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European Union Common Agricultural Policy Implementation Act

Passed 19.11.2014

Amended by the following acts

Passed	Published	Entry into force
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, on the basis of subsection 107 ⁴ (2) of the Government of the Republic Act the words 'Ministry of Agriculture' have been replaced with the words 'Ministry of Rural Affairs' in the appropriate case form

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act sets out the grounds of and procedure for implementation of the measures of the common agricultural policy of the European Union (hereinafter *common agricultural policy*), the agencies implementing the measures, the grounds of and procedure for granting transitional national aid, the grounds and extent of exercising state and administrative supervision, and the liability for violation of this Act.

(2) The provisions of the Administrative Procedure Act apply to the administrative procedure laid down in the EU legislation, this Act and legislation established on the basis thereof, taking account of the specifics of the EU legislation and this Act.

§ 2. Common agricultural policy measures

(1) For the purposes of this Act, common agricultural policy measures mean:

- 1) measures taken based on and in accordance with Articles 4(1) and 5 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, pp. 549–607);
- 2) transitional national aid specified in Article 37 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, pp. 608–670);
- 3) market organization measures taken based on and in accordance with Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, pp. 671–854);
- 4) measures taken based on and in accordance with Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, pp. 1–29).

(2) (2) The Ministry of Rural Affairs is the authority competent to implement the common agricultural policy measures, unless otherwise provided for in this Act.

(3) The Government of the Republic or the minister responsible for the field may, with the limits of their competence, establish a regulation for implementation of the common agricultural policy in a matter that, in accordance with the legislation of the European Union, a Member State has the right to decide.

(4) For the purpose of implementing the common agricultural policy, the Government of the Republic may, within the limits of their competence, issue an order and the minister responsible for the field may, within the limits of their competence, issue a directive regarding a matter that, in accordance with the legislation of the European Union, a Member State has the right to decide.

§ 3. Notification of European Commission about implementation of common agricultural policy measures

If the legislation of the European Union does not provide for the presenter of data pertaining to the implementation of the common agricultural policy measures, the state agency designated by the minister responsible for the field will transmit the data to the European Commission within the time limits and in accordance with the procedure provided for in the legislation of the European Union.

Chapter 2 Paying Agency and Certification Body

§ 4. Paying agency

(1) Upon implementing the common agricultural policy measures, the Agricultural Registers and Information Board (hereinafter *ARIB*) is the paying agency for the purposes of Article 7 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

(2) The paying agency may delegate the task provided in Article 7(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council to another agency, authority or person on the grounds and in accordance with the procedure provided for in this Act.

§ 5. Authority competent to accredit paying agency

(1) The Ministry of Rural Affairs is the authority competent to accredit the paying agency.

(2) The minister responsible for the field may by a regulation establish supplementary requirements for the accreditation of the paying agency.

(3) The ARIB has the right to commence performance of the tasks of the paying agency as of the date of making the accreditation decision.

§ 6. Certification body

(1) The Ministry of Rural Affairs is the certification body for the purposes of Article 9 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

(2) To perform the tasks provided for in Article 9 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, the Ministry of Rural Affairs may, in accordance with the procedure established in the Administrative Cooperation Act, conclude a public law contract with a legal person in private law who has sufficient experience in auditing payments. The authorisation of a legal person in private law to perform this task will be decided by a directive of the minister responsible for the field.

Chapter 3 General Procedural Provisions

§ 7. Submission of application and notification

(1) Upon implementation of the common agricultural policy measures, an application, a payment claim and another notification to be submitted to the ARIB or, in another event provided for in this Act, to another person, agency or authority on the basis of this Act is submitted in writing on paper or by electronic means.

(2) The minister responsible for the field may by a regulation establish that applications, payment claims and other notifications to be submitted on the basis of this Act must be submitted only by electronic means via the e-service environment of the ARIB or another e-service environment.

(3) An application, a payment claim and another notification to be submitted on the basis of this Act must be submitted via the e-service environment in a secure manner that allows for the clear identification of the person.

(4) If an application or a payment claim is not submitted within the time limit, the time limit for the submission thereof will not be restored and the application or the claim will not be reviewed, unless otherwise provided by the relevant legislation of the European Union.

§ 8. Amendment of application and notification

An application, a payment claim and another notification to be submitted on the basis of this Act in the course of implementation of the common agricultural policy measures may be amended, modified and partially or fully withdrawn in the events and in accordance with the procedure established in the regulations of the European Union.

§ 9. Verification of application and notification

(1) The fulfilment of the requirements established for the common agricultural policy measures and the correctness of the information given in an application, a payment claim or another notification to be submitted on the basis of this Act is verified by the Ministry of Rural Affairs, the ARIB, person, agency or authority whose respective right has been provided for in this Act or another legal instrument established on the basis thereof, and by other state authorities within the limits of their competence.

(2) Upon performance of their task, the ARIB and the person, agency, body or authority that performs the task of the paying agency on the basis of subsection 4 (2) of this Act and other agencies, bodies and authorities specified in this Act follow the rules of procedure and the written agreement drawn up on the basis of legislation and approved by the relevant parties.

§ 10. Making and communication of decision

(1) Upon implementing the common agricultural policy measures, a decision is made by electronic means. A decision may be made on paper if the making of a decision by electronic means proves impossible for technical reasons.

(2) In the event provided for in clauses 62 (2) 1) and 2) of the Administrative Procedure Act, the decision is communicated by electronic means if the person has granted respective consent.

(3) In the event specified in subsection (2) of this section, a decision is deemed as delivered to a person if the following has been sent to the person's e-mail address:

- 1) the digitally signed decision or an extract of the decision equipped with a digital stamp, or
- 2) a notification of the operative part of the decision made regarding the person and the procedure for appeal, and if the decision or the extract of the decision is available via the electronic e-service environment.

(4) If a person has not granted consent to the electronic delivery of a decision, the decision will, in the events provided for in clauses 62 (2) 1) and 2) of the Administrative Procedure Act, be communicated by sending a paper copy or extract of the decision by registered mail or registered mail with advice of delivery within ten working days after making the decision, unless otherwise provided by the legislation of the European Union.

(5) In the events specified in subsections (3) and 4) of this section, the reasons of the decision, the operative part of the decision and a reference to the possibility of appealing against the decision are delivered to the person along with the extract of the decision.

(6) If a person's application is fully granted by a decision made upon implementing the common agricultural policy measures and the decision does not restrict the rights of a third party, information on making the decision will be published on the ARIB's website. By the publication of information on the making of the decision on the website it is deemed that the decision has been communicated to the person. Information is published on the ARIB's website within ten working days as of the date of making the decision, unless otherwise provided by the relevant regulation of the European Union.

(7) In the case of beneficiaries specified in Article 112 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, the decision specified in subsection (6) of this section is published within ten working days after the making of the decision by way of delivery by electronic means if the person has granted respective consent.

(8) If a beneficiary specified in subsection (7) of this section has not granted consent to the electronic delivery of the decision, a decision specified in subsection (6) of this section will be communicated by delivering a paper copy or extract of the decision by registered mail or registered mail with advice of delivery within ten working days after making the decision, unless otherwise provided by the legislation of the European Union.

Chapter 4

Direct Payments and Transitional National Aid for Farmers under Common Agricultural Policy

Division 1 Direct Payments

Subdivision 1 General Provisions

§ 11. Direct payment

(1) For the purposes of this Act, 'direct payment' means aid financed from the funds of the European Agricultural Guarantee Fund (EAGF) under Regulation (EU) No 1307/2013 of the European Parliament and of the Council. On the basis of and in accordance with this Act, the following direct payments are granted:

- 1) single area payment;
- 2) payment for agricultural practices beneficial for the climate and the environment (hereinafter *climate and environmental payment*);
- 3) young farmer payment;
- 4) redistributive payment;
- 5) payment for areas with natural constraints;
- 6) coupled support;
- 7) small farmer payment.

(2) The payments specified in clauses 1) to 3) of subsection (1) of this section can annually be applied for eligible agricultural areas.

(3) The payments specified in clauses 4) to 7) of subsection (1) of this section, which can be applied for in the budgetary year, may be established by a regulation of the minister responsible for the field.

(4) The amount of the funds allocated for direct payments in the budgetary year in accordance with the regulation established on the basis of subsection (3) of this section per type of the coupled support granted on the basis of Article 52 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council will be established by a regulation of the minister responsible for the field.

(5) The right to apply for the payments specified in clauses 4) to 7) of subsection (1) of this section will not arise and payments will not be made if the granting of the payment in the budgetary year is not provided for by the regulation established on the basis of subsection (3) of this section.

Subdivision 2 Direct Payment Requirements

§ 12. Direct payment requirements for applicant

(1) A direct payment can be applied for by a natural or legal person or an association of persons without the status of a legal person, which is engaged in an agricultural activity specified in Article 4(1)(c) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council in a holding specified in point b of the same Article and is an active farmer for the purposes of Article 9 of the same Regulation (hereinafter in this Division *applicant*).

(2) In addition to the activities listed in Article 9(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, the minister responsible for the field may, by a regulation, establish a list of activities whereby persons engaged in the activities are not granted direct payments.

(3) A person engaged in an activity listed in Article 9 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council and established on the basis of subsection (2) of this section keeps accounts for the purpose of obtaining the direct payment and submits verifiable evidence on income from its economic activities, including agricultural activities.

(4) For the purpose of application of the reductions set out in Article 11 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, the person keeps accounts for the purpose of obtaining the direct payment and submits verifiable evidence on labour costs relating to its economic activities, including agricultural activities.

(5) Article 9(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council does not apply to holdings that received agricultural direct payments in the amount of up to 5000 euros in the calendar year preceding the year of submission of the application.

§ 13. Direct payment requirements for agricultural area

(1) A direct payment can be applied for regarding at least one hectare of agricultural area where an agricultural activity is being pursued or that is in a state suitable for grazing or cultivation and which the applicant uses as of June 15 in the year of submission of the application.

(2) Requirements for an activity that keeps an agricultural area in a status suitable for grazing or cultivation will be established by a regulation of the minister responsible for the field.

(3) Upon determining the size of an agricultural area, an agricultural parcel with an area of at least 0.3 hectares is taken into account, including a hedge, a ditch, a traditional landscape object or another form characteristic of the landscape that is up to two metres wide, thereby also assuming that the number of trees per hectare does not exceed 50 on the conditions established on the basis of Article 76(2)(c) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

(4) On the conditions set out in Article 32(3) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, a direct payment may be applied for with regard to an agricultural area that is also used for non-agricultural activities, provided that those do not significantly hamper the agricultural activity.

(5) The list and conditions of non-agricultural activities will be established by a regulation of the minister responsible for the field, taking into account the provisions of Article 32(3)(a) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

(6) A direct payment applicant must implement the requirements provided for in the relevant regulations of the European Union and § 32 of this Act in the entire holding.

(7) As an exception to subsection (3) of this section, the minister responsible for the field may, by a regulation, establish areas that have over 50 trees per hectare, that are traditionally used for grazing animals and whereby the eligible area is determined in accordance with a legal instrument established on the basis of Article 76(2) Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

§ 14. Direct payment requirements for short rotation coppice

(1) A direct payment may also be applied for an agricultural area that complies with the requirements provided for in § 13 of this Act and is used for growing willow (*Salix*) that are suitable for short rotation coppice under CN code 0602 90 41.

(2) Coppices may be established and grown in an agricultural area that has an average soil quality rating of up to 35 points and where establishing and growing coppices is in compliance with the provisions of the Land Improvement Act and the Nature Conservation Act.

(3) The maximum rotation length of a short rotation coppice will be established by a regulation of the minister responsible for the field.

§ 15. Single area payment, climate and environmental payment

(1) The single area payment and the climate and environmental payment can be applied for by a person who complies with the requirements established in §§ 12–14 of this Act and who observes the agricultural practices beneficial for the climate and the environment set out in Article 43 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

(2) The minister responsible for the field will, by a regulation, establish:

- 1) the time frame that will serve as the basis for determining the growing area required for observing the crop diversification practices based on the more important part of the crop cycle of plants;
- 2) the list of ecological focus areas (hereinafter *EFAs*) and the list of rural municipalities or regions in the territory of which applicants are released from the requirement to determine EFAs regarding an agricultural area due to the large share of woodland;
- 3) the procedure for determining applicants released from the requirement to determine EFAs if the agricultural area used by the applicant is only partially located in the rural municipality or region released from the requirement;
- 4) the list of areas which need strict protection in permanent grasslands;
- 5) a more detailed procedure for the performance of the duty to preserve the area of a permanent grassland, the grounds of and procedure for the transfer of the duty to preserve the area of a permanent grassland and a

more detailed procedure for taking measures required for preserving the area of a permanent grassland and the additional requirements for applicant in the event of implementation of the measures.

- (3) The minister responsible for the field may, by a regulation, establish:
- 1) practices equal to the requirements for the climate and environmental payment;
 - 2) the list of additional sensitive areas required for protecting valuable permanent grasslands;
 - 3) the procedure for use of a recalculation coefficient or weighting factors and the procedure use of mineral fertilisers or plant protection products upon designation of the size of EFAs.

(4) If necessary, the ARIB will publish the information about implementing the measures necessary for the preservation of the size of a permanent grassland in the official publication *Ametlikud Teadaanded*.

§ 16. Young farmer payment

(1) A person applying for the single area payment who complies with the requirements established in §§ 12–14 of this Act, observes the agricultural practices beneficial for the climate and the environment set out in Article 43 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council and complies with the requirements established in Article 50 of the same Regulation may apply for the young farmer payment.

(2) The young farmer payment is paid on the basis of up to 39 hectares, which is determined in the course of the single area payment proceedings.

(3) Additional and relevant skills or training requirements for a person applying for the payment specified in subsection (1) of this section and more detailed requirements for a legal person applying for the young farmer payment may be established by a regulation of the minister responsible for the field.

§ 17. Redistributive payment

(1) A person applying for the single area payment who complies with the requirements established in §§ 12–14 of this Act, observes the agricultural practices beneficial for the climate and the environment set out in Article 43 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council may apply for the redistributive payment on the basis of the number of hectares determined in the course of the single area proceedings in accordance with Article 41 of the same Regulation.

(2) The redistributive payment is paid on the basis of up to 39 hectares, which is determined in the course of the single area payment proceedings.

(3) The number of hectares serving as the basis for payment of the redistributive payment in the budgetary year may be established by a regulation of the minister responsible for the field, taking into account the provisions of subsection (2) of this section and Article 11 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council as well as the share of holdings with a different share of land use.

§ 18. Payment for areas with natural constraints

(1) A person applying for the single area payment who complies with the requirements established in §§ 12–14 of this Act, observes the agricultural practices beneficial for the climate and the environment set out in Article 43 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council and whose agricultural area is located in an area with natural constraints may apply for the payment for areas with natural constraints on the basis of the number of hectares that has been declared eligible in the course of the single area payment proceedings.

(2) The list of areas with natural constraints may be established by a regulation of the minister responsible for the field per rural municipality, taking into account the natural constraint characteristics of the regions, the severity of the constraints, their agronomic conditions, and the number of hectares for which the payment can be applied for as well as taking into account the share of holdings with a different share of land use.

§ 19. Coupled support

(1) Couple support can be applied for by a person who complies with the requirements for coupled support.

(2) Requirements for coupled support may be established by a regulation of the minister responsible for the field, taking into account the provisions of Article 52 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

(3) The requirements specified in subsection (2) of this section may be established separately per each type of coupled support.

(4) If the applicant's agricultural area is less than one hectare, the minimum amount of the animal-related coupled support specified in Article 10(3) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council will be 100 euros.

§ 20. Small farmer scheme

(1) The small farmer payment may be granted to a person applying for the direct payment who, in addition to an application for the direct payments specified in subsection 21 (1) of this Act, applies for the small farmer payment by the closing date specified in a legal instrument established on the basis of subsection (2) of the same section.

(2) The small farmer payment may be paid to a person specified in subsection (1) of this section in the total amount of the payments specified Article 63(2)(a) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council to the extent of up to 1250 euros.

(3) The small farmer payment is paid on the basis of an application of a small farmer also in years following the year of submission of the application if the person has not submitted to the ARIB a small farmer payment withdrawal notice.

(4) The procedure for communicating the estimated payment amount will be established by a regulation of the minister responsible for the field.

Subdivision 3

Application for Direct Payment, Application Proceedings, Reduction of Payment, Refusal of Application and Establishment of Unit Amount

§ 21. Applying for direct payment and application proceedings

(1) To apply for direct payments paid per agricultural area, the applicant must submit to the ARIB a direct payment application or a coupled support application or, if relevant, a small farmer payment application.

(2) The procedure for applying for direct payments and application proceedings and the application form or requirements for applications may be established by a regulation of the minister responsible for the field.

(3) The procedure for applying for direct payments and application proceedings and the application form or requirements for applications may be established separately per each direct payment type.

§ 22. Reduction of direct payment and refusal of application

(1) The ARIB will decide the reduction of direct payments or the refusal of applications on the grounds and in accordance with the procedure established in the relevant Articles of Regulations (EU) No 1307/2013 and (EU) 1306/2013 of the European Parliament and of the Council and in other relevant regulations of the European Union.

(2) In the event of application of Article 11(2) of Regulation (EU) No 1307/2013 of the European Parliament and of the Council, the salaries linked to an agricultural activity actually paid and declared to the Tax and Customs Board by the farmer in the previous calendar year, including taxes and social insurance contributions related to employment, are subtracted from the amount of direct payments to be granted to the farmer.

(3) Subsection (2) of this section does not apply if in the same year of application the redistributive payment is applied to the extent of at least five per cent of the total budget of direct payments.

(4) In addition to the provisions of subsections (1) and (2) of this section, a direct payment application will be refused if:

- 1) the applicant does not comply with the requirements for the payment;
- 2) the applicant has submitted false data or influences the application proceedings by fraud or a threat or in any other unlawful manner;
- 3) the applicant does not permit an on-the-spot check.

§ 23. Unit amount of direct payment and making of direct payment

(1) The ARIB will decide the direct payment unit amount on the basis of Regulation (EU) No 1307/2013 of the European Parliament and of the Council or relevant provisions of a legal instrument established on the basis thereof and the size of the payment funds established on the basis of subsection 11 (4) of this Act per payment type.

(2) The ARIB calculates and decides the direct payment amounts taking into account the unit amount provided for on the basis of subsection (1) of this section, the reductions of direct payments established in the relevant

regulation of the European Union and the number of hectares of the agricultural area that has been declared eligible, the number of farm animals or other units of entitlement and, following the principle of the equal treatment of applicants, makes the payments.

Division 2

Transitional National Aid

§ 24. Transitional national aid

(1) The transitional national aid that can be applied for in the budgetary year will be established by a regulation of the minister responsible for the field.

(2) The division of funds allocated for transitional national aid in the budgetary year based on subsection (1) of this section per type of aid will be established by a directive of the minister responsible for the field.

(3) The right to apply for transitional national aid will not emerge and aid will not be paid if the granting of the aid has not been provided for under the regulation established based on subsection (1) of this section.

§ 25. Requirements for transitional national aid

(1) Persons engaged in agricultural activities have the right to apply for transitional national aid per eligible farm animal bred or on the basis of the CNDP entitlement.

(2) Requirements for transitional national aid will be established by a regulation of the minister responsible for the field in accordance with Article 37 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council.

(3) The requirements specified in subsection (2) of this section may be established separately per each type of transitional national aid.

§ 26. CNDP entitlement

(1) A CNDP entitlement is a payment entitlement granted to or obtained by a person, which has been entered into the agricultural support and agricultural parcels register.

(2) Information of a CNDP entitlement granted to a person is published on the website of the ARIB.

§ 27. Transfer of CNDP entitlement

(1) A person holding a CNDP entitlement, except for a hayseed CNDP entitlement, may transfer it.

(2) A person who has obtained a CNDP entitlement by way of transfer will submit a formal written notice about the transfer agreement to the ARIB not later than along with the relevant application for transitional national aid on the basis of which the ARIB will enter the relevant records into the agricultural support and agricultural parcels register.

(3) A CNDP entitlement is inheritable. The person entitled to the inheritance of a CNDP entitlement will submit to the ARIB documents proving the inheritance not later than along with the relevant application for a complementary national direct payment or transitional national aid on the basis of which the ARIB will enter the relevant records into the agricultural support and agricultural parcels register.

(4) The procedure for and form of notifications about the transfer of CNDP entitlements will be established by a regulation of the minister responsible for the field.

(5) An allocated CNDP entitlement will not be transferred in a volume of less than one unit, except if the ARIB has allocated a CNDP entitlement amounting to a fraction of a unit.

(6) A person who has acquired a CNDP entitlement by way of transfer cannot transfer it, except to a direct relative in the ascending or descending line and to a relative by way of the collateral blood relationship or a spouse in the event of the transfer of the holding to the same person.

(7) If the agricultural area or farm animal constituting the basis for a CNDP entitlement was used by the person whom the CNDP entitlement was allocated and the legal ground for such use was a right other than the right of ownership, the CNDP entitlement will not transfer to the owner of the agricultural area or farm animal after the expiry of the right of use.

§ 28. Applying for transitional national aid and application proceedings

(1) To apply for transitional national aid, the applicant submits an application to the ARIB.

(2) The procedure for applying for transitional national aid and application proceedings and the application form or requirements for applications may be established by a regulation of the minister responsible for the field.

(3) The procedure for applying for transitional national aid and application proceedings and the application form or requirements for applications may be established separately per each type of transitional national aid.

§ 29. Reduction of transitional national aid

(1) Transitional national aid will be reduced if:

- 1) the fixed number of hectares of the single area payment is smaller than the number of the CNDP entitlements of the applicant;
- 2) the fixed number of farm animals is smaller than the number of the farm animals indicated in the application;
- 3) false data has been entered into the register of farm animals or into the cattle passport kept by the applicant.

(2) More detailed grounds for reduction of transitional national aid will be established separately for each type of aid by a regulation of the minister in responsible for the field.

§ 30. Refusal of application for transitional national aid

An application for transitional national aid will be refused if:

- 1) the applicant is not a person engaged in agricultural activities or does not breed animals entitled to aid;
- 2) the applicant does not have CNDP entitlements;
- 3) the size of the agricultural area or the number of farm animals as stated in the application or as determined in the course of the application proceedings is smaller than the area of agricultural area or than the number of farm animals necessary for obtaining aid;
- 4) the applicant does not comply with other requirements for obtaining aid;
- 5) the applicant has submitted false data or influences the application proceedings by fraud or a threat or in any other unlawful manner;
- 6) the applicant does not permit an on-the-spot check.

§ 31. Unit amount of transitional national aid

(1) The division of funds allocated from the state budget for transitional national aid is divided by aid types by a directive of the minister responsible for the field.

(2) The ARIB will establish the unit amount for transitional national aid, considering the distribution of the funds established on the basis of subsection (1) of this section and the units declared entitled to a complementary national direct payment and transitional national aid and respecting the principle of the equal treatment of applicants.

Division 3 Cross-Compliance

§ 32. Cross-Compliance

(1) For the purposes of this Act, 'cross-compliance' means compliance with the statutory management requirements and the standards for good agricultural and environmental condition of land as specified in Article 93(1) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

(2) The ARIB will publish the statutory management requirements provided for in subsection (1) of this section on its website.

(3) The standards for good agricultural and environmental condition of land will be established by a regulation of the minister responsible for the field.

§ 33. Control of cross-compliance

(1) The ARIB and, within the limits of its competence, the Agricultural Board (hereinafter *AB*), the Veterinary and Food Board (hereinafter *VFB*) and the Environmental Inspectorate inspect compliance with the requirements provided for in § 32 of this Act.

(2) Upon inspection of compliance, the early warning system in accordance with Article 99(2) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council is applied.

§ 34. Reduction of aid and refusal of application

(1) If the applicant fails to comply with the requirements provided for in § 32 of this Act, the ARIB or the state foundation specified in subsection 65 (6) of this Act will decide to reduce aid or to refuse the application on the grounds of and to the extent specified in Articles 97 and 99 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and on the ground of and to the extent specified in a legal instrument established on the basis of Article 101 of the Regulation.

(2) Upon making the decision provided for in subsection (1) of this section, the agencies provided for in subsection 33 (1) of this Act or other inspection bodies must take account of the information received in the course of supervisory steps specified in this Act and other Acts.

(3) In the event of reduction of aid and refusal of an application, the option not to reduce aid or not to refuse the application to the extent of an amount that does not exceed 100 euros per applicant and per period of aid specified in Article 97(3) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council will not be made use of.

Chapter 5 Measures of Common Organisation of Markets in Agricultural Products

Division 1 General Provisions

§ 35. Approval of participation in measures of common organisation of markets in agricultural products

(1) In the events provided for in regulations of the European Union, a person or their holding must have the approval of the ARIB in order to participate in the measures of common organisation of the markets in agricultural products.

(2) To apply for approval, a person must submit an application along with the required documents (hereinafter jointly *application*) to the ARIB.

(3) A more detailed procedure for application for approval and application proceedings as well as the requirements for applications will be established by a regulation of the minister responsible for the field.

(4) The ARIB will make a decision to approve or a decision to suspend or revoke a decision to approve or a decision to refuse approval.

§ 36. Submission, collection and processing of market information

(1) The collection and processing of information required for taking the measures of common organisation of the markets specified in Articles 151 and 223 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, which is submitted to the European Commission (hereinafter *market information*) is organised by the Ministry of Rural Affairs, unless otherwise provided for in this Act.

(2) To collect and process market information, the Ministry of Rural Affairs may:

- 1) designate a state authority in its area of government;
- 2) choose a legal person with whom a public law contract is made in accordance with the procedure established in the Administrative Cooperation Act;
- 3) commission the collection and processing of market information from the Statistical Office on the basis of § 20 of the Official Statistics Act by way of statistical actions outside the programme.

(3) A person gathering and processing market information on the basis of subsection (2) of this section ensures the availability of a representative sample for collection and processing of market information and, in accordance with Article 224 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, the processing and protection of the personal data of the data subjects.

(4) The undertakings included in the sample specified in subsection (3) of this section must submit the data required on the basis of Article 223 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council to the person or authority specified in subsection (2).

(5) Information about import prices and quantities of agricultural products imported from states outside the customs territory of the European Union (hereinafter *third countries*) the submission of which to the European Commission is prescribed by relevant regulations of the European Union is submitted to the Ministry of Rural Affairs by the Tax and Customs Board.

(6) More detailed requirements and the procedure for submission, collection and processing of market information may be established by a regulation of the minister responsible for the field.

§ 37. Communicating market information to European Commission

- (1) Market information is communicated to the European Commission by the Ministry of Rural Affairs.
- (2) If a relevant agreement has been concluded with a person or authority specified in subsection 36(2) of this Act, the person or authority will communicate market information to the European Commission.
- (3) More detailed requirements and the procedure for communicating market information to the European Commission may be established by a regulation of the minister responsible for the field.

Division 2 Measures of Common Organisation of Markets in Agricultural Products

Subdivision 1 Recognition of Producer Organisations, Associations of Producer Organisations and Interbranch Organisations

§ 38. Recognition of producer organisations, associations of producer organisations and interbranch organisations

- (1) Recognition of producer organisations, associations of producer organisations and interbranch organisations means a procedure for evaluating the compliance of an applicant with the provisions of the relevant regulations of the European Union, this Act and legislation established on the basis thereof.
- (2) An applicant submits to the ARIB an application for the recognition of a producer organisation, association of producer organisations and interbranch organisation.
- (3) The ARIB will verify the compliance of the producer organisation, association of producer organisations and interbranch organisation with the requirements established in the relevant legislation of the European Union, this Act and legislation adopted on the basis thereof and make a decision to recognise or refuse to recognise the applicant as a producer organisation, association of producer organisations or interbranch organisation.
- (4) More detailed requirements for the recognition of producer organisations and associations of producer organisations, the procedure for applying for recognition and application proceedings, and the requirements for applications and the list of data submitted upon notification will be established by a regulation of the minister responsible for the field.
- (5) More detailed requirements for the recognition of interbranch organisations, procedure for applying for recognition and application proceedings, and the requirements for applications and the list of data submitted upon notification may be established by a regulation of the minister responsible for the field.

Subdivision 2 Public Intervention

§ 39. Bodies inspecting implementation of public intervention

- (1) Within the limits of their competence, the VFB and the Agricultural Research Centre inspect the compliance of the agricultural products to be bought in with the requirements for their composition and quality as well as the compliance of handlers' handling premises (including storage facilities) and the intervention store with the requirements.
- (2) The VFB will issue a quality certificate upon offering an intervention product to another Member State in the event of public intervention.

§ 40. Intervention store

(1) In the event of public intervention, the product bought in is stored in a suitable intervention store on the conditions set out in a relevant contract concluded with the ARIB.

(2) Requirements for an intervention store may be established by a regulation of the minister responsible for the field.

§ 41. Organisation of public intervention

(1) In the event of public intervention of an agricultural product, a person will submit a tender to the ARIB.

(2) A more detailed procedure for the sale of a product originating from buying-in and intervention stock may be established by a regulation of the minister responsible for the field.

Subdivision 3 Private Storage

§ 42. Body inspecting implementation of private storage

Within the limits of its competence, the VFB inspects the compliance of an agricultural product subject to private storage with the requirements for its composition and quality, and the compliance of the storage and preservation facility thereof.

§ 43. Organisation of private storage

(1) In the event of private storage of an agricultural product, a person submits to the ARIB a tender or application for the conclusion of a contract of private storage.

(2) If the tender or application specified in subsection (1) of this section is approved, the ARIB will conclude a contract of private storage with the person.

(3) The requirements for a storage and preservation facility where an agricultural product subject to private storage is stored, and the requirements for the tender and application for the conclusion of a contract of private storage will be established by a regulation of the minister responsible for the field.

(4) A more detailed procedure for private storage may be established by a regulation of the minister responsible for the field.

Subdivision 4 School Milk Aid

§ 44. Grant of school milk aid

(1) The list of milk and milk products for the provision of which the school milk aid is granted will be established by a regulation of the minister responsible for the field, taking account of the list of products established based on Article 27(1)(a) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

(2) The minister responsible for the field may, by a regulation, establish aid granted in addition to the aid rate specified in Article 6 of Council Regulation (EU) No 1370/2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products (OJ L 346, 20.12.2013, pp. 12–19) or in a legal instrument established on the basis thereof, taking account of the funds allocated to that end from the state budget.

(3) The national strategy complying with Article 26(2) of Regulation (EU) No. 1308/2013 of the European Parliament and of the Council for granting school milk aid will be established by a regulation of the minister responsible for the field.

§ 45. Organisation of grant of school milk aid

(1) To apply for school milk aid, the applicant submits an application to the ARIB.

(2) School milk aid may be applied for by an educational establishment, a person representing an educational establishment, a city government or a rural municipality government acting on behalf of an educational establishment located in its administrative territory, and a supplier of milk products.

(3) A person representing an educational establishment specified in subsection (2) of this section or a city government or a rural municipality government and or a supplier of milk products may apply for school milk aid if it has concluded a corresponding written agreement with the educational establishment.

(4) A more detailed procedure for the partial advance payment of school milk aid and for advance payment of school milk aid may be established by a regulation of the minister responsible for the field.

(5) A more detailed procedure for application for school milk aid and application proceedings as well as the requirements for applications will be established by a regulation of the minister responsible for the field.

(6) The VFB inspects the compliance of products funded from school milk aid with the requirements established for their composition and quality.

(7) The on-the-spot check in an educational establishment, including in an educational establishment that has not applied for aid, but participates in the school milk aid scheme, is carried out by the ARIB.

Subdivision 5

School Fruit and Vegetable Aid

§ 46. Grant of school fruit and vegetable aid

(1) In the event of granting aid for distribution to children of the fruit and vegetables, processed fruit and vegetables and banana products specified in Article 23(1) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (hereinafter *school fruit and vegetable aid*), the minister responsible for the field will decide the grant of national aid complementary to the Union aid, taking account of the funds allocated to that end from the state budget.

(2) The national strategy for implementation of the school fruit and vegetable scheme complying with Article 23(2) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council for the purpose of granting school fruit and vegetable aid will be established by a regulation of the minister responsible for the field.

(3) A list of products and actions for the provision and implementation of which school fruit and vegetable aid is granted, the procedure for granting the aid, the requirements for application and receipt of the aid, a more detailed procedure for application of the aid and application proceedings, and the requirements for applications will be established by a regulation of the minister responsible for the field.

(4) An educational establishment that has been granted school fruit and vegetable aid must use the means of notifying of the receipt and use of the aid in accordance with the procedure provided for in a legal instrument established on the basis of subsection 24(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

§ 47. Organisation of grant of school fruit and vegetable aid

(1) To be granted school fruit and vegetable aid, an applicant submits an application to the ARIB.

(2) Fruit and vegetable aid may be applied for by an educational establishment, a person representing an educational establishment, a city government or a rural municipality government acting on behalf of an educational establishment located in its administrative territory, and by a supplier of fruit and vegetables.

(3) A person representing an educational establishment specified in subsection (2) of this section, a city government or a rural municipality government or a supplier of fruit and vegetable products may apply for school fruit and vegetable aid if it has concluded a respective written agreement with the educational establishment.

(4) The ARIB will calculate the aid rate to be granted to an applicant for school fruit and vegetable aid, taking account of the funds allocated for such purpose from the state budget, the number of aided children and the number of study days. The ARIB will publish the aid rate on its website ten working days before the beginning of the application period.

(5) The aid rate of activities increasing the effectiveness of the school fruit and vegetable scheme and activities arising from and related to the scheme may be established by a regulation of the minister responsible for the field, taking account of the maximum limit of costs provided for in a legal instrument established on the basis of Article 24(2)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council.

(6) Within the limits of their competence, the AB and the VFB inspect the compliance of products funded from school fruit and vegetable aid with the requirements established for their quality, composition and marketing.

(7) The procedure for monitoring and assessment of the implementation of school fruit and vegetable aid may be established by a regulation of the minister responsible for the field.

(8) A recipient of school fruit and vegetable aid will submit information about the receipt and use of the aid for monitoring and assessment purposes.

(9) The on-the-spot check in an educational establishment, including in an educational establishment that has not applied for aid, but participates in the school fruit and vegetable aid scheme, is carried out by the ARIB.

Subdivision 6

Aid to Producer Organisation and Association of Producer Organisations of Fruit and Vegetable Sector

§ 48. Aid to producer organisation and association of producer organisations of fruit and vegetable sector

(1) In order to apply for aid to producer organisation and association of producer organisations of the fruit and vegetable sector (hereinafter *producer organisation aid*), the producer organisation and the association of producer organisations applying for aid must be recognised in accordance with § 38 of this Act.

(2) To apply for producer organisation aid, the producer organisation and the association of producer organisation submit an application to the ARIB. To apply for aid, the producer organisation and the association of producer organisations must have an operational programme that has been approved by the ARIB and also have an established operational fund for funding the operational programme.

(3) More detailed requirements for operational funds and operational programmes and the procedure for amending an operational programme will be established by a regulation of the minister responsible for the field.

(4) The procedure for applying for producer organisation aid and application proceedings and the application requirements will be established by a regulation of the minister responsible for the field.

(5) The procedure for advance payment and partial advance payment of aid to producer organisations will be established by a regulation of minister responsible for the field.

(6) A producer organisation and an association of producer organisations manage the fund established for its activities via a bank account.

(7) The ARIB communicates to the European Commission information about the operational programme of a producer organisation and an association of producer organisations.

Subdivision 7

Aid in Apiculture Sector

§ 49. Apiculture programme

(1) To improve the production and marketing of apiculture products and to grant aid, a national programme specified in Article 55 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (hereinafter *apiculture programme*) may be drawn up. The drawing up of the apiculture programme and the submission thereof to the European Commission for approval is organised by the Ministry of Rural Affairs.

(2) To implement the apiculture programme specified in subsection (1) of this section, the minister responsible for the field may, by a regulation, designate an organisation to lead programme as well as an evaluation committee and the rules of procedure thereof.

§ 50. Implementation of apiculture programme

(1) The leading organisation specified in subsection 49 (2) of this Act will draw up an action plan on the apicultural year, which complies with the apiculture programme approved by a decision of the European Commission and contains a description of the activities planned for the implementation of the measures and a division of the funds allocated for aid.

(2) The action plan compliant with the requirements set out in subsection (1) of this section will be approved by the evaluation committee and the evaluation committee will forward it to the ARIB.

(3) The evaluation committee will not approve the action plan if it does not comply with the requirements set out in subsection (1) of this section.

(4) The leading organisation will carry out the activities contemplated in the action plan and draw up a report on the implementation of the action plan for the apicultural year (hereinafter *activity report*), which contains a description of the activities and division of the use of the funds allocated for aid.

(5) The activity report compliant with the requirements set out in subsection (4) of this section will be approved by the evaluation committee and the evaluation committee will forward it to the ARIB.

(6) The evaluation committee will not approve the activity report if it does not comply with the approved action plan.

§ 51. Grant of aid in apiculture sector

(1) Aid in the apiculture sector compensates for the eligible costs of implementing the apiculture programme based on the approved activity report and the cost receipts submitted to the ARIB.

(2) The ARIB will check the compliance of the activities of the leading organisation with the relevant legislation of the European Union, the apiculture programme, the action plan, the activity report, and examine the cost receipts certifying the submitted data and carry out on-the-spot checks.

(3) The ARIB will make a decision to pay aid and will pay aid or make a decision to refuse to pay aid. The ARIB will make a decision to refuse to pay aid if the implemented activities do not comply with the relevant legislation of the European Union, the apiculture programme, the action plan or the activity report or if the incurred costs are not eligible.

Subdivision 8 Trade in Goods with Third Countries

§ 52. Body inspecting trade in goods with third countries

(1) In the event of import to and export from Estonia of agricultural products and processed agricultural products, the Tax and Customs Board verifies whether or not export and import licences and other requisite documents exist and comply with the requirements, the goods correspond to the import and export licences, export declarations and inward processing certificates, the origin of the products, and whether or not the entry price scheme and tariff quotas apply.

(2) In the events specified in the relevant regulations of the European Union, the VFB will, within the limits of its competence, inspect the compliance of agricultural products upon their export and issue relevant certificates and inspect the purported use of imported beef intended for processing.

§ 53. Grant of import licence, export licence, right to import, inward processing certificate and export refund

(1) An application for an import licence, export licence, right to import, inward processing certificate and export refund is submitted to the ARIB.

(2) The prerequisite for the receipt of an export refund is the holding of an export licence, unless otherwise provided for in the relevant legislation of the European Union. To obtain a refund, the applicant must submit an application along with an export customs declaration to the Tax and Customs Board who, after receiving the declaration, will immediately forward the application to the ARIB for processing.

(3) A more detailed procedure for applying for agricultural product import and export licences, right to import, inward processing certificates and export refunds, as well as a more detailed procedure for application proceedings and the requirements for applications may be established by a regulation of the Government of the Republic.

Subdivision 9 Aid for Use

§ 54. Organisation of grant of aid for use

(1) To apply for aid for use, the applicant submits an application to the ARIB.

(2) Upon implementation of aid for use, the VFB will, within the limits of its competence, inspect the compliance of agricultural products with the requirements established for their composition and quality, and the compliance of storage facilities of products.

(3) A more detailed procedure for the application of aid for use and application proceedings, requirements for applications and the procedure for keeping account of the agricultural product regarding which aid for use is granted may be established by a regulation of the minister responsible for the field.

Subdivision 10

Production Quota and National Quantities

§ 55. Determination of ingredient content

The ingredient content of the agricultural products for the production of which for marketing purposes a production quota or national quantity has been established, will be tested by an authorised laboratory specified in subsection 34 (2) of the Rural Development and Agricultural Market Regulation Act.

§ 56. Organisation of grant of production quota

(1) A person who wishes to produce for marketing purposes agricultural products for the production of which a production quota or a national quantity has been established, must submit a standard-form application to the ARIB.

(2) The form of the application specified in subsection (1) of this section will be established by a regulation of the minister responsible for the field.

(3) More detailed requirements and procedure for the implementation, determination, alteration and transfer of the production quota or national quantity, as well as more detailed requirements and procedure for formation, size and use of such reserves may be established by a regulation of the minister responsible for the field.

§ 57. Filling production quota

More detailed requirements for the submission of information on and keeping record of filling the production quota or national quantity, adjustment of quota sizes, and equivalent quantity may be established by a regulation of the minister responsible the field.

§ 58. Exceeding production quota and national quantity

A more detailed procedure for the collection, payment and repayment of amounts payable on the basis of Articles 80(3) and 83(1) of Council Regulation (EC) No. 1234/2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, pp. 1–149) in the event of exceeding the production quota or the national quantity will be established by a regulation of the minister responsible for the field.

Subdivision 11

Composition and Quality Requirements, Marketing Standards and Products Bearing Quality Label

§ 59. Composition and quality requirements

(1) In order to assess the compliance of agricultural products with the requirements established for the composition and quality thereof, the agricultural products will be analysed by an authorised specified in subsection 34 (2) of the Rural Development and Agricultural Market Regulation Act.

(2) If the results of an analysis are disputed, an analysis may be conducted in a laboratory chosen by the VFB, if no authorised laboratory is available for conducting the additional analysis.

(3) More detailed requirements for packaging and labelling agricultural products may be established separately for each class of agricultural products by a regulation of the minister responsible for the field.

(4) The compliance of agricultural products with the composition and quality requirements and the requirements for labelling, including for names, established regarding agricultural products in regulations of the European Union for market organisation purposes is verified by the VFB and the Consumer Protection Board within the limits of the competence provided for in the Food Act.

§ 60. Quality classes of bovine, pig and lamb carcasses

(1) A meat products establishment must comply with the requirements of the quality classes of bovine, pig and lamb animal carcasses set out in the relevant legislation of the European Union.

(2) More detailed requirements for the quality classes of bovine, pig and lamb carcasses and the extent of, methods and procedure for the assessment of compliance of bovine, pig and lamb carcasses with such requirements will be established by a regulation of the minister responsible for the field.

(3) Persons who have completed training in the determination of the compliance of bovine, pig and lamb carcasses with the requirements of quality classes and have been granted corresponding recognition by the VFB may determine the quality classes of bovine, pig and lamb carcasses.

(4) A more detailed procedure for application for recognition for determining quality classes of bovine, pig and lamb carcasses and for application proceedings will be established by a regulation of the minister responsible for the field.

(5) The VFB verifies the compliance of determining the quality classes of bovine, pig and lamb carcasses and the determining of the categories of carcasses of bovine animals of up to 12 months of age.

§ 61. Marketing standards for fruit and vegetables and conformity checks

(1) The quality of fruit and vegetables specified in relevant regulations of the European Union must be in conformity with the marketing standards set forth in relevant regulations of the European Union.

(2) The AB is the competent authority in the field of checking the conformity of fruit and vegetables with the marketing standards.

(3) In order to store information needed for checking the conformity with marketing standards, the AB will set up a database of traders of fruit and vegetables.

(4) A trader marketing fruit and vegetables who has been classified in the lowest risk category in accordance with the procedure set out in a legal instrument established on the basis of Article 91(b) of Regulation (EU) 1308/2013 of the European Parliament and of the Council, conforms to the requirements provided for in the legal instrument and holds special label authorisation, may use a special label in accordance with the Regulation for labelling the packaging.

(5) To obtain special label authorisation, the trader submits an application to the AB. The AB will decide whether to grant or refuse the special label authorisation within one month after the submission of the application.

(6) If it has been established on the basis of the data specified in the application and established based on an on-the-spot check that the trader is in conformity with the requirements, the AB will grant the trader special label authorisation and disclose the name of the trader on its website.

(7) If the trader does not conform to the requirements, the AB will make a decision to refuse special label authorisation and deliver it to the applicant not later than by the seventh working day after making the decision.

(8) The minister responsible for the field will, by a regulation, establish:

- 1) if necessary, derogations from the marketing standards specified in subsection (1) of this section;
- 2) more detailed requirements under which traders of fruit and vegetables are to be entered in the database;
- 3) the requirements for training in conformity checks of fruit and vegetables.

§ 62. Marketing standards for poultry eggs and poultrymeat

(1) A farmer must adhere to the marketing standards for poultry eggs and poultrymeat provided for in the relevant legislation of the European Union.

(2) Exceptions to the marketing standards specified in subsection (1) of this section may be established by a regulation of the minister responsible for the field.

§ 63. Products bearing European Union quality label for agricultural products, food products, spirit drinks and wines

(1) For the purposes of this Act, a product bearing the European Union quality label for agricultural products, food products, spirit drinks or wines means a product whose name has been registered in accordance with the following regulations:

- 1) Regulation (EU) No 1151/2012 of the European Parliament and of the Council;

2) Regulation (EC) No 110/2008 of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.12.2008, pp. 16–54);

3) Articles 92–123 of Regulation (EU) No 1308/2012 of the European Parliament and of the Council.

(2) To register a product name on the basis of the regulations provided for in subsections (1) of this section, an applicant will submit an application to the Ministry of Rural Affairs who will decide whether the application is in compliance with the requirements and whether to forward it to the European Commission.

(3) A more detailed procedure for applying for registration of product names on the basis of the regulations provided for in subsection (1) of this section as well as for application proceedings and the requirements for applications will be established by a regulation of the minister responsible for the field, taking account of the requirements established in the relevant regulations of the European Union.

Subdivision 12

Measures Related to Animal Diseases and Loss of Consumer Confidence

§ 64. Measures related to animal diseases and loss of consumer confidence

The request specified in Article 220(3) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council is submitted to the European Commission by the Ministry of Rural Affairs.

Chapter 6

Rural Development Support within Framework of Common Agricultural Policy

Division 1

Rural Development Support during 2014-2020 Programming Period

§ 65. Organisation of grant of rural development support

(1) Rural development support is granted on the basis of and in accordance with the programme ‘Estonian Rural Development Plan 2014–2020’ approved by the European Commission (hereinafter *development plan*).

(2) Given the conditions set out in the development plan, rural development support is granted for activities specified in Article 35(1)(b) and (c) of Regulation No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, pp. 320–469) (hereinafter *LEADER project support*) on the basis of the local development strategies specified in Article 33(1) of the Regulation.

(3) The division of the tasks specified in Article 65(4) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, pp. 487–548) between the managing authority, paying agency and a local action group is determined in this Division.

(4) The tasks of the managing authority specified in Article 66(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council are performed by the Ministry of Rural Affairs.

(5) Upon granting forestry aid, a state foundation that has sufficient experience in processing forestry aid applications (hereinafter *state foundation*) may perform the following tasks:

- 1) receipt of applications;
- 2) verification of compliance of applications with requirements;
- 3) evaluation and ranking of applications;
- 4) reduction of support;
- 5) making a decision to grant or refuse to grant the application;
- 6) amendment or revocation of a decision to grant an application;
- 7) exercising state supervision;
- 8) resolving an intra-authority appeal filed against its decision or step.

(6) The state foundation specified in subsection (5) of this section will be appointed by an order of the Government of the Republic, determining the types of support with regard to which the state foundation will process applications as well as the tasks specified in subsection (5) of this section that will be performed by the state foundation.

(7) In accordance with the procedure established in the Administrative Cooperation Act, the ARIB will conclude a public law contract with the state foundation appointed in accordance with subsection (6) of this section.

§ 66. Determination of rural development support to be granted in budgetary year and funds designated for granting support

(1) The list of the development plan measures, sub-measures and types of operations in the framework of which it is possible to apply for rural development support in the budgetary year will be annually established by a regulation of the minister responsible for the field indicating, where necessary, the rural development support to be granted in the budgetary year, which can be applied for only on the basis of an annual payment claim specified in a legal instrument established based on Article 62 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council or on the basis of a payment claim specified in a legal instrument established based on Article 76 of the same Regulation and solely to the extent of a commitment in force.

(2) The local development strategy measures in the framework of which it is possible to apply for rural development support in the budgetary year and the allocation of funds designated for support in the framework of the measures are determined by the local action group in the local development strategy implementation plan drawn up for each calendar year (hereinafter *implementation plan*).

(3) The allocation of the funds designated for rural development support in the budgetary year by rural development plan measures, sub-measures and types of operations and by other grounds specified in the development plan is annually decided by a directive of the minister responsible for the field.

(4) The allocation of support specified in Article 35(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council per local action groups and the allocation of support granted to cluster specified in Article 35(1)(b) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council is decided for the entire programming period by a directive of the minister responsible for the field.

(5) The allocation of support specified in Article 14(1) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council regarding long-term programmes is, depending on the length of the programme, decided for up to seven years by a directive of the minister responsible for the field.

(6) One is not entitled to apply for rural development support if the granting of the support is not designated for the budgetary year in a legal instrument established on the basis of subsection (1) of this section or in an implementation plan specified in subsection (2), which has been approved by the ARIB.

§ 67. Requirements for applicant for rural development support and conditions of granting support

(1) A person who complies with the requirements provided for in the relevant legislation of the European Union, the development plan, this Act and legislation established on the basis of this Act has the right to apply for rural development support.

(2) The conditions of and procedure for granting and using rural development support (hereinafter *conditions of granting support*) will be established in accordance with the development plan by a regulation of the minister responsible for the field.

(3) The conditions of granting support may set out:

- 1) supported activities and requirements for applicants;
- 2) types of eligible and ineligible costs and other conditions of eligibility of costs;
- 3) the manner and detailed conditions of and the procedure for proving the reasonableness of costs;
- 4) more detailed requirements for the eligibility land and animals;
- 5) reference to the applicable state aid scheme, provided that the support to be granted constitutes state aid for the purposes of Article 107 of the Treaty on the Functioning of the European Union;
- 6) support rate and amount, including the minimum and maximum amount and unit amount of support;
- 7) requirements for applications or the application form;
- 8) conditions of and procedure for submission and processing of applications;
- 9) criteria for evaluation of applications and procedure for evaluation of applications, including the possibilities of giving preference to an application in the event of applications with equal indicators;
- 10) procedure for granting and refusing to grant applications, including the basis for granting, in accordance with subsection 79 (1) of this Act;
- 11) procedure for reducing support;

- 12) obligations of the beneficiary, including the conditions of and procedure for the obligation to fulfil the durability requirement provided for in Article 71 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, submission of a payment claim, annual payment claim and supporting documents, and requirements for payment claims and annual payment claims, or the payment claim form;
- 13) time limit and conditions of carrying out an activity;
- 14) conditions of and procedure for the transfer of a holding or farm;
- 15) conditions of and procedure for the increase, decrease, replacement, transfer and takeover of a commitment;
- 16) conditions of and procedure for payment of support.

(4) The conditions of granting support may be established separately regarding each development plan measure, sub-measure and type of operation.

§ 68. Granting rural development support via financial instrument

(1) Rural development support may be granted as repayable assistance also via a financial instrument provided for in Article 37 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council on the conditions and in accordance with the procedure established in the development plan.

(2) In accordance with Regulation (EU) No 1303/2013 of the European Parliament and of the Council and conditions set out in the legislation established on the basis thereof, the Ministry of Rural Affairs will, for the purpose of granting rural development support via a financial instrument and in accordance with the procedure established in the Administrative Cooperation Act, conclude a public law contract with a state foundation that has been founded for supporting rural entrepreneurship and the founder's rights of which are exercised by the Ministry of Rural Affairs.

(3) The public law contract specified in subsection (2) of this section will, among other things, set out the terms and conditions specified in Annex IV to Regulation (EU) No 1303/2013 of the European Parliament and of the Council, in order to ensure the due implementation of a financial instrument.

(4) The provisions of §§ 76–82 of this Act do not apply to the granting of rural development support via a financial instrument.

(5) Support will be paid to a financial instrument on the basis of the public law contract specified in subsection (2) of this section in accordance with the conditions set out in Articles 41 and 42 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and the public law contract.

(6) Support granted to a financial instrument or funds repaid to or gains, other earnings or yield received from the financial instrument for the purposes of Article 44 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council (hereinafter jointly referred to as *repaid funds*) is used in the same or another financial instrument in accordance with Article 43(2) and Article 44(1) of the same Regulation until 31 December 2023.

(7) The area of use, objectives and results of funds repaid from 1 January 2024 to 31 December 2031 and the authority responsible for the use of the funds will be determined in accordance with Article 45 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council by a directive of the minister responsible for the field.

§ 69. Local action group and local development strategy

(1) Community-led local development specified in Article 32 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council is carried out based on local development strategies approved by the Ministry of Rural Affairs.

(2) In compliance with Article 33(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, Regulation (EU) No 1305/2013 of the European Parliament and of the Council and the development plan, the local development strategy is drafted by a non-profit association that complies with the requirements established in Chapter II of Title II of Part II of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and whose purpose under its articles of association is the development of local life and that complies with the requirements applicable to local action groups (hereinafter *local action group*).

(3) Requirements for the local action group, including requirements for the articles of association, membership, management, period and region of operation of the local action group will be established by a regulation of the minister responsible for the field.

(4) A person may participate and vote in a general meeting of the local action group only as a representative of one person. A member of a local action group cannot participate or vote in a general meeting as a representative of another member.

(5) The local action group ensures that one-third of the board members is replaced upon expiry of the term of office of the board set out in the articles of association.

(6) At least three of the members of the board of the local action group must be individual members of the local action group or representatives of the entity members of the local action group.

(7) The Ministry of Rural Affairs will make decision to approve the local development strategy if the strategy complies with the requirements applicable to the strategy and with the minimum requirements of the evaluation criteria and the strategy has been drafted by the local action group that complies with the requirements provided for in subsections (2) and (3) of this section.

(8) The Ministry of Rural Affairs will make a decision not to approve the local development strategy if at least one of the following circumstances is established in the course of verifying the compliance of the local development strategy with the requirements:

- 1) the local action group does not comply with the requirements established to it;
- 2) the local development strategy does not comply with at least one of the requirements established to the strategy;
- 3) the local development strategy does not comply with the minimum requirements of the evaluation criteria;
- 4) multiple local development strategies have been submitted with regard to the region of operation of the local action group and the strategy has not been ranked first;
- 5) the local development strategy contains false information or the local action group influences the local development strategy proceedings by fraud or a threat or in another unlawful manner.

(9) The requirements applicable to a local development strategy, including more detailed requirements for the strategy elements specified in Article 33(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, and a more detailed procedure for the submission, evaluation and approval of the local development strategy will be established by a regulation of the minister responsible for the field.

§ 70. Implementation of local development strategy

(1) The approved local development strategy is implemented by the local action group that submitted it and for each calendar year the local action group draws up an implementation plan that, in addition to the information contained in subsection 66 (2) of this Act, also contains an allocation of the funds for the activities specified in Articles 35(1)(d) and (e) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council. The ARIB approves the implementation plan.

(2) The requirements for implementation plans and the procedure for the adoption, submission and approval of implementation plans will be established by a regulation of the minister responsible for the field.

(3) The ARIB checks the compliance of the local action group with the requirements established in the relevant legislation of the European Union, in this Act and in legislation established on the basis of this Act.

(4) The ARIB will make a decision to approve an implementation plan if the implementation plan complies with the requirements set out in a legal instrument established on the basis of subsection (2) of this Act, contains a description of the activities and local strategy measures to be supported in the calendar year following the year of submission thereof, and allocation of the funds planned for carrying them out.

(5) The ARIB will make a decision not to approve an implementation plan if in the course of verifying compliance with the requirements at least one of the following circumstances is established:

- 1) the implementation plan does not contain a description of the activities or local development strategy measures to be supported in the calendar year following the year of submission of the implementation plan or the allocations of the funds planned for carrying them out;
- 2) the implementation plan does not comply with other requirements set out in a legal instrument established on the basis of subsection (2) of this section.

(6) Upon implementing the local development strategy, the local action group performs the tasks set out in Article 34(3) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council, among other things:

- 1) draws up evaluation criteria for LEADER project applications;
- 2) receives applications;
- 3) verifies the compliance of the applicant, application and the supported activity with the strategy and the implementation plan;
- 4) evaluates applications based on the evaluation criteria;
- 5) makes a proposal to the ARIB regarding ranking applications;
- 6) makes a proposal to the ARIB on the granting or refusal to grant an application and on determining the amount of funding of the application and sends the applications to the ARIB.

(7) If not all data and documents required for the performance of the task specified in subsection (6) of this section have been submitted along with a LEADER project application, the local action group will request that the applicant submit the required data and documents.

(8) If the data or documents required under subsection (7) of this section are not submitted, the local action group will not evaluate the LEADER project application and forward it to the ARIB with the comment that the application could not be evaluated. The ARIB will dismiss the application without setting a time limit for the elimination of the deficiencies.

§ 71. Selection of provider of advice and training service and other knowledge transfer and information action

(1) A provider of the advisory service specified in Article 15(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council is selected by the Ministry of Rural Affairs in accordance with the selection procedure set out in Article 15(3) of the same Regulation.

(2) A provider of the training service specified in Article 15(1)(c) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council is selected by the ARIB in accordance with the selection procedure set out in Article 15(3) of the same Regulation.

(3) In the case of long-term programmes, the ARIB selects a beneficiary specified in Article 14(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on the grounds and in accordance with the procedure established in the Public Procurement Act.

(4) In the case of support specified in subsections (1) to (3) of this section, an application for rural development support is considered as submitted as of the submission of a tender in the case of procedures specified in subsection 25 (1) and § 28 of the Public Procurement Act and as of the submission of a request to participate in the procurement procedure in the case of the procedures specified in §§ 26 and 27 of the Public Procurement Act to the Ministry of Rural Affairs in the event specified in subsection (1) of this section and to the ARIB in the event specified in subsections (2) and (3) of this section.

(5) In accordance with subsections (1) to (3) of this section, the Ministry of Rural Affairs or the ARIB will conclude a relevant contract with the beneficiary pursuant to the procedure established in the Public Procurement Act.

(6) More detailed requirements for applicants, beneficiaries and supported activities specified in subsection (2) of this section and the evaluation criteria for selection of beneficiaries will be established by a regulation of the minister responsible for the field.

(7) In the case of long-term programmes specified in subsection (3) of this section more detailed requirements applicable to the applicant, beneficiary and supported activity as well as the beneficiary selection criteria may be established by a regulation of the minister responsible for the field.

(8) The list of priority topics for the purpose of carrying out activities in the case of support of the knowledge transfer and information actions pursuant to Article 14 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council, the requirements applicable to long-term programmes and the curricula of the training of advisors in accordance with Article 15(1)(c) of the same Regulation may be established by a directive of the minister responsible for the field.

§ 72. Innovation cluster and action plan of innovation cluster

(1) An innovation cluster for obtaining support in accordance with Article 35(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council is, within the meaning of Article 2(q) of the same Regulation, a non-profit association whose purpose according to its articles of association is the attainment of the objectives set out in the development plan and whose members include at least ten agricultural producers or processors who are not related undertakings for the purposes of the Competition Act (hereinafter *cluster*). To attain the objectives, the cluster can involve another legal person who will participate in implementing the action plan.

(2) For the purpose of attaining the objectives and applying for support, the cluster will, based on the development plan, draw up an action plan that contains a description of the planned activities and allocation of the funds planned for carrying them out.

(3) The articles of association of the cluster must stipulate that a decision of the general meeting concerning the action plan of the cluster will be adopted if at least 80 per cent of the agricultural producers or processors who are members of the cluster vote in favour thereof.

(4) The cluster must be open to other persons interested in attaining the objectives of the action plan.

(5) More detailed requirements for the articles of association of a cluster, membership, management, action plan and activities contained therein, the procedure for adoption, submission and approval of an action plan and the evaluation criteria of an action plan will be established by a regulation of the minister responsible for the field.

(6) The priority fields of operation of the cluster may be determined by a regulation of the minister responsible for the field.

§ 73. Evaluation and approval of action plan of cluster

(1) The ARIB checks the compliance of an action plan with the requirements established in the relevant legislation of the European Union, in this Act and in legislation established on the basis of this Act, and evaluates the compliance of the action plan with the evaluation criteria.

(2) If an action plan complies with the requirements and the minimum requirements of the evaluation criteria provided for in a legal instrument established on the basis of subsection 72 (5) of this Act and the action plan has been ranked first in the ranking list of the field of operation of the cluster drawn up based on the evaluation results, the ARIB will make the decision to partially or fully approve the action plan.

(3) The ARIB will make a decision not to approve an action plan if in the course of verifying compliance of the cluster or the action plan with the requirements at least one of the following circumstances is established:

- 1) the cluster does not comply with the requirements applicable to it;
- 2) the action plan does not comply with at least one of the requirements applicable to the action plan;
- 3) the action plan does not comply with the minimum requirements of the evaluation criteria;
- 4) the action plan contains false information or the cluster influences the application proceedings by fraud or a threat or in another unlawful manner;
- 5) multiple action plans have been submitted in the field of operation of the cluster and the action plan has not been ranked first;
- 6) there are not enough funds for funding the action plan.

(4) As of the submission of an action plan to the ARIB, an application for the support specified in subsection 72 (1) of this Act is considered as submitted.

(5) The ARIB will pay the support in accordance with the procedure set out in § 81 of this Act.

§ 74. Technical assistance

(1) Support for the technical assistance to implement the development plan (hereinafter *technical assistance support*) is granted in accordance with the development plan, Article 59(1) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and Article 51(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council.

(2) Technical assistance support can be applied for by the managing authority, the paying agency and the authority performing the functions of a national rural network specified in Chapter 17 of the development plan.

(3) The granting or refusal to grant an application for technical assistance support and the annual allocation of the funds of technical assistance between beneficiaries based on activities is decided by a directive of the minister responsible for the field.

(4) More detailed requirements of technical assistance support regarding eligible activities and costs, the procedure for applying for support and application proceedings and the procedure for payment of support will be established by a regulation of the minister responsible for the field.

(5) An application for technical assistance support is refused on the grounds provided for in subsection 79 (4) of this Act.

(6) The ARIB pays technical assistance support in accordance with the procedure set out in § 81 of this Act.

§ 75. Reasonableness of costs

(1) Costs incurred with the help of rural development support must be reasonable, necessary for attainment of the purpose of support and comply with the conditions established in the relevant legislation of the European Union, the development plan, this Act and legislation established on the basis of this Act.

(2) Upon incurring costs, the applicant and the beneficiary must follow the requirements established in the conditions of granting support. If the applicant or the beneficiary is a contracting authority for the purposes of the Public Procurement Act, the applicant or the beneficiary must also follow the requirements of the Public Procurement Act.

(3) If the conditions of granting rural development support provide for the use of the reference prices, support can be applied solely for buying an item or service that has been entered in the catalogue of reference prices specified in subsection 99 (6) of this Act. The amount of support is calculated on the basis of the eligible cost of a thing or service entered in the register of agricultural support and agricultural parcels effective at the moment of submission of the application exclusive of value added tax (hereinafter *pricecap*) and on the basis of the maximum support rate and amount established in the conditions of granting support.

§ 76. Application for rural development support and application proceedings

(1) To receive rural development support, the applicant submits, within the time limit and pursuant to the procedure established in the conditions of granting support, an application to the Ministry of Rural Affairs, the ARIB or the state foundation, unless otherwise provided for in this Act.

(2) An applicant for LEADER project support submits an application to the ARIB via the local action group.

(3) An applicant for rural development support must:

- 1) allow for verifying the compliance of the application, applicant and supported activity with the requirements, including for carrying out on-the-spot checks;
- 2) without delay, inform the authority processing the application about changes in the data submitted in the application or about a circumstance that may affect the making of a decision on the application;
- 3) at the request of the authority processing the application, prove the existence of the self-financing or other funds or documents prescribed in the conditions of granting support;
- 4) prove the reasonableness of the costs in the manner prescribed in the conditions of granting support;
- 5) at the request of the authority processing the application and for the purpose of proving the essential circumstances to make a decision on whether to grant support, submit the required additional information in accordance with the procedure set out in the conditions of granting support.

(4) The compliance of an application with the requirements for support is verified by the Ministry of Rural Affairs, the ARIB, the state foundation or the state authority specified in the development plan to the extent set out in the development plan or within the limits of its competence. In the course of examining an application, the compliance of the applicant, application and supported activity with the requirements of support is verified.

(5) The person and authorities specified in subsection (4) of this section verify the compliance of the application with the requirements for obtaining support based on the submitted application, other documents, documents and databases proving the data contained therein, and in the course of on-the-spot checks.

(6) Compliance of an application with the requirements for support can be verified also on the premises of a third party related to the applicant, which possesses data or documents related to the obtaining of support, and at the place where the supported activity is carried out.

§ 77. Evaluation of application for rural development support

(1) Applications that comply with the requirements of rural development support are evaluated in accordance with the procedure provided for in the conditions of granting support and based on the evaluation criteria.

(2) Applications for support specified in Articles 28–30 and 33 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council and applications selected in accordance with the selection procedure specified in subsections 71 (1) to (3) of this Act are not evaluated, unless otherwise provided for in the conditions of granting support.

(3) The evaluation of compliant applications is, based on the evaluation criteria specified in subsection (1) of this section, carried out by the Ministry of Rural Affairs, the ARIB, the county governor or the state foundation on the conditions of and in accordance with the procedure established in the conditions of granting of support.

(4) It may be stipulated in the conditions of granting support that applications are evaluated before establishing their compliance with the requirements. In such an event the compliance of at least the applications that, according to the ranking list, were to be granted is verified after ranking the applications.

(5) LEADER project support applications are evaluated by the local action group before verifying the compliance of the applicant and the application with the requirements.

(6) Based on the evaluation results, the ARIB or the state foundation draws up a ranking list of the applications. In the event of evaluation carried out by the Ministry of Rural Affairs, county governor or the local action group, the ARIB will draw up the ranking list, taking into account the ranking proposal made by the evaluator.

(7) The name of a person involved in the evaluation of applications and the evaluation given by them may be published in a manner that ensures that the name and the evaluation cannot be associated.

§ 78. Reduction of rural development support

(1) The ARIB or the state foundation decides the reduction of rural development support on the grounds and in accordance with the procedure set out in a legal instrument established on the basis of Articles 64(6) and 77(7) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

(2) If a beneficiary is a contracting authority for the purposes of the Public Procurement Act, the support to be granted to the beneficiary will be reduced for a violation of the requirements provided for in the Public Procurement Act on the same grounds and to the same extent as the financial correction applicable to the Member State.

§ 79. Granting and refusal to grant application for rural development support

(1) If the applicant, application and supported activity comply with the requirements established for receiving support and the application meets the minimum requirements of the evaluation criteria, applications will be granted as follows in accordance with the conditions of granting support within the limits of the funds allocated for support:

- 1) the application ranked first in the ranking list of applications drawn up on the basis of evaluation results;
- 2) the best applications that have been selected on the basis of evaluation results and, where necessary, ranked, or
- 3) all applications.

(2) If the evaluation of applications is not provided for in this Act, all compliant applications will be granted within the limits of the funds allocated for support.

(3) If, based on the funds allocated for support specified in Articles 28–30 and 33 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council, not all compliant applications can be granted, the ARIB or the state foundation may make a decision to partially grant the application, reducing support, including the unit amount of support, in accordance with the conditions of granting support.

(4) In addition to the grounds provided for in Articles 59(7) and 60 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and legislation established on the basis of the same Regulation, a decision to refuse to grant an application will be made if:

- 1) the applicant, application or supported activity does not comply with at least one requirement that has been established to the applicant, application or supported activity, unless otherwise provided by the legislation of the European Union;
- 2) the compliant application is not granted in accordance with subsection (1) of this section, or
- 3) the application contains false information or the applicant influences the application proceedings by fraud or a threat or in another unlawful manner.

(5) The ARIB, the Ministry of Rural Affairs or the state foundation makes a decision to partially or fully grant the application or to refuse to grant the application.

(6) In the conditions of granting rural development support it may be stipulated that if the full granting of an application is not justified due to ineligible costs contained in the application, the support amount may be reduced on the condition that the objectives of the activity will be attained. If the applicant does not agree to a reduction of the support amount, a decision to refuse to grant the application will be made. A reduction of the support amount does not affect the ranking list of rural development support applications if the ranking list has been drawn up before the reduction of the support amount.

(7) If a compliant application that has been selected on the basis of evaluation results and, where necessary, ranked cannot be granted in full because the amount of support applied for exceeds the outstanding balance of the funds allocated in the same year for support regarding the measure, sub-measure, type of operation or another ground specified in the development plan, a decision to refuse to grant the application will be made, unless otherwise provided for in the conditions of granting support.

(8) The ARIB will make a decision to partially or fully grant or to refuse to grant the compliant applications for LEADER project support with regard to which the local action group has made a proposal for the ranking and financing of the applications.

§ 80. Amendment and revocation of decision to grant rural development support

(1) A decision to grant rural development support may be amended on the initiative of the beneficiary only in justified events and provided that the activity has been carried out to a significant extent and the objectives of the activity are attained.

(2) A decision to grant rural development support will be revoked if at least one of the following circumstances exists:

- 1) a circumstance whereby the application would not have been granted becomes evident;
- 2) the beneficiary has not carried out the activity within the prescribed time limit;
- 3) the activity cannot be carried out within the time limit of carrying out the activity;
- 4) the beneficiary does not perform the obligations provided for in the legislation of the European Union or this Act or legislation established on the basis of this Act;
- 5) the beneficiary submits an application for the revocation of the decision to grant the application.

§ 81. Payment of rural development support

(1) Rural development support is paid to a beneficiary, including to a beneficiary selected in accordance with the selection procedure, on the basis of a payment decision.

(2) The ARIB will make a decision to pay rural development support on the basis of a payment claim submitted by the beneficiary and pay the support or make a decision to refuse to pay the support.

(3) The ARIB will make a decision to refuse to pay rural development support if the grounds for refusal to grant the application are established after the granting of the application but before the payment of the support or if the beneficiary has failed to perform the obligations of the beneficiary.

(4) In the event of refusal to pay support, the ARIB or the state foundation will fully or partially revoke the decision to grant the application.

§ 82. Payment of rural development support before incurring costs

(1) In an event set out in the conditions of granting support, the support may, after a decision to grant an application has been made, be paid from the state budget funds before paying for the work, service or acquisition of property:

1) if the beneficiary has presented a security in accordance with subsection 95 (2) of this Act, which covers the entire amount to be paid;

2) without demanding a security if the work or service has been completed or the property has been handed over and the beneficiary has accepted it and paid for it an amount that equals at least the self-financing portion, and if the beneficiary is sufficiently reliable, or

3) without demanding a security if the carrying out of the activity is financed in accordance with Articles 35(1) (a), (d) and (e) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and Article 51(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council, and if the beneficiary is sufficiently reliable.

(2) Reliability is not verified in the case of those beneficiaries whose activities are financed in accordance with Article 51(2) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council.

(3) The procedure for application for the payment of support provided for in subsection (1) of this section, the application proceedings, the application form or the requirements for an application, the rate of financing and the amount of financing will be established by a regulation of the minister responsible for the field.

(4) The support received in accordance with subsection (1) of this section may be used solely for paying for the eligible costs of a relevant activity. The costs must be paid within the time limit specified in the conditions of granting support, but not later than by 1 July 2023.

(5) In the event of payment of support from the European Agricultural Fund for Rural Development, funds paid to a beneficiary in accordance with subsection (1) of this section will be debited from the support amount to be paid in accordance with a decision by way of an offsetting. In the event of a decision to refuse to pay support from the European Agricultural Fund for Rural Development, a beneficiary will reimburse the funds obtained in accordance with subsection (1) of this section.

(6) If circumstances which cast doubt over the ability of a beneficiary to use support obtained in accordance with subsection (1) of this section for the intended purpose and by the due date become evident in the activities of the beneficiary, the provider of support may decide to grant financing to a lesser extent, set a shorter time limit than the one provided for in subsection (4) of this section for incurring the eligible costs, or demand that a sufficient security is presented.

(7) A beneficiary will be considered sufficiently reliable to pay support without demanding a security if:

1) the beneficiary has no arrears of state taxes or the payment of the beneficiary's arrears of state taxes has been staggered and, in the event of staggering, the tax arrears have been paid in accordance with the schedule;

2) no liquidation or bankruptcy proceedings have been initiated against the beneficiary;

3) the beneficiary has reimbursed an amount which has been obtained from state budget funds or other European Union funds or foreign funds and which has been subject to reimbursement or, in the event of deferral or the repayment of support, made the repayments by the prescribed due dates and in the prescribed amount;

4) the beneficiary has used support previously received in accordance with § 79 of this Act or subsection (1) of this section for the intended purpose and by the closing date.

§ 83. Monitoring and evaluation

(1) The procedure for monitoring and evaluating the development plan will be established by a regulation of the minister responsible for the field.

(2) The beneficiary submits information required for monitoring and evaluation on the receipt and use of support to the person engaged in the monitoring and evaluation of the development plan. The person engaged in the evaluation of the development plan may perform operations necessary for evaluating support in the undertaking or holding of the beneficiary only with the consent of the beneficiary.

§ 84. Information, marking and reference

A more detailed procedure for informing of the granting and use of rural development support, marking supported objects and referring to the contribution of the European Agricultural Fund for Rural Development will be established by a regulation of the minister responsible for the field.

Division 2 Producer Group

§ 85. Producer group

For the purposes of this Act, ‘producer group’ means a commercial association or a non-profit association established for an indefinite period, which collectively markets the output of agricultural procedures in the agricultural sector and the output of private forest owners in the forestry sector.

§ 86. Requirements for product group seeking recognition by agricultural sector and requirements for recognised producer group

(1) A producer group collectively markets the agricultural products produced by its members or by members of the producer groups that are members of the producer group as well as products resulting from the processing of these products.

(2) A producer group determines agricultural products and products resulting from the processing of these products in the marketing of which the producer group is primarily engaged in (hereinafter jointly *primary product of producer group*).

(3) A producer group must have at least five members that are recognised producer groups of the agricultural sector or undertakings engaged in agriculture, which produce the primary product of the producer group and market it via the producer group. The members of the producer group must not be mutually related undertakings or be related undertakings of the producer group for the purposes of the Competition Act.

(4) At least 80 per cent of the members of a producer group must be undertakings engaged in agriculture, which produce and market the primary product of the producer group, or producer groups uniting these, except in the case of a breeding association specified in subsection 6 (3) of the Farm Animals Breeding Act, whereby at least 10 per cent of the members must be engaged in the breeding and sale of the breeding animal that constitutes the primary product of the producer group.

(5) Persons that in the last three years have been members of another recognised producer group whose primary product is similar to that of the given producer group cannot belong to the given producer group. The number of members that have belonged to another aforementioned producer group more than three years ago must not exceed 20 per cent.

(6) A producer group must follow the principle of the equal treatment of members.

(7) A producer group must have a business plan for producing, processing and collectively marketing the primary product of the producer group and common rules for the members for producing, processing and collectively marketing the primary product of the producer group, and a procedure for the adoption and amendment of the rules.

(8) A recognised producer group must notify the ARIB in writing about changes in its membership and changes in its articles of association or other documents and data serving as the basis for its recognition.

(9) More detailed requirements for a producer group and its member, including their operations and sales revenue, and for the business plan of a producer group and the rules of production, processing and collective marketing of the primary product may be established by a regulation of the minister responsible for the field.

§ 87. Requirements for product group applying for recognition by forestry sector and requirements for recognised producer group

(1) The producer group collectively markets the timber produced by the private forest owners belonging to the forest associations that constitute its members as well as products resulting from the processing of such timber.

(2) A producer group must have at least five independent members who are forest associations for the purposes of subsection 10 (5) of the Forest Act.

(3) Forest associations that in the last three years have been members of another recognised producer group of the forestry sector cannot be members of a producer group. The number of members that have been members of another aforementioned producer group more than three years ago must not exceed 20 per cent.

(4) A producer group must follow the principle of the equal treatment of members.

(5) A producer group must have a business plan for the production, processing and collective marketing of timber and products resulting from the processing thereof, planning the development of the producer group, common rules for members for performing cutting and reforestation, and a procedure for the adoption and amendment of the rules.

(6) A recognised producer group must notify the ARIB in writing about changes in its membership and changes in its statutes or other documents and data serving as the basis for its recognition.

(7) More detailed requirements for recognised forestry producer groups, including for the sales revenue, business plan, cutting and reforestation rules of producer groups may be established by a regulation of the minister responsible for the field.

§ 88. Recognition of producer group

(1) Recognition of a producer group means a procedure for evaluating the compliance of the producer group with the requirements provided for in this Act and legislation established on the basis of this Act.

(2) To apply for recognition, the producer group submits an application to the ARIB.

(3) The ARIB will verify the compliance of the producer group with the requirements provided for in this Act and legislation established on the basis of this Act and make a decision to recognise or to refuse to recognise the producer group.

(4) The producer group is recognised for an unspecified term either as an agricultural or forestry producer group.

(5) A more detailed procedure for applying for recognition of a producer group, application proceedings and the application form will be established by a regulation of the minister responsible for the field.

§ 89. Refusal to recognise producer group and revocation of decision to recognise producer group

(1) The ARIB will make a decision not to recognise a producer group if in the course of verifying compliance of the producer group with the requirements at least one of the following circumstances is established:

- 1) the producer group does not comply with the requirements for recognition;
- 2) the application contains false information or the producer group influences the application proceedings by fraud or a threat or in another unlawful manner;
- 3) the producer group does not allow for verifying the compliance of the application with the requirements.

(2) If the producer group has been recognised as a producer organisation in accordance with the procedure established in § 38 of this Act, the ARIB will make a decision to refuse recognition.

(3) The ARIB will revoke a decision to recognise a producer group if the producer group:

- 1) has submitted a corresponding application;
- 2) does not comply with the requirements established for a recognised producer group;
- 3) has, to a significant extent, failed to implement its business plan;
- 4) has not terminated an offence by the date set in a precept, or
- 5) does not allow for exercising state supervision over compliance with the requirements applicable to recognised producer groups.

Division 3

Quality Schemes for Agricultural Products and Foodstuffs

§ 90. Quality schemes for agricultural products and foodstuffs

For the purposes of this Act, quality schemes of agricultural products and foodstuffs (hereinafter jointly *food quality scheme*) are Community quality schemes provided for in Article 16(1)(a) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council or food quality schemes provided for in Article 16(1)(b) of the same Regulation, which have been recognised by the Member States on the basis of and in accordance with this Act.

§ 91. Requirements for food quality scheme submitted for recognition and requirements for recognised food quality scheme

(1) A food quality scheme submitted for recognition or a recognised food quality scheme must be in compliance with the following requirements:

- 1) the food quality scheme is drafted and implemented by a commercial association, non-profit association or civil law partnership specified in § 12 of this Act, which unites producers (hereinafter jointly *producer group implementing food quality scheme*);
- 2) the final product produced under the food quality scheme is an agricultural product or a foodstuff with specific characteristics realised in retail sale, whereby agricultural products produced by the producers participating in the food quality scheme account for 100 per cent of the main raw material used for producing the product;
- 3) the final product produced in the framework of the food quality scheme complies with at least one of the requirements provided for in Article 16(1)(b)(i) of Regulation (EU) No 1305/2013 of the European Parliament and of the Council;
- 4) the producer group implementing the food quality scheme has rules for the food quality scheme approved by a decision of the general meeting, the meeting of representatives or partners in accordance with the procedure provided for in the articles of association conforming to § 7 of the Non-profit Associations Act or § 6 of the Commercial Associations Act or with the contract of partnership provided for in subsection 580 (1) of the Law of Obligations Act.

(2) The rules of a food quality scheme must set out the following:

- 1) the conditions of and procedure for participating in the food quality scheme;
- 2) a list of the final products;
- 3) a description of the production method of the product produced under the food quality scheme, which description is compulsory for those participating in the food quality scheme;
- 4) a list of the characteristics of the final product, which make up the specificity of the product and can be used as the basis for quality inspection;
- 5) a description of the measures applied for ensuring compliance with the requirements of the production method compulsory for those participating in the food quality scheme, and the minimum requirements and procedure for inspecting the specific characteristics and quality of the final product.

(3) The management of a producer group implementing a food quality scheme must keep a list of the participants of the food quality scheme.

(4) Compliance with the rules of a food quality scheme is inspected by a person or authority that has been elected by the producer group implementing the food quality scheme, but is independent of the participants in the food quality scheme, has the relevant knowledge and skills and complies with the requirements established on the basis of subsection (5) of this section.

(5) More detailed requirements for a food quality scheme, including the producer group implementing it, participants in a food quality scheme, rules of a food quality scheme and a person or authority inspecting a food quality scheme may be established by a regulation of the minister responsible for the field.

(6) Another interested person may participate in a food quality scheme specified in subsection (1) of this section.

§ 92. Recognition and refusal to recognise food quality scheme, amendment and revocation of decision to recognise food quality scheme

(1) Recognition of a food quality scheme means a procedure for evaluating the compliance of the food quality scheme with the requirements provided for in this Act and legislation established on the basis of this Act.

(2) The producer group seeking the recognition of a food quality scheme or the amendment of a decision to recognise must submit a standard-form application to the local office of the VFB together with the rules of the food quality scheme and the list of participants in the food quality scheme.

(3) The VFB inspects the compliance of a food quality scheme with the requirements provided for in this Act and legislation established on the basis of this Act and decides to recognise the food quality scheme or to amend the decision to recognise the food quality scheme or to refuse to recognise the food quality scheme.

(4) A food quality scheme is recognised for an indefinite period.

(5) The producer group implementing a food quality scheme will inform the VFB in writing about changes in the list of the participants in the food quality scheme and about other significant changes in implementing the food quality scheme.

(6) The VFB will make a decision not to recognise a food quality scheme if in the course of verifying compliance of the scheme with the requirements at least one of the following circumstances is established:

- 1) the food quality scheme is not in compliance with the requirements for recognition;
- 2) the application contains false information or the producer group implementing the food quality scheme influences the application proceedings by fraud or a threat or in any other unlawful manner;
- 3) the producer group implementing the food quality scheme does not allow for verifying the compliance of the application with the requirements.

(7) A more detailed procedure for applying for recognition of food quality schemes, application proceedings, the application form, amendment of decisions to recognise food quality schemes, and marking final products produced under food quality schemes will be established by a regulation of the minister responsible for the field.

(8) The VFB will revoke a decision to recognise a food quality scheme if:

- 1) the producer group implementing the food quality scheme has submitted a corresponding application;
- 2) the food quality scheme is not in compliance with the requirements for food quality schemes;
- 3) the producer group implementing the food quality scheme has not terminated an offence by the date set in a precept;
- 4) the producer group implementing the food quality scheme does not allow for exercising state supervision over the compliance with the requirements for food quality schemes.

§ 93. Publishing information about recognised food quality scheme

The VFB will publish on its website the rules of a recognised food quality scheme, the name of the producer group implementing it and the names of the participants in the recognised food quality scheme.

Chapter 7 Information Provision and Promotion Measures

§ 94. Competent authority

(1) The functions imposed on a Member State in Article 14 of Regulation (EU) No 1144/2014 of the European Parliament and of the Council on information provision and promotion measures concerning agricultural products implemented in the internal market and in third countries and repealing Council Regulation (EC) No 3/2008 (OJ L 317, 04.11.2014, pp. 56–70), which are related to the implementation, monitoring and control of simple programmes as well as the functions related to the assessment of the impact of measures, which are set out in Article 25 of the Regulation, are performed by the ARIB.

(2) More detailed requirements and the procedure for the implementation of information provision and promotion measures may be established by a regulation of the minister responsible for the field.

Chapter 8 Securities

§ 95. Provision of security

(1) Upon implementation of those common agricultural policy measures for which a security guaranteeing the performance of obligations is prescribed by regulations of the European Union, such security is submitted to the ARIB.

(2) A security may be submitted to the ARIB as follows:

- 1) a deposit transferred to the bank account of the ARIB;
- 2) a guarantee.

(3) If a state agency or local authority agency submits a certificate proving the performance of its obligations, the security specified in subsection (2) of this section will not be required.

(4) A more detailed procedure for the provision, use and release of securities will be established by a regulation of the minister responsible for the field.

Chapter 9 Economic Accounts for Agriculture

§ 96. Farm accountancy database

(1) The data necessary for analysing the economic activities of agricultural producers are collected in the farm accountancy database by an agency appointed by the minister responsible for the field in accordance with Council Regulation (EC) No 1217/2009 setting up a network for the collection of accountancy data on the

incomes and business operation of agricultural holdings in the European Community (OJ L 328, 15.12.2009, pp. 27–38).

(2) The number of agricultural producers to submit farm accountancy data and the plan for their selection will be approved by a committee established by the minister responsible for the field in accordance with Article 6 of Council Regulation (EC) No 1217/2009.

§ 97. Economic accounts for agriculture

On the indicators of economic accounts for agriculture specified in Annex II to Regulation No 138/2004/EC of the European Parliament and of the Council on the economic accounts for agriculture in the Community (OJ L 033, 05.02.2004, pp. 1–87), the Ministry of Rural Affairs will compile the initial results of the current calendar year by November of the same year and the results of the previous calendar year by January of the following year, and the Statistical Office will compile the results of the previous calendar year by September of the following year.

Chapter 10 Agricultural Support and Agricultural Parcels Register

§ 98. Agricultural support and agricultural parcels register

(1) On the proposal of the minister responsible for the field, the Government of the Republic will establish the agricultural support and agricultural parcels register (hereinafter *register*), which is a database established in compliance with the Public Information Act.

(2) The statutes of the register will be established by a regulation of the Government of the Republic.

(3) The chief processor of the register is the Ministry of Rural Affairs.

(4) The authorised processors of the register are the ARIB and the Estonian Crop Research Institute.

(5) The purpose of keeping the register is to collect, process and preserve data for implementing common agricultural policy measures, rural development and agricultural market organisation measures, and fishing market organisation measures, and for exercising supervision.

§ 99. Information subject to entry in register

(1) The following data submitted on a person participating in the common agricultural policy measures and on an application as well as the following data obtained in the course of application proceedings is entered in the register:

1) the name, registry code or personal identification code or, upon absence of a personal identification code, the date of birth of the person participating in the common agricultural policy measures, data on their identity document, place of residence, seat or place of business, current account, and their contact details as well as information on the death of a natural person and the liquidation of a legal person;

2) data of the application submitted for participating in the common agricultural policy measures and data obtained in the course of application proceedings, the processing of which is provided for in Article 70 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council, Articles 67–73 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Article 223 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council, or in legislation established on the basis of these Regulations.

(2) The boundaries and identification code of an agricultural parcel are entered on the map of the agricultural parcel. The map of an agricultural parcel is compiled on the basis of the backdrop maps specified in § 14¹ of the Land Cadastre Act. The map of an agricultural parcel is a part of the register.

(3) For the purposes of this Act, an agricultural parcel means a unified land plot surrounded by boundaries made up of permanent noticeable landscape objects, by the boundaries of a cadastral unit or by land use boundaries; an agricultural parcel may consist of one or several fields.

(4) For the purposes of this Act, identification code of an agricultural parcel means the numeric code to be used for identifying the agricultural parcel.

(5) The procedure for and conditions of preparation of maps of agricultural parcels, determination of boundary points of agricultural parcels, assignment of unique numeric codes to agricultural parcels, and determination of landscape features located on agricultural parcels and eligible areas of agricultural parcels, and the data to be

submitted concerning the use of agricultural parcels and the procedure for submission thereof will be established by a regulation of the minister responsible for the field.

(6) In addition to the provisions of subsections (1) and (2) of this section, the register includes a catalogue of reference prices where the approved price cap of a thing or service that constitutes an eligible cost of rural development support along with data on the respective thing or service whereby the reference price method is used upon granting rural development support.

(7) The list of things and services to be entered in the catalogue of reference prices, the procedure for verifying the reasonableness and approval of reference prices, and the procedure for entering data in the catalogue will be established by a regulation of the minister responsible for the field.

(8) The price caps enter in the catalogue of reference prices remain in force for up to two years as of the date of entry in the register.

§ 100. Submission of data and entry of data in register

(1) A person who, for the first time, applies for aid on the basis of this Act and in accordance with the procedure established by this Act, the setting of a production quota or the national quantity, import or export licence, the right to import, export refund or inward processing certificate, approval or recognition of participating in measures or submits a tender, must submit an application to the ARIB for the entry of the data specified in clause 99 (1) 1) of this Act to the register.

(2) The application form provided for in subsection (1) of this section or the requirements for applications will be established by a regulation of the Government of the Republic.

(3) If a person's data entered in the register change, the person will, within 15 working days as of the change of the data, submit to the ARIB an application for the amendment of the data.

(4) The data is entered in the register within 15 working days as of the receipt of an application specified in subsections (1) and (3) of this section.

(5) The ARIB will refuse to make a register entry if the person has knowingly submitted false data. The ARIB will inform the applicant of its refusal to make an entry within five working days after making the decision.

(6) Data of the catalogue of reference prices, data concerning the use of agricultural parcels, boundary points and areas of agricultural parcels, identification codes of agricultural parcels, data on the submission of an application, commencement of application proceedings, taking of supervisory steps and change of data in a manner other than the one specified in subsection (3) of this section may be entered in the register without an application of the person within 30 working days after learning of a change in the data.

§ 101. Access to registry data

(1) The holder of information must designate data on a person participating in the common agricultural policy measures and on their application as information for internal use, unless otherwise provided for in this Act or in the legislation of the European Union.

(2) In addition to a person specified in subsection 38 (3) of the Public Information Act, a person who performs public functions on the basis of an Act, administrative decision or a public law contract or a person engaged in monitoring or evaluation, to the extent required for monitoring or evaluation purposes, and an expert involved in the proceedings has the right to access the information specified in subsection (1) of this section.

§ 102. Publication of registry data

(1) On the basis of this Act, the ARIB will publish the following data on its website:

- 1) data specified in Article 111 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council;
- 2) unique numeric code designated for identifying a person if the name of the supported person is not published in the events specified in Article 112 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council;
- 3) the details and maps of agricultural parcels;
- 4) the amount of the production quota and the national quantity set to a person;
- 5) the area of permanent grassland to be preserved based on agricultural parcels;
- 6) in the event of a decrease of the ratio of the permanent grassland, the area of the reconverted permanent grassland based on Article 45(3) Regulation (EU) No 1307/2013 of the European Parliament and of the Council;
- 7) the name of a producer group recognised based on § 88 of this Act, the description of the main product of the producer group and the names of the members of the producer group;
- 8) the data and caps of items and services entered in the catalogue of reference prices.

(2) The data specified in clauses 1) and 2) of subsection (1) of this section are published in accordance with the legal instrument established on the basis of Article 114 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

Chapter 11

State and Administrative Supervision

§ 103. Scope of state and administrative supervision

(1) In the course of state supervision, the compliance with the requirements established for the implementation of common agricultural policy measures and the compliance of the activities of the beneficiary following the payment of aid with the requirements provided for in the decision to approve the application, in the relevant regulations of the European Union, this Act and legislation established on the basis of this Act is verified.

(2) In the course of administrative supervision, the compliance with the requirements established for public law contracts concluded in accordance with this Act and the compliance of the activities of the beneficiary following the payment of aid with the requirements provided for in the decision to approve the application, in the relevant regulations of the European Union, this Act and legislation established on the basis of this Act is verified if the beneficiary is a state authority, a local authority agency, another person or agency authorised to perform public functions or a local action group.

§ 104. Ex-post control

(1) In addition to the provisions of § 103 of this Act, state and administrative supervision is exercised over the making and correctness of transactions specified in Chapter III of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council (hereinafter *ex-post control*) on the grounds and in accordance with the procedure specified in the Regulation.

(2) In the event of ex-post control, the special department is a structural unit designated to that end by the ARIB and the functions of the special department are, within the limits of its competence, performed by a structural unit designated to that end by the Tax and Customs Board.

(3) A more detailed procedure for exercising ex-post control of agricultural products exported from Estonia and agricultural products processed in Estonia may be established by a regulation of the Government of the Republic or of a minister authorised by the Government of the Republic.

§ 105. State supervision authorities

(1) The authorities that exercise state supervision over the compliance with the requirements established in the legislation of the European Union, this Act and legislation established on the basis of this Act are the ARIB and, within the limits of their competence, the Ministry of Rural Affairs, the VFB, the AB, the Environmental Inspectorate, the Consumer Protection Board, the Tax and Customs Board, the Environmental Board, and the state foundation.

(2) The ARIB exercises state supervision over the conformity with the requirements provided for in the relevant regulations of the European Union, this Act and legislation established on the basis of this Act, unless otherwise provided for in this section.

(3) The ARIB and, within the limits of their competence, the AB, the VFB and the Environmental Inspectorate exercise state supervision over the compliance with the requirements provided for in § 32 of this Act.

(4) To the extent prescribed by the development plan, the AB, the Environmental Board and the state foundation exercise state supervision over the compliance with the requirements provided for in the relevant legislation of the European Union, this Act and legislation established on the basis of this Act regarding rural development support.

(5) The ARIB and, within the limits of its competence, the VFB exercise state supervision over the compliance with the obligation to submit market information provided for in subsection 36 (4) of this Act and over the correctness of the submitted data.

(6) The procedure for exercising supervision over the compliance with the obligation to submit market information and over the correctness of the submitted data may be established by a regulation of the minister responsible for the field.

(7) The VFB exercises state supervision over the compliance of bought-in agricultural products with the requirements for their quality and composition, and the compliance of the processing facility, including the storage and preservation facility and the intervention store provided for in § 39 of this Act.

(8) In the event of use of a product originating from the intervention stock specified in subsection 41 (2) of this Act or a product made of it, supervision in accordance with the legislation of the European Union is exercised by:

- 1) the VFB over the compliance of product quantities in the event of intra-Community sale;
- 2) the Tax and Customs Board over the placement of the product in intermediate storage and taking the product out of storage in the event of exporting the product to a third country, provided that the product is stored outside an intervention store before export.

(9) In the event of aid for use granted under § 54 of this Act, the VFB exercises, within the limits of its competence, supervision provided for in the legislation of the European Union over the compliance of deliveries of raw material and their entry into production and the compliance of the products obtained.

(10) The ARIB exercises state supervision over granting the school milk aid provided for in Subdivision 4 of Division 2 of Chapter 5 of this Act and the school fruit and vegetable aid provided for in Subdivision 5 of the same Division, thereby exercising supervision also in an educational establishment that has not applied for the aid, but participates in the school milk scheme or in the school fruit and vegetable scheme.

(11) The VFB and the Consumer Protection Board exercise state supervision over the compliance with the requirements provided for in § 59 of this Act on the grounds and in accordance with the procedure provided for in the Food Act.

(12) The VFB exercises state supervision over the compliance of determining the quality classes of bovine, pig and lamb carcasses and over the determining of the categories of carcasses of bovine animals of up to 12 months of age.

(13) The AB exercises state supervision over the compliance with the fruit and vegetable marketing standards specified in § 61 of this Act.

(14) A more detailed procedure for supervision over the compliance with the fruit and vegetable marketing standards and for special supervision over the compliance with marketing standards at the retail stage will be established by a regulation of the minister responsible for the field.

(15) The VFB exercises state supervision over the compliance with the marketing standards for poultry eggs and poultrymeat specified in § 62 of this Act.

(16) The VTB exercises state supervision over the compliance with the registered specification of a product bearing the European Union quality label for agricultural products, food products, spirit drinks or wines on the basis of the regulations provided for in subsection 63 (1) of this Act and over the proper use of the registered name.

(17) The VTB exercises state supervision over the food quality scheme recognised on the basis of and in accordance with the procedure provided for in § 92 of this Act.

(18) Where necessary, the ARIB provides the European Commission with professional assistance upon exercising control.

§ 106. Administrative supervision authorities

(1) The Ministry of Rural Affairs exercises administrative supervision over the performance of a public law contract concluded on the basis of subsection 6 (2), clause 36 (2) 2) and subsection 68 (2).

(2) In the event of unilateral termination of a public law contract concluded under subsections 6 (2), clause 36 (2) 2) and subsection 68 (2) of this Act or if other circumstances that hinder the further performance of the public law contract by the person who concluded it become evident, the materials relating to the performance of the contract will be immediately handed over to the ARIB, which will arrange the continued performance of the administrative function.

(3) The ARIB exercises administrative supervision over the performance of a public law contract concluded on the basis of subsection 65 (7) of this Act.

(4) In the event of unilateral termination of a public law contract concluded under subsection 65 (7) of this Act or if other similar circumstances that hinder the further performance of the public law contract by the person who concluded it become evident, the materials relating to the performance of the contract will be immediately handed over to the ARIB, which will arrange the continued performance of the administrative function.

(5) If the beneficiary is a state or local authority, another person or authority authorised to perform public administrative functions or the local action group, the person or authority specified in § 105 of this Act exercises administrative supervision over the compliance with the requirements provided for in relevant legislation of the European Union adopted for the application of the measures of the common agricultural policy, this Act and legislation established on the basis of this Act.

§ 107. Specifics of administrative supervision upon checking compliance of operations of local action group

(1) The ARIB checks the compliance of the local action group and its activities with the requirements provided for in relevant legislation of the European Union adopted for the application of the measures of the common agricultural policy, this Act and legislation established on the basis of this Act, and will demand that the local action group immediately perform its duties if:

- 1) the local action group does not comply with the requirements provided for in relevant legislation;
- 2) the local action group has not submitted the implementation plan to the ARIB by the prescribed date;
- 3) the local action group disregards the local development strategy, implementation plan or its own work procedures, or
- 4) the local action group impedes the exercise of administrative supervision over its activities.

(2) If the local action group fails to perform the duties arising from this Act and does not comply with the requirements established on the basis of subsection 69 (3) of this Act or if there is another reason that prevents the local action group from implementing the local development strategy, the ARIB may suspend the local action group's right to organise a LEADER project support application round and evaluate these support applications.

(3) The local action group with regard to which the ARIB has suspended the evaluation of LEADER project support applications may continue the evaluation of LEADER project support applications as of the receipt of a respective written consent from the ARIB. The ARIB will grant the consent if the local action group performs all the relevant duties.

(4) If the local action group has not performed by the prescribed date the duties the performance of which has been demanded by the ARIB based on subsection (1) of this section, the ARIB may, in compliance with a legal instrument established on the basis of Article 64 of Regulation (EU) No 1306/2013 of the European Parliament and of the Council, suspend the payment of the support specified in Articles 35(1)(d) and (e) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council to the local action group.

§ 108. Special measures of state supervision

(1) A law enforcement authority may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 32 and 49–52 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(2) If residential premises are also used as commercial premises, the law enforcement authority may inspect these during the working or opening hours without the authorisation of an administrative court specified in subsection 51 (2) of the Law Enforcement Act.

(3) The law enforcement authority may take samples at the expense of the person upon inspection of a movable. If the inspected movable is no longer fit for ordinary use following the inspection, the cost of the movable or the cost of restoring the movable for ordinary use will not be compensated to the person.

§ 109. Specifics of state supervision

(1) The official of the law enforcement authority taking a measure of state supervision must, where necessary or at the request of the applicant, wear special or protective clothing provided by the applicant at the time of taking a supervision step.

(2) The Minister of Agriculture may, by a regulation, establish a list of supervision steps during the taking of which the official of the law enforcement authority must wear special or protective clothing the costs of purchase of which will be covered from the state budget.

§ 110. Intra-authority appeal procedure

(1) Before filing an application with an administrative court, an intra-authority appeal procedure must be completed on the conditions and in accordance with the procedure provided for in the Administrative Procedure Act.

(2) If an intra-authority appeal is filed against a decision or step of the state foundation, the state foundation will decide it.

(3) An intra-authority appeal will be decided within 30 calendar days after the receipt of the appeal. The time limit of deciding an intra-authority appeal may be extended by up to 30 calendar days if it is necessary due to the complexity of the case or due to the multitude of appeals filed simultaneously, informing the appellant thereof.

§ 111. Recovery of payments, aid or support

(1) If, following the payment of payments, aid or support, it becomes evident that the payments, aid or support has been paid unfoundedly due to the disregarding of a rule or negligence, including if it has not been used according to the intended purpose, the payments, aid or support will be recovered from the beneficiary, including from a beneficiary selected in accordance with the selection procedure, in part or in full on the grounds and within the time limits provided for in Regulation (EU) No 1303/2013 and Regulation (EU) No 1306/2013 of the European Parliament and of the Council and other relevant regulations of the European Union.

(2) If after making a transitional national aid payment it becomes evident that the payment was made unfoundedly, the payment will be recovered in part or in full from the beneficiary. A decision to recover a payment may be made within ten years after the date of making the decision to grant the application.

(3) The funds obtained in accordance with subsection 82 (1) of this Act will be recovered in accordance with the procedure provided for in §§ 112–115 of this Act if a decision to refuse to make a payment from the European Agricultural Fund for Rural Development is made regarding a beneficiary or if a beneficiary has used the received payments, aid or support for covering ineligible costs.

(4) The ARIB will make a decision to recover payments, aid or support within the time limit provided for in the relevant regulations of the European Union and this Act.

(5) Payments, aid or support granted under this Act will not be recovered in the events specified in Article 54(3)(a)(i) or 54(3)(b) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council.

§ 112. Repayment of payments, aid or support

(1) The beneficiary must repay the recovered payments, aid or support within 60 calendar days as of the day of making the decision to recover the payments, aid or support specified in subsection 111 (4) of this Act, unless otherwise specified in the relevant regulations of the European Union.

(2) The ARIB will set off recovered payments, aid or support in accordance with the conditions set out in the legal instrument established on the basis of Article 54(5) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council as of the day of making the decision to recover the payments, aid or support specified in subsection 111 (4) of this Act.

(3) If a beneficiary does not comply with a decision to recover payments, aid or support within the time limits provided for in subsection (1) of this section and if the payments, aid or support to be recovered cannot be set off within a reasonable amount of time, the ARIB will seek the compulsory enforcement of the decision in accordance with the procedure provided for in the Code of Enforcement Procedure.

(4) The set-off provided for in subsection (2) of this Act may also be made after seeking compulsory enforcement of a decision to recover payments, aid or support.

(5) The requirement to pay payments, aid or support granted on the basis of this Act, except for the requirement to make the single area payment specified in clause 11 (1) 1) of this Act, cannot be assigned by the beneficiary and the payments, aid or support paid cannot be subject to compulsory enforcement on the beneficiary's current account.

§ 113. Deferral of repayment of payments, aid or support

(1) The ARIB may defer the repayment of recovered payments, aid or support if the beneficiary submits a relevant reasoned application and a schedule for repayment of the payments, aid or support before the expiry of the time limit specified in subsection (1) of § 112 of this Act. In the event of deferral of the repayment of recovered payments, aid or support, the payments, aid or support will be repaid within 12 months after the date of making the decision to defer the repayment of the payments, aid or support.

(2) If, in the event of deferral of repayment of payments, aid or support, the beneficiary does not repay the payments, aid or support according to the repayment schedule, the ARIB will revoke the decision to defer the repayment of the payments, aid or support and set off the payments, aid or support to be recovered. If the payments, aid or support to be recovered cannot be set off, the ARIB will seek the compulsory enforcement of the decision in accordance with the procedure provided for in the Code of Enforcement Procedure.

§ 114. Late interest

(1) If the beneficiary has not repaid payments, aid or support within the time limit specified in subsection 112 (1) of this Act or the payments, aid or support has not been set off in accordance with subsection 112 (2) of this Act, the beneficiary must pay late interest at the rate of 0.1 per cent per each calendar day of delay in repaying the payments, aid or support. The late interest specified in this subsection also applies to the staggering of the repayment of payments, aid and support.

(2) Late interest is not charged from a state authority, unless the European Commission demands that the state pay the late interest. In such an event the state will charge late interest to the extent of the late interest amount paid to the European Commission.

§ 115. Interest

(1) In the event of illegal state aid, aid is recovered with interest as of the payment of aid in accordance with Article 9 of Commission Regulation (EC) 794/2004 implementing Council Regulation (EC) No 659/1999 laying down detailed rules for the application of Article 93 of the EC Treaty (OJ L 140, 30.04.2004, pp. 1–134), the interest rate communicated to the Member States on the basis of Article 10 of the same Regulation and the interest application method specified in Article 11 of the Regulation.

(2) The provisions of clause 23 1) of the State Liability Act do not apply to the taking of the measures of the common agricultural policy.

Chapter 12 Liability

§ 116. Violation of requirement to submit data

(1) The penalty for failure to submit market information needed for the implementation of the common agricultural policy measures is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 3200 euros.

§ 117. Marketing to non-approved purchasers

(1) The penalty for the marketing of agricultural products produced on the basis of production quota to persons buying in such products without proper authorisation is a fine of up to 300 fine units.

(2) The penalty for the same act, if committed by a legal person, is a fine of up to 3200 euros.

§ 118. Proceedings

(1) The Agricultural Registers and Information Board or the Veterinary and Food Board is, within the limits of its competence, the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in § 116 of this Act.

(2) The Agricultural Registers and Information Board is the extra-judicial body that conducts proceedings in the misdemeanour cases provided for in § 117 of this Act.

Chapter 13 Implementing Provisions

§ 119. Accreditation of paying agency

The paying agency accredited in accordance with the procedure in force before 1 January 2015 will continue performing the functions of the paying agency with regard to the duties specified in the accreditation decision.

§ 120. Application of Act to public law contracts concluded before entry into force of Act

A public law contract that has been concluded on the basis of subsection 57 (4) and subsection 57²(2) of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 and that is in force at the time of the entry into force of this Act and the object of which is the authorisation to perform the state's administrative functions provided for in the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 will remain in force until the date set out in the contract.

§ 121. Application of Act to other contract concluded before entry into force of this Act and to decision to approve participation in measures of common agricultural policy

(1) A contract that has been concluded on the basis of subsections 5 (4), 40 (1) and 43 (1) of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 and that is in force at the time of entry into force of this Act will remain in force until the date specified in the contract.

(2) A person approved in accordance with subsection 4 (4) of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 or an undertaking of such person may participate in the common agricultural policy measures until the decision to approve is revoked or amended.

§ 122. Validity of provision delegating authority

(1) A legal instrument issued on the basis of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 remains in force until repealed.

(2) From 2015 to 2017 the minister responsible for the field may amend the legal instruments specified in subsection (1) of this section.

§ 123. CNDP entitlements

The CNDP entitlements specified in subsection 26 (1) of this Act are, in addition to the entitlements obtained under § 27 of this Act, CNDP entitlements allocated on the basis of § 16 or obtained on the basis of § 17 of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015, which have been entered in the register of agricultural support and agricultural parcels.

§ 124. Application proceedings

(1) The application proceedings of an application submitted on the basis of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 are regulated by the requirements provided for in legislation in force at the time of commencement of the proceedings.

(2) The application proceedings of an application submitted on the basis of § 116³ of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 are regulated by the conditions set out in the invitation to tender and the requirements provided for in this Act.

§ 125. Database of undertakings engaged in marketing fruit and vegetables and special label authorisation

(1) The database of undertakings engaged in marketing fruit and vegetables specified in subsection 61 (3) of this Act is the database of undertakings engaged in marketing fruit and vegetables established on the basis of the legislation in force before this Act entered into force.

(2) The special label authorisation specified in subsection 61 (4) of this Act, which has been issued in accordance with the procedure in force before the entry into force of this Act will remain in force until the expiry of its term of validity.

§ 126. Granting rural development support in 2007–2013 period

(1) Regarding the 2007–2013 period, the Ministry of Rural Affairs performs the tasks of the managing authority specified in Article 75(1) of Council Regulation (EC) No 1698/2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, pp. 1–40).

(2) In years 2015–2017, the minister responsible for the field may, by a regulation, establish the types of rural development support to be granted and the types of activities to be supported during a budgetary year under the Estonian Rural Development Plan 2007–2013, indicating also the types of rural development support and activities for which support can be applied for on the basis of an annual payment claim provided for in Article 3(2) of Commission Regulation (EC) No 65/2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ L 25, 28.01.2011, pp. 8–23) and only to the extent of a valid commitment, and will, by a decree, decide the distribution of funds allocated for rural development support.

(3) In, based on subsection (2) of this section, the minister responsible for the field has prescribed the granting of support, the support will be applied for, application proceedings will be carried out and support will be used according to its intended purpose on the grounds and in accordance with the procedure provided for in the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 and legislation established on the basis thereof.

(4) A beneficiary of the support specified in subsection (2) of this section will submit the information required for the receipt and use of the support in accordance with the procedure established on the basis of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015. For the purpose of monitoring and evaluating the support, the person conducting the monitoring or evaluation of the Estonian Rural Development Plan 2007–2013 may perform activities in the undertaking or holding of the beneficiary only with the consent of the beneficiary.

(5) In the case of the support specified in subsection (2) of this section, intra-authority proceedings must be completed on the conditions and in accordance with the procedure provided for in the Administrative Procedure

Act and in the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 before a claim can be filed with the administrative court.

(6) In the case of support specified in subsection (2) of this section, state supervision for the purpose of checking the compliance with the requirements provided for in relevant legislation is exercised over the 2007–2013 period on the grounds and in accordance with the procedure provided for in this Act.

§ 127. Validity of recognition of advisory centres

(1) An advisory centre recognised on the basis of § 76 of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 must comply with the requirements applicable to advisory centres and a recognition decision made by it remains in force for a term of five years as of the payment of the last portion of support in accordance with Article 25 of Council Regulation (EC) No 1698/2005.

(2) The Ministry of Rural Affairs exercises state supervision over an advisory centre recognised on the basis of § 76 of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015.

§ 128. Validity of recognition of producer group

(1) A producer group recognised on the basis of § 79 of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015, which wishes to continue its activities as a recognised producer group after five years have passed from the date of the first recognition must within three months after the arrival of the date bring its activities into compliance with the requirements provided for in this Act and legislation established on the basis of this Act.

(2) A decision to recognise a producer group will be revoked if the producer group has not brought its activities into compliance as prescribed by subsection (1) of this section.

§ 129. Validity of recognition of food quality scheme

(1) A producer group implementing a food quality scheme recognised on the basis of § 83 of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015, which wishes to continue implementing the recognised food quality plan, must bring the quality plan into compliance with the requirements provided for in this Act and legislation established on the basis of this Act by 1 January 2016.

(2) A decision to recognise a food quality scheme will be revoked if the plan has not brought into compliance as prescribed by subsection (1) of this section.

§ 130. Taking of information provision and promotion measures

(1) Until 30 November 2015, Council Regulation (EC) No 3/2008 (OJ L 3, 05.01.2008, pp. 1–9) on information provision and promotion measures for agricultural products on the internal market and in third countries is applied to the taking of information provision and promotion measures specified in § 94 of this Act.

(2) A person who complies with the requirements provided for in the relevant regulations of the European Union may until 30 November 2015 submit to the Ministry of Rural Affairs a relevant programme in order to participate in a programme competition announced for taking the information provision and promotion measures established on the basis of Council Regulation (EC) No 3/2008.

(3) The Ministry of Rural Affairs checks the compliance of the programme specified in subsection (2) of this section and decides whether to send it to the European Commission or not and performs other tasks imposed on the Member States in the relevant regulations of the European Union.

§ 131. Recovery of payments, aid and support granted before entry into force of this Act

Payments, aid and support granted on the basis of the European Union Common Agricultural Policy Implementation Act in force before 1 January 2015 is recovered on the ground and in accordance with the procedure provided for in this Act.

§ 132. Agricultural support and agricultural parcels register

The agricultural support and agricultural parcels register established on the basis of legislation in force before the entry into force of this Act is deemed to be the agricultural support and agricultural parcels register specified in subsection 98 (1) of this Act.

§ 133. Establishment of conditions of granting support before approval of development plan

(1) The minister responsible for the field may establish the conditions of granting support before the European Commission has approved the development plan.

(2) A decision to grant rural development support is not made and the contract specified in subsection 71 (5) is not concluded before the European Commission has approved the development plan.

(3) If the draft development plan differs from the approved development plan, the conditions of granting support established before the approval of the development plan may be amended to the extent that the conditions of granting support are in conflict with the approved development plan.

(4) If the conditions of granting support are amended in accordance with subsection (3) of this section, a time limit will be set to the applicant for bringing the application into compliance with the conditions of granting support. If the applicant refuses to amend the application or does not amend the application within the set time limit, a decision not to grant the application will be made.

(5) If a rural development support application has been submitted more than 60 working days before the approval of the development plan by the European Commission, a decision to grant or not to grant the application for rural development support will be made within 30 working days after the approval of the development plan.

(6) Subsection (5) of this section does not apply to support specified in Articles 28–30 and 33 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council. In the case of such support, a decision to grant or not to grant the application for support is made by the date set out in a legal instrument established on the basis of subsection 67 (2) of this Act.

(7) In the case of an application for support for preparation of the LEADER local development strategy specified in Article 35(1)(a) of Regulation (EU) No 1303/2013 of the European Parliament and of the Council and an application for technical assistance support specified in § 74 of this Act, a decision to grant or not to grant the application and a decision to pay support may be made before the European Commission has approved the development plan.

(8) A decision to grant or not to grant an application for the support specified in subsection (7) of this section and a decision to pay the support may be amended or revoked if the circumstances specified in subsection (3) of this section become evident.

§ 134.–§ 136.[Omitted from this text.]

§ 137. Repealing of Act

The European Union Common Agricultural Policy Implementation Act (RT I 2009, 56, 375) is repealed.

§ 138. Entry into force of Act

(1) This Act will enter into force on 1 January 2015.

(2) Sections 49–51 of this Act will enter into force on 1 January 2016.

Eiki Nestor
President of the Riigikogu