Agriculture and Food Board (hereinafter *law enforcement body*).

§ 13. Special measures of state supervision

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 32 and 49–52 of the Law Enforcement Act on the basis and in the manner provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.

§ 14. Distinctions of state supervision

(1) The law enforcement body may enter the territory and premises of the breeding association and breeding company and the animal keeper associated with them under the conditions provided for in § 50 of the Law Enforcement Act.

(2) The law enforcement body has the right to prohibit the use of breeding material for breeding if it harms the implementation of the breeding program and does not ensure breeding success.

(3) Genetic examination of the correctness of pedigree data is performed according to internationally recognized methodology.

Chapter 4

Application settings

§ 15. – § 19. [Omitted from this text.]

§ 20. Entry into force of the Act

This law enters into force on January 1, 2019.