

Farm Animals Breeding Act¹

Passed 6 November 2002

(RT² I 2002, 96, 566),

entered into force 1 January 2003,

amended by the following Act: 20.11.2008 entered into force 01.01.2009 - RT I 2008, 51, 284;

05.12.2007 entered into force 01.01.2008, partially 01.06.2008 - RT I 2007, 69, 423;

26.10.2005 entered into force 01.12.2005 - RT I 2005, 61, 477;

22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act provides the bases for the breeding of farm animals in order to ensure that the performance ability and genetic value of farm animals improves, that the gene pool of farm animals is preserved and that livestock production is economically efficient.

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

§ 2. Breed and breed name

(1) For the purposes of this Act, a breed is a population of animals of the same species:

- 1) with the same parentage;
- 2) with similar conformation inherited by progeny;
- 3) with similar economic utility;
- 4) whose number is sufficient for breeding purposes and for the preservation of the breed;
- 5) who are adapted to the climate and rearing conditions of the geographical region suitable for this breed;
- 6) who is significantly distinguishable from the related breeds on the basis of genetic distance;

7) whose breed type and other characteristics have not changed considerably during at least three last generations.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(2) A breed shall have a name which

1) is different from other breed names being used;

2) is distinguishable from all registered trade marks and trade designations.

§ 3. Endangered breed

(1) A breed or a distinguishable part of a population of animals of the same species is deemed to be endangered if the number of female or male animals used for breeding is less than one thousand or less than twenty respectively or if the number of female or male birds used for breeding is less than ten thousand or less than one thousand respectively (hereinafter endangered breed).

(20.11.2008 entered into force 01.01.2009 - RT I 2008, 51, 284)

(2) The list of the endangered breeds of farm animals shall be established by the Minister of Agriculture.

(26.10.2005 entered into force 01.12.2005 - RT I 2005, 61, 477)

(3) The breeds of farm animals entered in the list of endangered breeds are historically of Estonian origin.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(4) Upon breeding of a farm animal belonging to an endangered breed, only the semen, ovum and embryo of a farm animal of the same breed (hereinafter breeding material) may be used.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(5) Upon breeding a farm animal belonging to an endangered breed, the breeding material of a farm animal of another breed prescribed by a breed improvement programme may be used only for a single crossing in order to avoid inbreeding.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

§ 4. Breeding animal

(1) For the purposes of this Act, a breeding animal is a farm animal which is raised for breeding. Breeding animals are divided into pure-bred breeding animals and hybrid breeding animals.

(2) A pure-bred breeding animal is a farm animal entered in the main section of a herd-book.
(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(3) A hybrid breeding animal is a farm animal which is produced by deliberate cross-breeding of breeding animals of different breeds and which is entered in an animal breeding register or in an annex to a herd-book.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(4) The definition of “farm animal” by animal species is provided by Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ L 206, 12.08.1977, pp. 8–10); Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, pp. 36–38), Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (OJ L 153, 06.06.1989, pp. 30–31), Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.08.1990, pp. 55–59) and Council Directive 91/174/EEC laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 05.04.1991, pp. 37–38).

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236; 05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

§ 5. Breeding and person engaged in breeding

(1) For the purposes of this Act, breeding is an activity intended for the deliberate improvement of the performance ability and genetic value of farm animals and for the preservation or improvement of the economic utility thereof which is carried out in the following fields:

- 1) maintenance of herd-books and animal breeding registers;
- 2) performance testing and assessment of the genetic value of farm animals;
- 3) preservation of endangered breeds;

4) collection, preservation, treatment and marketing (hereinafter handling) of breeding material obtained from breeding animals.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(2) A person engaged in breeding is a person who is engaged in one or more of the fields of breeding activities specified in subsection (1) of this section.

§ 6. Herd-book and animal breeding register

(1) For the purposes of this Act, a herd-book is a database in which data concerning the parentage of breeding animals, details of the breeders and owners thereof (hereinafter origin) and data concerning the performance and genetic value of the breeding animals with mention of their ancestors is entered, as prescribed by the breed improvement programme for the relevant breed.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(1¹) The definition of “herd-book, stud-book or flock-book” is provided, correspondingly for each animal species, by Council Directives 77/504/EEC, 88/661/EEC, 89/361/EEC and 90/427/EEC.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(2) For the purposes of Article 1.d of Council Directive 88/661/EEC, an animal breeding register is a database which contains data concerning the parentage, origin, performance and genetic value of hybrid breeding pigs, as prescribed by the breed improvement programme for the relevant breed.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(2¹) (Repealed - 05.12.2007 entered into force 01.01.2008 – RT I 2007, 69, 423)

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(3) For the purposes of this Act, the entry of a breeding animal in a herd-book or animal breeding register is the recording of data concerning the breeding animal in a herd-book or animal breeding register by a non-profit association or a commercial association (hereinafter breeders' association) founded for such purpose. Upon entry in a herd-book or animal breeding register, a breeding animal is assigned a herd-book or animal breeding register number.

Breeders' associations shall publish the data entered in herd-books and animal breeding registers pursuant to the Personal Data Protection Act (RT I 1996, 48, 944; 1998, 59, 941; 111, 1833; 2000, 50, 317; 92, 597; 104, 685; 2001, 50, 283; 2002, 61, 375; 63, 387).

§ 7. Keeper of animals

For the purposes of this Act, a keeper of an animal is a person who owns a breeding animal (the owner of the animal) or who on the basis of a commercial lease or other relationship with the owner of an animal is engaged in keeping a breeding animal.

Chapter 2

Recognition of Breeders' Associations and of Persons Engaged in Performance Testing of Farm Animals, Assessing Genetic Value of Farm Animals or Preserving Endangered Breeds

§ 8. Recognition requirement

(1) A breeders' association shall be duly recognised before establishing a herd-book or animal breeding register, and a person who wishes to engage in the performance testing or the assessment of the genetic value of farm animals (hereinafter person engaged in performance testing) shall be duly recognised before commencing the performance testing or the assessment of the genetic value of the farm animals.

(2) A person who wishes to engage in the preservation of endangered breeds (hereinafter person engaged in the preservation of endangered breeds) shall be duly recognised before commencing the preservation of endangered breeds.

(3) Recognition is a procedure for assessing the compliance of a breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds, and of the breeding activities planned by that person with the requirements of this Act and legislation established on the basis thereof, and the legislation of the European Union.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 9. Application for recognition and appended documents

(1) Breeders' associations and persons engaged in performance testing who apply for recognition must be able to provide breeding services in the chosen field of breeding activities, whereupon the breeders' associations or their members must own a sufficient number of animals suitable to be entered in the herd-book or animal breeding register in order to guarantee

successful breeding, and persons engaged in the preservation of endangered breeds who apply for recognition must be able to carry out their breed preservation programme.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(2) Breeders' associations and persons engaged in performance testing or the preservation of endangered breeds who apply for recognition shall submit a written application to this effect to the Veterinary and Food Board (hereinafter the inspection authority). The application shall set out the following information:

- 1) the name and personal identification or registry code of the applicant or representative thereof (if the person does not have a personal identification code, the date, month and year of his or her birth);
- 2) the residence or seat, and the address and telecommunications number of the applicant or representative thereof;
- 3) the territory and the field of breeding activities for which recognition is applied for;
- 4) the date on which the application is prepared, and the signature of the applicant.

(3) A breeders' association shall append the following to an application:

- 1) a copy of its articles of association setting out the field of breeding activities;
- 2) a list of the members of the association;
- 3) a copy of the breed improvement programme;
- 4) (Repealed - 26.10.2005 entered into force 01.12.2005 – RT I 2005, 61, 477)

(4) A breed improvement programme is a document prepared concerning a particular breed which sets out the breed characteristics, the breeding objectives, the breeding methods used, the measures planned for successful breeding and the number of breeding animals necessary for the programme to be carried out. A breed improvement programme consists of the following parts:

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

- 1) the bases for entry in and the procedure for maintenance of the herd-book or animal breeding register;
- 2) the procedure for recording the parentage of breeding animals and for verification of the correctness of parentage data concerning breeding animals;
- 3) the procedure for using performance data and results of assessments of the genetic value of farm animals;
- 4) the procedure for declaring breeding animals and breeding material suitable for breeding;

- 5) the procedure for recording insemination data regarding female animals;
- 6) the procedure for identifying farm animals to be entered in a herd-book or animal breeding register and the procedure for the maintenance of records thereon;
- 7) training programmes in insemination, the requirements for obtaining an inseminator's certificate and the procedure for the issue thereof;

(4¹) In the case of an endangered breed, the following shall be set out in addition to the provisions of subsection (4) of this section:

- 1) the breed name of the farm animals which may be used for breeding a farm animal of an endangered breed and the grounds for using this breed;
- 2) the number of animals used for breeding a farm animal of an endangered breed and the term during which it is permitted to use the breeding material of a farm animal of another breed.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(4²) A breeders' association applying for recognition which wishes to maintain a herd-book of a new breed shall submit an application, the documents provided for in subsections (3) and (4) of this section and the following information on the research conducted concerning the relevant breed during at least three successive generations:

- 1) information on the conformation, type of body structure, body weight and shape and other characteristics;
- 2) information on population size;
- 3) information on the analysis concerning performance characteristics;
- 4) information on the analysis concerning adaption to the climate and rearing conditions of Estonia;
- 5) genetic description of the breed on the basis of at least 30 animals who are not closely related to each other.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(5) A breeders' association applying for recognition which wishes to maintain a herd-book of registered equidae or a section thereof for a breed whose original herd-book is maintained in a Member State of the European Union shall guarantee that the criteria laid down by the organisation or association which maintains the original herd-book will be complied with.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236; 05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

- (6) A person engaged in performance testing shall append the following to an application:
- 1) the procedure for the collection of parentage and performance data of breeding animals, for verification of the correctness of such data and for the processing and preservation thereof;
 - 2) information on the laboratories performing the tests necessary for the determination of livestock performance;
 - 3) the procedure for publication of performance data and the corresponding assessment results;
 - 4) training programmes in the collection of performance data, the requirements for obtaining a certificate of a person engaged in the collection of performance data and the procedure for the issue thereof.
- (7) A person engaged in the preservation of endangered breeds shall append the following to an application:
- 1) a copy of its articles of association setting out the field of breeding activities;
 - 2) a copy of the breed preservation programme.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

- (8) A breed preservation programme is a document prepared concerning an endangered breed which sets out the breed characteristics, the preservation objectives and the activities which ensure the preservation of the breed. A breed preservation programme shall include:
- 1) description of the conformation, performance characteristics and other characteristics of the animals;
 - 2) information on the population size and description of the population density and structure;
 - 3) description of the methods for breed preservation;
 - 4) the procedure for the promotion of the breed;
 - 5) in the case of the existence of a herd-book of the endangered breed, description of cooperation between the breeders' association maintaining the herd-book, keepers of animals and the person engaged in the preservation of the endangered breed.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

§ 10. Recognition of breeders' associations, persons engaged in performance testing and persons engaged in preservation of endangered breeds, and refusal to grant recognition thereto

(1) The inspection authority shall assess the compliance of a breeders' association, a person engaged in performance testing, a person engaged in the preservation of endangered breeds and the breeding activities planned by that person with the requirements provided for in this Act and other legislation. If an applicant and the breeding activities planned thereby meet the requirements, the head of the inspection authority or an official authorised thereby shall make a decision to grant recognition to the person.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(2) In the course of deciding on the grant of recognition, the inspection authority has the right to inspect undertakings operated by members of the breeders' association.

(3) If finding a breeders' association, a person engaged in performance testing, a person engaged in the preservation of endangered breeds or the breeding activities planned by that person do not meet the requirements, the head of the inspection authority or an official authorised thereby shall make a decision to refuse to grant recognition to the person.

(4) The head of the inspection authority or an official authorised thereby has the right to decide to refuse to grant recognition to a breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds if:

1) the herd-book or animal breeding register for a breed which the applicant wishes to maintain is already being maintained by a recognised breeding association;

2) the performance or the genetic value of the species of farm animals of which the applicant wishes to test the performance or assess the genetic value is already being tested or assessed by a recognised person engaged in performance testing, or

3) the endangered breed which the applicant wishes to commence preserving is already being preserved by a recognised person engaged in the preservation of endangered breeds.

(5) The head of the inspection authority or an official authorised thereby shall make a decision to grant or to refuse to grant recognition within three months as of the submission of the relevant application and appended documents.

(6) A copy of the decision to grant or to refuse to grant recognition shall be sent to the applicant by post within three working days as of the date on which the decision is made.

§ 11. Change of conditions existent upon recognition

(1) Before making any changes to the breed improvement programme submitted upon recognition, including changing breed names, approving a new breed improvement programme or carrying out any other alterations which change the conditions which existed at the time of recognition, a breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds shall give prior written notice of such changes to the inspection authority. In the event of notification of a new breed improvement programme, a copy thereof shall be forwarded to the inspection authority.

(2) The changes specified in subsection (1) of this section may be implemented with the permission of the inspection authority. The head of the inspection authority or an official authorised thereby shall make a decision to grant or to refuse to grant permission within one month as of the receipt of the corresponding notice and shall send a copy of the decision by post to the person concerned within three working days as of the date on which the decision is made.

§ 12. (Repealed - 05.12.2007 entered into force 01.01.2008 – RT I 2007, 69, 423)

§ 13. Suspension of decision to grant recognition

(1) If a breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds is unable to guarantee that its breeding activities meet the requirements, the head of the inspection authority or the official authorised thereby who made the decision to grant recognition has the right, at the proposal of the inspection official who inspected the breeders' association, the person engaged in performance testing or the person engaged in the preservation of endangered breeds, to suspend the validity of the decision until the circumstances relating to the violation of this Act or legislation issued on the basis thereof are clarified or until the precept issued by the official is complied with.

(2) The validity of a decision to grant recognition shall be restored and the right to continue the breeding activities permitted by the decision shall arise for the breeders' association, the person engaged in performance testing or the person engaged in the preservation of endangered breeds if the person has eliminated the circumstances which caused the suspension of the decision to grant recognition and if the decision to suspend the decision to grant recognition has been revoked.

(3) A copy of the decision to suspend the validity of the decision to grant recognition and a copy of the decision to revoke that decision shall be sent by post to the person concerned within three working days as of the date on which the decision is made.

§ 14. Repeal of decision to grant recognition

(1) A decision to grant recognition shall be revoked if the breeders' association, the person engaged in performance testing or the person engaged in the preservation of endangered breeds:

- 1) is permanently incapable of meeting the requirements laid down for the breeding activities thereof;
- 2) has repeatedly violated the requirements provided for in this Act or legislation established on the basis thereof, or
- 3) terminates its activities.

(2) A decision to grant recognition may also be revoked on the basis of a written application to this effect by the person specified in subsection (1) of this section.

(3) A decision to grant recognition shall be revoked by the head of the inspection authority or an official authorised thereby at the proposal of the inspection official who inspected the breeders' association, the person engaged in performance testing or the person engaged in the preservation of endangered breeds.

(4) A copy of the decision to revoke the decision to grant recognition shall be sent by post to the person concerned within three working days as of the date on which the decision is made.

Chapter 3

Herd-books and Animal Breeding Registers

§ 15. Entry in herd-book

(1) A herd book is divided into the main section and annexes.

(2) - (6) (Repealed 26.10.2005 entered into force 01.12.2005 - RT I 2005, 61, 477)

(7) In addition to the requirements provided by this Act, entry of breeding animals in a herd-book, stud-book or flock-book shall comply with the requirements set out in Article 4 of Council Directive 77/504/EEC, Article 4 of Council Directive 88/661/EEC and Articles 4 and 6 of Council Directive 90/427/EEC.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 16. Entry in animal breeding register

A hybrid breeding pig shall be entered in an animal breeding register if:

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

- 1) the pig has been identified in accordance with the requirements of this Act;
- 2) the animal's parentage has been documented.

§ 17. Identification of breeding animals

(1) If the owner of an animal wishes to enter a farm animal in a herd book or animal breeding register, the owner is required to identify the animal within twenty-four hours of its birth and to keep records of the identification of farm animals pursuant to the procedure established by the relevant breed improvement programme.

(2) Equidae shall be identified by a breeders' association in a manner which enables the identification data to be processed electronically within six months as of foaling and before weaning.

(3) Farm animals to be entered in a herd-book or breeding register shall also be identified and registered pursuant to the procedure established in § 11 of the Infectious Animal Disease Control Act (RT I 1999, 57, 598; 2002, 13, 80; 61, 375; 63, 387).

(4) Breeders' associations and persons engaged in performance testing have the right to use data entered in the register of farm animals. They shall come to an agreement with the authorised processor of the register of farm animals as to the data which can be used and the time and frequency of the use thereof.

§ 18. (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

Chapter 4

Performance Testing and Assessment of Genetic Value of Farm Animals

§ 19. Performance testing and assessment of genetic value

(1) Performance testing is the regular collection, recording, processing, storage and analysis of performance and parentage data of a farm animal with the aim of assessing the genetic value thereof. The performance testing and assessment of the genetic value of animals of the bovine, ovine and caprine species shall be based on the rules established by the International Committee for Animal Recording.

(2) Persons engaged in performance testing shall be responsible for developing statistical methods for the collection, processing, storage and assessment of performance data, assessing genetic value and publishing the results obtained. Such persons shall provide explanations concerning the methods of performance testing, statistical analysis methods and genetic parameters used.

(3) Genetic value shall be assessed separately for each breeding characteristic. In the event that the results obtained upon the assessment of genetic value are published, the reliability of the results and the assessment period shall be indicated.

(4) (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(5) (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(6) (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 20. Persons engaged in collection of performance data

(1) A keeper of animals, a person authorised by a keeper of animals or a person who has entered into a relevant contract with a keeper of animals has the right to collect the performance data of the farm animals belonging to the keeper and to forward the data to the person engaged in performance testing if he or she has undergone training in the collection of performance data and has been granted a certificate of a person engaged in the collection of performance data by the person engaged in performance testing.

(2) Training in the collection of performance data shall be organised by persons engaged in performance testing pursuant to the Adult Education Act (RT I 1993, 74, 1054; 1998, 71, 1200; 1999, 10, 150; 60, 617).

§ 21. Processing of performance data and publication of results thereof

(1) Performance data shall be collected, processed and analysed and the results obtained shall be issued and used pursuant to a contract entered into by the owner of the animal and the person

engaging in performance testing. The publication of performance data shall be in compliance with the Personal Data Protection Act and the analytical methods used shall be indicated upon publication.

(2) A person engaged in performance testing shall forward the information obtained by analysing performance data to the breeders' association at the time and with the frequency agreed between the parties.

Chapter 5

Declaration of Breeding Animals and Breeding Material as Suitable for Breeding, Handling of Breeding Material and Marketing of Breeding Animals

§ 22. Declaration of breeding animals and breeding material as suitable for breeding

(1) The declaration of breeding animals and breeding material as suitable for breeding is a process in the course of which female animals and male animals which are suitable for breeding are determined and breeding material which is suitable for breeding is determined. Breeding animals and breeding material shall be declared suitable for breeding by breeders' associations. The bases for declaring breeding animals and breeding material suitable for breeding and the bases for the use of breeding animals and breeding material declared suitable for breeding shall be established by the Minister of Agriculture.

(2) Breeding associations shall not refuse to test male animals or their semen with the aim of declaring the animals or semen suitable for breeding, nor shall they restrict or impede such tests. Male animals and their semen shall be tested pursuant to the procedure for the declaration of breeding animals and breeding material as suitable for breeding established by breed improvement programmes.

(3) In addition to the requirements provided by subsections (1) and (2) of this section, declaration of breeding animals and breeding material as suitable for breeding shall comply to the requirements established by Council Directives 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.06.1987, pp. 54–55), 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding (OJ L 071, 17.03.1990, pp. 34–35) and 90/119/EEC on hybrid pigs for breeding (OJ L 071, 17.03.1990, pp. 36–36). (22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 23. Conditions for participation in competitions of equidae intended for competitions

(1) The definitions related to equidae intended for competitions and the conditions for participation in competitions of equidae intended for competitions are provided by Council Directive 90/428/EEC on trade in equidae intended for competitions and laying down the conditions for participation therein (OJ 224, 18.08.1990, pp. 60–61).

(2) The Veterinary and Food Board is responsible for collection of the data specified in Article 1 of Commission Decision 92/216/EEC on the collection of data concerning competitions for equidae as referred to in Article 4 (2) of Council Directive 90/428/EEC (OJ L 104, 22.04.1992, p. 77–77).

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 24. Artificial insemination

(1) Semen which has been collected from male animals deemed suitable for breeding pursuant to the procedure established on the basis of subsection 7 (2) of the Infectious Animal Disease Control Act may be used for artificial insemination.

(2) Semen which has been collected from male animals whose parentage data has been verified by genetic testing methods shall be used for artificial insemination of animals of the bovine species and equidae.

(3) Each year, a breeders' association shall verify, by genetic testing methods, the correctness of the parentage data of at least one per cent of the animals of the bovine species and equidae entered in herd-books. The animals to be tested shall be selected at random.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

(4) A person or an employee of a person who has undergone a training course in insemination organised by a breeders' association or who has received an education in veterinary medicine and who has been granted an inseminator's certificate by the breeders' association (hereinafter an inseminator) may engage in the artificial insemination of animals.

(5) Breeders' associations shall organise training courses for inseminators in compliance with the Adult Education Act.

(6) A keeper of animals who has undergone a basic course for inseminators and who has been issued a corresponding certificate has the right to inseminate only the animals owned by him or her. A notification to this effect shall be entered on the certificate.

(7) Inseminators shall maintain electronic or paper records on the insemination of female animals. The records shall set out the sequence number, the date of insemination, the name of the keeper of the animals, the name of the male and female animals, the registration number of each animal in the register of farm animals and the number allocated to each animal in the herd-book or animal breeding register.

(8) Once a month, inseminators shall submit the data specified in subsection (7) of this section to the breeders' association which shall check the data and forward it to the person engaged in performance testing at the time and with the frequency agreed between them.

§ 25. Collection, preservation and processing of breeding material

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(1) Breeding material shall be collected, preserved and processed, and the farm buildings or constructions for livestock used therefor as well as the staff of the person engaged in such activities shall be recognised in adherence to the Infectious Animal Disease Control Act, this Act and legislation established on the basis thereof.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(2) An ovum of a breeding animal shall be packed immediately after its collection. The species, breed and name of the animal from which the ovum was collected, the registration number of the animal in the register of farm animals, the number allocated to the animal in the herd-book or animal breeding register, the name of the person who collected the ovum and the collection date shall be indicated on the package containing the ovum. If the package contains more than one ovum with the same parentage, the number of ova shall be indicated on the package.

§ 26. Maintenance of records concerning breeding material

(1) Persons who collect breeding material shall maintain electronic or paper records on the use of the breeding material collected thereby. The records shall set out the required data entered

on the labelling, the date on which the breeding material is marketed and the name of the recipient of the breeding material.

(2) Persons who collect breeding material shall preserve the records specified in subsection (1) of this section for ten years as of the marketing of the breeding material.

§ 27. Marketing of breeding animals and breeding material

(1) For the purposes of this Act, the marketing of breeding animals and breeding material is deemed to be the offer for sale, sale or delivery thereof in any other manner for a charge or without charge, including the trade in breeding animals and breeding material in the Member States of the European Union, and their import and export between Estonia and countries remaining outside of the customs territory of the European Union (hereinafter third countries).

(2) In this Act, import is deemed to be the conveyance of breeding animals and breeding material from a third country to the customs territory of the European Union for release for free circulation within the meaning of Article 79 of Council Regulation 2913/92/EEC establishing the Community Customs Code (OJ L 302, 19.10.1992, pp. 1–50).

(3) In this Act, export is deemed to be the carriage of breeding animals and breeding material from the European Union to a third country within the meaning of Article 161 of Council Regulation 2913/92/EEC.

(4) Breeding animals and breeding material shall be marketed in adherence to the requirements established by the Veterinary Supervision over Trade in, Import and Export of Animals and Animal Products Act, Infectious Animal Disease Control Act, this Act and legislation established on the basis thereof.

(5) In addition to the requirements provided by subsection 4) of this section, the marketing of breeding animals and breeding material, except for the import thereof from third countries and export thereof to third countries, shall be carried out in adherence to the requirements of Council Directives 77/504/EEC, 88/661/EEC, 89/361/EEC, 90/427/EEC, 90/428/EEC, 91/174/EEC, 87/328/EEC, 90/118/EEC and 90/119/EEC.

(6) In addition to the requirements provided by subsection 4) of this section, the import of breeding animals and breeding material shall conform to the requirements provided by Council Directive 94/28/EC laying down the principles relating to the zootechnical and genealogical

conditions applicable to imports from third countries of animals, their semen, ova and embryos (OJ L 178, 12.07.1994, pp. 66–68).

(7) The standard format for certificates of parentage of breeding animals and for tracking forms accompanying breeding material shall be established for each animal species by the Director General of the Veterinary and Food Board.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 28. (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

§ 29. (Repealed - 22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

Chapter 6

State Inspection

§ 30. Inspection authority

(1) State inspection of compliance with the requirements of this Act, legislation established on the basis thereof and the requirements established by recognised persons on the basis of this Act shall be conducted by the Veterinary and Food Board.

(2) The inspection authority shall co-operate with other agencies of executive power within the limits of their authority.

§ 31. Inspection officials and inspection

(1) An inspection official shall, within the limits of his or her competence, conduct state inspection of compliance with the requirements of this Act and legislation established on the basis thereof. Inspection operations are generally conducted without prior notice being given to the person engaged in breeding activities, the inseminator or the keeper of animals.

(2) An inspection official shall present his or her identification before conducting an inspection operation.

(3) An inspection official has the right to inspect, unhindered, compliance with the requirements of this Act and legislation established on the basis thereof on the territory and in the

premises of a person engaged in breeding activities or a keeper of animals in the presence of the person or a representative thereof.

(4) An inspection official has the right to demand the necessary information and copies or extracts of the relevant documents from the person engaged in breeding activities, the inseminator, the keeper of animals or the person authorised by the keeper of animals and, with the knowledge of the person, to record the situation at the time of the inspection with the aid of technical equipment, take control samples without charge, order expert analyses and perform other necessary acts.

(5) Inspection officials are required to maintain business secrets of which they become aware during the course of inspection. Personal data may be disclosed pursuant to the Personal Data Protection Act. A business secret may be disclosed if maintaining it would endanger the life or health of persons, the health of animals, or the environment.

(6) The inspection authority has the right to prohibit the use of breeding material for breeding if such activity jeopardises the implementation of a breed improvement programme or does not guarantee the success of breeding activities.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(7) Supervisory authorities shall submit to the European Commission and other Member States of the European Union a list of a recognised breeding associations and establishments engaged in performance testing.

(22.04.2004 entered into force 01.05.2004 - RT I 2004, 34, 236)

(8) A breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds shall submit a report concerning its breeding activities during the previous year to the inspection authority by 30 June each year.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

§ 32. Precept of inspection official

(1) In the event that an offence is detected, an inspection official shall issue a precept in which he or she:

- 1) calls attention to the offence;
- 2) demands that the offence be terminated;

- 3) demands that operations necessary to terminate the offence and prevent future offences be performed;
 - 4) sets a term for compliance with the precept.
- (2) The inspection official shall communicate the precept to the relevant person or the representative thereof against a signature either on site or by sending the precept to the person by registered letter with advice of delivery or by electronic means within fourteen working days as of the commencement of the inspection operation. If the person or the representative thereof refuses to receive the precept, a corresponding notation shall be made on the precept and the precept shall be sent to the person by registered letter with advice of delivery within three working days as of the refusal to receive the precept.
- (3) In order to ensure compliance with a precept, the inspection authority may impose a penalty payment pursuant to the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for a penalty payment is 10 000 kroons.

§ 33. Contestation of precept or decision

- (1) If a person does not agree with a precept or decision of an inspection official, the person may file a challenge with the head of the inspection authority within ten working days as of becoming aware of the decision or precept or have recourse to the courts pursuant to the procedure provided in the Code of Administrative Court Procedure (RT I 1999, 31, 425; 33, correction notice; 40, correction notice; 96, 846; 2000, 51, 321; 2001, 53, 313; 58, 355; 2002, 29, 174; 50, 313; 53, 336; 62, 376).
- (2) The head of the inspection authority or his or her deputy shall review a challenge within ten working days as of the receipt thereof. In order to clarify additional circumstances, the head of the inspection authority may extend the term for making a decision to up to thirty working days.

§ 34. Genetic testing of correctness of parentage data and taking of control samples

- (1) The genetic testing of the correctness of parentage data shall be carried out in a laboratory pursuant to internationally approved methodology.
- (2) The procedure for the taking, transportation, packaging, labelling and storage of control samples shall be established by the head of the inspection authority.

- (3) In the event of doubt concerning the correctness of the parentage data of a breeding animal, the inspection official has the right to obtain, free of charge, such quantity of control samples from the breeding animal as is necessary for it to be genetically tested.
- (4) The results of genetic testing shall be issued by the laboratory in the form of a report.
- (5) If data concerning a breeding animal is proven to be incorrect by genetic testing, the owner of the animal shall bear the costs for the taking of control samples and for the performance of genetic tests and the inspection authority shall issue a precept for the deletion of the incorrect data from the herd-book or animal breeding register.

Chapter 7

Liability

§ 35. Operation without due recognition

- (1) Operation by a person without due recognition 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.

§ 36. Violation of requirements for maintenance of herd-books and animal breeding registers
Violation of the requirements for the maintenance of herd-books and animal breeding registers is punishable by a fine of up to 30 000 kroons.

§ 37. Operation without inseminator's certificate and violation of requirements for completion of documentation concerning insemination

- (1) Operation without an inseminator's certificate or violation of the requirements for the completion of documentation concerning insemination 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.

§ 38. Issue of incorrect breeding data

- (1) The issue of incorrect breeding data 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.

§ 39. Violation of requirements for identification of farm animals entered in herd-books or animal breeding registers, for maintenance of records thereof and for labelling of ova

- (1) Violation of the requirements for identification of farm animals entered in a herd-book or animal breeding register, for maintenance of records thereof or for the labelling of ova is punishable by a fine of up to 100 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 15 000 kroons.

§ 40. Violation of requirements for handling of breeding material and marketing of breeding animals

- (1) Violation of the requirements for the handling of breeding material or the marketing of breeding animals 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.

§ 41. Violation of requirements for performance testing or assessment of genetic value

- (1) Violation of the requirements for performance testing or the assessment of genetic value 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.

§ 42. Failure to submit breeding data to breeders' associations and persons engaged in performance testing within set time limit

- (1) Failure to submit breeding data to breeders' associations or persons engaged in performance testing within the set time limit 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.

§ 43. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504) and the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 35–42 of this Act.

(2) The Veterinary and Food Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 35–42 of this Act.

Chapter 8

Implementation of Act

§ 44. (Repealed - 05.12.2007 entered into force 01.01.2008 – RT I 2007, 69, 423)

§ 44¹. Decision to grant recognition made before 1 January 2008

A decision to grant recognition to a breeders' association, a person engaged in performance testing or a person engaged in the preservation of endangered breeds for a specified term made before 1 January 2008 shall be deemed to be a decision to grant recognition for an unspecified term.

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

§§ 45 - 49 (omitted from this text)

§ 50. Entry into force of Act

This Act enters into force on 1 January 2003, except for clause 46 2) of this Act which enters into force upon Estonia's accession to the European Union.

¹ Council Directive 77/504/EEC on pure-bred breeding animals of the bovine species (OJ L 206, 12.08.1977, pp. 8–10), amended by Directive 79/268/EEC (OJ L 62, 13.03.1979, p. 5), Directive 85/586/EEC (OJ L 372, 31.12.1985, pp. 44–45), Directive 91/174/EEC (OJ L 85, 05.04.1991, pp 37–38), Directive 94/28/EC (OJ L 178, 12.07.1994, pp. 66–68) and Council Regulation

3768/85/EEC (OJ L 362, 31.12.1985, pp. 8–16) and Council Regulation 807/2003/EC (OJ L 122, 16.05.2003, pp. 36–62);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 88/661/EEC on the zootechnical standards applicable to breeding animals of the porcine species (OJ L 382, 31.12.1988, pp. 36–38), amended by Council Regulation 806/2003/EC (OJ L 122, 16.05.2003, pp. 1–35);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 89/361/EEC concerning pure-bred breeding sheep and goats (OJ L 153, 06.06.1989, pp. 30–31);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 90/427/EEC on the zootechnical and genealogical conditions governing intra-Community trade in equidae (OJ L 224, 18.08.1990, pp. 55–59);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 91/174/EEC laying down zootechnical and pedigree requirements for the marketing of pure-bred animals and amending Directives 77/504/EEC and 90/425/EEC (OJ L 85, 05.04.1991, pp. 37–38);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 87/328/EEC on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species (OJ L 167, 26.06.1987, pp. 54–55), amended by Directive 2005/24/EC (OJ L 78, 24.03.2005, pp. 43–44);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 90/118/EEC on the acceptance of pure-bred breeding pigs for breeding (OJ L 71, 17.03.1990, pp. 34–35);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 90/119/EEC of hybrid breeding pigs for breeding (OJ L 71, 17.03.1990, pp. 36);

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

Council Directive 90/428/EEC on trade in equidae intended for competitions and laying down the conditions for participation therein (OJ L 224, 18.08.1990, pp. 60–61).

(05.12.2007 entered into force 01.01.2008 - RT I 2007, 69, 423)

² RT = *Riigi Teataja* = *State Gazette*

