

E2 The Plant-Protection Act

Plant Protection Act

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RT I 1996, 49, 953

Chapter I

GENERAL PROVISIONS

§ 1. Object of the Act

The Plant Protection Act establishes a state system of means the purpose of which is to provide plants and plant products with protection from pests, avoid the spreading of quarantinous pests both internally and between countries and and ensure the safety of people as well as for the environment arising from the use of plant protection products.

§ 2. Scope of application of the Act

This Act applies to all owners and actual users of land as well as to undertakings and persons engaged in production, marketing, retailing and using of plants, plant products and plant protection products.

§ 3. Definitions used in the Act

In this Act, the following definitions are used:

- 1) "plant" - a living plant or a part of a plant, including fruits or seeds;
- 2) "plant product" - a product of vegetable origin which is unprocessed or processed using simple methods such as drying, milling and cutting, unprocessed timber and fruits and seeds which are not used as propagating material;
- 3) "pest" - an animal, plant, micro-organism or a virus in all their stages of development which may harm plants or plant products;
- 4) "plant quarantine" - state system of measures for preventing introduction and spreading of harmful pests in the territory of Estonia and for locating them on time, localising and eliminating them in the territory of Estonia;
- 5) "quarantinous pest" - a harmful pest which is subjected to compulsory plant quarantine measures;
- 6) "hard to control pest" - a pest which, in large numbers may cause a substantial economic loss and the control of which, due to the absence of effective means, is complicated;
- 7) "plant protection product" - a substance or organism which is used for protecting plants and plant products against pests or for regulating the growth of plants, except microelements and plant nutrients
- 8) "plant protection equipment" - equipment used in pest control;
- 9) "phytosanitary situation" rate of contamination with pests or inhabitation of pests in plants, plant products, crops, plots, soil and other objects.

CHAPTER II

STATE PLANT PROTECTION SERVICE

§ 4. Main tasks of the state plant protection service are as follows:

(1) Regarding plant protection:

- 1) elaborating a plant protection strategy which is harmless environmentally and in terms of human health, the issue of plant protection instructions and regulations and the state supervision of compliance with the requirements arising thereof;
- 2) monitoring and prognostication of the appearance, development and spreading of pests in order to inform land users of the necessity and means of pest control;
- 3) registration of plant protection products which are permitted in Estonia and the issuing of registration certificates;

4) the issuing of licences for the importation, storage and marketing of plant protection products;
[14.10.98]

5) state supervision over implementation of the instructions for marketing, storage and use of plant protection products.

(2) Regarding plant quarantine:

1) protection of the territory of the state against the introduction or invasion of quarantinous pests and other pests which may cause economic loss;

2) locating quarantinous pests in time, localising and eliminating them in the territory of Estonia and preventing the introduction of pests to the regions where they do not exist;

3) exercising state supervision over compliance with the plant quarantine regulations and measures upon the growing, collection, transportation, storage, processing, marketing, importation, exportation, transit and re-exportation of plants and plant products;

4) issue and check on international importation permits and phytosanitary certificates at specific border checkpoints;

§ 5. Structure of the state plant protection service

The state plant protection service is organised by the Government of the Republic, the Ministry of Agriculture and the Ministry of Environment pursuant to this Act.

(RK s 26.06.96 No.207 entered into force 26.07.96 – RT I 1996,49, 953)

CHAPTER III

PREVENTION OF SPREAD OF PESTS AND PEST CONTROL

§ 6. Prevention of introduction and spread of pests in the Republic of Estonia

All owners and users of land as well as entrepreneurs are required to take preventive and direct control measures against the introduction and spread of quarantinous and hard-to-control pests to Estonia.

§ 7. Control and prevention of spread of quarantinous pests

1) The Minister of Agriculture shall approve the list of quarantinous pests;

2) compulsory preventive and direct control measures against the introduction and spread of quarantinous pests shall be established by the Minister of Agriculture;

3) every owner and user of land as well as every entrepreneur shall promptly inform the quarantine inspector or local authorities, and in the case of forest damage the forest officer, about the appearance of quarantinous pests;

4) The Minister of Agriculture shall establish, by a regulation, quarantine in a region to localise the region where quarantine measures and restrictions are applied.

[14.10.98]

§ 8. Procedure for application of quarantine measures and restrictions

The Government of the Republic shall establish:

1) the procedure for quarantine measures and restrictions;

2) the procedure for covering the expenses related to the application of quarantine measures and restrictions from the state budget;

3) restrictions on use of plots or buildings actually pest contaminated, suspected of contamination or exposed to the danger of contamination.

§ 9. Control of hard-to-control pests

1) The list of hard -to-control pests requiring compulsory control measures shall be approved by the Minister of Agriculture;

2) every owner and user of land as well as every entrepreneur shall take measures against the spread of hard to control pests and inform the quarantine inspector or local authorities and, in case of forest damage the forest officer, of the appearance of hard to control pests;

§ 10. Control of other pests

1) The control of other pests (excluding those specified in articles 7 and 9 of this Act) is performed by request according to the judgement of the owner or user of land or entrepreneur and considering the specific phytosanitary situation;

2) pest control plant protection methods which involve least possible quantities of chemical plant protection products shall be used.

§ 11. Obligations of producers, marketers and retailers

1) Producers, marketers and retailers of plants and plant products must ensure the required phytosanitary situation of their products.

2) Spreading of quarantinous or hard-to-control pests is prohibited.

CHAPTER IV

PROCEDURE FOR THE MARKETING AND USE OF PLANT PROTECTION PRODUCTS AND EQUIPMENT

§ 12. Permitted plant protection products and their registration

1) Procedure for registration shall be established by the Government of the Republic. Upon registration, in cases of equal effectiveness products which are less harmful in terms of human health or the environment shall be preferred.

2) Only these chemical and biological plant protection products which are registered in Estonia are permitted for use in pest control.

3) The list of active ingredients prohibited in Estonia shall be established by a regulation of the Government of the Republic. Plant protection products containing active ingredients which have been entered in the list of prohibited substances shall not be registered.

[14.10.98]

§ 12¹. Register of plant protection products

[14.10.98]

(1) The register of plant protection products (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 basis of an application of the Minister of Agriculture. 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 register contains data on plant protection products registered in Estonia and the manufacturers, importers and marketers thereof. The expenses of the establishment and maintenance of the register are covered from the state budget providing these expenses as a special entry in the budget of the Ministry of Agriculture.

(2) The following information is entered in the register:

1) information concerning a manufacturer, importer or marketer of plant protection products located in Estonia: name, location, telecommunication data, commercial registry code, in the case of imported plant protection products, also the country of origin of the product and the name and country of location of the manufacturer;

2) composition of a plant protection product, its chemical, physical, toxicological and eco-toxicological features;

3) nomenclature and quantities of plant protection products imported to Estonia.

4) Access to the information entered in the register which contains business or production secrets is restricted and may only be used by supervisory officials of plant protection, health protection and environment or other officials pursuant to law in the performance of supervision. Other information entered in the register is public. The registrar shall compile and publish a special annual overview of the qualities and use of plant protection products entered into the register. The list of plant protection products permitted for public use in concordance with the Health Protection Inspectorate shall be a separate part of the publication. The list together with conditions for utilization of plant protection products entered into the list shall be annually published in a national newspaper.

§ 13. Requirements of people utilizing plant protection products

[14.10.98]

(1) Only persons who have received appropriate training and thus obtained a plant protection worker's certificate have the right to utilize all the permitted plant protection products. Training programs on plant

protection, requirements for obtaining and procedure for issue of plant protection worker's certificates shall be established by a regulation of the Minister of Agriculture.

(2) Persons who have not been granted a plant protection worker's certificate may only use plant protection products intended for general utilisation.

[29.01.1998]

§ 14. Importation and marketing of plant protection products

[14.10.1998]

(1) Importation and marketing of plant protection products intended for free circulation is permitted only pursuant to the procedure established the Government of the Republic. Only plant protection products which are permitted in Estonia may be imported and marketed.

(2) To ensure safety, marketing and other means of transfer of plant protection products are prohibited:

- 1) on the basis of self-service;
- 2) to intoxicated persons or persons having an after-effect of intoxication;
- 3) to minors.

(3) It is only permitted to sell or transfer in some other manner to such persons who have a plant protection worker's certificate the plant protection products which, according to the classification of plant protection products, are harmful to humans, other living organisms or the environment and thus requiring special training from their users.

§ 15. Requirements for the packaging of plant protection products

(1) [14.10.1998]

(2) The marketing of plant protection products in sub-standard or unmarked packaging is prohibited.

(3) The packaging of plant protection products shall be accompanied by directions for use in the Estonian language.

(4) The classification of plant protection products according to their rate of toxicological impact, requirements for packaging and markings (labels) including symbols and warning signs of plant protection products, special information about safety procedures and risk factors and procedure for re-packaging of plant protection products shall be established by a regulation of the Government of the Republic.

[14.10.1998]

§16. Procedure for utilising and maintaining records

(1) Users of plant protection products shall comply with the requirements for choosing appropriate plant protection products for certain plants and plant products, rates and numbers of application of plant protection products and wait times between application of plant protection products and consuming or marketing of the crop. Conditions and procedure for utilisation of plant protection products shall be established by a regulation of the Minister of Agriculture.

[14.10.1998]

(2) Owners and users of land as well as entrepreneurs shall maintain individual dated records on the use of each plant protection product and the quantities used.

(3) At the request of appropriate government officials producers of agricultural or horticultural products having used plant protection products, shall submit, upon marketing their products information about compliance with the requirements specified in sections 1. and 2. of the present article for identifying possible residues of plant protection products and checking compliance with requirements for wait times.

(4) Limits for residues of chemical plant protection products in plant products and on the surface of them and methods of drawing samples from the surface of plant products shall be established by a regulation of the Government of the Republic.

[14.10.1998]

§ 17. Compliance with health protection and environment protection regulations

Upon utilisation, transportation and storage all natural and legal persons shall comply with health protection and environment protection regulations which are in force in Estonia.

§ 18. Marketing and utilisation of plant protection equipment

[14.10.1998]

(1) Plant protection equipment which is marketed and used for plant protection shall comply with requirements provided for in Safety Act (RT I 1998, 40, 613).

(2) Safety requirements for plant protection equipment, procedure for their technical control, utilisation, cleaning and storage shall be established by a regulation of the Minister of Agriculture.

CHAPTER V

PLANT PROTECTION SUPERVISION

§ 19. Supervision [26.06.96; 29.01.1998; 14.10.98]

(1) Supervision over the requirements arising from this Act and legislation established on the basis thereof is exercised by the Plant Production Inspectorate and Forestry Board within the scope of their competence.

(2) Plant protection inspectors of the Plant Production Inspectorate and the inspectors of the Forestry Board are entitled to obtain necessary oral and written information in the performance of supervision, perform monitoring of objects, draw control samples of plant products, inspect the area, subscribe to expert evidence, make assessment of the situation using technical equipment and exercise other necessary procedures which allow them to perform supervision.

§ 20. International agreements

In the case of a difference between the plant protection requirements provided for in international agreements and the requirements arising from this Act and the legislation arising thereof the provisions of the international agreement apply.

§ 21. Amendments to the Code of Administrative Offences

The following amendments have been made to articles 76 and 216 of the Code of Administrative Offences (RT 1992, 29, 396; RT I 1993, 7, 103; 33, 539; 44, 637; 62,891; 72 / 73, 1019; RT I 1994, 1,5; 12, 202) :

1) " § 76. Violation of plant protection and plant quarantine regulations

(1) Upon violating pest control regulations or other plant protection regulations, a fine of up to eighty days salary is imposed;

(2) Upon violating plant quarantine regulations which have caused or may cause contamination with harmful quarantinous pests, plant diseases or weeds in the territory of Estonia, a fine of up to one hundred days salary is imposed.";

2) "§ 216. Plant protection and plant quarantine officials

(1) Plant protection officials review the offences specified in section 1 of article 76 and article 77 of the present Code.

(2) The Director General of the State Plant Protection Board, his deputy and the State Plant Protection Inspector have the right to impose administrative penalties for the offences specified in section 1 of this article.

(3) Plant quarantine officials review the offences specified in section 2 of article 76 of the present Code.

(4) The Director General of the State Plant Protection Board, his deputy and State Plant Protection Inspector have the right to impose administrative penalties for the offences specified in section 3 of this article".

Chairman of the Riigikogu Ülo NUGIS