

Procedure for inspecting plants, plant products and other objects upon their conveyance from third countries to Estonia¹

Regulation No. 112 of the Minister of Agriculture of 10 July 2007

RTL², 13.07.2007, 58, 1046

Entered into force 16.07.2007

The Regulation is established on the basis of subsection 41 (8) of the Plant Protection Act.

§ 1. General Provisions

- (1) This Regulation establishes the procedure for inspecting plants, plant products and other objects (hereinafter consignment) at the border inspection post and authorised destination upon their conveyance from third countries to Estonia.
- (2) In the course of an inspection of a consignment a supervisory official of the Plant Production Inspectorate (hereinafter supervisory official) shall check the documents, the identity of the consignment and the conformity of the consignment with plant health requirements.

§ 2. Documentary and identity checks of consignments at border inspection posts

- (1) In the course of a documentary check at a border inspection post the conformity of the phytosanitary certificate accompanying the consignment, the conformity of information provided on the phytosanitary certificate to the information provided on the accompanying documents of the consignment and information on the consignee in the plant health register shall be verified. For that purpose the consignee or the possessor of the consignment shall submit a phytosanitary certificate or a phytosanitary certificate for re-export together with a copy of the original certificate and other accompanying documents to a supervisory official at the border inspection post.
- (2) A supervisory official shall check whether there is a notation on the phytosanitary certificate which confirms that the consignment originates in a country or a part thereof from which it is permitted to convey it to Estonia.
- (3) In the course of an identity check compliance of the consignment with the information provided on the phytosanitary certificate and other documents accompanying the consignment shall be verified.

(4) Upon permission of conveyance from third countries to Estonia or destruction of a consignment the phytosanitary certificate or the phytosanitary certificate for re-export together with the copy of the original certificate shall remain at the border inspection post.

(5) In the case of the discovery of non-compliance of a consignment in the course of the documentary and identity check, the supervisory official shall designate measures for bringing the consignment into compliance with the requirements or decide on the returning, carriage out of Estonia in some other manner or destruction of the consignment.

§ 3. Checks of conformity of consignments to plant health requirements at border inspection posts

(1) In the course of a check of the conformity to plant health requirements at a border inspection post the conformity of a consignment with plant health requirements shall be verified. A supervisory official shall check a consignment visually, take a sample of a consignment in the case of suspicion of contamination thereof, supply it with the seal or security sticker of the Plant Production Inspectorate and send it to a laboratory. The packaging of a sample shall be sealed in a manner which precludes opening of the packaging without damaging the seal or security sticker.

(2) Pursuant to subsection 41 (5) of the Plant Protection Act the supervisory official shall, on the basis of the results of supervision, make a decision to suspend, permit or prohibit conveyance of a consignment to Estonia. A supervisory official shall make a corresponding notation concerning the decision on the accompanying documents of the consignment and issue a plant passport for the consignment which shall be supplied with a plant passport.

(3) Conveyance of a consignment into Estonia from a third country and release thereof into free circulation is prohibited if the accompanying documents of the consignment do not include a notation made by a supervisory official permitting conveyance of the consignment to Estonia.

§ 4. Checks at reduced frequency

Checks at reduced frequency provided for on the bases of subsection 41¹ (1) of the Plant Protection Act shall be applied with respect to identity checks and checks of the conformity with plant health requirements of consignments containing wood which has been obtained from the order of Coniferales, except larch (*Larix*), from the European part of the Russian Federation.

§ 5. Checks of conformity of consignments with plant health requirements if they are conveyed to protected zone

If a consignment is conveyed to a protected zone, the compliance of the consignment with the plant health requirements established on the basis of subsection 10 (5) of the Plant Protection Act shall be verified.

§ 6. Forwarding consignments to authorised destination for identity checks and checks of conformity with plant health requirements

(1) After the documentary check pursuant to subsections 2 (1) and (2), a consignment may be forwarded, at the request of a consignee or holder of goods, to an authorised destination for identity check and check of the conformity with plant health requirements pursuant to subsection 37 (3) or (4) of the Plant Protection Act.

(2) A supervisory official shall confirm the result of the documentary check by a seal and signature on the plant health movement document and make a notation on the accompanying documents of a consignment that the goods are under supervision.

(3) A supervisory official shall seal, if necessary, a consignment to be forwarded from a border inspection post to an authorised destination, or close it with a security sticker in a manner which precludes opening of the packaging without damaging the seal or security sticker. A consignment must be closed in a manner which precludes the spreading of harmful organisms and preserves the consignment identifiable and unchanged until completion of the supervisory operations and making of a decision to permit or prohibit the conveyance of the consignment from a third country to Estonia.

(4) In justified cases, an unsealed or unclosed consignment may be sent to an authorised destination, if the spreading of harmful organisms is precluded.

(5) A plant health movement document shall set out the name of the authorised destination and information on whereto the consignment is forwarded after documentary check for identity check and check of the conformity with plant health requirements. The authorised destination specified on a plant health movement document may be changed, if necessary, by forwarding the consignment to another authorised destination specified in subsection (1), if the spreading of harmful organisms is precluded.

(6) A plant health movement document shall be accompanied by a copy of the phytosanitary certificate or the phytosanitary certificate for re-export of the consignment.

§ 7. Identity checks of consignments at authorised destinations

At an authorised destination a supervisory official shall carry out an identity check of a consignment pursuant to the procedure provided for in § 2 and make a notation concerning the results of the check on the plant health movement document.

§ 8. Checks of conformity of consignments with plant health requirements at authorised destinations

A supervisory official shall check the conformity of a consignment with plant health requirements pursuant to the procedure provided for in § 3 and make a notation concerning the results of the check on the plant health movement document.

§ 9. Handling of contaminated consignments and consignments which do not comply with plant health requirements

(1) Further handling of a consignment which has been declared not to comply with the plant health requirements as a result of a phytosanitary inspection at a border inspection post or authorised destination or of a consignment or a part thereof which has been declared to be contaminated on the basis of the results of the analysis of a sample taken in the course of check of the conformity to plant health requirements shall be determined by a supervisory official in cooperation with the Tax and Customs Board, taking into account, if possible, the wishes of the consignee.

(2) Pursuant to § 42 of the Plant Protection Act, a supervisory official shall make a decision concerning a contaminated consignment or a consignment which does not comply with the plant health requirements by which the consignment shall be designated:

- 1) for disinfection or other similar purification at the border inspection post or a customs terminal, customs warehouse or storage facility designated by the supervisory official, if there is no danger that harmful organisms would spread;
- 2) for return by the same means of conveyance, if possible;

3) for destruction under customs supervision at the border inspection post or in the facilities provided for that purpose nearest to the border inspection post, if the consignment cannot be returned or purified and if there is no danger that harmful organisms would spread;

4) for special treatment in certain cases and under certain conditions, if the consignment complies with the plant health requirements and the threat of the spread of harmful organisms disappears as a result of it.

(3) Before permission for conveyance of a consignment from a third country to Estonia, a supervisory official shall verify the efficiency of the purification designated by a decision made and carried out on the basis of subsection 42 (4) of the Plant Protection Act and the conformity of the consignment with the plant health requirements.

§ 10. Repeal of Regulation

Regulation No. 93 of the Minister of Agriculture of 16 September 2005 "Procedure for inspecting plants, plant products and other objects upon their conveyance from third countries to Estonia¹" (RTL 2005, 99, 1506) is repealed.

¹ Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.07.2000, pp. 1–112), amended by Directives 2001/33/EC (OJ L 127, 09.05.2001, pp. 42–44), 2002/28/EC (OJ L 77, 20.03.2002, pp. 23–25), 2002/36/EC (OJ L 116, 03.05.2002, pp. 16–26), 2002/89/EC (OJ L 355, 30.12.2002, pp. 45–60), 2003/22/EC (OJ L 78, 25.03.2003, pp. 10–11), 2003/47/EC (OJ L 138, 05.06.2003, pp. 47–48), 2003/116/EC (OJ L 321, 06.12.2003, pp. 36–40), 2004/31/EC (OJ L 85, 23.03.2004, pp. 18–23), 2004/70/EC (OJ L 127, 29.04.2004, pp. 97–103), 2004/102/EC (OJ L 309, 06.10.2004, pp. 9–25), 2005/15/EC (OJ L 056, 02.03.2005, pp. 12–13), 2005/16/EC (OJ L 057, 03.03.2005, pp. 19–22), 2005/77/EC (OJ L 296, 12.11.2005, pp. 17) 2006/14/EC (OJ L 34, 07.02.2006, pp. 24–25), 2006/35/EC (OJ L 88, 25.03.2006, pp. 9–12), 2007/41/EC (OJ L 169, 29.06.2007, pp. 51–52) amended by Council Regulation 806/2003 (OJ L 122, 16.05.2003, pp. 1–35) and Regulation 2004/882/EC of the European Parliament and of the Council (OJ L 165, 30.04.2004, pp. 1–141).

² RTL = *Riigi Teataja Lisa* = *Appendix to the State Gazette*

