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# General Part of the Environmental Code Act<sup>1</sup>

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RT I, 28.02.2011, 1

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Amended by the following acts

Passed	Published	Entry into force
20.06.2014	RT I, 08.07.2014, 3	01.08.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
18.12.2014	RT I, 30.12.2014, 6	01.01.2015 – Chapter 5 will enter into force as of the entry into force of its implementation Act.
11.02.2015	RT I, 04.03.2015, 1	14.03.2015
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19.02.2015	RT I, 23.03.2015, 6	01.07.2015, in part on 01.11.2016 – entry into force provided for in the Radiation Act [RT I, 28.06.2016, 2]
08.06.2016	RT I, 28.06.2016, 2	01.11.2016
10.05.2017	RT I, 25.05.2017, 1	04.06.2017

## Chapter 1 General Provisions

### Division 1 Purpose and Scope of Application of Act

#### § 1. Purpose of Act

The purpose of this Act is to ensure:

- 1) the reduction of environmental nuisances to the maximum extent possible in order to protect the environment, human health, well-being, property and cultural heritage;
- 2) the promotion of sustainable development in order to secure an environment that meets the human health and well-being needs of the present generation and future generations;
- 3) the preservation and protection of natural diversity;
- 4) the good state of the environment;
- 5) the prevention of damage to the environment and the remedying of damage caused to the environment.

#### § 2. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking account of the specifications provided for in this Act.

### Division 2

# Definitions

## § 3. Environmental nuisance

(1) 'Environmental nuisance' means a human-induced direct or indirect adverse impact on the environment, including impact on human health, well-being, property or cultural heritage via the environment. 'Environmental nuisance' also means such an adverse impact on the environment, which does not exceed a numerical limit or that has not been regulated by a numerical limit.

(2) Unless otherwise provided by law, the emergence of a significant environment nuisance is presumed in the event of:

- 1) exceeding the limit value of the quality of the environment provided for in subsection 7 (3) of this Act;
- 2) causing the contamination provided for in subsection 7 (5) of this Act;  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 3) causing environmental damage;
- 4) causing a significant environmental impact;
- 5) causing a significant adverse impact on an area of the Natura 2000 network of the European Union (hereinafter *Natura*).

## § 4. Environmental risk

'Environmental risk' means the possibility of occurrence of an environmental nuisance that needs to be reduced.

## § 5. Environmental threat

'Environmental threat' means the sufficient likelihood of emergence of a significant environmental nuisance.

## § 6. Installation and operator

(1) 'Installation' means a stationary or mobile technical unit where production operations are pursued or where an activity equal to, directly linked to or having a technical connection with production operations is pursued in a manner resulting in pollution or contamination.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) 'Operator' means a person who operates or possesses an installation, controls the operations thereof and is responsible for the technical functioning of the installation.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## § 7. Emission, emission limit value, limit value of quality of environment, pollution and contamination

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(1) 'Emission' means a substance, organism, energy, radiation, vibration, heat, light, smell or noise directly or indirectly emitted to air, water or soil.

(2) 'Emission limit value' means a mass, quantity, concentration or level of an indicator characterising emission, which must not be exceeded or in a specific period or in specific periods or within the limits of which one must remain in a specific period or in specific periods.

(3) 'Limit value of the quality of the environment' means a limit value established to the chemical, physical or biological indicator, which must not be exceeded for the purpose of protecting human health and the environment.

(4) 'Pollution' means the discharge of an emission in such a manner that it poses an environmental threat or an environmental risk.

(5) 'Contamination' means a significant adverse change of the quality of air, water or soil due to pollution.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## Chapter 2 Principles and Main Duties of Environmental Protection

### Division 1

# Principles of Environmental Protection

## § 8. Principle of high-level and integral protection of environment

Environmental protection measures must ensure high-level protection, thereby the integral protection of the environment must be ensured and the possible transfer of environmental impact from one environmental element to another.

## § 9. Principle of integration

Considerations ensuring a high level protection of the environment must be taken into account in guiding the development of all fields of life in order to ensure sustainable development.

## § 10. Principle of prevention

An environmental threat must be prevented. An environmental threat or a significant environmental nuisance must be tolerated if the activity is required due to overriding public reasons, there is no reasonable alternative and required measures have been taken to reduce the environmental threat or the significant environmental nuisance.

## § 11. Precautionary principle

(1) An environmental risk must be reduced to the maximum extent possible by taking appropriate precautionary measures.

(2) Upon making decisions regarding activities involving an environmental risk, the impact of the activities on the environment must be identified. Environmental impact assessment proceedings must be carried out in the events and in accordance with the procedure provided by law.

## § 12. Bearing costs related to use of environment

(1) Costs related to the assessment, prevention, reduction or remedying of an environmental nuisance, threat, risk or damage must be borne by the person who caused them, unless otherwise provided by law.

(2) A charge must be paid for the use of the environment in the events provided by law. A charge the rate of which is established on the basis of the principles of environmental protection set out in this division and the purpose of use of which is the contribution to the attainment of the objectives specified in § 1 of this Act must be paid for using the environment as a national wealth.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## § 13. Principle of economical use of natural resources

Renewable and non-renewable natural resources must be used economically, taking into account their natural replenishment and the availability of reserves for the longest time possible. Rates of use of renewable and non-renewable natural resources will be established in the events provided by law.

## Division 2 Main Duties of Environmental Protection

### § 14. Duty of care

Everyone must, to a reasonable extent, take measures to reduce the environmental nuisance caused by their act or omission.

### § 15. Duty to acquire knowledge for prevention of environmental threat

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

Before commencing an activity that will cause an environmental threat, everyone must, to a reasonable extent, acquire knowledge that, given the type and scope of the activity, is necessary for preventing the environmental threat.

## Chapter 3

# Duties of Operator

## § 16. Duty to prevent environmental threat and take precautionary measures

(1) The operator must take required measures to prevent an environmental threat and appropriate precautionary measures to reduce an environmental risk.

(2) Before commencing an activity that results in an environmental threat or an environmental risk, the operator must acquire knowledge that, given the type and scope of the activity, is required for preventing the environmental threat or taking precautionary measures.

(3) The operator must avoid using such substances, mixtures or organisms that entail an environmental risk if these can be replaced with substances, mixtures or organisms that entail a smaller environmental risk.

## § 17. Duty to use raw material, natural resources and energy economically

The operator must use the raw material, natural resources and energy economically and, where possible, give preference to renewable energy sources.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## § 18. Choice of location of installation

(1) A person who plans on erecting an installation must, upon choosing the location, serve the purpose of reducing environmental nuisances to the maximum extent possible, above all, considered the sensitivity of the area towards the planned activity, the distance from the residential district as well as the former and possible purpose of use.

(2) The criteria specified in subsection (1) of this section must be taken into account also upon expansion of the operations of the installation or upon otherwise transforming the installation.

## § 19. Environmental protection training in installation

The operator must, to a reasoned extent, ensure the environmental protection training of the persons operating at the installation.

## § 20. Notification obligation

(1) The operator must immediately inform the Environmental Inspectorate or, in another event provided by law, another authority about a significant environmental nuisance arising from the installation.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) If the operator wishes to change the activity for which a permit has been granted to the operator and the change may result in a significant environmental nuisance, the operator must inform the issuer of the permit about the planned change well in advance.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

## § 21. Environmental protection requirements upon termination of operations of installation

Upon termination of the operations of the installation and thereafter the operator must ensure that no significant environmental nuisances occur.

## § 22. Performance of duties

The duties specified in this chapter must be performed insofar as it is reasonable.

## Chapter 4 Environmental Rights

### Division 1

## Right to Environment that Meets Health and Well-being Needs and Environmental Procedural Rights

### § 23. Right to environment that meets health and well-being needs

(1) Everyone is entitled to expect that the environment concerning them directly meets the health and well-being needs.

(2) The environment concerns a person directly if the person often stays in the affected environment, often uses the affected natural resource or otherwise has a special connection with the affected environment.

(3) Upon application of subsection (2) of this section, the environment or natural resource that is likely to be affected is also considered the affected environment or natural resource.

(4) Upon assessing the compliance of the environment with the health and well-being needs, the rights of other persons, public interests and the characteristics of the region are taken into account. The non-compliance of the environment with the health and well-being needs is presumed if the limit value of the quality of the environment has been exceeded.

(5) To uphold the right specified in subsection (1) of this section, one can demand that the administrative authority spare the environment and take reasonable measures to ensure the compliance of the environment with the health and well-being needs.

#### **§ 24. Right to request environmental information**

(1) Everyone has the right to request public environmental information (hereinafter environmental information) by submitting a request for explanation on the basis of the Response to Memoranda and Requests for Explanations Act or a request for information on the basis of the Public Information Act or another act.

(2) 'Environmental information' means any information in written, visual, aural, electronic or any other material form on:

1) the state of the elements of the environment, such as air, atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

2) factors, such as substances, energy, noise, flashing light, vibration, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in subsection (1);

3) measures (including administrative measures), such as legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in subsections (1) and (2) of this section as well as measures or activities designed to protect those elements;

4) reports on the implementation of environmental legislation;

5) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in subsection (3);

6) the state of human health and safety, including the contamination of the drinking water and food chain, and conditions of human life, cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in subsection (1) of this section or, through those elements, by any of the factors, measures or activities referred to in subsections (1) and (2) of this section.

(3) The person who requests information does not have to reveal the purpose of requesting environmental information or otherwise reason the request for information.

(4) At the request of the person requesting information, the possessor of the information will explain the methods of gathering data and grant access to information on the methods of sampling and analysis.

(5) The possessor of information has the right to designate environmental information as information for internal use if:

1) the disclosure of the information may adversely affect intellectual property rights;

2) the information has been supplied to the administrative authority on a voluntary basis without being under a legal obligation to do so and that person who supplied the information has not consented to the release of the environmental information.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6) If the possessor of information has the right to refuse to release environmental information on the basis of law, the possessor of information must in every particular case, when deciding the release of the information, consider whether the interest served by the refusal outweighs the interest served by the release.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(7) If the document contained environmental information is being prepared, the details of the author of the document and the estimated time taken to prepare the document will be communicated to the person who requested the information.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 25. Right to receive environmental information upon emergence of environmental threat**

(1) Upon emergence of an environmental threat as well as upon emergence of sufficient likelihood of occurrence of a significant adverse impact on the environment by natural factors, everyone who might be

affected by the significant adverse impact arising from the realisation of the threat must immediately be informed by providing them with information that allows for taking measures that prevent or reduce the impact. Unless otherwise provided by law, the Ministry of the Environment is required to communicate the information.

(2) The information specified in subsection (1) of this section is communicated via broadcasting, printed media or the Internet or in another appropriate manner that effectively ensures the receipt of the information by the potentially affected persons and will not result in unreasonable costs.

(3) [Repealed – RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(4) If it becomes evident that there was no threat or that the threat has been eliminated, the administrative authority that informed of the threat must, in the same form and to the same extent as in the notice of the threat, inform of the absence of the threat, provided that the person whose rights were harmed by the notification demands it or there are overriding public reasons for it.

## **§ 26. Gathering, maintenance and disclosure of environmental information**

(1) The administrative authority gathers and maintains environmental information required for the performance of its functions so that the information is comprehensible, accurate, comparable and up-to-date and can be disclosed effectively.

(2) Environmental information is disclosed on the Internet or in another appropriate manner that ensures the effective informing of the public.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) Environmental information to be disclosed must include at least the following:

- 1) reports on the implementation of international treaties and European Union and national legislation relating to the environment;
- 2) programmes and plans relating to the environment, including area development plans, strategies and reports on their implementation;
- 3) environmental monitoring reports;
- 4) reports on the state of the environment;
- 5) environmental protection permits and other administrative decisions that serve as the basis for an activity with a significant environmental impact, and public law contracts and voluntary contracts relating to the environment;
- 6) environmental impact assessment reports, reports on strategic assessment of environmental impact and environmental risk assessments.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014, clause 5) will enter into force 01.08.2017]

(4) Restricted information will not be disclosed on the basis of subsection (3) of this section.

## **§ 27. Publication of overview of environmental information and access to information on website**

(1) The administrative authority publishes on its website:

- 1) an explanatory summary of its environmental functions;
- 2) an explanatory summary of the environmental information in its possession;
- 3) references to the websites of other relevant administrative authorities;
- 4) an explanation on the right to request environmental information;
- 5) an explanation on how access to information is granted.

(2) If it grants the public more effective access to environmental information, the information specified in subsection (1) of this section may be published on another website or in another manner, referring on its website to the source where the information is published.

(3) If, under the Public Information Act, the possessor of information is not required to maintain a website and does not have a website, the information specified in subsections (1) and (2) of this section will be published on the website of the administrative body with whom the possessor of information has the strongest connection under a public law contract or for another reason.

## **§ 28. Right to participate in making decision of significant environmental impact**

(1) Everyone has the right to participate in the proceedings of granting authorisation for an activity of a significant environmental impact and in planning an activity of a significant environmental impact.

(2) The public is informed about the proceedings of making a decision of a significant environmental impact with such effectiveness that does not result in unreasonable costs, but ensures that the information reaches the persons whom the environment concerns directly.

(3) The public is effectively and at an early stage, before the selection of the final solutions, involved in making decisions of a significant environmental impact.

(4) Upon involvement of the public, the length of the time limit of the proceedings must be such that, given the volume and complexity of the case, allows the public to participate effectively, thereby the time limit of the proceedings must allow for a sufficient time for preparation.

(5) Materials that are of relevance in the case must be easily accessible on the Internet or in another manner.

### **§ 29. Right to participate in drafting instruments of general application which have significant impact on environment**

(1) The Government Office and the ministries publish on their websites relevant information on which draft regulations and acts that have a significant impact on the environment they intend to draft, publishing the intent of drafting, timetable, research to be carried out in the course of drafting, persons responsible, possibilities of participating in drafting, the issues on which public opinions are expected and the results of consultations.

(2) If it helps the public more effectively follow the legislative drafting process and to involve the public more effectively, the information specified in subsection (1) of this section may be published on another website or in another manner, referring on its website to the source where the information is published.

### **§ 30. Access to justice in environmental matters**

(1) A person whose right, including the right to the environment meeting the health and well-being needs, has been violated may file an intra-authority appeal with the administrative authority in accordance with the procedure provided for in the Administrative Procedure Act or file a claim with the administrative court in accordance with the procedure provided for in the Code of Administrative Court Procedure.

(2) If an environmental organisation contests an administrative decision or a taken administrative step in accordance with the procedure provided for in the Code Administrative Court Procedure or in the Administrative Procedure Act, it will be presumed that its interest is reasoned or that its rights have been violated if the contested administrative decision or step is related to the environmental protection goals or the current environmental protection activities of the organisation.

### **§ 31. Non-governmental environmental organisation**

(1) For the purposes of this Act, a non-governmental environmental organisation (hereinafter *environmental organisation*) is:

- 1) a non-profit association and foundation whose purpose under its articles of association is environmental protection and who promotes environmental protection by its activities;
- 2) an association that is not a legal person, but that promotes environmental protection and represents the opinions of a significant portion of the local community on the basis of a written agreement between its members.

(2) For the purposes of subsection (1) of this section, the promotion of environmental protection also means the protection of the elements of the environment for the purpose of ensuring human health and well-being as well as the research and introduction of the nature and natural cultural heritage.

(3) Upon assessment of the promotion of environmental protection, the association's ability to attain its goals set out in the articles of association must be considered, taking into account the activities of the association to date or, upon absence thereof, its organisation structure, number of members and the requirements of becoming a member as laid down in the articles of association.

## **Division 2 Right to Use Plot of Land and Water Body Belonging to another Person**

### **§ 32. Staying on plot of land belonging to another person**

(1) One can stay on a plot of land belonging to another person (hereinafter *plot of land belonging to another person*) only with the permission of the owner.

(2) The permission to stay on a plot of land belonging to another person, except in the yard, is deemed to be granted if the owner has not fenced the plot of land or marked it in a manner that demonstrates the intent to restrict strangers' stay on the plot or if the intent to restrict the stay cannot be derived from other circumstances.

(2<sup>1</sup>) The existence of the permission specified in subsection (2) of this section is not presumed in the event of entering another person's plot of land with a power-driven or off-road vehicle.

[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

(3) Upon staying on a plot of land belonging to another person, the restrictions provided by law must be adhered to, the lawful demands of the owner of the plot must be fulfilled and the causing of environmental nuisances must be reduced to the maximum extent.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(4) Upon staying on a plot of land belonging to another person, the interests of the owner of the plot must be taken into account; above all, damage to property and disturbance of the domestic peace must be avoided.

(4<sup>1</sup>) When moving on a plot of land belonging to another person, the dog must be on a leash, unless agreed otherwise with the landowner. Service dogs that are performing service duties and hunting dogs during a hunt do not have to be on a leash.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) A state or local authority may limit the stay on a plot of land belonging to it if it is necessary in public interests or for the protection of the interests of third parties, including land users.

### **§ 33. Using road and path located on plot of land belonging to another person**

(1) Public roads and private roads may be used by everyone to the extent provided by law.

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

(2) Roads that are not civil engineering works (hereinafter *path*) may be used on foot, by bicycle or for moving in another similar way, unless otherwise provided by law.

(3) The owner cannot prohibit the use of a private road or path on foot, by bicycle or for moving in another similar manner if the use is based on a common custom and is not burdensome on the owner. The use of a private road or path located on yard land is deemed excessively burdensome, unless otherwise provided by law.

### **§ 34. Picking berries, mushrooms, nuts, fallen braches and other similar natural products on plot of land belonging to another person**

Berries, mushrooms and nuts growing freely in the wild, fallen branches and other similar natural products may be picked on a plot of land belonging to another person, unless otherwise prescribed by the owner.

### **§ 35. Brief camping and other more permanent stay on plot of land belonging to another person**

(1) One may camp or otherwise more permanently stay on a plot of land belonging to another person only with the permission of the owner.

(2) The permission to camp or otherwise stay more permanently is presumed to be given outside a clearly delimited area with a compact settlement system, unless the owner has not sold the plot of land or marked it in a manner that indicates the intent to restrict camping or other more permanent stay or if the intent to restrict stay does not arise from other circumstance. The permission is presumed to be granted for no more than one day.

(3) In the event of camping and otherwise more permanently staying at a place that has not been prepared or marked for that purpose one must stay outside the range of vision and audible range of the residential building. On an open landscape one must keep at least 150 metres from the residential building.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

### **§ 36. Prohibition to make fire on plot of land belonging to another person**

(1) A fire may be made on a plot of land belonging to another person only with the permission of the owner.

(2) The owner's permission is presumed at the place prepared and marked by the owner for making a fire.

### **§ 37. Public use of water body**

(1) The public use of a water body means bathing, water sports, moving on water and ice, fishing, water extraction and other use of the water body that does not qualify as the special use of water under the Water Act.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) Moving on water or ice with a power-driven vehicle does not qualify as the special use of a water body.

(3) The public use of a water body may be limited pursuant to law.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(4) A water body is designated for public use on the conditions and in accordance with the procedure provided for in the Water Act.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) The owner of shore or bank land must not impede the public use of the water body, including not close a watercourse for water traffic to an extent exceeding one third of its width.

(6) On a public and publicly usable water body one may fish free of charge and without registration of the right to fish using one simple hand line in accordance with the Fishing Act or the restrictions established on the basis thereof.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(7) A water body that is not publicly usable may be used only with the permission of the owner. The permission for the public use of a water body is presumed if the water body has not been fenced or marked in a manner that indicates the intent to restrict the use of the water body or if the intent to restrict the use of the water body does not arise from other circumstances.

### **§ 38. Shore or bank path**

(1) A shore or bank path is a strip of the shore or bank of a publicly used water body for the purpose of the public use of the water body as well as staying and moving at the shore or bank of the water body.

(2) The width of the shore or bank path of a navigable water body is ten metres and that of other water bodies is four metres. In the case of a flat shore or bank, the width of the shore or bank path is calculated from the border of the water body indicated on the main map and, in the case of a steep shore or bank, from the upper edge of the shore or bank slope, thereby considering the strip of land between the waterline and the upper edge of the slope of the shore or bank as the shore or bank path.

(3) If the shore or bank path is flooded, a strip of two metres from the waterline is considered as the shore or bank path (hereinafter *temporary shore or bank path*).

(4) The owner of the shore or bank path must allow everyone to use the shore or bank path.

(5) The owner or possessor of the shore or bank may fence the shore or bank path upon the written consent of the local authority or the Agricultural Board and in the event of a reasoned need such as the grazing of animals or the drainage of land, but must ensure passage over or through the fence for the purpose of moving along the shore or bank path.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6) If movement on a temporary shore or bank path is impeded, the owner of the shore or bank must ensure passage elsewhere at their immovable, unless it is excessively burdensome on the owner.

(7) The local authority must ensure public access to the shore or bank path via plans.

(8) A foot bridge, bridge or another structure in or above a water body is not part of the shore or bank path and such a structure may be used only with the consent of the owner. The permission of use is presumed if the owner has not fenced the structure or marked it in a manner that indicates the intent to restrict the use of the structure by strangers or if the intent to restrict the use cannot be derived from other circumstances. The owner must allow for the use of the structure if it is necessary for moving along the shore or bank path.

(9) If a person has obstructed the shore or bank path in conflict with the provisions of this section, the person will not, in accordance with the Administrative Procedure Act, develop legitimate expectations regarding the lawfulness of the obstruction.

[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

### **§ 39. Closure of shore or bank path and enabling getting around it**

(1) A shore or bank path may be closed in the event of a public overriding reason.

(2) A shore or bank path may also be closed in the event of a private overriding reason in the immediate proximity of such a lawfully erected structure the construction of which is not subject to a prohibition on construction in a building exclusion zone under the Nature Conservation Act or for the construction of which the building exclusion zone has been lawfully reduced.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) The closure of a shore or bank path is decided by a comprehensive plan.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(4) In the event of closure of a shore or bank path, the closed path must be marked and it must be possible to get around the closed path.

(5) If a person has closed the shore or bank path in conflict with the provisions of this section, the person will not, in accordance with the Administrative Procedure Act, develop legitimate expectations regarding the lawfulness of the closure.

[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

## **Chapter 5 Permit Proceedings**

[RT I, 28.06.2016, 2 - entry into force 01.11.2016]

### **§ 40. Environmental protection permits**

(1) The following permits are considered environmental protection permits:

- 1) environmental permit;
- 2) integrated environmental permit;
- 3) another permit prescribed by law for the purpose of reduction of an environmental risk in order to engage in a field of activity, provided that an environmental permit or an integrated environmental permit is not required by law.

(2) An environmental permit entitles the holder to at least one activity specified in subsection 41 (1) of this Act. The proceedings of granting environmental permits are set out in this chapter.

(3) An integrated environmental permit entitles the holder to an activity in a field of activity or a sub-field determined on the basis of law in a manner that ensures the reduction of environmental nuisances to the maximum extent possible.

(4) Upon granting an integrated environmental permit, the effects of emissions generated by the planned activity on the elements of the environment are assessed holistically. The requirements established by an integrated permit must ensure the protection of water, ambient air and soil as well as the management of waste generated at the installation in a manner that prevents the transfer of contamination from one element of the environment to another. The elements of the environment are, for instance, water, ambient air and soil.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(5) In events provided by law, the proceedings set out in this chapter apply to the granting of an environmental protection permit.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

### **§ 40<sup>1</sup>. Environmental decisions information system**

(1) The environmental decisions information system is a database that forms a part of the state information system and aims at simplifying the application for and the processing of integrated environmental permits, performance of reporting duties and other duties related to the permit as well as the preservation, use and availability of collected information.

(2) The environmental decisions information system and its statutes will be established by a regulation of the minister responsible for the field.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

### **§ 41. Environmental permit**

(1) An environmental permit entitles a person to perform one of the following activities or several of the following activities simultaneously:

- 1) special use of water;
- 2) emission of pollutants from a stationary source of pollution into the ambient air;
- 3) management of waste;
- 4) extraction of a mineral resource;
- 5) radiation practice.

(2) The holding of an environmental permit for an activity specified in subsection (1) of this section is required in the events provided by law.

(3) An environmental permit is not granted for an activity that calls for an integrated environmental permit.

(4) If the activities specified in subsection (1) of this Act are spatially or technologically connected, a single environmental permit will be granted for these activities.

### **§ 42. Application for environmental permit**

(1) The following must be indicated in an application for an environmental permit:

- 1) the name and personal identification code or registry code of the applicant;
- 2) the address and contact details of the applicant and of the contact person;

- 3) the clearly formulated substance of the application;
  - 4) the requested term of validity of the permit;
  - 5) the purpose and reasons of the planned activity;
  - 6) the characteristics of the planned activity;
  - 7) information on a possible environmental nuisance and the place of occurrence thereof, including the exact location of the activity with geographical coordinates (if necessary), the telecommunications of the region, the landscape, the closest buildings, and the state of the environment;
  - 8) information on the technology and equipment to be used;
  - 9) the planned investments for the introduction of the best possible technology if the requirement of the best possible technology is provided by law;
- [RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 10) other circumstances that may affect the size of the environmental risk arising from the requested activity;
  - 11) measures for reducing the environmental risk;
  - 12) the environmental monitoring plan and information on the equipment to be used for monitoring the environment;
  - 13) the preferred manner of delivery of the environmental permit and the contact details required for delivery;
  - 14) the date of submission of the application and the signature of the applicant;
  - 15) other information required by law or a legal instrument established on the basis of subsection (7) of this section.

(2) It may be provided by law that, upon applying for an environmental permit for an activity, the information specified in subsection (1) of this section does not need to be submitted.

(3) The following must be annexed to an application for an environmental permit:

- 1) the plan of the location of the activity and the site map of the installation;
- 2) documents certifying the lawful possession of the plot of land accommodating the installation or another legal ground for operating in the location of the installation on the basis of permission;
- 3) other information required by law or a legal instrument established on the basis of subsection (7) of this section.

(4) If the obligation to pay a state fee exists, the applicant for an environmental permit must pay the state fee before submitting the application.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(5) All the requested activities for which the holding of an environmental permit is required must be indicated in the application for an environmental permit.

(6) The application for an environmental permit is submitted jointly with regard to activities to be carried out at a single installation or location.

(7) Detailed requirements for applications for an environmental permit, the application form and the application form for the amendment of an environmental permit will be established by a regulation of the minister responsible for the field.

#### **§ 43. Opinion of local authority**

(1) After verifying the compliance of an application for an environmental permit with the requirements, the issuer of the environmental permit will immediately forward the application to the local authority of the location of the planned activity for the purpose of obtaining its opinion.

(2) The local authority will submit a written opinion on an application for an environmental permit within one month after the receipt of the application. The submission of the opinion does not restrict the local authority's right to submit additional positions in the course of further proceedings.

(3) If proceedings for the assessment of the environmental impact of the planned activity are carried out for deciding the granting of an environmental permit, the local authority will submit an opinion within 21 days after the receipt of a notice specified in subsection 22 (7) of the Environmental Impact Assessment and Environmental Management System Act.

[RT I, 23.03.2015, 6 – entry into force 01.11.2016 – entry into force provided for in the Radiation Act (RT I, 28.06.2016, 2).]

#### **§ 44. Open proceedings**

An application for an environmental permit is reviewed in open proceedings, unless otherwise provided by law.

#### **§ 45. Involvement of parties to proceedings when open proceedings are not carried out**

When open proceedings are not carried out, the issuer of the environmental permit will immediately inform the person whose rights might be violated or whose duties might be affected by granting or refusing to grant the environmental permit about the receipt of a due application for the environmental permit or about the commencement of proceedings for the amendment of the environmental permit.

#### **§ 46. Informing of persons likely to be affected by proceedings of granting of environmental permit in event of open proceedings**

(1) If an application for an environmental permit complies with the requirements established by legislation, the issuer of the permit will, in the event of open proceedings, immediately and in accordance with §§ 25–32 of the Administrative Procedure Act inform about the submission of the application the person whose rights might be violated or whose duties might be affected by granting or refusing to grant the environmental permit, including:

- 1) the owner of the immovable bordering the immovable of the location of the planned activity;
- 2) the person that possesses an immovable that is affected by the planned activity to the extent that considerably exceeds the ordinary impact.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(1<sup>1</sup>) The issuer of the permit does not need to inform the owner of the immovable bordering the immovable of the location of the planned activity in the manner specified in subsection (1) of this section if the planned activity has an insignificant impact.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(2) Persons will be notified of other stages of the proceedings, except the making of an administrative decision specified in § 51 of this Act and the granting or refusal to grant a permit, including of the partial granting of an environmental permit in accordance with § 56 or 58 of this Act, in the manner specified in subsection (1) of this section only when they clearly request it.

(3) Upon informing persons in accordance with the procedure set out in subsection (1) of this section, the information specified in subsection 47 (1) of this Act must be submitted to the persons.

(3<sup>1</sup>) If the document is to be delivered by post, it is sent to the party to the proceedings by non-registered mail.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(4) This section does not apply if the number of the persons specified in subsection (1) of this section exceeds 100.

#### **§ 47. Informing of public about proceedings of granting of environmental permit in event of open proceedings**

(1) If an application for an environmental permit complies with the requirements established by legislation, the issuer of the environmental permit will, in the event of open proceedings, immediately publish a notice on the submission of the application, indicating the following:

- 1) which one of the activities specified in subsection 41 (1) of this Act is planned;
- 2) the name of the applicant;
- 3) information on the location of the planned activity;
- 4) information on the planned term of validity of the environmental permit;
- 5) a reference to the website where the application for the environmental permit is available;
- 6) everyone's right to participate in the open proceedings;
- 7) the time and place of displaying the application for the environmental permit and the draft administrative decision to be made thereon if the environmental impact is not assessed for deciding the granting of the permit and the draft administrative decision has been completed by the time of publication of the notice or its time of completion is known;

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

8) the time limit for submission and the addressee of proposals and objections (hereinafter jointly *position*) and questions if the notice publishes information on the time and place of the public display.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(2) The notice specified in subsection (1) of this section must be published in the official publication *Ametlikud Teadaanded* and in the local newspaper or county newspaper. The notice does not need to be published in the local newspaper or county newspaper if the environmental nuisance or environmental risk arising from the planned activity is so small that there is no sufficient public interest in it. The notice must be published in at least one national newspaper if the activity permitted in the environmental permit may result in a significant regional or national environmental nuisance. If necessary, the notice may be published in a national newspaper also in other events.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(2<sup>1</sup>) The costs of publication in a newspaper must be borne by the applicant for the environmental permit.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(3) [Repealed – RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(4) Within seven days from the receipt of an application for an environmental permit, the rural municipality or city government will publish on the website of the rural municipality or city government an accessible notice on the receipt of the application, indicating at least the information specified in clauses 1) to 3) and 5) of subsection (1) of this section. The notice must be available on the website until a decision has been made on the application.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(5) To a person that has requested information on public displays and discussions held in the course of the proceedings of an environmental permit a notice of the displays and discussions will be sent to their electronic mail address or postal address.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(6) If the time and place of the display of an application for an environmental permit and the draft administrative decision to be made on the application for the environmental permit or the time limit and addressee of submission of a position and questions was not indicated in the notice specified in subsection (1) of this section, a notice containing this information will be published in accordance with the requirements set out in subsections (2) and (2<sup>1</sup>) of this section immediately after the completion of the draft administrative decision.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

#### **§ 48. Public display of application for environmental permit and administrative decision to be made thereon in event of open proceedings**

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

(1) An application for an environmental permit and the draft administrative decision to be made thereon will be displayed to the public by the issuer of the permit in accordance with the procedure provided for in § 48 of the Administrative Procedure Act in at least one public building or place of the rural municipality, city or another settlement of the location of the planned activity or at the seat of the issuer of the environmental permit or at the location of the planned activity. The issuer of the permit will determine the location of the display, taking into account the possible extent and scope of the environmental nuisance of the planned activity.

(2) The draft administrative decision to be made on an application for an environmental permit will not be displayed to the public in accordance with the procedure specified in subsection (1) of this section if the environmental nuisance or environmental risk arising from the planned activity is so small that there is no sufficient public interest in it.

(3) In the course of the public display, the documents specified in subsection (1) of this section must be available on the website of the issuer of the environmental permit until a decision on the application has been made.

(4) Within the time limit set by the issuer of an environmental permit, everyone has the right to submit to the issuer of the environmental permit positions and questions on the publicly displayed application for the environmental permit or draft administrative decision to be made thereon. The time limit must not be shorter than two weeks as of informing of the display.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 48<sup>1</sup>. Public display and taking results of open proceedings into account**

(1) The issuer of an environmental permit will decide the granting of the permit after discussing the matter in a public discussion in the course of which everyone has the right to orally express an opinion on the draft environmental permit and the proceedings of granting it. In the events provided for in subsections 50 (2) and (3) of the Administrative Procedure Act the granting of the environmental permit may be decided without organising a discussion.

(2) If the time of a discussion has not been announced along with the announcement of a display, the issuer of the environmental permit will inform the public about holding a discussion at least ten days in advance in accordance with the procedure established in § 47 of this Act.

(3) The discussion must be minuted. The minutes must contain the positions expressed and questions asked in the discussion and the responses given to these.

(4) Before deciding whether to issue an environmental permit, the issuer of the permit will send to the applicant the positions expressed and questions asked in the public display and discussion, so that the applicant could examine them and express an opinion thereon.

(5) If an application for an environmental permit or the draft administrative decision to be issued thereon is substantially amended after the public display, the issuer of the permit may organise a repeat public display, taking into account the presumable impact of the change on the persons concerned and the interests of the applicant. If it is necessary for making the right decision on the matter, the issuer of the environmental permit may organise a repeat public discussion.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

#### **§ 49. Time limit of deciding whether to grant environmental permit**

(1) The granting of an environmental permit is decided within 90 days as of the receipt of a due application, unless otherwise provided by law.

(2) If the granting of an environmental permit is decided without open proceedings, the permit will be granted or refused within 30 days as of the receipt of a due application, unless otherwise provided by law.

(3) In the events provided for in clauses 52 (1) 1) and 2) of this Act, the refusal to grant an environmental permit is decided within 20 days as of the receipt of a proper application.

(4) The time limit specified in subsection (1) of this section is not applied if the requested activity is not permitted without the establishment of a plan and no plan has been established within 30 days as of the submission of the application for the environmental permit. In such an event the granting of the environmental permit will be decided within 60 days after the establishment of the plan. If the required plan is established more than 90 days after the submission of a due application for an environmental permit, the granting of the environmental permit will be decided within 30 days as of the establishment of the plan.

#### **§ 50. Joint review of applications for environmental permit**

The issuer of an environmental permit may, at the request of an applicant for a permit, issue a single environmental permit for the activities of the same person, which are specified in subsection 41 (1) of this Act and take place in a different location, or amend the person's existing environmental permit in order to authorise new activities if it is justified by the principle of carrying out the proceedings in a purposeful manner or it is practical from the point of view of exercising supervision.

#### **§ 51. Identification of circumstance of significance for granting environmental permit before granting environmental permit**

(1) The issuer of an environmental permit may, at the request of an applicant for the environmental permit or on its own initiative, bindingly identify a circumstance that is of significance upon final resolution of the matter before granting or refusing to grant the environmental permit, including the absence of a ground for refusal to grant the environmental permit as specified in clauses 52 (1) 1) to 4) or 8) to 10) of this Act.

(2) The making of a preliminary administrative decisions specified in subsection (1) of this section is decided in accordance with the provisions regulating the granting of an environmental permit. The making of such a preliminary administrative decision does not preclude the requirement to adhere to the procedural time limits set out in § 49 of this Act upon reviewing an application for an environmental permit.

#### **§ 52. Refusal to grant environmental permit**

(1) The issuer of an environmental permit will refuse to grant the environmental permit if:

1) the application for the environmental permit was not submitted by the person who, according to the application, operates in the field of activity permitted under the permit;

2) the applicant for the environmental permit does not have the consent of the owner of the place of business for using the immovable belonging to the owner or the consent of the owner of the immovable located in the area of impact of the requested activity, provided that, according to the law, the consent of the owner of the immovable located in the area of impact is prescribed by law or the requested activity harms the interests of the owner of the immovable located in the area of impact;

3) the requested activity does not apply the best possible technology if the requirement of application thereof is prescribed by law;

4) the planned activities do not comply with the requirements provided by law;

5) the application contains significant false information or it has been refused to grant a permit to the applicant for the same activity in the last four months due to giving false information;

6) the activity entails an environmental threat that cannot be avoided, unless the interest in the granting of the environmental permit is an overriding one, the activity lacks a reasonable alternative and measures for reducing the threat have been taken;

7) in the course of the activity planned on the basis of the permit natural resources are used clearly impractically or the state of the natural resources is considerably worsened, given the principle of the sustainable use of the renewable and non-renewable natural resources;

8) upon addition of emissions arising from the activity planned on the basis of the environmental permit, the limit value of the quality of the environment would be exceeded. By way of exception, an environmental permit may be granted if the limit value of the quality of the environment is exceeded, but only for up to six months, and the interest in granting the permit outweighs the environmental risk;

- 9) the environmental nuisance emerging from emissions generated by the activity planned on the basis of the environmental permit would bring about a situation where, for the purpose of adhering to the limit values of the quality of the environment, an environmental permit could not be granted to another person henceforth and the public interest in not granting the requested permit for the purpose of preventing the environmental nuisance overrides the interest in granting the requested environmental permit;
- 10) in another ground provided by law.

(2) On the ground specified in clause 8) of subsection (1) of this section, the granting of an environmental permit may be refused if, upon granting the requested environmental permit, the adherence to the limit value of the quality of the environment cannot be ensured by amending or revoking another environmental permit on the ground provided for in clause 59 (1) 3) of this Act.

(3) If the granting of an environmental permit for some of the activities specified in an application may be refused, the permit must, at the request of the applicant, be granted for the activities for which it is permitted to grant the permit.

[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

### **§ 53. Substance of environmental permit**

(1) The following must be set out in an environmental permit:

- 1) the name and personal identification code or registry code of the holder;
  - 2) the address and contact details of the holder and of the contact person;
  - 3) the exact address of the place of business, if necessary, with the geographical coordinates;
  - 4) the permitted activities in accordance with the requirements provided by law;
- [RT I, 08.07.2014, 3 – entry into force 01.08.2014]
- 5) the term of validity of the permit;
  - 6) in the events provided by law, the requirements established to ensure the purposeful use of the natural resources and reduce the environmental nuisance arising from the activity permitted by the environmental permit;
  - 7) in the event prescribed by law, the safety measures to be taken in the activity and the measures of mitigation of the consequences of an accident;
  - 8) in the event provided by law, the health and environmental protection measures applied upon commencement and termination of the activity;
  - 9) in the event provided by law, the environmental monitoring requirements;
  - 10) in the event provided by law, the requirements for submission of information to the issuer of the environmental permit;
  - 11) in the event provided by law, other planned secondary conditions of the environmental permit;
  - 12) the acceptance and rejection of the written proposals and positions submitted at the time of deciding the granting of the environmental permit;
  - 13) other information prescribed by law.

(2) An environmental permit is issued for an unspecified term, unless the permit is requested for a fixed term, a change of the activity of the holder of the environmental permit (including the technology to be used or the state of the environment) can be foreseen or otherwise provided by law. A fixed-term environmental permit will be issued for at least one year, unless a shorter term has been indicated in the application for the environmental permit.

(3) Environmental permit forms will be established by a regulation of the minister responsible for the field.

### **§ 54. Determination of emission**

The emission permitted by an environmental permit is determined in such a manner that adherence to the limit value of the quality of the environment is ensured.

### **§ 55. Granting of environmental permit whereby detailed plan is mandatory**

If a detailed plan needs to be established for an activity to be permitted by an environmental permit or for the erection of a building for which a building permit will not be issued before an environmental permit is granted, the environmental permit will not be issued before such detailed plan has been established.

### **§ 56. Partial granting of environmental permit**

(1) The issuer of an environmental permit may, before reviewing the entire application for the environmental permit, grant an environmental permit for some activities specified in the application if the applicant request it and no grounds for refusal to authorise such activity exist or refuse to grant an environmental permit for some activities specified in the application if an environmental permit for such activities cannot be granted.

(2) The issuer of an environmental permit may decide the partial granting of the environmental permit on its own initiative if it is justified. In such an event, the position of the applicant regarding the partial granting of the environmental permit must be heard.

(3) Upon partial granting of an environmental permit, the conditions specified in subsection 53 (1) of this Act will be established for ensuring the lawfulness of the permitted activity.

(4) Upon partial granting of an environmental permit, it can be stipulated that the conditions specified in clauses 53 (1) 5) to 11) of this Act, which were determined upon the partial granting of the permit, will be amended upon reviewing the application. In such an event the holder of the permit cannot expect that such secondary conditions of the environmental permit will not be amended.

(5) The partial granting of an environmental permit is decided in accordance with the provisions regulating the granting of environmental permits. The partial granting of such a permit does not preclude the requirement to adhere to the procedural time limits set out in § 49 of this Act upon reviewing an application for an environmental permit in other respects.

#### **§ 57. Granting of environmental permit before final determination of conditions of permit**

(1) The issuer of an environmental permit may grant the environmental permit also in such a manner that the conditions set out in clauses 53 (1) 6) and 8) to 11) will be decided later if the initial assessment shows that the circumstances serving as the basis for the refusal of the permit are absent and the fulfilment of the possible conditions of the permit is not so burdensome on the applicant in performing the planned activity that it would result in the non-performance of the planned activity. In such an event the conditions of the environmental permit must be determined within the time limit provided for in § 49 of this Act. The provisions of § 56 of this Act apply to the granting of an environmental permit in such a manner.

(2) Upon granting an environmental permit in accordance with the procedure set out in subsection (1) of this section, the conditions established in clauses 53 (1) 6) and 8) to 11) may be determined temporarily, until the conditions are determined finally within the time limit provided for in § 49 of this Act. If the issuer of the environmental permit does not determine the final conditions of the environmental permit within the time limit, the temporary conditions of the environmental permit will be deemed to be the final conditions.

(3) In accordance with the procedure specified in subsections (1) and (2) of this section, an environmental permit will not be granted before the publication of a notice in subsection 22 (7) of the Environmental Impact Assessment and Environmental Management System Act, provided that an assessment of the environmental impact of the planned activity is carried out upon granting the permit.

[RT I, 23.03.2015, 6 – entry into force 01.11.2016 – entry into force provided for in the Radiation Act (RT I, 28.06.2016, 2).]

(4) A claim against an environmental permit established in accordance with the procedure specified in subsections (1) and (2) of this section may be filed with the administrative court in accordance with the procedure established in the Code of Administrative Court Procedure within 30 days after the date of announcement of the administrative decision made on the determination of the conditions of the environmental permit or as of the day when the temporary conditions of an environmental permit become final.

#### **§ 58. Announcement of environmental permit**

(1) A decision to grant or refuse to grant an environmental permit is, in accordance with §§ 25–30 and 32 of the Administrative Procedure Act delivered by post, by the issuer of the environmental permit or electronically to the applicant and to other persons whose rights are limited by the environmental permit or a decision to refuse to grant it.

(2) If the number of persons specified in subsection (1) of this section exceeds 100, the environmental permit or the decision not to grant the environmental permit will be delivered only to the applicant.

(3) An environmental permit is announced by publishing a notice in the official publication *Ametlikud Teadaanded* and in the local or county newspaper. The notice does not need to be published in the local or county newspaper if the proceedings of application for an environmental permit were not governed by the provisions regulating open proceedings or if the environmental nuisance or environmental risk related to the planned activity is small and there is no sufficient public interest in it. The notice must be published in at least one national newspaper if the activity permitted in the permit may result in a significant regional or national environmental nuisance. If necessary, the notice may be published in a national newspaper also in other events. [RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(3<sup>1</sup>) The costs of publication in a newspaper must be borne by the applicant for the environmental permit. [RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(4) A notice specified in subsection (3) of this section must contain at least the following information:

- 1) which one of the activities specified in subsection 41 (1) of this Act is planned;
- 2) the data specified in clause 42 (1) 1) of this Act;
- 3) information on the location of the planned activity;

4) a brief description of the activity and the possible environmental nuisance arising therefrom;  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

5) information on where the environmental permit or a decision refusing to grant it and the information serving as the basis thereof can be accessed.

(5) The environmental permit or the decision to refuse to grant it is published on the website of the issuer of the permit.

[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

(6) An environmental permit is communicated to the local authority.

(7) The administrative decisions specified in §§ 51, 65 and 57 of this Act are announced in accordance with the procedure for announcing an environmental permit.

### **§ 59. Amendment of environmental permit**

(1) The issuer of an environmental permit will amend the conditions of the environmental permit if:

1) the holder of the environmental permit requests that the data specified in clause 53 (1) 1) or 2) be amended, including in the event of the transfer of a building used or an installation operated on the basis of the environmental permit;

2) as a result of monitoring or otherwise it becomes evident that the activity permitted under the environmental permit results in an environmental threat or a significant environmental nuisance and the interest in not amending the environmental permit is not an overriding one;

3) the issuer of the environmental permit would have had the right not to grant the permit due to a subsequent change of the circumstances, including due to the development of the best possible technology, provided that the use thereof is prescribed by law, or due to a change of the extent of an environmental risk or due to a subsequent amendment of a provision of law, and the amendment of the environmental permit is justified by the need for more extensive protection of the environment or another interest that overrides the person's expectation that the environmental permit will remain in force.

(2) The issuer of an environmental permit may amend the conditions of the environmental permit if:

1) it becomes evident that the permit was unlawful at the time of granting it;

2) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.11.2016 – entry into force provided for in the Radiation Act (RT I, 28.06.2016, 2).]

3) the provision of law that served as the basis for the conditions specified in clauses 53 (1) 5) to 11) of this Act has become ineffective;

4) the activity pursued, the technology used or the equipment used on the basis of the environmental permit of the holder change.

(3) Upon amendment of an environmental permit, clause 67 (4) 2) of the Administrative Procedure Code does not apply.

(4) An application for the amendment of an environmental permit is reviewed by the issuer of the environmental permit in accordance with the procedure established for granting environmental permits. In the event provided for in clause 1) of subsection (1) of this section, the environmental permit will be amended within seven days as of the receipt of the application.

(5) The amendment of an environmental permit is decided without open proceedings:

1) if the amendment of the environmental permit does not affect the extent of the environmental risk, the environmental impact is not assessed upon amendment of the environmental permit and there is no other overriding public interest in carrying out open proceedings;

2) if expedited proceedings are required for the prevention of an environmental threat;

3) in the event provided for in clause 1) of subsection (1) of this section.

(6) The amendment of an environmental permit is announced in accordance with the procedure regulating the announcement of environmental permits.

### **§ 60. Change of data of holder of environmental permit**

(1) The holder of an environmental permit has the right to transfer the rights and duties arising from the permit to another person during the term of validity of the permit.

(2) To change the data of the holder of an environmental permit, the permit holder and the applicant for the permit must submit a joint application to the issuer of the environmental permit. The application must specify the date on which the data of the permit holder will be changed. An application for changing the data of an environmental permit holder in the environmental permit must be submitted no later than ten days before the arrival of the date.

(3) The issuer of an environmental permit will refuse to change the data of the environmental permit holder in the environmental permit if the applicant for the permit does not meet the requirements established to a permit holder by law.

#### **§ 61. Suspension of environmental permit**

(1) On the grounds provided for in subsection 59 (1) of this Act, the holder of an environmental permit may suspend the validity of the environmental permit in full or in part for up to three months.

(2) The suspension of the validity of an environmental permit will be decided without open proceedings.

#### **§ 62. Revocation of environmental permit**

(1) The issuer of an environmental permit will revoke the environmental permit:

- 1) at the request of the permit holder;
- 2) if the permit holder dies and the activity permitted under the permit is related to the person of the permit holder or the passive legal capacity of the permit holder terminates without legal succession;
- 3) if the activity permitted under the permit is not commenced within two years as of the granting of the permit;
- 4) if it becomes evident that the permit holder has knowingly given false information in the application for the permit or submitted a forged document.

(2) The issuer of an environmental permit may revoke the environmental permit:

- 1) on the grounds provided for in § 59 of this Act if the public interest or the interest of a third party cannot effectively be protected by amending the permit;
- 2) if the permit holder does not fulfil the requirements provided by the permit or law and the revocation of the permit is demanded by an overriding public interest or the permit holder has been penalised for such offence.

(3) Upon revocation of an environmental permit, clause 67 (4) 2) of the Administrative Procedure Code does not apply.

(4) An environmental permit will be revoked without open proceedings if, in the event of the validity of the permit, there is an environmental threat or a significant environmental nuisance or if the administrative authority does not consider it necessary to carry out open proceedings due to the minor effects arising from the revocation of the environmental permit.

[RT I, 28.06.2016, 2 – entry into force 01.11.2016]

## **Chapter 5<sup>1</sup> State Supervision**

[RT I, 04.03.2015, 1 - entry into force 14.03.2015]

#### **§ 62<sup>1</sup>. Authority exercising state supervision**

(1) The Environmental Inspectorate exercises state supervision over adherence to §§ 38 and 39 of this Act and to the requirements established on the basis thereof.

(2) Supervision over adherence to the requirements established in §§ 38 and 39 of this Act, except subsection 38 (7) and 39 (3), is, in addition to the Environmental Inspectorate, exercised by the local authority.

[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>2</sup>. Special measures of state supervision**

(1) The Environmental Inspectorate may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided for in §§ 30, 31, 32, 46, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

(2) The local 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, 31, 32, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.

[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>3</sup>. Specifics of state supervision**

(1) The Environmental Inspectorate may enter a marked immovable without the presence of the possessor or another entitled person if:

- 1) it is necessary for identifying or combating a serious threat and the involvement of these persons would result in a delay that would jeopardise the attainment of the purpose of the application of the measure;
- 2) the purpose of entering the possession is to ensure access to another immovable or a water body.

(2) The possessor does not afterwards need to be informed about the entry to the possession on the ground provided for in subsection (2) of this section if no supervisory or offence proceedings were conducted after the entry.

(3) The Environmental Inspectorate may demolish a structure obstructing passage on a shore or bank path in accordance with the procedure established in the Substitutive Enforcement and Penalty Payment Act. For the purpose of demolition of a structure in the course of substitutive enforcement, the Environmental Inspectorate must inform the relevant local authority beforehand.

(4) For the purpose of exercising supervision, an official of the Environmental Inspectorate may, using a vehicle, including an off-road vehicle or a water craft, enter and move in a land or water area even if legislation prohibits entry to and movement in such area for environmental protection purposes.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>4</sup>. Use of direct coercion**

The Environmental Inspectorate is authorised to use physical force on the grounds and in accordance with the procedure established in the Law Enforcement Act.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>5</sup>. Rate of penalty payment**

In the event of failure to comply with a precept the maximum penalty payment imposed in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 32 000 euros.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

## **Chapter 5<sup>2</sup> Liability**

[RT I, 04.03.2015, 1 - entry into force 14.03.2015]

#### **§ 62<sup>6</sup>. Illegal closure and obstruction of shore or bank path**

(1) The penalty for the illegal closure or obstruction of a shore or bank path 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.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>7</sup>. Proceedings**

The bodies conducting extrajudicial proceedings of the misdemeanour specified in § 62<sup>6</sup> of this Act are the Environmental Inspectorate and the rural municipality government or the city government.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>8</sup>. Accrual of fine**

If the body conducting extrajudicial proceedings, which imposed a fine, is the rural municipality government or the city government, the fine imposed for the misdemeanour specified in § 62<sup>6</sup> of this Act will be transferred to the budget of the local authority.  
[RT I, 04.03.2015, 1 – entry into force 14.03.2015]

#### **§ 62<sup>9</sup>. Transfer of data to environmental decisions information system**

(1) Until the establishment of the environmental decisions information system, the data of the permits specified in subsection 40<sup>1</sup>(1) of this Act and the data related to the performance of duties and obligations associated with the permits are kept in the environmental register or in another information system in the area of administration of the Ministry of the Environment.

(2) The time limits for the transfer of the data to the environmental decisions information system are set out in the statute of the database.  
[RT I, 25.05.2017, 1 – entry into force 04.06.2017]

## **Chapter 6**

# Implementing Provisions

## § 63. Entry into force of Act

This Act will enter into force at the time and in accordance with to the procedure provided for in the General Part of the Environmental Code Act Implementation Act.  
[RT I, 08.07.2014, 3 – entry into force 01.08.2014]

<sup>1</sup>Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.02.2003, pp. 26–32); Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L 156, 25.06.2003, pp. 17–25); Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (codification) (OJ L 26, 28.01.2012, pp. 1–21).  
[RT I, 07.07.2014, 1 - entry into force 01.08.2014]