

Formal and substantive requirements for phytosanitary certificates and procedure for issue, replacement and preservation of phytosanitary certificates¹

Regulation No. 98 of the Minister of Agriculture of 24 May 2004

(RTL² 2004, 68, 1126)

Entered into force 01.06.2004

Amended by the following Regulations:

01.02.2005 entered into force 13.02.2005 - RTL 2005, 19, 208.

01.10.2005 entered into force 16.10.2005 - RTL 2005, 104, 1582.

The Regulation is established on the basis of subsection 19 (3) of the Plant Protection Act.

(01.10.2005 entered into force 16.10.2005 - RTL 2005, 104, 1582)

§1. Scope of application

This Regulation establishes the formal and substantive requirements for phytosanitary certificates and the procedure for issue, replacement and preservation of phytosanitary certificates.

§2. List of information to be entered on phytosanitary certificate

- (1) A phytosanitary certificate is a document which certifies the phytosanitary conformity of plants, plant products and other objects used upon conveyance of consignments from a third country to Estonia or from Estonia to a third country. A phytosanitary certificate certifies the conformity of the consignment concerning which the phytosanitary certificate is issued.
- (2) A phytosanitary certificate shall set out:
 - 1) the phytosanitary certificate number;
 - 2) the name and address of the exporter;
 - 3) the name and address of the consignee;
 - 4) the name of the supervisory authority of the country of consignment and the country of destination;
 - 5) the place of origin;
 - 6) the type of means of conveyance and the number or other identification of the means of conveyance;

- 7) the border inspection post of the country of destination;
 - 8) the distinguishing marks of the consignment, the number and description of packages and the names of the plants, plant products or other objects and the botanical names of the plants;
 - 9) the quantities of the goods;
 - 10) the text "This is to certify that the plants, plant products or other regulated articles described herein have been inspected and/or tested according to appropriate official procedures and are considered to be free from quarantine pests specified by the importing contracting party and to conform with the current phytosanitary requirements of the importing contracting party, including those for regulated non-quarantine pests.";
 - 11) the text "The consignment is deemed to be practically free from other pests.";
 - 12) at the request of the country of destination, information concerning treatment against pests and the description of the treatment , the name and concentration of the chemical or active substance, the duration and temperature of the treatment, the date of the treatment and other information in accordance with the requirements in force;
 - 12¹) in case of plants, plant products and other objects which shall comply with the requirements established pursuant to subsection 6 (4) of the Plant Protection Act, official information in the additional declaration concerning which requirement in force is complied with;
 - 13) the place and date of issue of the phytosanitary certificate, the name and signature of the supervisory official and stamp of the supervision authority.
- (3) A phytosanitary certificate for re-export shall set out the information required in clauses (2) 1) – 9) and 12) and 13). The following text shall be set out instead of the text in clause (2) 10): "This is to certify that:
- 1) the plants, plant products or other regulated articles described above were imported into (contracting party of re-export)from (contracting party of origin) covered by phytosanitary certificate Nooriginal or certified true copy of which is attached to this certificate;
 - 2) they are packed, repacked, in original or new containers, that based on the original phytosanitary certificate and additional inspection , they are considered to conform with the current phytosanitary requirements of the importing contracting party;

3) and that during storage in (contracting party of re-export) the consignment has not been subjected to the risk of infestation or infection."

(01.10.2005 entered into force 16.10.2005 - RTL 2005, 104, 1582)

§3. Formal requirements for phytosanitary certificates

(1) A phytosanitary certificate shall be completed in Estonian or in English.

(2) A phytosanitary certificate shall be prepared by a supervisory official of the Plant Production Inspectorate in three original copies, of which one shall accompany the consignment, the second one shall be retained by the issuer of the certificate and the third one by the applicant thereof.

(3) A copy of a phytosanitary certificate shall bear the indication "copy" and be certified by the stamp of the Plant Production Inspectorate.

(4) A phytosanitary certificate or a phytosanitary certificate for re-export accompanying a consignment conveyed from a third country to Estonia and issued by a competent authority shall comply with the requirements set out in Annex I to Commission Directive 2004/105/EC determining the models of official phytosanitary certificates accompanying plants, plant products and other objects from third countries and countries listed in Council Directive 2000/29/EC (OJ L 319, 20.10.2004, pp. 9–14).

(4¹) A phytosanitary certificate accompanying a consignment conveyed from a third country to Estonia shall be on white paper printed in green ink and a phytosanitary certificate for re-export shall be on white paper printed in brown ink.

(01.10.2005 entered into force 16.10.2005 - RTL 2005, 104, 1582)

§4. Application for phytosanitary certificate

(1) In order to obtain a phytosanitary certificate, an application shall be submitted to the Plant Production Inspectorate not later than five calendar days before the conveyance of plants, plant products or other objects from Estonia to a third country which shall set out the following information:

1) the names and quantities of the plants, plant products or other objects and the number of the entry in the plant health register concerning the producer or, in the absence thereof, the name and address of the producer;

- 2) the name and address of the exporter or the number of the register entry of the exporter in the plant health register and contact details of the exporter;
- 3) the name and address of the consignee and the country of destination;
- 4) the type of means of conveyance and the number or other identification of the means of conveyance;
- 5) the border inspection post of the country of destination;
- 6) the term of conveyance of the consignment from Estonia to a third country;
- 7) the location of the consignment to be conveyed from Estonia to a third country.

(2) In addition to the application specified in subsection (1), a document certifying payment of the state fee and , in the case of a re-exported consignment, a phytosanitary certificate (the original or a copy thereof) of the country of origin or country of consignment shall be submitted to the Plant Production Inspectorate. In the case of treated goods, a document shall be submitted which includes information on the treatment.

(01.02.2005 entered into force 13.02.2005 - RTL 2005, 19, 208)

§5. Procedure for issue of phytosanitary certificates

- (1) A phytosanitary certificate is issued concerning plants, plant products or other objects on condition that they are not contaminated with harmful organisms and conform to the phytosanitary requirements of the country of destination.
- (2) Phytosanitary certificates are issued by a supervisory official of the Plant Production Inspectorate.
- (3) A supervisory official of the Plant Production Inspectorate shall issue a phytosanitary certificate after completion of the supervisory operations, but not later than within three working days after receipt of the application.
- (4) A phytosanitary certificate shall not be issued earlier than 14 calendar days before the conveyance of a consignment from Estonia to a third country.

§6. Procedure for replacement of phytosanitary certificates

- (1) The Plant Production Inspectorate shall replace a phytosanitary certificate on the basis of the written application and a copy of the phytosanitary certificate submitted by the applicant within three working days.

(2) If the reason for replacement of a phytosanitary certificate is the changed phytosanitary condition of a consignment or if the special phytosanitary requirements of the country of destination have changed, a supervisory official of the Plant Production Inspectorate may replace a phytosanitary certificate only after the consignment has been checked and the supervisory official has declared the consignment to conform to the plant health requirements.

§7. Procedure for preservation of phytosanitary certificates

Phytosanitary certificates and phytosanitary certificates for re-export and the applications for obtaining thereof, inspection reports, cover letters of control samples and analytical responses, payment documents and other documents related to the issue of phytosanitary certificates and phytosanitary certificates for re-export shall be preserved in a regional bureau of the Plant Production Inspectorate or border inspection post for at least one year after the issue of the documents.

§ 7¹. Implementing Provision

Until 31 December 2009 a phytosanitary certificate or phytosanitary certificate for re-export complying with the requirements provided for in Annex II to the Commission Directive 2004/105/EC may be used to accompany a consignment conveyed from a third country to Estonia instead of the document specified in subsection 3 (4).

(01.02.05 entered into force 13.02.05 - RTL 2005, 19, 208)

§8. Entry into force of Regulation

This Regulation enters into force on 1 June 2004.

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), 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); Commission Directive 2004/105/EC determining the models of official phytosanitary certificates accompanying plants, plant products and other objects from third countries and listed in Council Directive 2000/29/EC (OJ L 319, 20.10.2004, pp. 9–14).
(01.10.2005 entered into force 16.10.2005 - RTL 2005, 104, 1582)

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