

B. ANIMAL FEED

B1 The Feedingstuffs Act

Feedingstuffs Act © Estonian Translation and Legislative Support Centre

Passed on 17 June 1998

(RT* I 1998, 64/65, 1004),

entered into force 1 January 1999,

amended by the following Act:

16.06.99 entered into force 01.01.2000 – RT I 1999, 58, 608.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act regulates the manufacture, processing, importation and marketing of feedingstuffs, additives in feedingstuffs, premixtures and compound feedingstuffs (hereinafter feedingstuffs) for marketing purposes to ensure that feedingstuffs are harmless to animal or human health and have a favourable effect on livestock production.

(2) This Act does not apply to:

- 1) feedingstuffs tested in research and development institutions for purposes of scientific research;
- 2) feedingstuffs that pass through Estonia as transit goods, in so far as international agreements entered into with the countries of destination do not prescribe otherwise;
- 3) medicated feedingstuffs and medicinal products used for manufacture thereof, to the extent regulated by other legislation. (16.06.99 entered into force 01.01.2000 – RT I 1999, 58, 608)

§ 2. Feedingstuffs

(1) A feedingstuff is a product of vegetable, animal, microbial, mineral or synthetic origin which is used for animal nutrition.

(2) An additive in feedingstuffs is a substance which improves the metabolism of a feedingstuff, stimulates digestion, produces a prophylactic effect against diseases or improves the preservation of a feedingstuff; additives in feedingstuffs are mineral nutrients and compounds thereof, amino acids, vitamin preparations, enzyme preparations, antibiotics, antioxidants, silage additives, bacteria, yeasts, growth promoters, probiotics, flavourings or other substances; an additive in feedingstuffs shall not be used as a separate feedingstuff or an essential element of a feedingstuff.

(3) A premixture is a mixture manufactured from feedingstuffs and additives in feedingstuffs, pre-mix or enrichment mix used as a whole component according to a recipe in the manufacture of compound feedingstuffs.

(4) A compound feedingstuff is a mixture manufactured from feedingstuffs, additives in feedingstuffs and premixtures according to a corresponding recipe and technology (hereinafter technical regulation) and used for animal nutrition.

§ 3. Contaminants

A contaminant is an undesirable substance or product which is added, created or is present in a feedingstuff as a result of the manufacture or processing process or as a result of environmental pollution, and the presence of which in quantities larger than permitted may be harmful to animal or human health or may pollute the environment.

Chapter 2

Requirements

§ 4. Requirements for feedingstuffs

(1) Feedingstuffs which conform to the established requirements and are harmless to animal or human health (hereinafter conforming) and the manufacture technology or use of which does not pollute the environment may be manufactured, processed, marketed and imported.

(2) An exported feedingstuff shall conform to the requirements in force in Estonia or requirements in force in the country of destination if the requirements are known and an international agreement prescribes attestation of conformity of feedingstuffs.

(3) The Government of the Republic or the Minister of Agriculture as authorised by the Government of the Republic shall establish, by a regulation:

- 1) minimum and maximum levels of the constituents of feedingstuffs and tolerance limits permitted with respect to declared levels;
- 2) a list of contaminants and maximum permitted levels thereof;
- 3) a list of prohibited ingredients;
- 4) special requirements for feedingstuffs;
- 5) the procedure for the taking of control samples of feedingstuffs;
- 6) methodologies for the analysis and assessment of feedingstuffs.

(4) Based on the application of a feedingstuff, the special requirements provided for in clause (3) 4) of this section may be established, if necessary, for the composition, labelling, intended purpose, packaging and means of transport of the feedingstuff.

§ 5. General requirements for manufacturers, processors, importers and distributors

(1) Manufacturers, processors, importers and distributors of feedingstuffs shall adhere to the requirements of this Act and legislation established on the basis thereof, maintain records of bought raw materials and manufactured, processed, imported or marketed feedingstuffs and attest their conformity upon marketing.

(2) In this Act, marketing as an economic activity is the sale or transfer of a product in any other manner without charge or for a charge. The provisions concerning marketing also extend to the offer for sale of feedingstuffs.

§ 6. Special requirements for manufacturers of straight feedingstuffs

(1) For the purposes of this Act, a manufacturer of straight feedingstuffs means a manufacturer or processor who manufactures or processes:

- 1) straight feedingstuffs of vegetable origin, that is feed grain, roughage, silage or other products of vegetable origin;
- 2) straight feedingstuffs of animal origin;
- 3) mineral feedingstuffs.

(2) Manufacturers of straight feedingstuffs shall maintain unattested written records of marketed batches of feedingstuffs manufactured or processed by the manufacturer to identify the marketed feedingstuffs and the quantity and purchaser thereof.

(3) Processing means the processing of a straight feedingstuff according to one or several conventional ways without the use of additives of chemical or synthetic origin.

(4) The manufacturer of straight feedingstuffs shall attest the conformity of the feedingstuffs by a written declaration of conformity issued at the request of the purchaser. The conformity of straight feedingstuffs of animal origin shall be attested by an animal-health certificate.

§ 7. Special requirements for manufacturers and processors of additives in feedingstuffs, premixtures or compound feedingstuffs

(1) Manufacturers and processors of additives in feedingstuffs, premixtures or compound feedingstuffs shall have state approval and be registered as manufacturers or processors of such additives in feedingstuffs, premixtures or compound feedingstuffs.

(2) Additives in feedingstuffs, premixtures or compound feedingstuffs shall be manufactured and processed pursuant to the technical regulations established or selected by the manufacturer or processor or pursuant to the standards in force concerning the additives in feedingstuffs, the premixtures or compound feedingstuffs.

(3) Manufacturers and processors shall perform self-checking to ensure the harmlessness and conformity of the product.

(4) Manufacturers and processors shall maintain records of raw materials which are purchased or used in manufacture or processing and also of marketed batches of feedingstuffs to identify the provenance of the raw materials and to identify the marketed additives in the feedingstuffs, the premixtures or compound feedingstuffs and the quantity and purchasers thereof.

(5) The conformity of an additive in feedingstuffs, a premixture or compound feedingstuff shall be attested by a certificate of conformity which shall be made available to the purchaser.

(6) The requirements provided for in this section extend to manufacturers and processors of feedingstuffs of microbial or synthetic origin.

§ 8. Technical regulation

(1) In manufacture or processing, the manufacturers or processors shall adhere to a technical regulation which is a document established or selected by the manufacturer or processor and describing the manufacture and characteristics of additives in feedingstuffs, premixtures or compound feedingstuffs including the following data:

- 1) name of the feedingstuff, additives in feedingstuffs, premixtures or compound feedingstuffs;
- 2) description of the characteristics of ingredients and finished product;
- 3) technical processes used in the manufacture;
- 4) method of assessment of the conformity of finished product;
- 5) manner of packaging, and labelling;
- 6) transport and storage conditions.

(2) Notified bodies and inspection officials shall make recommendations and may issue mandatory precepts for the amendment of a technical regulation if it becomes evident that the regulation does not ensure the required result.

§ 9. Special requirements for imported feedingstuffs and importers

(1) The conformity of an imported batch of feedingstuffs shall be attested by a certificate of conformity issued concerning such batch.

(2) Importers shall be registered and shall maintain the records of the marketing of imported feedingstuffs to identify the quantity and purchasers of the marketed feedingstuffs.

(3) If the importer is a manufacturer or processor of premixtures or feedingstuffs, the provisions provided for in this section and § 7 shall be adhered to and separate records shall be maintained of the imported feedingstuffs used for manufacture or processing in a manner which allows to identify their provenance.

§ 10. Packaging and transport of feedingstuffs

(1) Upon the packaging of feedingstuffs, a packaging shall be used which causes no deterioration of the quality of feedingstuffs, does not pollute the environment and conforms to the requirements of the Packaging Act (RT I 1995, 47, 739; 1997, 53, 836) and legislation established on the basis thereof.

(2) Technical and sanitary conditions of vehicles used for the transport of feedingstuffs shall cause no deterioration of the quality of the cargo.

§ 11. Information required upon marketing

Upon marketing, the following information concerning feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs shall be provided to purchasers:

- 1) the name, and in the case of premixtures or compound feedingstuffs, a reference to the manufacturer's recipe;
- 2) quantity expressed as net weight;
- 3) name of the manufacturer or processor, location and the commercial registry code, and if registration is required of the manufacturer or processor, the registration number in the register of feedingstuffs;
- 4) raw materials and additives in feedingstuffs used upon manufacture;
- 5) nutritional value, content and proportion of nutrients;
- 6) time of manufacture;
- 7) storage conditions;
- 8) directions for use;
- 9) other information required by the Consumer Protection Act (RT I 1994, 2, 13; RT I 1999, 35, 450) and the Packaging Act.

§ 12. Communication of information required upon marketing

(1) Information concerning feedingstuffs marketed in Estonia shall be communicated in Estonian.

(2) Packaged feedingstuffs shall bear labelling which contains the information provided for in § 11 of this Act.

(3) A label containing the information provided for in § 11 of this Act shall be attached to a batch of unpackaged feedingstuff.

(4) Upon the marketing of a straight feedingstuff, the information provided for in clauses 11 1)–5) of this Act shall be stated in a written declaration of conformity attached to the batch pursuant to subsection 6 (3) of this Act.

(5) A registration number of the register of feedingstuffs may be combined with the number of a recipe. In such case, the registration number of the register of feedingstuffs shall be given first, followed by the number of the recipe and the two numbers shall be divided by a slash; the entry «Tootja/retsept» [“Manufacturer/recipe”] shall appear before the combination of numbers.

Conformity

§ 13. Attestation of conformity

Upon the importation or marketing of feedingstuffs, the conformity of feedingstuffs shall be attested by a document prepared and issued on the basis of the results of quality inspection, i.e. a declaration of conformity or a certificate of conformity.

§ 14. Declaration of conformity

(1) For the performance of a quality inspection necessary for the issue of a declaration of conformity, a manufacturer or processor shall submit samples of a straight feedingstuff to a notified body of the manufacturer's or processor's choice for assessment of conformity. A declaration of conformity is prepared on the basis of assessment results contained in the test report.

(2) A one-time assessment of a straight feedingstuff by the manufacturer or processor shall be sufficient if the quality of the plant production received and marketed during a given year in the form of straight feedingstuff does not deteriorate considerably in storage.

(3) The conformity of a batch of straight feedingstuff which is marketed for further processing to manufacturers of premixtures or compound feedingstuffs may be assessed within the framework of purchaser's system of self-checking if the purchaser is approved and registered pursuant to this Act.

§ 15. Requirement of self-checking

(1) Each manufacturer or processor of additives in feedingstuffs, premixtures or compound feedingstuffs shall check the quality and harmlessness of the feedingstuffs (hereinafter self-checking) to ensure the conformity of manufactured and processed feedingstuffs by the application of necessary measures. Self-checking shall cover the whole process of manufacture or processing, including the adherence to the provisions of technical regulations.

(2) In order to comply with the requirement provided for in subsection (1) of this section, the manufacturers and processors shall determine the stages of manufacture and processing essential to ensure conformity, establish and apply an internal system of self-checking, record the results of the self-checking and preserve the records for at least one year.

(3) Notified bodies and inspection officials shall make recommendations and may issue mandatory precepts for the amendment of a system of self-checking if it becomes evident that the existing system does not ensure the required result.

§ 16. Certificate of conformity

(1) A notified body shall issue a certificate of conformity to the manufacturer or processor of a feedingstuff in the course of approval and to the importer of feedingstuffs for each imported batch. A manufacturer, processor or importer may order a certificate of conformity from a notified body of its choice.

(2) a certificate of conformity to an importer may be issued on the basis of a document issued in a foreign state for attestation of conformity or the documents on the basis of which such document was issued if the documents indicate that the imported feedingstuffs conform to the requirements in force in Estonia.

(3) At the request of the purchaser, a distributor shall present a copy of a certificate of conformity to the purchaser.

§ 17. Notified body

(1) The right to operate as a notified body is granted by the Minister of Agriculture on the basis of a corresponding application if the applicant conforms to the requirements prescribed in subsections 6 (5) and (8) of the Product Conformity Attestation Act (RT I 1997, 81, 1362).

(2) Notified bodies shall assess the conformity of products on the basis of product testing results, tests relating to manufacture and quality inspection and issue certificates of conformity if the results of such assessments show that the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs conform to the requirements.

(3) A notified body may issue a certificate of conformity for the continued manufacture of such feedingstuffs, premixtures or compound feedingstuffs with a period of validity of up to five years.

(4) Notified bodies shall perform quality inspections on the premises of manufacturers or processors during the period of validity of certificates of conformity issued to them.

(5) Quality inspection is the routine monitoring of the functioning of a manufacturer's or processor's system of self-checking and organisation of manufacture, and routine inspection of the conformity of feedingstuffs, on the basis of the results of which an approved attestation body has the right to issue a mandatory precept to a manufacturer or processor or to revoke an issued certificate of conformity.

(6) If feedingstuffs, premixtures or compound feedingstuffs no longer conform to the requirements, a notified body shall revoke the certificate of conformity.

§ 18. Costs

Costs related to attestation of conformity shall be borne by the person who orders the assessment or attestation service on the basis of a corresponding contract entered into with a notified body.

Chapter 4

Approval and Registration

§ 19. Approval process

(1) The objective of an approval process is, during preventive inspection, to assess the ability of an undertaking belonging to a manufacturer or processor and of its staff to comply with the requirements provided for in this Act or legislation established on the basis thereof upon the manufacture of high-quality and harmless feedingstuffs.

(2) In order to be granted approval, a manufacturer or processor shall obtain certificates of conformity concerning the feedingstuffs manufactured or processed by the manufacturer or processor from a notified body and submit the copies of the certificates to an inspection body together with an application and a document certifying payment of state fees.

(3) The application shall set out forecast quantity of feedingstuffs, premixtures or compound feedingstuffs to be marketed until the end of the given calendar year, based on which the amount of state fee to be paid for retention in the register is calculated.

(4) An inspection body shall verify the accuracy of the submitted data and if the data proves to be correct shall, within one month after the date of the submission of the required documents, make a corresponding entry in the state register of feedingstuffs after which a manufacturer or processor is deemed to have state approval.

§ 20. Term and extent of approval

(1) Approval is granted for a specified term related to the payment of state fees and the validity of certificates of conformity. An inspection body grants approval to manufacturers and processors with respect to the additives in feedingstuffs, premixtures or compound feedingstuffs concerning which a certificate of conformity is in force and during the term of validity of the certificate of conformity.

(2) If a notified body revokes an issued certificate of conformity, the manufacturer or processor shall lose approval for the manufacture or processing of the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs concerning which the certificate of conformity was issued.

§ 21. Registration of importer

An importer is entered in the register on the basis of an application submitted by the importer after the importer has submitted the required data and paid a state fee.

§ 22. State fees

(1) State fees shall be paid for the making of entries in the register (approval), issue of registration certificates, retention in the register and for the making of extracts from the register in the amount and pursuant to the procedure provided by the State Fees Act (RT I 1997, 80, 1344; 86, 1461; 87, 1466 and 1467; 93, 1563; 1998, 2, 47; 4, 63; 23, 321; 36/37, 552 and 553; 52/53, 771; 57, 859; 59, 941; 60, 951; 61, 979 and 985; 64/65, 1004, 1005 and 1008; 86/87, 1408; 97, 1519; 103, 1701; 108/109, 1783; 111, 1829; 1999, 16, 275; 23, 355; 24, 359 and 360; 25, 364; 27, 380, 384, 385, 386 and 392; 29, 400 and 404; 30, 415; 58, 608).

(2) A state fee is not paid for the amendment of register entries.

(3) A state fee for the retention of data in the register during the following year is calculated and paid according to the quantity of feedingstuffs actually marketed or imported during the previous year not later than 31 December of the given year.

(4) A state fee for the first year is paid in proportion to the number of months which remain until the end of the year from the date of submission of the application.

§ 23. State register of feedingstuffs

(1) The state register of feedingstuffs (hereinafter register) is a state register which is established pursuant to the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552) on the proposal of the Minister of Agriculture.

(2) The chief processor of the register is the Ministry of Agriculture, and the authorised processor of the register is the Plant Production Inspectorate (hereinafter registrar); the expenses of the register are covered from the budget of the Ministry of Agriculture.

§ 24. Information entered in register

(1) The following is entered in the register:

1) information concerning a manufacturer, processor or importer: name, location and commercial registry code; in the case of an importer, also the name and country of location of the manufacturer (in the case of a

processor, the name and country of location of the processor) of the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs;

2) issued certificates of conformity and the names of feedingstuffs permitted to be manufactured or processed linked with the name of the manufacturer or processor;

3) results of state inspection, content of precepts together with terms of compliance and imposed penalties.

(2) Register entries are made and information is obtained from the register pursuant to this Act, the Databases Act and the statutes of the register.

§ 25. Issue of registration certificates

(1) At the request of a manufacturer, processor or importer, the registrar shall issue a registration certificate which certifies that the given person and the feedingstuffs manufactured, processed or imported by the person are entered in the register and are under state inspection.

(2) The Minister of Agriculture shall establish the formal and substantive requirements for registration certificates.

§ 26. Bases for deletion from register

(1) A manufacturer, processor or importer shall be deleted from the register:

1) on the basis of an application from the manufacturer, processor or importer if the manufacturer, processor or importer terminates the manufacture, processing or importation of feedingstuffs;

2) by a decision of the registrar, if the manufacturer, processor or importer fails to comply with the requirements provided for in this Act or legislation established on the basis thereof.

(2) Feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs which are registered linked with the name of the manufacturer, processor or importer shall be deleted from the register:

1) on the basis of an application of the manufacturer, processor or importer if the manufacturer, processor or importer has terminated the manufacture, processing or importation of the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs;

2) by a decision of the registrar, if state inspection repeatedly shows that the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs fail to conform to the established requirements;

3) by a decision of the registrar, upon the expiry of the certificate of conformity.

§ 27. Consequences of deletion from register and elimination of circumstances constituting basis for deletion

(1) Upon the deletion of a person from the register, the person is required to terminate the manufacture, processing or importation of feedingstuffs for marketing purposes.

(2) Upon the deletion of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs from the register, a person is required to terminate the manufacture, processing or importation of the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs for marketing purposes.

(3) After the circumstances which constitute the basis for deletion from the register are eliminated, the person may submit a new application for entry in the register.

§ 28. Access to register

(1) All data entered in the register are public.

(2) The registrar shall compile and make available to the public overviews of the manufacture, marketing and importation of feedingstuffs registered pursuant to this Act and overviews of the results of state inspection.

Chapter 5

Inspection and Marketing of Feedingstuffs which Do Not Conform to Requirements

§ 29. Inspection body and inspection operations

(1) Inspection of compliance with the requirements provided for in this Act and legislation established on the basis thereof is conducted by the Plant Production Inspectorate (hereinafter inspection body) through its inspection officials.

(2) Inspection officials have the right to take control samples of manufactured, processed or imported feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs and perform other operations necessary for satisfactory inspection and the monitoring of compliance with the requirements arising from this Act or legislation established on the basis thereof.

§ 30. Inspection upon import

(1) The Government of the Republic shall establish, by a regulation, a list of customs posts located at the border through which feedingstuffs may be imported.

(2) Control samples may be taken of imported batches of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs by a decision of an inspection body.

(3) The use, marketing or transfer in any other manner of a batch of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs or part thereof is prohibited until the results of the tests performed on the control sample taken from the batch are obtained.

(4) On the basis of the results of control samples, the inspection body shall, within forty-eight hours after the control samples are taken, make a decision whether to permit or prohibit the further use, marketing or transfer in any other manner of the batch of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs.

(5) If the preliminary results obtained in the analysis of control samples imply that the control samples do not conform to the requirements, the samples shall be sent for additional analysis or a repeat sample is taken. In such case, the final decision whether to permit or prohibit the further use, marketing or transfer in any other manner of the batch of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs shall be made within ten days after the date of the taking of the first control samples.

§ 31. Marketing of harmless feedingstuffs which do not conform to requirements

Upon the marketing of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs which do not conform to the established requirements but are harmless in terms of animal and human health and to the environment, the purchaser or consignee shall be informed in advance of the sub-standard quality of the feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs.

§ 32. Handling of harmful feedingstuffs which do not conform to requirements

Feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs which do not conform to the established requirements, are harmful in terms of animal or human health or to the environment and cannot be rendered harmless and fit for use by further processing shall be handled pursuant to the requirements of the Waste Act.

Chapter 6

Liability

§ 33. Bases for liability

(1) Natural persons are liable for violation of this Act pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 45, p. 2654; 58, 608).

(2) Legal persons are liable pursuant to §§ 35 or 36 of this Act.

§ 34. Sanctions applied with regard to persons

The following sanctions may be imposed on natural and legal persons who violate the requirements arising from this Act and legislation established on the basis thereof:

- 1) issue of a precept for elimination of deficiencies;
- 2) imposition of a fine pursuant to law;
- 3) deletion of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs from the register;
- 4) deletion of the manufacturer, processor or importer from the register.

§ 35. Proceedings concerning administrative offences of legal persons and right to impose punishments

(1) Pursuant to the Code of Administrative Offences, the Director General of the Plant Production Inspectorate, his or her deputy and state inspectors have the right to prepare reports on administrative offences and impose administrative punishments.

(2) Officials specified in subsection (1) of this section have the right to impose fines of up to 10 000 kroons.

(3) Administrative court judges may impose fines in the amount prescribed in § 36 of this Act.

(4) Proceedings concerning administrative offences are conducted pursuant to the procedure provided for in the Code of Administrative Offences unless otherwise provided by this Act.

§ 36. Fines applied with regard to legal persons

If a manufacturer, processor or importer who is a legal person:

- 1) fails to comply with the requirements provided for in § 4 of this Act or legislation established on the basis thereof or with the special requirements provided for in §§ 5, 6, 7 and 9 of this Act, a fine of up to 20 000 kroons is imposed, depending on the circumstances;
- 2) fails to comply with the requirement of attestation of conformity pursuant to the procedure provided for in §§ 13, 14 and 16 of this Act and the requirement of self-checking provided for in § 15 of this Act, a fine of up to 25 000 kroons is imposed, depending on the circumstances;
- 3) violates the requirements concerning packaging or transportation or information and the communication of information provided for in § 10, 11 and 12 of this Act, a fine of up to 15 000 kroons is imposed, depending on the circumstances;

4) hinders the performance of inspection operations or commences the use, marketing or transfer in any other manner of an imported batch of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs or a part thereof prior to the decision of an inspection body based on control samples provided for in §§ 29 and 30 of this Act, a fine of up to 10 000 kroons is imposed, depending on the circumstances;

5) violates the procedure for the marketing of harmless feedingstuffs which do not conform to the established requirements or the procedure for the handling of harmful feedingstuffs which do not conform to the established requirements provided for in §§ 31 and 32 of this Act, a fine of up to 30 000 kroons is imposed, depending on the circumstances.

§ 37. Obligation to compensate for damage

Upon the marketing of manufactured, processed or imported feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs, persons are held liable for damage caused by them to purchasers by failure to comply with the quality and safety requirements concerning feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs arising from this Act or legislation established on the basis thereof, by way of civil procedure.

Chapter 7

Implementing Provisions

§ 38. Amendment of Code of Administrative Offences

The Code of Administrative Offences (RT 1992, 29, 396; RT I 1999, 41, 496; 45, p. 2654; 58, 608) is amended as follows:

1) section 753 is added to the Code worded as follows:

«§ 753. Violation of quality or marketing requirements of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs

(1) A fine in the amount of up to 200 days' wages is imposed for marketing of feedingstuffs which do not conform to the requirements.

(2) A fine in the amount of up to 200 days' wages is imposed for failure to comply with the requirement of attestation of conformity.

(3) A fine in the amount of up to 150 days' wages is imposed for violation of the requirements of packaging, transport, information and communication of information.

(4) A fine in the amount of up to 100 days' wages is imposed for hindering inspection operations or commencement of the use, marketing or transfer in any other manner of an imported batch or a part thereof prior to the decision of an inspection body based on control samples;

(5) A fine in the amount of up to 200 days' wages is imposed for failure to comply with the requirement of self-checking or violation of the procedure for the marketing of harmless feedingstuffs which do not conform to the established requirements or the procedure for the handling of harmful feedingstuffs which do not conform to the established requirements.»;

2) the figure «753» is added to the list set out in subsection 216 (1).

§ 39. Amendment of State Fees Act

The State Fees Act (RT 1997, 80, 1344; 86, 1461; 87, 1466 and 1467; 93, 1563; 1998, 2, 47; 4, 63; 23, 321; 36/37, 552 and 553; 52/53, 771; 57, 859; 59, 941; 60, 951; 61, 979 and 985; 64/65, 1004, 1005 and 1008; 86/87, 1408; 97, 1519; 103, 1701; 108/109, 1783; 111, 1829; 1999, 16, 275; 23, 355; 24, 359 and 360; 25, 364; 27, 380, 384, 385, 386 and 392; 29, 400 and 404; 30, 415; 58, 608) is amended as follows:

1) clause 121) is added to subsection 3 (2) worded as follows:

«121) from the operations of the register of feedingstuffs;»;

2) Division 51 is added to Chapter 7 of the Act worded as follows:

«Division 51. Operations Performed Pursuant to Feedingstuffs Act

§ 891. Operations of register of feedingstuffs

(1) Manufacturers or processors of feedingstuffs shall pay a state fee of 500 kroons for approval.

(2) Importers of feedingstuffs shall pay a state fee of 500 kroons for registration in the register of feedingstuffs.

(3) Manufacturers, processors or importers who are entered in the register shall pay a state fee for the retention of the data in the register according to the quantity of feedingstuffs, additives in feedingstuffs, premixtures or compound feedingstuffs manufactured, processed or imported by the manufacturers, processors or importers during a calendar year:

1) of 400 kroons for up to 100 tons;

2) of 1300 kroons for 100 to 1000 tons;

3) of 2500 kroons for 1000 to 5000 tons;

- 4) of 4000 kroons for 5000 to 10 000 tons;
- 5) of 5600 kroons for 10 000 to 20 000 tons;
- 6) of 11 200 kroons for 20 000 to 30 000 tons;
- 7) of 22 400 kroons for more than 30 000 tons.

(4) Manufacturers, processors or importers of additives in feedingstuffs shall pay a state fee of 2700 kroons per calendar year for retention in the register.

(5) A state fee of 100 kroons is paid for the issue of a registration certificate.

(6) A state fee of 25 kroons for each A4-format page is paid for making extracts from register entries.»

§ 40. Implementation of Act

(1) The manufacturers or processors of feedingstuffs who operate at the time of the entry into force of this Act are required to obtain state approval within one year after the entry into force of this Act, or terminate the manufacture or processing of feedingstuffs.

(2) Importers of feedingstuffs shall be entered in the register within six months after the entry into force of this Act, or terminate the importation of feedingstuffs.

(3) Until the establishment of the legislation specified in subsection 4 (3) of this Act, feedingstuffs shall conform to other requirements provided for in this Act and legislation established on the basis thereof and to the composition declared by manufacturers, processors or importers; the analysis methodologies chosen by the manufacturers, processors or importers may be used.

§ 41. Entry into force of Act

This Act enters into force on 1 January 1999, except § 23 which enters into force on 1 October 1998.