

Fisheries Market Organisation Act

Passed 17 December 2003

(RT¹ I 2003, 88, 593),

entered into force 1 January 2004,

amended by the following Acts:

01.06.2006 entered into force 01.07.2006 - RT I 2006, 28, 211;

12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22;

15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308;

20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act provides the measures for organisation of the fisheries market and the procedure for application of such measures, the marketing standards for fishery products, the requirements for consumer information, the basis and procedure for recognition of the producers of fishery products (hereinafter producers' organisation), and the basis for and scope of state supervision.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

(3) The Minister of Agriculture may establish, within the limits of his or her competence, legislation within the scope of application of this Act for implementation of the common fisheries policy in matters which, pursuant to the legislation of the European Union, a Member State has the right to decide.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 2. Measures for fisheries market organisation

(1) The measures for the fisheries market organisation are state development support, support in the form of market intervention mechanisms and aid to make good damage caused by a natural disaster, de minimis fisheries aid, and state aid to fisheries provided for in Chapters 5¹ and 5² of this Act which are granted in order to allow for the balanced development of the fisheries market.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(2) The classes of state development support granted on the basis of this Act are as follows:

1) interest subsidy;

2) aid for advisory services;

3) aid for training;

4) aid for practical training;

5) (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

6) aid for setting up producers' organisations.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(3) The classes of support in the form of market intervention mechanisms granted on the basis of this Act are as follows:

- 1) financial compensation for withdrawals;
- 2) carry-over aid;
- 3) private storage aid.

§ 3. Amount of state development support

(1) Funds for the grant of state development support provided for in this Act shall be allocated in the state budget to the Ministry of Agriculture.

(2) The Minister of Agriculture shall decide which classes of development support are to be granted during each financial year and how the budgetary funds granted for support are to be divided, taking into consideration the amount of funds allocated in the state budget for the grant of state development support.

(3) The right to apply for and obtain support does not arise if grant of the support is not prescribed pursuant to subsection (2) of this section during the financial year.

§ 4. Fishery product

For the purpose of this Act, fishery product shall mean the product specified in Article 1 of Council Regulation 104/2000/EC on the common organisation of the markets in fishery and aquaculture products (OJ L 17, 21.01.2000, pp. 22–52).

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 5. (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 6. Producers

(1) For the purposes of this Act, a producer shall mean the physical person or legal person specified in Article 1 of Council Regulation 104/2000/EC.

(2) Producers engaged in fishing (fishermen) shall be registered in the commercial register and shall hold a fishing permit of fishing vessel or a fisherman's fishing permit issued on the basis of and pursuant to the procedure provided by the Fishing Act (RT I 1995, 80, 1384; 1996, 27, 567; 1998, 108/109, 1784; 1999, 10, 152; 54, 583; 95, 843; 2000, 13, 92; 54, 348; 81, 514; 2001, 18, 88; 2002, 41, 250; 61, 375; 63, 387; 2003, 9, 43; 88, 589; 2004, 2, 9).

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 7. (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 8. Fishing year

For the purposes of this Act, a fishing year is a calendar year.

Chapter 2

Marketing Standards for Fishery Products and Requirements for Consumer Information

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 9. Marketing standards for fishery products

Fishery products shall be in compliance with the marketing standards established by Council Regulation (EC) 2406/96 laying down common marketing standards for certain fishery products (OJ L 334, 23.12.1996, pp. 1–15).

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 9¹. Requirements for consumer information

(1) For consumer information, fishery products shall be labelled in compliance with the requirements provided for in Commission Regulation (EC) No 2065/2001 laying down detailed rules for the application of Council Regulation (EC) No 104/2000 as regards informing consumers about fishery and aquaculture products (OJ L 278, 23.10.2001, p. 6–8).

(2) The Minister of Agriculture shall establish the small quantities of products specified in Article 7 of Commission Regulation (EC) No 2065/2001. The requirements provided in subsection (1) of this section do not apply to small quantities of products.

(3) The Minister of Agriculture shall establish the list of commercial designations specified in Article 4(2) of Council Regulation (EC) No 104/2000.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 3

Producer Organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 10. Producer organisation

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

For the purposes of this Act, a producer organisation is a commercial association which includes producers of fishery products. Only recognised producer organisations have the rights and obligations of producer organisations provided for in this Act.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 11. Requirements for producer organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(1) Producer organisations shall comply with the requirements provided in Article 5 of Council Regulation 104/2000/EC.

(2) A producer organisation is deemed to be sufficiently active economically within the meaning paragraph 1 of Article 1 of Commission Regulation 2318/2001/EC laying down detailed rules for the application of Council Regulation 104/2000/EC as regards the recognition of producers' organisations in the fishery and aquaculture sector (OJ L 313, 30.11.2001, pp. 9–11) if, for the corresponding type of fishery products, the producer organisation disposes of either at least 15 % by weight of the total production in a production region of Estonia, or at least 25% by weight of the total production in the case specified in subsection (5).

(3) The list of production regions of Estonia specified in subsection (2) of this section shall be established by the Minister of Agriculture.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 12. Production and marketing planning

(1) Producer organisations shall submit an operational programme specified in paragraph 1 of Article 9 of Council Regulation 104/2000/EC for approval to the Minister of Agriculture.

(2) Producer organisations shall submit any planned amendments to an operational programme for approval to the Minister of Agriculture

(3) An operational programme and any planned amendments thereto shall be reviewed by the Minister of Agriculture who decides to approve or to refuse to approve such documents on the basis and pursuant to the procedure provided in Commission Regulation 2508/2000/EC laying down the detailed rules for the application of Council Regulation 104/2000/EC as regards operational programmes in the fisheries sector (OJ L 289, 16.11.2000, pp. 8–10). A copy of the corresponding decree shall be sent to the relevant producer organisation by post, by sending an

unregistered letter or a registered letter with advice of delivery within five working days as of the issue of the decree.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 13. (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 14. (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 15. (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 16. Application for recognition of producers' organisation

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(1) Recognition is a procedure for assessing the compliance of a producers' organisation with the requirements provided for in this Act and legislation established on the basis thereof.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) In order to apply for the recognition of a producers' organisation, the organisation shall submit a written application to the Ministry of Agriculture.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(3) (Repealed - 20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 17. Recognition of producers' organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(1) The Minister of Agriculture shall review an application for the recognition of a producers' organisation and shall make a decision to recognise or refuse to recognise the producers' organisation within three months after the receipt of a correctly completed application.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) A producers' organisation shall be granted recognition if the organisation complies with the requirements of this Act. The producers' organisation shall be granted recognition for an unspecified term. A copy of the corresponding directive shall be sent to the producers' organisation by post, by sending an unregistered letter or a registered letter with advice of delivery within five working days as of the issue of the directive.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 18. Bases for refusal to recognise

Recognition is refused if an organisation knowingly submits false information or if an organisation does not comply with the requirements provided for in subsection 11 (1) of this Act.

§ 19. Withdrawal of recognition

(1) The recognition of a producers' organisation shall be withdrawn if the organisation is unable to comply with or violates the requirements of this Act or if the organisation terminates its activities or submits a corresponding written application or has knowingly submitted false information.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) Recognition shall be withdrawn by the Minister of Agriculture. A copy of a directive on the withdrawal of recognition shall be sent to the producers' organisation by post, by sending an unregistered letter or a registered letter with advice of delivery.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

Chapter 4

State Development Support

§ 20. Interest subsidy

Interest subsidy is financial assistance used as partial compensation for interest on a long-term loan (with a term of repayment longer than one year) or interest paid as part of a financial lease payment (hereinafter interest) taken from a credit or financial institution by a producer to invest in the development of fish farming or fishing and paid by the producer during the calendar year preceding application for the interest subsidy.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 21. Applicant for interest subsidy

(1) Interest subsidy may be applied for by a fisherman who has used a loan taken from a credit or financial institution to purchase, construct or reconstruct tangible assets with a limited period of exploitation necessary to develop fishing or who has entered into a capital lease contract (leasing contract) for the use and purchase of tangible assets with a limited period of exploitation necessary to develop business.

(2) Interest subsidy may be applied for by a fish farmer who has used a loan taken from a credit or financial institution to purchase, construct or reconstruct tangible assets with a limited period of exploitation necessary to develop fish farming or who has entered into a capital lease contract (leasing contract) for the use and purchase of tangible assets with a limited period of exploitation necessary to develop business.

§ 22. Rate of interest subsidy

(1) The interest rate starting from which interest subsidy is granted shall be established by the Minister of Agriculture.

(2) Interest subsidy is granted in an amount not exceeding ten percentage points of the interest rate.

§ 23. Application for interest subsidy

In order to obtain interest subsidy, an application, documents certifying information presented therein and written confirmation from a credit or financial institution concerning the payment of interest during the calendar year preceding application shall be submitted to the Agricultural Registers and Information Board (hereinafter the Board) by the prescribed due date.

§ 24. Award and payment of interest subsidy

(1) The Board shall check the accuracy of the information presented in an application and the compliance of the applicant with the requirements for the receipt of interest subsidy, calculate the size of the interest subsidy and decide to award subsidy or deny the application within forty-five working days as of the due date for the submission of applications.

(2) The Board shall calculate the amount of interest subsidy to be paid to an applicant on the basis of the amount of interest paid by the applicant, the interest rate established on the basis of this Act and the percentage point of the interest rate established in this Act.

(3) Interest subsidy shall be paid to an applicant within ten working days as of the decision to award the subsidy being made.

§ 25. Aid for advisory services

(1) Aid for advisory services is financial assistance which partially covers the cost of individual advisory services provided by a person to whom the professional qualifications of an agricultural advisor have been granted on the basis of the Professions Act and pursuant to the procedure provided therein.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(2) Consultation in the field of financial economics which consists of a development plan, a calculation of the contribution margin or a loan application shall be in writing.

(3) Advisory services provided to several persons at the same time are not deemed to be individual advisory services and, in the case of such services, aid for advisory services shall not be granted.

§ 26. Applicant for aid for advisory services

Aid for advisory services may be applied for by a producer who has paid an agricultural advisor for advisory services.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 26¹. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 27. Rate of aid for advisory services

(1) Aid for advisory services is granted in an amount of up to 80 per cent of the cost of the advisory services.

(2) The Minister of Agriculture shall establish the rate of aid for advisory services to be granted during a financial year and the maximum amount of aid to be granted to an applicant within the limits of the rate of aid for advisory services provided for in subsection (1) of this section. Rates of aid for advisory services may be established by areas of consultation and depending on the cost of the advisory service.

§ 28. Application for aid for advisory services

In order to obtain aid for advisory services, an application and documents certifying the information presented therein, including a document certifying payment for advisory services by the applicant, shall be submitted to the Board.

§ 29. Award and payment of aid for advisory services

(1) The Board shall check the accuracy of the information presented in an application and the compliance of the applicant with the requirements for the receipt of aid for advisory services, and shall decide to award aid for advisory services or deny the application within twenty working days as of the receipt of the application.

(2) The Board shall calculate the amount of aid for advisory services to be paid to an applicant, taking into consideration the cost of advisory services paid by the applicant, the established rate of aid and the maximum amount of aid to be granted to one applicant.

(3) Aid for advisory services shall be paid to an applicant within ten working days as of the decision to award the aid being made.

§ 30. Aid for training

(1) Aid for training is financial assistance used as partial compensation for the cost of training services provided by an educational and training institution specified in subsection 32 (1) of this Act to a producer for the acquisition and increase of the necessary expertise for their economic activity.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) Aid for training shall not be granted to compensate for the costs of language learning.

§ 31. Applicant for aid for training

Aid for training may be applied for by a producer who has paid for training services.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 32. Requirements for receipt of aid for training

(1) Aid for training may be granted if the training service is provided by an educational and training institution provided for in the Adult Education Act (RT I 1993, 74, 1054; 1998, 71, 1200; 1999, 10, 150; 60, 617; 2002, 90, 521; 2003, 20, 116; 71, 473).

(2) Aid for training is granted for vocational training provided for in the Adult Education Act for a sole proprietor, an employee of his or her enterprise or an employee of a company.

(3) The prescribed duration of training for the receipt of aid for training shall be established by the Minister of Agriculture.

§ 33. Rate of aid for training

(1) Aid for training is granted in an amount of up to 80 per cent of the cost of the training service.

(2) The Minister of Agriculture shall establish the rate of aid for training to be granted during a financial year and the maximum amount of aid to be granted to an applicant within the limits of the rate of aid for training provided for in subsection (1) of this section.

§ 34. Application for aid for training

In order to obtain aid for training, an application and documents certifying the information presented therein, including a document confirming the receipt of training issued by the training provider and a document certifying payment for training services, shall be submitted to the Board.

§ 35. Award and payment of aid for training

(1) The Board shall check the accuracy of the information presented in an application and the compliance of the applicant with the requirements for the receipt of aid for training, and shall decide to award aid for training or deny the application within twenty working days as of the receipt of the application.

(2) The Board shall calculate the amount of aid for training to be paid to an applicant, taking into consideration the cost of training services paid by the applicant, the established rate of aid and the maximum amount of aid to be granted to one applicant.

(3) Aid for training shall be paid to an applicant within ten working days as of the decision to award the aid being made.

§ 36. Aid for practical training

(1) Aid for practical training is financial assistance used as partial compensation for the expenses for the supervision and organisation of practical training which is conducted in an enterprise of a producer for students studying specialities relating to fishing (hereinafter trainee).

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The list of specialities for the acquisition of which aid for practical training is granted shall be established by the Minister of Agriculture.

§ 37. Applicant for aid for practical training

A producer who conducts practical training in its enterprise has the right to apply for aid for practical training.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 38. Requirements for grant of aid for practical training

Aid for practical training shall be granted if:

1) an applicant or an employee of the enterprise of the applicant who supervises a trainee (hereinafter practical training instructor) has undergone professional training and has worked in

the fisheries sector for at least five previous years, and during the last year in the enterprise where practical training is conducted;

2) a practical training instructor supervises up to two trainees at the same time;

3) an applicant has entered into a contract for conducting practical training with an educational institution and a trainee.

§ 39. Rate of aid for practical training

(1) Aid for practical training shall be granted in an amount equal to up to four times the minimum monthly wage established by the Government of the Republic per one trainee during a calendar month.

(2) The Minister of Agriculture shall establish the rate of aid for practical training to be granted during a financial year on the basis of the amount of money prescribed for aid for practical training, the number of trainees as stated in applications submitted according to the requirements and the duration of practical training within the limits of the rate of aid for practical training provided for in subsection (1) of this section.

§ 40. Application for and award of aid for practical training

(1) In order to obtain aid for practical training, an application and documents certifying the information presented therein shall be submitted to the Board by the prescribed due date.

(01.06.2006 entered into force 01.07.2006 - RT I 2006, 28, 211)

(2) The Board shall check the accuracy of the information presented in an application and the compliance of the applicant with the requirements for the receipt of aid for practical training, and shall decide to award the aid or deny the application within twenty working days as of the due date for submission of applications.

§ 41. Payment of aid for practical training

(1) (Repealed - 01.06.2006 entered into force 01.07.2006 - RT I 2006, 28, 211)

(2) The Board shall calculate the amount of aid for practical training to be paid to an applicant, taking into consideration the prescribed rate of aid for practical training, the number of trainees and the duration of the practical training.

(3) One half of aid for practical training shall be paid within twenty working days as of the date when the practical training begins, but not earlier than on the tenth working day as of the decision to award the aid being made.

(4) The remaining half of the aid for practical training shall be paid within twenty working days as of the date of submission of a written report on the conducted practical training to the Board.

§ 42. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 43. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 44. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 45. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 46. (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 47. Aid for setting up producers' organisations

Aid for setting up producers' organisations is financial assistance used as partial compensation for the foundation and administrative expenses specified in Article 4(1) of Commission Regulation (EC) No 908/2000 laying down detailed rules for calculating aid granted by Member States to producer organisations in the fisheries and aquaculture sector (OJ L 105, 3.5.2000, p. 15–17).

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 48. Applicant for aid for setting up producers' organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

Only a recognised producers' organisation has the right to apply for aid for setting up producers' organisations.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 49. Rate of aid for setting up producers' organisations

Aid for setting up producers' organisations is granted at the rate specified in Article 15(1) of Council Regulation (EC) No 2792/1999 laying down the detailed rules and arrangements regarding Community structural assistance in the fisheries sector (OJ L 337, 30.12.1999, p. 10–28).

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 50. Application for aid for setting up producers' organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

In order to obtain aid for setting up producers' organisations, an application and documents certifying the information presented therein shall be submitted to the Board by the prescribed due date.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 51. Award and payment of aid for setting up producers' organisations

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(1) The Board shall check the accuracy of the information presented in an application and the compliance of the applicant with the requirements for the receipt of aid for setting up producers' organisations and decide to award aid for setting up producers' organisations or deny the application within thirty working days as of the receipt of the application.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The Board shall calculate the amount of aid for setting up producers' organisations to be paid to an applicant in proportion to the establishment and administrative expenses paid by the applicant, taking into consideration the prescribed rate of aid and the maximum amount of aid to be granted to one applicant.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(3) Aid for setting up producers' organisations shall be paid to an applicant within ten working days as of the decision to award the aid being made.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 52. Denial of applications for state development support

(1) An application for state development support shall be denied if:

- 1) the applicant has knowingly submitted false information;
- 2) the applicant does not comply with the requirements for the receipt of support provided for in this Act and legislation established on the basis thereof;
- 3) the application is subject to submission by a prescribed due date and the applicant has not submitted the application by the prescribed due date;
- 4) the applicant knowingly submitted false information upon application for state development support during the preceding year;

5) the applicant has been required to repay state development support received during the preceding year in the revenue of the state budget;

6) the applicant does not permit on-site inspection of the enterprise thereof;

7) there is a lack of funds to pay the support.

(2) State development support is not paid if, after award of the support, the bases for denial of the application as specified in subsection (1) of this section are ascertained or if the applicant has not fulfilled the conditions which constitute the basis for payment of the support.

(3) In the case specified in subsection (2) of this section, the Board shall revoke the decision on award of a support. A copy or extract of the corresponding decision shall be sent to the applicant by post, by sending an unregistered letter or a registered letter with advice of delivery within ten working days as of the making of the decision.

§ 53. Procedure for award and payment of state development support

(1) The procedure for applying for state development support and processing applications shall be established by the Minister of Agriculture. On the basis of the provisions of this Act, the procedure shall set out a list of information to be submitted to obtain support and of documents certifying the information, the due date for the submission of applications which have a prescribed due date for submission, and a specific procedure for the review and verification of applications and for the award and payment of support, and the requirements for the receipt of state development support. A separate procedure for applying for and processing applications may be established for each class of state development support separately.

(2) The award of state development support or the denial of an application shall be formalised by a decision of the Director General of the Board. A copy or extract of a decision on the denial of an application shall be sent to the applicant by post, by sending an unregistered letter or a registered letter with advice of delivery within ten working days as of the making of the decision.

Chapter 5

Aid to Make Good Damage Caused by Natural Disaster

§ 54. Aid to make good damage caused by natural disaster

(1) Aid to make good damage caused by a natural disaster is financial assistance which partially or wholly compensates for the damage caused to a producer due to a natural disaster or unfavourable meteorological conditions.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) Aid to make good damage caused by a natural disaster may be granted within three years after the damage is caused.

(3) The rate of and the conditions and procedure for the grant of aid to make good damage caused by a natural disaster may be established by the Minister of Agriculture. Funds designated for aid to make good damage caused by a natural disaster shall be allocated in the state budget to the Ministry of Agriculture.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 5¹

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Other Fisheries Support

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54¹. Other fisheries support

Other fisheries support may be granted if it conforms to the Community Guidelines for the examination of State aid to fisheries and aquaculture (OJ C 229, 14.09.2004, pp. 5–12) or the requirements provided for in group exemption regulations adopted by the European Commission pursuant to Article 1 of Council Regulation (EC) No 994/98 on the application of Articles 92 and 93 of the Treaty establishing the European Community to certain categories of horizontal State aid, and if the support is necessary for achieving the goals specified in Article 33 and Article 87(2) and (3) of the EC Treaty.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54². Application for permission

The fisheries support specified in section 54¹ of this Act may be granted only with the prior written permission of the Commission of the European Communities or, in the case of state aid which benefits from a block exemption, if a corresponding notice is submitted. An application for the permission together with all the necessary information, or the notice shall be submitted to the European Commission by the Ministry of Agriculture.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54³. Procedure for grant and payment of other fisheries support

(1) The procedure for application for the fisheries support specified in § 54¹ of this Act, processing of the applications and the format of the applications shall be established by the Minister of Agriculture. Such procedure shall prescribe for the requirements for obtaining the support, the deadlines for applications subject to submission within a specific term, the terms and procedure for review and verification of applications, and for the grant and payment of support.

(2) The Board shall make decisions concerning the grant and payment of other fisheries support and decisions to deny an application, and other decisions related to the grant of the support.

(3) If a decision specified in subsection (2) of this section restricts the rights of a person or imposes obligations on a person, a copy or excerpt of the decision shall be sent to the person by post, by sending an unregistered letter or a registered letter with advice of delivery within ten working days as of the making of the decision.

(4) The funds prescribed for other fisheries support shall be allocated in the state budget to the Board.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 5²

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Fisheries Support, Loans and Securities Granted by Foundation

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54⁴. Fisheries support, loans and securities granted by foundation

The Rural Development Foundation and other state-founded foundations (hereinafter foundation) may grant fisheries support, loan and securities if it conforms to the Community Guidelines for the examination of State aid to fisheries and aquaculture or the requirements provided for in group exemption regulations adopted by the European Commission pursuant to Article 1 of Council Regulation (EC) No 994/98, and if the support is necessary for achieving the goals provided for in Article 33 and Article 87(2) and (3) of the EC Treaty.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54⁵. Application for permission

(1) The fisheries support, loans and securities specified in § 54⁴ of this Act may be granted only with the written permission of the Commission of the European Communities or, in the case of state aid which benefits from a block exemption, if a corresponding notice is submitted. The Foundation shall submit a draft application for permission together with necessary information or a draft notice to the Ministry of Agriculture, and the Ministry shall forward the application for permission or the notice to the Commission of the European Communities.

(2) The Ministry of Agriculture shall review an application for permission or draft notice within one month after submission of the application for permission or draft notice. If the information set out in a draft application for permission or draft notice does not meet the requirements specified in the relevant directives of the European Union or the Community Guidelines for the examination of State aid to fisheries and aquaculture, the Ministry of Agriculture may refuse to forward the application for permission or notice to the Commission of the European Communities.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54⁶. Procedure for grant and payment by Foundation of fisheries support, loans and securities

(1) The procedure for application for the fisheries support, loans and securities specified in § 54⁴ of this Act and processing of the applications, and the format of the applications, shall be established by the Minister of Agriculture. Such procedure shall prescribe for the requirements for obtaining the support, loans and securities, the deadlines for applications, the terms and procedure for review and verification of applications, and for the grant and payment of support. A separate procedure for applying for support, loans and securities and processing applications may be established for each class of support, loan or security separately. The procedure shall be published on website of the Foundation.

(2) In establishing the procedure for application for the fisheries support, loans and securities specified in § 54⁴ of this Act and for processing of the applications, and the format of the applications, the supervisory board of the foundation shall take account of the requirements provided for in this Act and the requirements set out in the Commission decision or, in the case of state aid which benefits from a block exemption, in the notice.

(3) The Foundation shall make decisions concerning the grant and payment of fisheries support, loans and securities and decisions to deny an application, and other decisions related to the grant of the support, loans or securities with regard to the applicant.

(4) If a decision made on the basis of this Act restricts the rights of a person or imposes obligations on a person, a copy or excerpt of the decision shall be sent to the person by an unregistered letter, a registered letter with advice of delivery or, with the applicant's consent, to the e-mail address indicated by the applicant in the application, within ten working days as of the making of the decision. Information concerning another type of decision shall be published on the Foundation's website within ten working days as of the making of the decision.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 5³

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

De minimis Fisheries Aid

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54⁷. De minimis fisheries aid

De minimis fisheries aid may be granted if it conforms to the requirements provided for in Commission Regulation (EC) No 1860/2004 on the application of Articles 87 and 88 of the EC Treaty to de minimis aid in the agriculture and fisheries sectors (OJ L 325 , 28.10.2004 pp. 4–9).

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 54⁸. Procedure for grant of de minimis aid

(1) In the case when de minimis aid specified in § 54⁷ of this Act is granted by the state, the procedure for application for de minimis aid and for review of applications, and the format of applications shall be established by the Minister of Agriculture.

(2) Upon the grant of de minimis aid specified in subsection (1) of this section, the Board shall make decisions concerning the grant and payment of aid and decisions to deny an application and other decisions related to the grant of the aid.

(3) In the case when de minimis aid specified in § 54⁷ of this Act is granted by a foundation, the procedure for application for de minimis aid and for review of applications, and the format of applications shall be established by the supervisory board of the foundation.

(4) Upon the grant of de minimis aid specified in subsection (3) of this section, the Board shall make decisions concerning the grant and payment of aid and decisions to deny an application and other decisions related to the grant of the aid.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 6

Notification

§ 55. Notification upon implementation of measures for fisheries market organisation

(1) Producer organisations shall submit the information specified in paragraph 4 of Article 17 of Council Regulation 104/2000/EC and in paragraphs 2 and 3 of Article 2 of Commission Regulation 2493/2001/EC on the disposal of certain fishery products which have been withdrawn from the market (OJ L 337, 20.12.2001, pp. 20–21) to the Ministry of Agriculture for forwarding to the European Commission.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The procedure for the submission, processing and communication of information upon implementation of measures for the fisheries market organisation shall be established by the Minister of Agriculture.

§ 56. Notification of prices

(1) (Repealed - 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(2) The Ministry of Agriculture shall inform the European Commission of the prices specified in paragraph 1 of Article 19 of Council Regulation 104/2000/EC.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 57. Notification of violations

The Ministry of Agriculture shall forward the information specified in paragraph 3 of Article 4 of Commission Regulation 150/2001/EC laying down detailed rules for the application of Council Regulation 104/2000/EC as regards the penalties to be applied to producer organisations in the fisheries sector for irregularity of the intervention mechanism (OJ L 024, 26.01.2001, pp. 10–11) to the European Commission.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

§ 58. Notification upon payment of carry-over aid

(1) Producer organisations shall forward the information specified in paragraph 3 of Article 6 of the Commission Regulation 2814/2000/EC laying down the detailed rules for the application of Council Regulation 104/2000/EC as regards the grant of carry-over aid for certain fishery products (OJ L 326, 22.12.2000, pp. 34–38) to the Ministry of Agriculture.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The procedure for the submission of information upon payment of carry-over aid shall be established by the Minister of Agriculture

§ 59. Notification upon payment of private storage aid

(1) Producer organisations shall forward the information specified in paragraph 3 of Article 4 of the Commission Regulation 2813/2000/EC laying down detailed rules for the application of Council Regulation 104/2000/EC as regards the grant of private storage aid for certain fishery products (OJ L 326, 22.12.2000, pp. 30–33) to the Ministry of Agriculture.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The procedure for the submission of information upon payment of private storage aid shall be established by the Minister of Agriculture.

Chapter 7

Support in Form of Market Intervention Mechanisms

§ 60. Financial compensation for withdrawals

(1) The Ministry of Agriculture shall perform the functions of the competent authority specified in paragraphs 1 and 2 of Article 3, paragraph 2 of Article 5 and Article 7 of Commission Regulation 2509/2000/EC laying down detailed rules for the application of Council Regulation 104/2000/EC as regards granting financial compensation for withdrawals of certain fishery products (OJ L 289, 16.11.2000, pp. 11–15).

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The list of information to be presented in applications for financial compensation for withdrawals shall be established by the Minister of Agriculture.

§ 61. Carry-over aid

(1) The Ministry of Agriculture shall perform the functions of the competent authority specified in paragraph 2 of Article 7 of Commission Regulation 2814/2000/EC.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The list of information to be presented in applications for carry-over aid shall be established by the Minister of Agriculture.

§ 62. Private storage aid

(1) The Ministry of Agriculture shall perform the functions of the competent authority specified in paragraph 2 of Article 5 of Commission Regulation 2813/2000/EC.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) The list of information to be presented in applications for private storage aid shall be established by the Minister of Agriculture.

Chapter 8

Authorities Organising Grant of Support in Form of Market Intervention Mechanisms

§ 63. Competent authority

(1) With regard to the accreditation of a paying agency, the functions of a competent authority shall be performed by the Minister of Agriculture.

(2) More specific requirements for the accreditation of a paying agency shall be established by the Minister of Agriculture.

§ 64. Paying agency

(1) With regard to the payment of support in the form of market intervention mechanisms, the functions of a paying agency shall be performed by the Board.

(2) The right of the Board to perform the functions of a paying agency shall arise as of the date on which the competent authority makes the corresponding accreditation decision.

§ 65. Certification agency

(1) A person who has professional knowledge and skills for the conduct of a certification audit and is independent from the paying agency in his or her work shall perform the functions of a certification agency.

(2) A certification agency shall be appointed by the Minister of Agriculture.

Chapter 9

Fisheries Council

§ 66. Formation of fisheries council

(1) In order to determine the classes and size of state support granted pursuant to this Act and to analyse the grant and use of support, to make proposals regarding such matters, and to discuss issues relating to the field of production and processing, the Minister of Agriculture shall form an advisory council on fisheries and invite representatives of other appropriate government agencies and of non-profit associations to participate in the work of the council.

(2) The Minister of Agriculture shall communicate the proposals and conclusions of the council to the Government of the Republic with the intention that the proposals and conclusions can be taken into account in the drafting of the state budget where necessary.

(3) The rules of procedure of the council and the procedure for submission of conclusions and proposals by the council shall be established by the Minister of Agriculture.

§ 67. Competence of fisheries council

(1) The fisheries council shall:

1) analyse the results of the economic activity of the fisheries sector and the state of the fisheries market;

2) make proposals for the implementation of measures necessary to develop the production of fish;

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

3) make recommendations concerning the production of fish and the preferred direction of development during the following year and, on the basis thereof, on the need for specific classes and amounts of support and other state aid to be granted to the fisheries sector;

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

4) make proposals for the improvement of the grant and use of support;

5) make other proposals relating to the development of fishing and the production and processing of fish;

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

6) assess the legislation in the field of fishing which is deliberated in EU committees and working parties;

7) perform the functions of the evaluation committee upon implementation of the EU structural aid for fishing;

8) make proposals relating to the establishment and amendment of the list of the production areas of Estonia;

9) take into account the opinions and proposals of producers regarding the development of fishing.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(2) Deliberations on the classes and amounts of support to be granted to the fisheries sector during the following year shall be based on the state of the fisheries market and the preferred directions of development in the fisheries sector.

Chapter 10

Supervision

§ 68. Authorities exercising supervision

(1) State supervision over compliance with the requirements of this Act and legislation established on the basis thereof shall be conducted by the Ministry of Agriculture, the Board and the Veterinary and Food Board.

(2) The Board shall monitor compliance with the requirements established for the receipt of state support.

(3) The Ministry of Agriculture and, on the basis of the competence of the paying agency, the Board shall monitor compliance with the requirements established for the receipt of support provided for in Chapter 7 of this Act.

(4) The Ministry of Agriculture shall verify the compliance of a producers' organisation with the conditions of recognition at least once a year.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(5) The Ministry of Agriculture shall monitor the submission of and compliance with the production and marketing plans of a producers' organisation.

(20.04.2004 entered into force 01.05.2004 - RT I 2004, 37, 254)

(6) The following shall exercise supervision over compliance with the marketing standards and the requirements for consumer information specified in Chapter 2 of this Act:

1) the Veterinary and Food Board;

2) the Consumer Protection Board pursuant to the competence provided for in the Food Act;

3) the Environmental Inspectorate pursuant to the competence provided for in the Fishing Act.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(7) The state supervision provided for in subsection (6) of this section shall be exercised by the Veterinary and Food Board and the Consumer Protection Board on the basis of and pursuant to the procedure provided for in the Food Act and by the Environmental Inspectorate on the basis of and pursuant to the procedure provided for in the Fishing Act.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 69. Supervisory official and supervision

(1) Supervisory officials of the authorities specified in § 68 of this Act (hereinafter supervisory officials) shall exercise supervision within the limits of their competence. The right of a supervisory official to exercise state supervision shall be indicated on his or her identification.

(2) Compliance with the requirements provided for in this Act shall be verified on the basis of the submitted application and other documents and documents certifying the information presented therein, databases and the results of on-site inspection.

(3) A supervisory official who produces his or her identification has the right to enter the enterprise, including buildings and immovables, of an applicant for support or a person who has

received support in the presence of the applicant or person or their representative and to perform on-site checks of documents in order to decide on the grant of support, the denial of the application for support or payment of support or in order to check the compliance of the applicant with the requirements. In order to exercise supervision over the use of support for its intended purpose, a supervisory official has the right to require that documents be produced certifying the intended use of the support and the compliance of economic activity with the requirements.

(4) If obvious inaccuracies occur in a submitted application or documents certifying information therein or an applicant has not submitted required information or documents, the Board shall set a term for the applicant for the elimination of deficiencies and explain that upon failure to eliminate the deficiencies by the due date the Board may deny the application. If deficiencies are eliminated within the term, the application is deemed to be submitted in good time. Mistakes in information which is not the basis for the award of support applied for and calculation of the amount thereof are deemed to be obvious inaccuracies.

(5) The Board shall not consider an applicant to have submitted false information if the applicant discovers the mistakes in the application and notifies the Board thereof in writing before the Board informs the applicant of any intention to carry out an on-site inspection on the applicant's premises or of the false information in the application or makes a decision to deny the application.

(6) The Board shall return an application and documents certifying the information therein at the written request of the applicant if the request is submitted prior to the award of support having been decided.

(7) A supervisory official shall prepare a report or inspection report concerning a supervisory operation and, if necessary, shall issue a precept. In the cases provided for in this Act, a supervisory official shall make a proposal to the head of the supervisory authority or an official authorised by him or her in order for a decision on reclamation of funds received as support to be made.

(8) Supervisory officials shall maintain the confidentiality of business secrets which become known to them during supervision.

(9) The provisions of this section apply to the support provided for in Chapter 7 of this Act unless otherwise prescribed in EU regulations.

§ 70. Issue of precept

(1) In the event that an offence is detected, a supervisory official may issue a precept in which the supervisory official:

- 1) call attentions to the offence;
- 2) demands that the offence be terminated;
- 3) requires the conduct of operations necessary for the termination of the offence and the prevention of future offences;
- 4) sets the term for compliance with the precept.

(2) A precept shall be sent to an applicant or recipient of support by post, by sending a registered letter with advice of delivery within ten working days as of the issue of the precept.

§ 70¹. Recovery of state aid

(1) If the Commission of the European Communities or the European Court of Justice forwards a decision to the Republic of Estonia concerning the recovery of unlawful or misused state aid to fisheries from the recipient of the aid, the Minister of Agriculture shall forward such decision to the authority which granted the unlawful or misused state aid. The grantor of state aid is required

to demand recovery of the state aid pursuant to the decision of the European Commission or the European Court of Justice.

(2) The aid defined in Article 1(f) of the Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 83, 27.03.1999 pp. 1–9) is deemed to be unlawful state aid.

(3) The activity specified in Article 1(g) of the Council Regulation (EC) No 659/1999 is deemed to be misuse of state aid.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 71. Reclamation of support

(1) If, after the payment of support, it becomes clear that the applicant for support has knowingly submitted false information or has not fulfilled the conditions which constitute the basis for payment of the support, the Board shall require the recipient of the support to repay the funds received as support into the revenue of the state budget.

(2) In the case provided for in subsection (1) of this section, the Board shall issue a precept on reclamation of funds received as support within thirty working days as of the date on which the Board becomes aware of a violation. Funds received as support shall be repaid within sixty days after becoming aware of the corresponding precept.

(15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308)

(3) A precept shall be sent to a person who received support by post, by sending an unregistered letter or a registered letter with advice of delivery within ten working days as of the making of the decision.

(15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308)

(4) A precept may be issued within ten years as of the date of payment of the support.

(15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308; 12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

(5) If a person who received support fails to repay the funds received as support within the term provided for in subsection (2) of this section, the Board has the right to pass the precept for compulsory execution pursuant to the procedure provided for in the Code of Execution Procedure.

(15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308)

(6) Upon reclamation of support, interest on the amount of support to be repaid shall be collected at the interest rate provided for in subsection 94 (1) of the Law of Obligations Act (RT I 2001, 81, 487; 2002, 60, 374; 2003, 78, 523). Interest shall be calculated as of the date of payment of the support until the due date of repayment of the support provided for in subsection (2).

(15.06.2005 entered into force 03.02.2006 - RT I 2005, 39, 308)

(7) In the case of support provided for in Chapter 7 of this Act, funds received as support shall be reclaimed on the bases and pursuant to the procedure provided for in EU regulations.

§ 71¹. Reclamation of support, loans and securities awarded by foundation

(1) In the contract for award of support, loan or security, the Foundation shall determine the intended purpose of the support, loan or security, and specify the bases for and terms of reclamation of support, loan or security which is not used for its intended purpose. The Foundation shall monitor the purposeful use of support, loan and securities it awards.

(2) The foundation:

1) shall cancel a contract for the award of support, loan or security before the support is paid, if the financial situation of the recipient of the support, loan or security has deteriorated such that the purposeful use of the support, loan or security is at risk;

2) shall decide on the reclamation of support, loan or security not used for its intended purpose within at least one month after becoming aware of the use of the support, loan or security for purposes other than its intended use.

(3) Support, loan or security received without legal basis or used for purposes other than its intended use shall be returned to the Foundation within the period of time prescribed in the decision on reclamation, as of the receipt of notification of the corresponding decision.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 10¹

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Reporting on state aid and de minimis fisheries aid

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 71². Reporting on state aid

(1) By 1 April each year, the Foundation shall submit to the Ministry of Agriculture a report on the grant of the state aid to fisheries specified in § 54⁴ of this Act during the previous year, except in the case of a group exemption adopted by the European Commission pursuant to Article 1 of Council Regulation (EC) No 994/98 in the case of which a report is submitted by 1 March every year.

(2) Based on the information obtained from the Board, the Ministry of Agriculture shall prepare reports concerning the grant of state development support, aid to make good damage caused by a natural disaster, and other fisheries support specified in subsection 2 (2) of this Act, and forward the reports to the Commission of the European Communities pursuant to the procedure provided for in Commission Regulation (EC) No 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.4.2004, p. 1–134), together with the report specified in subsection (1) of this section.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 71³. Maintaining of records and reporting on de minimis fisheries aid

The Board and the Foundation shall maintain records on the beneficiaries of de minimis fisheries aid and on the amount of aid granted to the beneficiaries and shall submit the information concerning the beneficiaries of the aid during the previous year to the Ministry of Agriculture by 1 April each year, which shall preserve and forward the obtained information pursuant to the procedure provided for in Commission Regulation (EC) No 1860/2004.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 71⁴. Entry of data in register

Information on the applicants and applications for support specified in subsection 2 (1) of this Act, the applicants and applications for support specified in § 54¹ of this Act, the applicants and applications for de minimis aid specified in § 54⁷ of this Act, and the supports, the applicants for and beneficiaries of the support granted by the Board on the basis of the Structural Assistance Act shall be entered in the register of agricultural support and agricultural parcels.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 11

Liability

§ 72. Violation of marketing standards for fishery products and requirements for consumer information

(1) Violation of marketing standards for fishery products and the requirements for consumer information 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 50 000 kroons.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

§ 73. Non-compliance with requirements for submission of information

(1) Failure to submit information necessary for the implementation of measures for the fisheries market organisation is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

§ 74. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156) apply to the misdemeanours provided for in §§ 72 and 73 of this Act.

(2) The Veterinary and Food Board, the Consumer Protection Board or the Environmental Inspectorate shall conduct extra-judicial proceedings in matters of misdemeanours provided for in § 72 of this Act within the limits of their competence and the Agricultural Registers and Information Board shall conduct extra-judicial proceedings in matters of misdemeanours provided for in § 73 of this Act.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

Chapter 12

Implementing Provisions

§ 75. Amendment of Rural Development and Agricultural Market Regulation Act

The Rural Development and Agricultural Market Regulation Act (RT I 2000, 82, 526; 2001, 42, 235; 88, 531; 2002, 16, 93; 56, 352; 96, 566; 2003, 15, 84; 23, 139; 51, 352) is amended as follows:

1) section 7, subsections 23 (2), 31 (3), 46 (2) and (3) and 49 (2) are repealed;

2) the word “fish,” is omitted from the preambular paragraph of subsection 24 (1) and subsections 24 (2) and (3);

3) the word “fish,” is omitted from § 25 and the preambular paragraph of subsection 31 (2);

4) the words “or producers” and “fish,” are omitted from clause 26 (1) 3) and in clause 26 (1) 4) the words “milk, meat or fish products” are substituted by the words “milk or meat products”;

5) the word “fish,” is omitted from clauses 27 (1) 2) and 3) and in clause 27 (1) 5) the words “agricultural or producers” are substituted by the words “agricultural producers” and the word “fish,” is omitted;

6) the words “or by a fish farmer to make an investment in the development of fish farming or by a commercial fisherman to invest in the development of fishing” are omitted from § 45;

7) the words “or fish farmer” and “or fish farmer's” are omitted from subsections 48 (1) and 115 (2);

8) the words “or a fish farmer” are omitted from subsection 51 (1);

9) the words “or fish farmer” are omitted from § 52;

10) the words “, commercial fisherman, fish farmer” are omitted from subsection 55 (1);

11) the words “, commercial fisherman whose permanent activity is fishing pursuant to a fisherman's fishing permit, a fish farmer” are omitted from § 56;

12) section 60 is amended and worded as follows:

“§ 60. Applicant for joint economic activity support for agricultural producers

A commercial association has the right to apply for joint economic activity support for agricultural producers if at least five of its members are agricultural producers and if one of the areas of activity of the commercial association is the marketing of agricultural produce produced by its members, the processing of such agricultural produce, the sale of agricultural products manufactured from such agricultural produce, or the sale of tangible and current assets necessary for the production of agricultural produce.”

§ 76. Entry into force of Act

(1) This Act enters into force on 1 January 2004.

(2) Sections 55-65, except subsection 63 (2), of this Act and subsections 68 (3), 69 (9) and 71 (7) of this Act enter into force as of Estonia's accession to the European Union.

(3) Chapter 5³ and § 71³ of this Act are implemented as of 1 January 2005.

(12.01.2006 entered into force 06.02.2006 - RT I 2006, 5, 22)

¹ RT = *Riigi Teataja* = *State Gazette*