

Statutes of the Agriculture and Food Board

Passed 18.08.2020 No. 57

The Regulation is established on the basis of subsection 42 (1) of the [Government of the Republic Act](#).

1. Chapter 1 GENERAL PROVISIONS

§ 1. Agriculture and Food Board

(1) The Agriculture and Food Board (hereinafter '*Board*') is a governmental authority operating in the area of government of the Ministry of Rural Affairs (hereinafter '*Ministry*').

(2) The Board represents the state in the performance of its functions.

(3) The English version of the name of the Board is Agriculture and Food Board.

§ 2. Seal and insignia of the Board

(1) The Board has a circular seal with a diameter of 35 mm with a small coat of arms in the centre. Along the upper edge of the circle are the words 'Agriculture and Food Board'.

(2) The Board has blank document forms with its own name, the design and security element of which is the image of a small national coat of arms. The procedure for the use of the blank document form is established in the operations procedure of the Board.

(3) The structural unit of the Board may bear a seal with its own name if the statutes of the structural unit so provide.

§ 3. Reporting obligation

The Board reports to the minister responsible for the field (hereinafter '*Minister*') who directs and coordinates the activities of the Board and exercises official supervision over its activities.

§ 4. Location of the Board

The Board is located in Saku. The postal address of the Board is Teaduse 2, Saku, 75501 Harjumaa. The location and postal address of a structural unit of the Board located elsewhere is indicated in the statutes of the structural unit.

Chapter 2 AREAS OF ACTIVITY AND FUNCTIONS OF THE BOARD

§ 5. Areas of activity of the Board

The areas of activity of the Agriculture and Food Board are food and feed safety; animal health and welfare; farm animal breeding; land improvement and use; plant protection and health; plant propagating material; fertiliser; organic farming; commercial fishing; as well as the organisation of the common agricultural policy of the European Union and the rural life and agricultural market.

§ 6. Functions of the Board

The Board:

1) performs the functions established in the legislation of the area of activity, organises and exercises state and administrative supervision (hereinafter collectively referred to as '*supervision*'), performs compliance checks and other administrative proceedings during processing an economic activity notice, activity licence or other permit;

2) applies enforcement powers of a state on the bases and to the extent prescribed by law and prosecutes misdemeanours;

3) performs the functions of the national competent and liaison agency in its area of activity in the cooperation network of international organisations and the European Union as well as in the rapid alert system;

4) performs the functions necessary for the implementation of the development plan approved by the European Commission in support of rural development, the common agricultural policy of the European Union, the measures for the organisation of the fisheries market in the fisheries policy, and the national measures for the organisation of the rural and agricultural market;

5) acts as the data processor of the state register of alcohol; national register of food and feed business operators; register of commercial fishing; register of undertakings operating in the field

of land improvement; register of land improvement systems; register of plant health; register of plant protection products; register of organic farming; register of fertilisers; and register of plant varieties, as well as the data controller and data processor of the register of veterinarians, and maintains the database specified in subsection 61 (3) of the European Union Common Agricultural Policy Implementation Act;

6) develops the strategic development documents of the Board and organises their implementation and the evaluation of results;

7) analyses the situation in the country in the areas of activity specified in section 5 and participates in the development and implementation of policies, strategies, international development documents, and projects related to its areas of activity;

8) makes a proposal on the drafting or amendment of a legislative act and delivers an opinion on a draft legislative act in connection with the area of activity of the Board;

9) cooperates, within the limits of its competence, with another governmental authority, a state agency administered by a governmental authority, a local authority, a professional association and community, and with a relevant foreign authority and international organisation;

10) participates in the decision-making process of the European Union and in the work of the bodies of the European Union in its area of activity, develops a draft position for participation in the decision-making process of the European Union, and provides relevant reports and information;

11) performs the functions assigned to it by legislation, an international agreement or an official international agreement;

12) organises training according to its field of activity;

13) authorises laboratories to analyse samples taken during the supervision activities;

14) provides direct public services and develops their quality, including the processing of personal data;

15) organises prevention activities and informing the public about dangers in its field of activity, as well as the access to public information held by the Board;

16) performs other functions assigned to it by legislation, as well as functions assigned to it by the Minister or the Secretary General of the Ministry.

Chapter 3 MANAGEMENT OF THE BOARD

§ 7. Head of the Board

The Board is headed by a Director General, who is appointed and dismissed by the Minister on the proposal of the Secretary General of the Ministry.

§ 8. Director General

(1) The Director General:

1) manages the work of the Board and organises, themselves or through the Deputy Director General, the activities of the Board and the performance of the duties falling within their competence;

2) coordinates, directs, and controls the work of the official and employee directly subordinate to them and of the structural unit;

3) represents the Board and confers general and specific powers to represent the Board, designates the place of service of an official or employee acting on behalf of an administrative authority in administrative proceedings, and the position of an official acting on behalf of the extra-judicial body in misdemeanour proceedings;

4) is responsible for the accurate and expedient implementation of the legislation organising the activities of the Board, and reports to the Minister;

5) ensures the implementation of the Board's internal control system and is responsible for its performance;

6) appoints an official and dismisses an official of the Board, as well as concludes and terminates the employment contract of the staff member;

7) imposes a disciplinary penalty on an official and a warning on an employee based on and pursuant to the procedure prescribed by legislation;

8) approves the development and action plan of the Board, the statutes of the structural unit, the job description of the position, the document management procedure, and other documents

regulating the work organisation of the Board;

9) establishes the procurement procedure and the annual procurement plan, and concludes the contract within its competence;

10) forms, where necessary, a standing or temporary committee, a council, and a working group with advisory status and determines their functions and rules of procedure;

11) organises the prudent use of state assets placed in the possession of the Board in accordance with the State Assets Act;

12) exercises supervisory control in accordance with Chapter 6;

13) submits the Minister a proposal for the budget of the Board's revenue and expenditure and supervises the accurate and efficient implementation of the budget;

14) submits the Minister a proposal for the more efficient organisation of the area of activity and service of the Board;

15) performs other functions assigned to them by law, a regulation or order of the Government of the Republic, a regulation or directive of a minister or a written or oral order.

(2) The Director General has the right to issue directives in service matters based on law, a regulation or order of the Government of the Republic or a regulation or directive of a minister, as well as written and oral orders for the administration of the Board.

(3) In the case that it is prescribed by law, the Director General issues a precept and a decision.

(4) In the event of suspension of the right of the Director General to exercise public authority, they will be replaced by a Deputy Director General or, in their absence, by another official.

§ 9. Deputy Director General

(1) The composition of the Board includes the positions of the Deputy Directors General.

(2) The Deputy Director General:

1) performs the duties of the place of service assigned to them by the job description;

2) manages and organises the work of the structural unit subordinate to them through the head of the structural unit;

3) represents the Board within the limits of its competence and the powers conferred on it by the Director General;

4) makes a proposal to the Director General on the establishment of the Board's budget and the use of its budgetary resources;

5) participates in the development of the policy strategy, development plan, and international development document related to the area of activity of the Board and is responsible for their implementation in its area of responsibility;

6) participates in the drafting of legislative and administrative acts required for the proper performance of the Board's functions;

7) makes a proposal to the Director General to impose a disciplinary penalty on the official;

8) supervises the performance of the functions of the structural unit directly subordinate to it;

9) performs other functions as may be assigned to it by the Director General.

(3) The specific duties, powers, rights, and responsibilities of the Deputy Director General are determined in the job description established by a directive of the Director General.

Chapter 4 STRUCTURE OF THE BOARD, MAIN FUNCTIONS OF THE STRUCTURAL UNITS, AND MANAGEMENT OF THE STRUCTURAL UNITS

§ 10. Structure of the Board

(1) The composition of places of service and their classification into service groups is established by the Minister or, with the authorisation of the Minister, by the Director General.

(2) The structural unit of the Board is a department. The department with regional competence is called the region and its head is called the head of the region. The Board has four departments with regional competences: the northern region, the southern region, the western region, and the eastern region. The department may include a bureau. The bureau located on the border of Estonia and a country outside the European Union, in a port or airport is called a border crossing point.

(3) The department is headed by the head of the department. The bureau belonging to the composition of the department is managed by the head of the bureau and the border crossing point is managed by the head of the border crossing point.

(4) The more precise competence, functions, and management of the department and the office, as well as the border crossing point forming part of the department are determined by the statutes of the department, approved by the Director General.

(5) The duties, rights, and responsibilities of positions and jobs are determined in the job description established by a directive of the Director General.

§ 11. Departments of the Board

The departments of the Board are:

- 1) Fisheries and Market Regulation Department;
- 2) Animal Health and Welfare Department;
- 3) Land Improvement and Land Use Department;
- 4) Organic Farming and Seed Department;
- 5) Border Control Department;
- 6) Farm Animal Breeding Department;
- 7) Plant Protection and Fertilisers Department;
- 8) Plant Health and Propagating Material Department;
- 9) Food Department;
- 10) northern region;
- 11) southern region;
- 12) eastern region;
- 13) western region;
- 14) Finance and Administration Department;
- 15) Communication Department;
- 16) Personnel Department;
- 17) Strategic Planning and Analysis Department;
- 18) Legal Services Department.

§ 12. Fisheries and Market Regulation Department

The main functions of the Fisheries and Market Regulation Department are:

- 1) to organise the implementation of the market organisation measures of the common agricultural policy of the European Union and the measures of the organisation of the fisheries market as well as the monitoring of the conformity of quality requirements of products, including alcohol;
- 2) to organise commercial fishing activities and the collection and reporting of related data.

§ 13. Animal Health and Welfare Department

The main functions of the Animal Health and Welfare Department are:

- 1) to develop and implement measures for the prevention and control of animal diseases;
- 2) to take the necessary measures to protect humans against diseases common to humans and animals and transmitted by animals;
- 3) to organise veterinary supervision and veterinary control of goods and animals subject to veterinary supervision and veterinary control, as well as official control and other official activities related to feed of non-animal origin;
- 4) to organise the supervision of the activities of veterinarians with a professional activity licence, animal health and welfare, establishments where animals are kept, animal by-products and their handling, animal experiments, veterinary medicinal products and the use of medicated feed, as well as the handling of feed and the conformity of feeding.

§ 14. Land Improvement and Land Use Department

The main functions of the Land Improvement and Land Use Department are:

- 1) to organise the supervision of land improvement and use;
- 2) to organise land improvement work for the jointly used recipients maintained by the state;
- 3) to organise the preparation of the management plan for land improvement systems and check its implementation;
- 4) to organise the monitoring of the state of land drainage and the environmental impact of land improvement.

§ 15. Organic Farming and Seed Department

The main functions of the Organic Farming and Seed Department are:

- 1) to organise official controls and other official activities of organic crop and animal production, including beekeeping and aquaculture;
- 2) to organise official controls and other official activities and supervision of the production and marketing of organic food and feed, as well as food containing organic ingredients;
- 3) to organise the certification of seeds and the supervision of seeds packaging and marketing;
- 4) to organise the supervision of the implementation of control measures of wild oats and of the handling of genetically modified crops;
- 5) to organise the registration of the variety and the variety listing, as well as plant protection.

§ 16. Border Control Department

The main function of the Border Control Department is to perform official control and other official activities established in sectoral legislation, including veterinary supervision and veterinary control, over goods delivered to Estonia at a border crossing point and other places of official control.

§ 17. Farm Animal Breeding Department

The main functions of the Farm Animal Breeding Department are:

- 1) to organise the supervision of the farm animal breeding and of the conservation of genetic resources;
- 2) to organise the supervision of applicants for subsidies related to the keeping and breeding of farm animal.

§ 18. Plant Protection and Fertilisers Department

The main functions of the Plant Protection and Fertilisers Department are:

- 1) to evaluate and approve active substances, safeners, and synergists, to carry out official controls on placing plant protection products on the market, and to carry out other official activities;
- 2) to organise official control of the conformity of the marketing and use of plant protection products and other official activities and supervision of the conformity of plant protection equipment;
- 3) to organise the supervision of proper handling of fertilisers.

§ 19. Plant Health and Propagating Material Department

The main functions of the Plant Health and Propagating Material Department are:

- 1) to survey harmful pests and take control measures to prevent their entry and spread;
- 2) to carry out official controls and other official activities and supervision established in sectoral legislation in connection with the conformity of the production and marketing of plants, plant products, and other objects;
- 3) to organise the certification of propagating material, including seed potatoes, and the supervision of production and marketing.

§ 20. Food Department

The main functions of the Food Department are:

- 1) to develop and implement measures necessary to ensure food safety;
- 2) to organise official controls and other official activities concerning the conformity of food, as well as materials and articles intended to come into contact with food;
- 3) to organise official controls and other official activities established in sectoral legislation in connection with the conformity of food, including food subject to veterinary supervision and veterinary control, and the handling thereof.

§ 21. Region

(1) The main functions of the region in its area of activity are to carry out official controls and other official activities, including veterinary supervision and veterinary control, and supervision within the limits of its competence.

(2) The Director General may assign functions to a region remaining outside its area of activity.

§ 22. Finance and Administration Department

The main function of the Finance and Administration Department is to organise the Board's budgeting and financial management, administration, document management, archival work, management and accounting of state assets, and public procurement of inventory, tools, and services required for the work.

§ 23. Communication Department

The main functions of the Communication Department are:

- 1) to inform the public about the activities of the Board;
- 2) to carry out risk and crisis communication;
- 3) to plan, coordinate, and organise internal and external communication.

§ 24. Personnel Department

The main functions of the Personnel Department are:

- 1) to develop a staff policy and coordinate its implementation;
- 2) to organise occupational health and safety activities and staff selection;
- 3) to coordinate training activities within its competence.

§ 25. Strategic Planning and Analysis Department

The main functions of the Strategic Planning and Analysis Department are:

- 1) to develop risk assessment systems required for supervision;
- 2) to coordinate the development of the strategic development documents of the Board;
- 3) to coordinate internal control and quality management;
- 4) to coordinate risk and crisis management of the areas of activity of the Board;
- 5) to develop the databases necessary for the performance of the functions of the Board and to cooperate with other bodies in the development of relevant databases;
- 6) to analyse public data collected during the performance of the functions necessary for the fulfilment of the objectives of the Board and related to the activities of the Board;
- 7) to carry out official controls and other official activities, including veterinary supervision and veterinary control, and the implementation of supervision, such as mutual recognition of sanitary and phytosanitary measures, to organise related negotiations, and cooperate with the relevant authorities from third countries.

§ 26. Legal Services Department

The main functions of the Legal Services Department are:

- 1) to advise the management and structural units of the Board on legal matters related to the area of activity of the Board;
- 2) to participate in the development of draft legislation of the Board related to the area of activity of the Board;
- 3) to organise the delivery of opinions on draft legislation related to the area of activity of the Board;
- 4) to represent the legal interests of the Board and to arrange for their representation.

§ 27. Management of department

(1) The head of the department will ensure the performance of the functions of the department headed by them and the purposeful and efficient use of the resources allocated to the department.

(2) To perform the function established in subsection (1), the head of department:

- 1) is responsible for the proper, timely, and professional performance of the functions assigned to the department headed by them and supervises the performance of the official or staff duties of their subordinates or employees;
- 2) participates in the development and implementation of the Multi-Annual National Control Plan and the organisational development plan of the Board related to the area of activity of the Board;
- 3) ensures the proper structure and functioning of the control system, including planning and reporting, training and work instructions provided to staff, as well as the analysis and evaluation of work performance;
- 4) executes the orders given to them by the superior head or notifies of obstacles to their execution and reports to the immediate head on the activities of the department;
- 5) instructs the official and employee subordinate to them to perform the functions of the department;
- 6) gives an opinion and approval on behalf of the department;
- 7) makes a proposal to the immediate head to change the structure and work organisation of the department and the composition of places of service, to determine the wages of an official or the wages of an employee of the department, and to impose a disciplinary penalty on the official;
- 8) requests the resources necessary for the performance of the functions of the department and organises their proper storage, maintenance and use;
- 9) requests training for officials and employees to perform their duties of the place of service more effectively;

10) concludes contracts based on the authorisation given by the Director General and in accordance with the procurement procedure, up to the maximum amount specified in the annual procurement plan;

11) signs letters and documents prepared by the department, not assuming financial or other proprietary obligations, except for the contracts specified in clause 10, and does not grant rights or impose obligations to a person outside of the Board, unless otherwise provided by legislation;

12) cooperates with an agency of another state and local authority and provides or commissions professional assistance, if necessary.

§ 28. Place of service outside the structural unit

(1) The structure of the Board may include a place of service outside the unit.

(2) The duties, subordination, rights, and responsibilities of a place of service outside the unit are defined in the job description or employment contract.

Chapter 5 COMMITTEE, COUNCIL, AND WORKING GROUP

§ 29. Committee, council, and working group

(1) The Director General may form a standing or temporary committee, council or working group with advisory status in the area of activity of the Board (hereinafter collectively referred to as '*Committee*').

(2) The Committee is formed by a directive of the Director General, determining the members of the Committee, its rules of procedure, their duties, and the time limits for their completion.

(3) An official and employee of another governmental authority may be appointed a member of the Committee on the proposal of the head of the relevant governmental authority. A person outside the state public service may be involved in the work of the Committee with their consent.

Chapter 6 SUPERVISORY CONTROL

§ 30. Supervisory control

(1) The Director General exercises supervisory control over the legality and expediency of the activities of officials of the Board to the extent and according to the procedure prescribed by law.

(2) The Director General may, under supervisory control, instruct the Deputy Director General or the head of department to collect material to establish the circumstances in which an administrative act was issued or an administrative operation was made, including obtaining a relevant explanation and opinion from an official or staff member.

Chapter 7 REORGANISATION AND TERMINATION OF THE ACTIVITIES OF THE BOARD

§ 31. Reorganisation and termination of the activities of the Board

The Board is reorganised or its activities are terminated according to the procedure provided by law.

Chapter 8 IMPLEMENTING PROVISIONS

§ 32. Repeal of regulations

The following regulations of the Minister of Agriculture and the Minister of Rural Affairs are repealed due to the reorganisation and termination of the activities of the Agricultural Board and the Veterinary and Food Board:

1) Regulation No. 97 of the Minister of Agriculture of 23 September 2009 'Statutes of the Agricultural Board';

2) Regulation No. 48 of the Minister of Rural Affairs of 16 August 2018 'Statutes of the

Veterinary and Food Board’;

3) Regulation No. 49 of the Minister of Rural Affairs of 16 August 2018 ‘Reorganisation of the local offices of the Veterinary and Food Board and termination of their activities’.

§ 33. Entry into force of the Regulation

The Regulation enters into force on 1 January 2021.

Arvo Aller

Minister of Rural Affairs

Tiina Saron

Secretary General