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# Explosives Act<sup>1</sup>

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Amended by the following acts

Passed	Published	Entry into force
13.06.2018	RT I, 29.06.2018, 3	01.07.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019, the words 'Technical Regulatory Authority' have been replaced with the words 'Consumer Protection and Technical Regulatory Authority' in the appropriate case form

## Chapter 1 General Provisions

### § 1. Scope of application of Act

(1) For the purposes of ensuring public order and security, this Act provides for the requirements for the handling of explosives and pyrotechnic articles.

(2) If requirements for the handling of an explosive or a pyrotechnic article have been established by another Act, this Act shall only be applied to requirements not governed by another Act.

(3) This Act shall not be applied to an explosive or a pyrotechnic article in the possession of a security authority, the Defence Forces, the Defence League, the Police and Border Guard Board, a state forensic institution, the Rescue Board, an educational institution for national defence or an educational institution for public defence, foreign armed forces staying in Estonia under an international arrangement or international military headquarters in cases provided for in an international agreement, or to the handling thereof on the responsibility of said authorities, institutions, armed forces and international military headquarters.

(4) This Act shall not be applied to a pyrotechnic article inside the percussion cap of a toy.

(5) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act with the specifications provided for in this Act.

### § 2. Explosive, explosive substance and handling of explosive

(1) For the purposes of this Act, 'explosive' means an explosive substance and an article containing an explosive substance which are regarded as an explosive pursuant to the UN Recommendations on the Transport of Dangerous Goods and which belong to the first hazard class according to Annexes to the European Agreement concerning the International Carriage of Dangerous Goods by Road.

(2) 'Explosive substance' means a chemical compound or a mechanical mixture of substances that may explode without the presence of free oxygen due to physical impact, chemical reaction or detonation of another substance.

(3) 'Handling of an explosive' means the manufacture, transfer, acquisition, possession, storage, transport, use and destruction of an explosive and the manufacture of a pyrotechnic article.

(4) 'Manufacture of an explosive' means any activity resulting in the production of an explosive. Manufacture of an explosive is also regarded as the moulding of an explosive, mixing of the ingredients thereof, packaging of an explosive and placement thereof in a blasting supply.

(5) 'Manufacture of a pyrotechnic article' means any activity as a result of which a pyrotechnic article is produced or which alters the characteristics of a pyrotechnic article before it is used. Manufacture is not deemed to be the preparation of a pyrotechnic article directly before it is used at the location where a firework is arranged.

### **§ 3. Pyrotechnic article, pyrotechnic substance, firework and handling of pyrotechnic article**

(1) 'Pyrotechnic article' means an article which is designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained exothermic chemical reaction and which contains an explosive substance or a pyrotechnic substance.

(2) 'Pyrotechnic substance' means a substance or a mixture of substances designed to produce heat, light, sound, gas or smoke or a combination of such effects through self-sustained spontaneous exothermic reaction.

(3) 'Firework' means a display based on light, smoke or sound effects arising from the use of a pyrotechnic article intended for a firework.

(4) 'Handling of a pyrotechnic article' means the transfer, acquisition, possession, storage, transport, use and destruction of a pyrotechnic article.

### **§ 4. Categorisation of pyrotechnic articles**

(1) The manufacturer of a pyrotechnic article shall categorise pyrotechnic articles within the scope of application of Directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.06.2013, pp. 27–65) according to the type of use, their purpose, level of hazard and noise level. Categorisation shall be confirmed by a notified body engaged in the conformity assessment of pyrotechnic articles.

(2) Pyrotechnic articles intended for fireworks are categorised as follows:

- 1) Category F1 – a pyrotechnic article which presents a very low hazard and negligible noise level and which is intended for use in confined areas and inside domestic buildings;
- 2) Category F2 – a pyrotechnic article which presents a low hazard and low noise level and which is intended for outdoor use in confined areas;
- 3) Category F3 – a pyrotechnic article which presents a medium hazard, is intended for outdoor use in large open areas and whose noise level is not harmful to human health;
- 4) Category F4 – a pyrotechnic article which presents a high hazard, is intended for use only by a person with specialist knowledge and whose noise level is not harmful to human health.

(3) Theatrical pyrotechnic articles are categorised as follows:

- 1) Category T1 – a pyrotechnic article which presents a low hazard;
- 2) Category T2 – a pyrotechnic article which is intended for use only by a person with specialist knowledge.

(4) Other pyrotechnic articles are categorised as follows:

- 1) Category P1 – a pyrotechnic article other than fireworks and theatrical pyrotechnic article which presents a low hazard;
- 2) Category P2 – a pyrotechnic article other than fireworks and theatrical pyrotechnic article which is intended for use only by a person with specialist knowledge.

(5) For the purposes of this Act, a person with specialist knowledge is a person who has the competence to handle a category F4, T2 or P2 pyrotechnic article. In case of categories F4 and T2, a person with specialist knowledge is a person holding a professional certificate or a certificate of competency of a pyrotechnician. In case of category P2, a person with specialist knowledge is a person who has completed relevant training and acquired the competency for handling a pyrotechnic article of category P2.

(6) A theatrical pyrotechnic article is a pyrotechnic article which is designed for indoor or outdoor stage use, film and television productions or similar use.

## **Chapter 2**

# **General Requirements for Handling of Explosive and Pyrotechnic Article and Requirements for Handler**

## **Division 1**

# Requirements for Handling

## § 5. Requirements for handling of explosive and pyrotechnic article

(1) An explosive and a pyrotechnic article shall be handled in a way which, in case of adherence to the safety requirements and in case of other normal and foreseeable circumstances, enables to ensure the life and health of a person, the safety of property and the environment and, where appropriate, security.

(2) For the purposes of this Act, 'safety' means a state reached by applying measures for the purpose of preventing an accident and, in case of an accident, for containing the effects.

(3) For the purposes of this Act, 'security' means a state reached by applying measures for the prevention of unlawful handling of an explosive.

(4) A handler of an explosive and a pyrotechnic article (hereinafter together *handler*) shall guarantee, by applying technical and other means, the storage of an explosive and a pyrotechnic article in their possession in such a manner and in such conditions which prevent the access of an unauthorised person. An explosive may not be left unattended. This requirement also applies to the storage of a component which is a hazardous substance and used to manufacture an explosive or a pyrotechnic article.

(5) For the purpose of safe handling of an explosive and a pyrotechnic article, the handler thereof shall have the necessary staff, appropriate handling site and sufficient technical means.

(6) The requirements for the handling of an explosive and a pyrotechnic article shall be established by a regulation of the minister responsible for the field.

## § 6. Ensuring traceability of trade in explosive and pyrotechnic article

(1) The handler of an explosive and the manufacturer and importer of a pyrotechnic article shall ensure the traceability of trade in the explosive and pyrotechnic article handled by them. The traceability of trade shall be ensured by identifying the explosives and articles and by keeping record thereof.

(2) Information concerning trade shall be preserved for a period of at least ten years after the transaction took place, the explosive was used or destroyed or, in case of a pyrotechnic article, the article was placed on the market.

(3) The notified body that carries out the conformity assessment of pyrotechnic articles of categories set out in § 4 of this Act shall maintain a register of pyrotechnic articles for which it has issued an EU-type examination certificate. The notified body shall keep the register up-to-date and make it publicly available on the internet. The information contained in the register shall be preserved for a period of at least ten years as of the date the notified body issued the certificate or attestation.

(4) Upon the termination of their activities, the handler of an explosive and the manufacturer and importer of a pyrotechnic article shall transfer the information concerning trade to the Consumer Protection and Technical Regulatory Authority.

(5) The requirements for ensuring the traceability of trade in an explosive and a pyrotechnic article and for keeping record of an explosive shall be established by a regulation of the minister responsible for the field.

## § 7. Obligation to notify of accident and unlawful dispossession of explosive and pyrotechnic article

(1) A handler shall immediately inform the Alarm Centre of any accident upon the handling of an explosive or a pyrotechnic article. The Alarm Centre shall forward at the first possible opportunity the information received about an accident to the Consumer Protection and Technical Regulatory Authority and, if the accident involved a bodily injury or the death of a person, to the Police and Border Guard Board and the Estonian Internal Security Service.

(2) A handler shall immediately notify the Police and Border Guard Board of any unlawful dispossession of an explosive and any unlawful dispossession of more than 20 kilograms of a pyrotechnic article.

(3) In the event of unlawful dispossession of an explosive the Police and Border Guard Board shall immediately forward the received information to the Estonian Internal Security Service.

## § 8. Handling of found explosive and pyrotechnic article

(1) A person who has discovered a finding containing an explosive or a pyrotechnic article shall immediately notify the Alarm Centre thereof.

(2) If possible, the finder shall ensure that the finding remains untouched at the scene of finding. The finder does not acquire a finding containing an explosive or a pyrotechnic article and the finder shall not be paid a finder's fee.

#### **§ 9. Handling of explosive and pyrotechnic article included in estate**

(1) Where an estate includes or a bequeather lawfully possessed an explosive or a category F4, T2 or P2 pyrotechnic article or more than 20 kilograms of any pyrotechnic articles, the successor, the executor of the will or the administrator of the estate shall immediately notify the Consumer Protection and Technical Regulatory Authority thereof. The Consumer Protection and Technical Regulatory Authority shall inform the successor, the executor of the will or the administrator of the estate of the requirements for the handling of an explosive or a pyrotechnic article.

(2) Within six months as of the moment of the opening of the succession, the successor, the executor of the will and the administrator of the estate shall have the right to obtain an activity licence for the handling of an explosive or a pyrotechnic article or to transfer the explosive or pyrotechnic article specified in subsection (1) of this section to a person who has the right to own such an explosive or a pyrotechnic article.

(3) The successor, the executor of the will and the administrator of the estate shall ensure the proper storage of the explosive or pyrotechnic article included in the estate or transfer the explosive or pyrotechnic article to a person who complies with the requirements. Any transactions and operations with an explosive or a pyrotechnic article included in an estate shall be coordinated with the Consumer Protection and Technical Regulatory Authority.

(4) If the successor, the executor of the will and the administrator of the estate do not fulfil the obligations arising from this Act or do not exercise the right specified in subsection (2) of this section, the explosive or pyrotechnic article shall be transferred to the Consumer Protection and Technical Regulatory Authority.

#### **§ 10. Handling of explosive and pyrotechnic article included in bankruptcy estate**

(1) Where a bankruptcy estate managed by a trustee includes an explosive or a category F4, T2 or P2 pyrotechnic article or more than 20 kilograms of any pyrotechnic articles, the trustee shall notify the Consumer Protection and Technical Regulatory Authority thereof. The Consumer Protection and Technical Regulatory Authority shall inform the trustee of the requirements for the handling of an explosive or a pyrotechnic article.

(2) Any transactions and operations with an explosive or a category F4 or T2 pyrotechnic article shall be coordinated with the Consumer Protection and Technical Regulatory Authority.

(3) If the trustee does not fulfil the obligations arising from this Act, the explosive or pyrotechnic article shall be transferred to the Consumer Protection and Technical Regulatory Authority.

#### **§ 11. Enforcement proceedings pertaining to explosive and pyrotechnic article**

(1) In the course of enforcement proceedings, the bailiff may transfer an explosive or a pyrotechnic article only to a person who has the right to acquire it. An explosive or a pyrotechnic article being transferred shall conform to requirements.

(2) Any transactions and operations with an explosive or a category F4 or T2 pyrotechnic article shall be coordinated with the Consumer Protection and Technical Regulatory Authority.

(3) If the bailiff does not fulfil the obligations arising from this Act, the explosive or pyrotechnic article shall be transferred to the Consumer Protection and Technical Regulatory Authority.

## **Division 2 Obligation to Hold Activity Licence and Requirements for Handler**

#### **§ 12. Authorisation obligation of handler of explosive and pyrotechnic article**

(1) An explosive and a pyrotechnic article may only be handled on the basis of an activity licence.

(2) An activity licence under this Act need not be held:

- 1) for the acquisition, possession, use, carriage or storage for personal use of a pyrotechnic article of categories F1, F2, F3, T1 or P1;
- 2) upon the storage or transfer of a pyrotechnic article of categories F1, T1 and P1 in economic activities;
- 3) upon the handling of a pyrotechnic article of category P2 by a person with specialist knowledge;
- 4) upon the handling for the prescribed purpose of a pyrotechnic article used in marine safety equipment, or aerospace or space industry;
- 5) upon the provision of transport services of an explosive or a pyrotechnic article;

6) upon the storage, transfer and use of ammunition and propellant in quantities and on the conditions permitted by the Weapons Act and legislation established on the basis thereof by a person who holds an activity licence conforming to the Weapons Act.

(3) Net weight is the weight of the explosive substance or pyrotechnic substance contained in an explosive or a pyrotechnic article. Quantities measured in kilograms in this Act mean net weight.

(4) It is presumed that the total net weight of pyrotechnic articles necessary for personal use does not exceed 20 kilograms.

(5) An activity licence conforming to this Act need not be held by a person who wishes to use an explosive or a pyrotechnic article in Estonia temporarily and who holds an activity licence issued by another European Union Member State or EEA State (hereinafter together *Member State*). Such a person is required to notify the Consumer Protection and Technical Regulatory Authority at least ten working days prior to the commencement of the use of the explosive or pyrotechnic article in Estonia and while operating in Estonia adhere to the requirements established for the use of an explosive and a pyrotechnic article.

### **§ 13. Applying for activity licence**

(1) An activity licence is issued by the Consumer Protection and Technical Regulatory Authority.

(2) The Consumer Protection and Technical Regulatory Authority shall forward an application for the activity licence of a handler of an explosive to the Police and Border Guard Board and the Estonian Internal Security Service who shall, within the limits of their competence, approve or not approve the application for justified reasons within 14 working days as of the date of receipt of the documents.

(3) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence shall include:

- 1) the given name and surname, personal identification code, in the absence of the latter date of birth, and residence of the person organising the handling;
- 2) in the event of an application for an activity licence of a handler of an explosive, a list of persons who due to their proprietary participation or position in the undertaking are entitled to influence the activities of the undertaking, setting out a natural person's given name and surname, personal identification code, in the absence of the latter date of birth, and residence, or a legal person's name, registered office and registry code;
- 3) in the event of an application for an activity licence of a handler of a pyrotechnic article, the applicant's name, registered office and registry code;
- 4) an overview of the handling sites associated with the area of activity, where appropriate.

(4) If an application for an activity licence is not reviewed within the term set for adjudicating an application, an activity licence is not granted to the applicant by default upon the expiry of the term.

(5) The Consumer Protection and Technical Regulatory Authority shall notify the Police and Border Guard Board and the Estonian Internal Security Service of the issue, suspension and revocation of an activity licence.

### **§ 14. Subject of review of activity licence**

(1) An activity licence of a handler of an explosive is issued if:

- 1) the applicant or a person specified in § 13 (3) 2), § 16 (1), § 17 or § 18 of this Act has not been punished for a criminal offence in the first degree, for an offence against the state or for an offence which was committed by using an explosive, a pyrotechnic article, ammunition, an explosive device or a firearm or if information concerning the punishment has been expunged from the criminal records database;
- 2) the person organising the handling of an explosive for the applicant meets the requirements;
- 3) the issue of the activity licence does not present a risk to public order or national security.

(2) An activity licence of a handler of a pyrotechnic article is issued if:

- 1) the handler, their legal representative and the person organising the handling of a pyrotechnic article have not been punished for a criminal offence in the first degree, for an offence against the state or for an offence which was committed by using an explosive, a pyrotechnic article, ammunition, an explosive device or a firearm or if information concerning the punishment for said criminal offences has been expunged from the criminal records database;
- 2) the person organising the handling of a pyrotechnic article for the applicant meets the requirements.

### **§ 15. Consequences of expiry, suspension and revocation of activity licence**

(1) Upon the expiry, suspension or revocation of an activity licence, the holder of the activity licence shall ensure the deposition of the explosive in their possession with a duly authorised person or ensure the proper guarding and protection of the explosive until the transfer or destruction of the explosive or the end of the suspension of the activity licence.

(2) This section also applies to the expiry, suspension and revocation of an activity licence for the handling of a pyrotechnic article if the pyrotechnic article requires the person to hold an activity licence.

## **Division 3**

### **Staff of Handler of Explosive and Pyrotechnic Article and Conformity Assessment and Attestation Thereof**

#### **§ 16. Direct handler of explosive**

(1) For the purposes of this Act, a direct handler of an explosive is a person who comes into contact with an explosive due to their duties or professional activities.

(2) A direct handler of an explosive may not be a person who:

- 1) has restricted active legal capacity;
- 2) has been punished for a criminal offence in the first degree and information concerning the punishment has not been expunged from the criminal records database;
- 3) has been punished for an offence against the state or for an offence which was committed by using an explosive, a pyrotechnic article, ammunition or a firearm or if those were the object of an offence and information concerning the punishment has not been expunged from the criminal records database;
- 4) is wanted, or suspected or accused of an offence specified in clause 3) of this subsection.

(3) A handler of an explosive shall keep a list of direct handlers of an explosive. The list shall set out the person's given name and surname, personal identification code, in the absence of the latter date of birth, residence and job title. The handler shall present this list and any changes made in the list to the Consumer Protection and Technical Regulatory Authority.

#### **§ 17. Blaster and senior blaster**

(1) A blaster is a person who has been awarded a professional certificate that gives the person the right to perform blasting operations. A blaster may only perform blasting operations under the supervision and guidance of a senior blaster.

(3) A blaster shall:

- 1) be at least 19 years of age;
- 2) have completed professional training and have at least four months of work experience in blasting operations;
- 3) conform to that provided for in § 16 (2) of this Act.

(3) A senior blaster is a person who has been awarded a professional certificate that gives the person the right to independently perform blasting operations.

(4) A senior blaster shall:

- 1) be at least 21 years of age;
- 2) have completed professional training and have at least six months of work experience as a blaster;
- 3) conform to that provided for in § 16 (2) of this Act.

#### **§ 18. Person organising handling of explosive**

(1) A person organising the handling of an explosive is an accountable person who has been awarded a certificate of competency of a person organising the handling of an explosive or at least level 6 professional certificate that allows the person to handle an explosive.

(2) The duties of a person organising the handling of an explosive are to:

- 1) ensure the safe handling of the explosive and the organisation of trade in the explosive according to the requirements provided by law;
- 2) guide a direct handler of an explosive and coordinate their activities.

(3) A person organising the handling of an explosive shall:

- 1) be at least 21 years of age;
- 2) have professional preparation and at least one year of work experience in explosives;
- 3) be acquainted with the legislation governing the area of activity;
- 4) conform to that provided for in § 16 (2) of this Act.

#### **§ 19. Pyrotechnician**

(1) A pyrotechnician is a person who has been awarded a professional certificate entitling the person to organise a firework by using a pyrotechnic article of categories F4 and T2.

(2) A pyrotechnician shall:

- 1) have completed professional training;

- 2) have professional work experience in work closely related to fireworks;
- 3) have knowledge to the extent which ensures the safety of fireworks;
- 4) conform to that provided for in § 16 (2) of this Act.

## **§ 20. Person organising handling of pyrotechnic article**

(1) A person organising the handling of a pyrotechnic article is an accountable person who has been awarded a certificate of competency of a person organising the handling of a pyrotechnic article or a professional certificate of at least level 5 pyrotechnician.

(2) The duties of a person organising the handling of a pyrotechnic article are to:

- 1) ensure in the undertaking the safe handling of the pyrotechnic article and the organisation of trade in the pyrotechnic article according to the requirements provided by law;
- 2) if a pyrotechnic article is transferred, provide instructions and consultations to the seller of pyrotechnic articles to the extent that ensures conformity with the safety requirements and that consumers are provided with information necessary for the use of pyrotechnic articles;
- 3) coordinate the activities of the employees of the undertaking upon the handling of the pyrotechnic article.

(3) A person organising the handling of a pyrotechnic article shall:

- 1) be at least 21 years of age;
- 2) conform to that provided for in § 16 (2) of this Act;
- 3) have completed professional training and have at least one year of relevant work experience.

(4) By way of exception to subsection (1) of this section, the Consumer Protection and Technical Regulatory Authority may allow a person who holds a safety adviser certificate on the basis of the Chemicals Act and whose competence covers to a large extent the activities covered by the activity licence of a handler of a pyrotechnic article to act as a person organising the handling of a pyrotechnic article.

## **§ 21. Medical examination of blaster, senior blaster and pyrotechnician**

(1) The state of health of a blaster, senior blaster and pyrotechnician shall conform to the requirements for state of health. The conformity of state of health to the requirements for state of health shall be determined by a medical examination before commencing employment and further medical examinations administered at regular intervals during the time of employment and it shall be certified by a health certificate.

(2) The requirements for the state of health of a blaster, senior blaster and pyrotechnician and the frequency of and the procedure for their medical examinations shall be established by a regulation of the minister responsible for the field.

## **§ 22. Assessment and attestation of conformity of person**

(1) The conformity of the competence of the persons specified in §§ 17–20 of this Act shall be attested by a professional certificate issued on the basis of the Professions Act, taking into account the provisions of this Act governing certificates of competency.

(2) If there is no awarding body, the competence of a person shall be attested by a certificate of competency awarded by the Consumer Protection and Technical Regulatory Authority. Regardless of the existence of the awarding body, the Consumer Protection and Technical Regulatory Authority has the right to issue certificates of competency of a person organising handling.

(2<sup>1</sup>) A competency examination is a test of the professional knowledge and skills of the staff of a handler of an explosive and a pyrotechnic article, organised by the Consumer Protection and Technical Regulatory Authority upon the issue of a certificate of competency. If the competence of the applicant for a certificate of competency is proved by professional training and work experience, the Consumer Protection and Technical Regulatory Authority may issue the certificate of competency without an examination.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(3) A state fee shall be paid for the issue and extension and a duplicate of a certificate of competency.

(4) The conformity of a competence acquired abroad with the requirements of this Act shall be assessed and attested by the Consumer Protection and Technical Regulatory Authority pursuant to the Recognition of Foreign Professional Qualifications Act.

(5) The procedure for conducting and evaluating the competency examination of the staff of a handler of an explosive and a pyrotechnic article and the requirements for the issue of a certificate of competency shall be established by a regulation of the minister responsible for the field.

[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

### **§ 23. Certificate of competency**

(1) A certificate of competency attests a person's competence and grants the holder thereof the right to operate in the area of activity and within the limits of the competence specified in the certificate of competency.

(2) A certificate of competency is issued for the term of up to five years. At the request of the person, their certificate of competency may be repeatedly extended for a period of five years at a time, provided the competence required for the person's area of activity has not changed.

(3) A holder of a certificate of competency shall undergo professional in-service training at least once within five years. Such in-service training shall last for at least six academic hours of training and be related to the area of activity for which the certificate of competency has been issued. In-service training also means giving a lecture within in-service training. Completed in-service training is a prerequisite for the extension of a certificate of competency.

(4) A certificate of competency may be revoked if the holder thereof has not commenced work in the area of activity indicated in the certificate of competency within two years after the issue of the certificate or if the holder has not worked in the area of activity indicated in the certificate of competency for over two consecutive years.

(5) A certificate of competency shall be revoked if the holder thereof:

- 1) does not meet the requirements of this Act;
- 2) has handled an explosive or a pyrotechnic article in a state of intoxication;
- 3) has caused a serious consequence or grave damage through their negligence in an activity covered by the certificate of competency;
- 4) has repeatedly violated safety requirements or the requirements provided for in this Act or in legislation established on the basis of this Act.

(6) In case of revocation of a certificate of competency under clauses (5) 2) to 4) of this section, a person cannot apply for a new certificate of competency within a period of one year as of the date on which their certificate of competency was revoked.

## **Chapter 3 Requirements for Handling Site and Storage Conditions of Explosive and Pyrotechnic Article**

### **§ 24. Requirements for handling site and storage conditions**

(1) The requirements provided for in this Chapter shall be applied to a site for the handling of an explosive and a pyrotechnic article (hereinafter *handling site*) where an explosive or a pyrotechnic article is manufactured or stored.

(2) An explosive and a pyrotechnic article shall be handled on a site that is suitable for said purpose, conforms to the requirements and is at a safe distance from an object that a possible accident upon the handling of the explosive or pyrotechnic article could damage. In case of a possible accident, the safety of the persons, property and environment outside the danger zone shall be guaranteed.

(3) Guarding of an explosives handling site shall be ensured. The security regime shall be determined by the owner of the handling site with the approval of the Police and Border Guard Board. The Police and Border Guard Board has the right to demand that the security regime be changed.

(4) The minister responsible for the field may establish by a regulation the requirements for the security regime of an explosives handling site.

(5) The requirements for the storage conditions of an explosive and a pyrotechnic article, the handling site for an explosive and a pyrotechnic article, maximum permitted quantity stored on a handling site and safe distance shall be established by a regulation of the minister responsible for the field.

### **§ 25. Operation authorisation for handling site**

(1) A handling site for an explosive and a pyrotechnic article shall have an operation authorisation.

(2) An operation authorisation issued under this Act need not be held:

- 1) upon the transport of an explosive and a pyrotechnic article at the place of reloading thereof;
- 2) at a blasting site upon the manufacture of pumped emulsion explosive substances and blasting agents;
- 3) on a handling site where an explosive or a pyrotechnic article is destroyed or used;
- 4) in a point of sale where a pyrotechnic article is stored in a quantity not exceeding 100 kilograms;
- 5) upon the storage of a pyrotechnic article acquired for personal use in a quantity not exceeding 20 kilograms;



6) on a handling site that has an authorisation according to the Weapons Act and where goods in hazard class 1.3C or 1.4S according to the European Agreement concerning the International Carriage of Dangerous Goods by Road are handled in a quantity not exceeding 50 kilograms;

7) on a handling site that has an operation authorisation of a dangerous enterprise and enterprise with a major hazard under the Chemicals Act if said authorisation covers the handling of an explosive or a pyrotechnic article.

(3) The operation authorisation shall prescribe the activities permitted on the handling site and the maximum quantities of an explosive and a pyrotechnic article stored there by subclasses and compatibility groups.

(4) The Consumer Protection and Technical Regulatory Authority shall be informed of any reconstructions carried out on a handling site, any exchange of equipment, any changes in the production technology, any increase of the maximum production or storage capacity or any other expansions of the handling site. If necessary, the Consumer Protection and Technical Regulatory Authority shall commence proceedings for the amendment of the operation authorisation.

## **§ 26. Applying for operation authorisation**

(1) For being issued an operation authorisation, an application shall be submitted to the Consumer Protection and Technical Regulatory Authority with the following documents and information:

1) address of the handling site and, where appropriate, the plan of the handling site and the surrounding site which indicates the danger zone of the handling site as well as the buildings in the danger zone and their purpose;

2) quantities of the explosive and pyrotechnic article stored on the handling site by subclasses and compatibility groups according to the European Agreement concerning the International Carriage of Dangerous Goods by Road;

3) upon the manufacture of an explosive or a pyrotechnic article, the name of the explosive or pyrotechnic article, names of the substances used in the manufacture and data describing their characteristics, the manufacturing technology and the maximum annual output;

4) description of the measures applied which ensure that third parties have no access to the explosive or pyrotechnic article stored;

5) description and technical information of the container if an explosive or a pyrotechnic article is stored in a container;

6) a written consent of the owner of a building concerning use of the building as a handling site for an explosive or a pyrotechnic article, unless the application is filed by the owner of the building;

7) information on the duration of storage if an explosive or a pyrotechnic article is handled temporarily;

8) documents required pursuant to the Chemicals Act if the quantities of dangerous substances stored on the handling site exceed the minimum level of hazardousness of chemicals for the purposes of the Chemicals Act and if the handling site lacks an authorisation according to the Chemicals Act.

(2) A state fee shall be paid upon applying for an operation authorisation.

(3) The Consumer Protection and Technical Regulatory Authority shall forward an application for an operation authorisation to the Estonian Internal Security Service, the Police and Border Guard Board and the Rescue Board who shall approve or not approve the application for justified reasons within 30 days as of the date of receipt of the documents.

(4) The Consumer Protection and Technical Regulatory Authority shall decide the issue of an operation authorisation within two months as of the date of receipt of the application and other required documents.

(5) The Consumer Protection and Technical Regulatory Authority shall inform the Estonian Internal Security Service, the Police and Border Guard Board, the Rescue Board and the local government of the issue, suspension and revocation of an operation authorisation.

## **§ 27. Subject of review of operation authorisation**

An operation authorisation shall be issued if:

1) the handling site and the handling conditions conform to the requirements provided by legislation;

2) the measures applied ensure the safety of persons, property and the environment and security upon the use of the handling site;

3) the use of a building as a handling site conforms to the building's intended purpose.

## **§ 28. Suspension and revocation of operation authorisation**

(1) § 37 of the General Part of the Economic Activities Code Act shall be applied to the revocation of an operation authorisation, taking into account the specifications arising from this Act.

(2) When a basis for the revocation of an operation authorisation arises, the Consumer Protection and Technical Regulatory Authority may temporarily suspend the operation authorisation. The operation authorisation shall be suspended until the reason for the suspension ceases to exist or the operation authorisation is revoked.

(3) The Consumer Protection and Technical Regulatory Authority shall be informed of the termination of handling activities on a handling site no later than two weeks before the handling activities are terminated.

#### **§ 29. Consequences of suspension and revocation of operation authorisation**

(1) If an operation authorisation is suspended, the handler shall apply measures necessary for eliminating the deficiencies and ensuring safety in the establishment. In the case of manufacture of an explosive or a pyrotechnic article, the handler shall stop the manufacture of the explosive or pyrotechnic article.

(2) If the circumstances which served as the basis for the suspension of the operation authorisation are not eliminated or if they do not cease to exist during the period of suspension of the operation authorisation, the Consumer Protection and Technical Regulatory Authority shall revoke the operation authorisation.

(3) If security or the safety of persons, property or the environment is not ensured on a handling site, the Consumer Protection and Technical Regulatory Authority may demand the storage of the explosive or pyrotechnic article in the possession of the handler on a suitable handling site which conforms to requirements.

## **Chapter 4 Use of Explosive and Pyrotechnic Article**

### **Division 1 Blasting and Risky Blasting**

#### **§ 30. Blasting and risky blasting**

(1) Blasting is the controlled and managed destruction and removal of a material and the alteration of its structure or form, the creation of a seismic wave or the destruction of an explosive by the force created by blasting explosives.

(2) For the purposes of this Act, risky blasting means blasting:

- 1) in a body of water or a densely populated settlement;
- 2) on a site where a building belonging to another person lies in the danger zone;
- 3) for the purpose of demolition of a building;
- 4) for the purpose of breaking or agglomeration of metal.

(3) Risky blasting is not deemed to be blasting deeper than 25 metres below the ground.

#### **§ 31. Requirements for blasting**

(1) Blasting operations may be performed by a blaster and senior blaster. A senior blaster may involve other direct handlers of an explosive in blasting operations.

(2) Risky blasting may be performed on the basis of an authorisation.

(3) Blasting operations shall be performed according to the blasting plan and safety requirements. The blasting parameters and means of assistance applied shall ensure that the effects caused by a shockwave, projection of smithereens or seismic oscillation on the buildings and equipment that lie within the blasting danger zone will be minimum.

(4) A blasting plan is a description of blasting operations that contains technical information necessary for safe blasting. A blasting plan shall be approved by the person organising the handling of an explosive.

(5) Blasting without a blasting plan is permitted in cases where blasting operations are carried out with the aim of shaping a working, removing rippings, increasing the depth of a working, eliminating misfire, breaking oversized fragments, and resolving a rescue event.

#### **§ 32. Authorisation for risky blasting**

(1) For being issued an authorisation for risky blasting, an application shall be submitted to the Consumer Protection and Technical Regulatory Authority with the following information and documents:

- 1) the name and contact details of the applicant for the blasting permit;
- 2) the place and planned time of the blasting operations;
- 3) the blasting plan.

(2) A state fee shall be paid upon applying for an authorisation for risky blasting.

(3) The Consumer Protection and Technical Regulatory Authority shall notify the local government of planned blasting operations and the danger zone, planned time and objective thereof. If blasting operations are carried out at sea, the Maritime Administration shall be informed thereof. If the danger zone of a blasting operation lies in the near vicinity of an airport, the Civil Aviation Administration shall be informed. Where appropriate, the Consumer Protection and Technical Regulatory Authority shall also inform other state authorities whose jurisdiction includes an area that may be affected by the planned blasting operations.

(4) The Consumer Protection and Technical Regulatory Authority shall involve in the proceedings for the issue of an authorisation the owner of a building that lies within the planned blasting danger zone or their representative and allow them to express their opinion on the planned blasting operations within five working days as of the date of receipt of the relevant notice.

(5) The Consumer Protection and Technical Regulatory Authority shall assess the possible consequences of risky blasting, taking into account the measures prescribed for preventing harmful consequences, and based on the results of such assessment shall issue an authorisation or refuse to issue an authorisation within 14 working days as of the date of receipt of a proper application.

(6) The Consumer Protection and Technical Regulatory Authority shall refuse to issue an authorisation if:

- 1) the blasting plan does not meet the requirements;
- 2) the measures applied for decreasing the danger and risks of the planned blasting operations are not sufficient.

(7) The Consumer Protection and Technical Regulatory Authority shall inform the Police and Border Guard Board, the Estonian Internal Security Service, the local government, the owner of a building who filed an objection and, if necessary, the Civil Aviation Administration or the Maritime Administration of the grant of an authorisation.

(8) An authorisation for risky blasting shall be issued for a term of up to one year or for the period needed to conclude a single blasting operation. The term of validity of an authorisation may be extended by periods of one year if the boundaries of the blasting danger zone and the blasting plan have not changed. For the extension of validity of an authorisation, an application shall be submitted to the Consumer Protection and Technical Regulatory Authority and a state fee shall be paid.

(9) Before blasting operations, the person who has been issued an authorisation shall inform within a reasonable period of time the owner of a building that lies within the blasting danger zone and, where appropriate, a third party who may be at risk due to the blasting operations. Before the start of risky blasting, except for blasting operations in a quarry or a mine, the holder of an authorisation shall inform the Police and Border Guard Board of the blasting operations at least three hours in advance.

## **Division 2**

### **Requirements for Use of Pyrotechnic Article**

#### **§ 33. Use of pyrotechnic articles**

(1) A pyrotechnic article may only be used for its intended purpose, in accordance with safety requirements and considering the age limit set for the use of the article. The requirements for conduct in a public place and for public order shall be taken into account when using a pyrotechnic article.

(2) A pyrotechnic article of categories F4 and T2 may only be used by a pyrotechnician.

(3) A pyrotechnic article that is manufactured for scientific research, development and testing and the conformity of which to the requirements has not been attested pursuant to the prescribed procedure may only be used for scientific research, development and testing. Where appropriate, such an article shall have a clearly visible label which indicates that the article does not conform to requirements and must only be used for scientific research, development or testing.

(4) The use of a cracker is prohibited. This prohibition is not applied to a person who uses a cracker in their economic or professional activities.

(5) A cracker is a pyrotechnic article encased in a non-metal shell not producing sharp particles and which, upon the ignition of the charge, mainly creates a cracking sound effect.

(6) A red signal flare used in marine safety equipment and other flares of similar colour may not be used at sea or on the coast if there is no emergency.

### **§ 34. Organisation of firework**

- (1) A permit to organise a firework is required for organising a firework:
- 1) at a public event by using a pyrotechnic article of categories F3 and F4;
  - 2) in a densely populated settlement by using a pyrotechnic article of category F4.
- (2) The person organising a firework shall inform the following authorities at least three days in advance:
- 1) when organising a firework at a public event or densely populated settlement by using a pyrotechnic article of category F4 – the Police and Border Guard Board and the Rescue Board;
  - 2) when organising a firework by using a pyrotechnic article of category T2 – the Rescue Board;
  - 3) when organising a firework in the near vicinity of an airport by using a pyrotechnic article which flies higher than 45 metres – the Civil Aviation Administration.
- (3) For organising a firework referred to in subsection (1) of this section, a description setting out the organisation of the planned firework shall be prepared.

### **§ 35. Applying for permit for organisation of firework**

- (1) An application for the organisation of a firework shall be submitted to the rural municipality or city government or the relevant structural unit of the rural municipality or city government (hereinafter *rural municipality or city government*).
- (2) The rural municipality or city government shall review an application for a permit for the organisation of a firework and shall make a corresponding decision within five working days as of the date of receipt of the application.
- (3) An application for a permit for the organisation of a firework shall contain the following information:
- 1) the name and contact details of the applicant and if the firework is not organised directly by the applicant, also information concerning the person organising the firework;
  - 2) the location, date and time of the organisation of the firework;
  - 3) in the case provided for in § 34 (3) of this Act, a description setting out the organisation of the firework;
  - 4) the measures to be taken to prevent an accident.
- (4) If there is reason to believe that the firework crosses the approach or take-off sector of the near vicinity of an airport, the organisation of the firework shall be approved by the Civil Aviation Administration. The Civil Aviation Administration shall approve or not approve the application within three working days as of the date of receipt of the application.
- (5) The issue of a permit may be refused if:
- 1) the organisation of a firework is liable to violate public order or harm the life, health or property of persons or the environment, and the applied safety measures are insufficient for the prevention of an accident;
  - 2) the person organising the firework holds no activity licence if an activity licence is required.
- (6) The rural municipality or city government shall inform the Consumer Protection and Technical Regulatory Authority of the issue of a permit.

## **Chapter 5 Transport of Explosive and Pyrotechnic Article**

### **§ 36. Transport of explosive and pyrotechnic article**

- (1) The provisions of the Strategic Goods Act shall be applied to the transport of an explosive included in the list of strategic goods which conforms to the Strategic Goods Act, and to the provision of service.
- (2) The import and export of an explosive not included in the list of strategic goods shall take place on the basis of a permit issued by the Consumer Protection and Technical Regulatory Authority under this Act.
- (3) Legislation established concerning the corresponding mode of transport shall be applied to the transport of an explosive and a pyrotechnic article by road, rail, water or air, taking into account the specifications arising from this Act.

### **§ 37. Transport permit for explosive and pyrotechnic article**

- (1) A transport permit is required:
- 1) for transporting an explosive within Estonia, except for transport within one and the same site;
  - 2) for the import of an explosive to Estonia and export thereof from Estonia and for transit;
  - 3) for the import of a pyrotechnic article to Estonia from a third country and export thereof from Estonia to a third country and for transit to a third country.

(2) For being issued a transport permit, an application shall be submitted to the Consumer Protection and Technical Regulatory Authority setting out the following information:

- 1) the name, phone number, e-mail address and postal address of the carrier;
- 2) the name, phone number, e-mail address and postal address of the consignee;
- 3) the name and quantity of the explosive or pyrotechnic article and the four-digit hazardous substance or object identification number as set out in the UN Recommendations on the Transport of Dangerous Goods (hereinafter *UN number*);
- 4) if the transport permit is applied for to import an explosive or a pyrotechnic article, the unique identifiers of the explosive or the registration number of the pyrotechnic article and the article, batch or serial number, a description of the explosive or pyrotechnic article and information on the existence of the CE marking;
- 5) the manner of transport, route and calendar day of transport if the exact date of transport is known;
- 6) the address of the place of storage of the consignment, where appropriate;
- 7) if an explosive or a pyrotechnic article is exported, a permit issued by the country of destination for the import of the explosive or pyrotechnic article specified in the application if a permit is required in the country of destination, and a translation of the permit into Estonian.

(3) A state fee shall be paid upon applying for a transport permit.

(4) The Consumer Protection and Technical Regulatory Authority shall forward an application for a transport permit to the Police and Border Guard Board and the Estonian Internal Security Service and shall allow them to express their opinion on the application within five working days as of the date of receipt of the application. The Consumer Protection and Technical Regulatory Authority shall decide the issue of a permit within ten working days as of the date of receipt of all the required documents.

(5) The Consumer Protection and Technical Regulatory Authority shall refuse to issue a transport permit if:

- 1) the filed application does not meet the requirements;
- 2) the filed application reveals the non-conformity of the transport conditions to the requirements;
- 3) the consignee of an imported consignment is not entitled to receive an explosive or a pyrotechnic article;
- 4) the explosive or pyrotechnic article imported for the purpose of placing it on the market or using it in Estonia does not meet the requirements;
- 5) there is no permit issued by the country of destination for the import of the explosive or pyrotechnic article if a permit is required in the country of destination;
- 6) according to the Police and Border Guard Board or the Estonian Internal Security Service the planned transport would pose a significant or high threat to security and it is likely that the explosive may come into unlawful possession or use;
- 7) in case of import, the final place of storage of the consignment does not enable the storage of an explosive or a pyrotechnical article in the volume of the consignment.

(6) If the information provided for in clause (5) 4) of this section is incomplete or there is reason to question the conformity of the explosive or pyrotechnic article, the Consumer Protection and Technical Regulatory Authority may issue a transport permit provided the goods will not be released for free circulation and the importer will store them until the circumstances are clarified.

(7) A transport permit is issued for the transport of a specific consignment. If there is no significant or high threat to security and it is not necessary to apply any special requirements, a transport permit may also be issued for a specific period, but for no longer than two years.

(8) If at the time of the filing of an application it is not possible to determine the calendar day of transport and the planned transport route passes through a city or on a main road, the Police and Border Guard Board may request additional information concerning the transport from the holder of the permit. The holder of the permit shall present the information concerning the transport to the Police and Border Guard Board at the first opportunity but no later than three working days before the actual transport.

(9) In case of a significant or high threat to security, the Consumer Protection and Technical Regulatory Authority may prohibit the transport of an explosive, demand that the route be changed or additional security requirements be complied with in order to prevent any unlawful use or possession of the explosive.

(10) The Consumer Protection and Technical Regulatory Authority shall inform the Tax and Customs Board, the Police and Border Guard Board and the Estonian Internal Security Service of the issue of a transport permit.

### **§ 38. Transport of explosive within European Union and European Economic Area**

(1) § 37 of this Act shall be applied upon the transport of an explosive within Estonia and import to Estonia from a Member State and issue of a permit for transport between Member States passing through Estonia as well as approval of a permit issued by another Member State, taking into account the specifications provided for in this section.

(2) For being issued a permit, an application shall be submitted to the Consumer Protection and Technical Regulatory Authority with the following information:

- 1) the name, address and contact details of the applicant;
- 2) the quantity of the explosive;
- 3) the name and UN number of the explosive.

(3) If according to the Police and Border Guard Board or the Estonian Internal Security Service involved in the issue of a permit pursuant to § 37 (4) of this Act it is necessary to comply with special security requirements, the applicant is required to additionally present the following information:

- 1) the name and contact details of the supplier and transport company;
- 2) the explosives hazard class and other relevant information that allows the explosive to be identified;
- 3) where the explosive is carried for the purpose of being placed on the market, information on the existence of the CE marking;
- 4) description of the means of transport and the route;
- 5) the expected date of departure and arrival;
- 6) where necessary, the points of entry into and departure from the state.

(4) If the Consumer Protection and Technical Regulatory Authority issues a permit for the transport of an explosive, it shall give the consignee of the explosive a document that contains the information set out in subsection (2) of this section and, if necessary, in subsection (3) of this section. The document shall accompany the explosive until the explosive reaches its destination. The consignee of the explosive has an obligation to keep a copy of the document.

(5) If measures are applied to transport between Member States under § 37 (9) of this Act, the European Commission shall be informed thereof beforehand.

### **§ 39. Transport of pyrotechnic article within European Union and European Economic Area**

If a person wants to bring more than 20 kilograms of a pyrotechnic article to Estonia from a Member State, the person shall inform the Consumer Protection and Technical Regulatory Authority of the transport no later than three working days before the actual transport. The notification shall set out the category, quantity, name and registration number of the pyrotechnic article brought to Estonia, the expected date for bringing the pyrotechnic article to Estonia and the place of storage thereof.

## **Chapter 6 Transfer of Pyrotechnic Article**

### **§ 40. Transfer of pyrotechnic article**

(1) A handler of a pyrotechnic article shall, upon the transfer of the article, adhere to the following requirements:

- 1) transfer only such a pyrotechnic article which meets the requirements established for the pyrotechnic article, which is safe and the characteristics of which have not been impaired by the storage conditions;
- 2) transfer a pyrotechnic article only to a person who has the right to handle or use such an article;
- 3) upon transfer, provide instructions for the use of the pyrotechnic article if there is no relevant information affixed to the article;
- 4) take into account the requirements of the Trading Act;
- 5) if necessary, explain to the buyer the terms of use of the pyrotechnic article.

(2) The transfer of a defective and expired pyrotechnic article for the purpose of use is prohibited. A defective and expired pyrotechnic article shall be destroyed pursuant to the set procedure.

(3) It is prohibited to transfer a pyrotechnic article at a public event and by way of street and market trading. The sale of a pyrotechnic article by way of self-service is also prohibited. Sale by way of self-service is only allowed for a pyrotechnic article of categories F1 and P1.

(4) Activities aimed at the public through which a pyrotechnic article is offered free of charge or in the framework of a consumer competition or game are prohibited. This restriction does not apply to a pyrotechnic article of categories F1 and P1.

(5) When transferring a pyrotechnic article by way of e-trade, the seller shall make sure that the buyer has the right to acquire the pyrotechnic article.

### **§ 41. Age limits and other limitations on transfer of pyrotechnic article**

(1) A pyrotechnic article of category F1 may be transferred to a person at least 12 years of age, considering the age limit indicated on the packaging of the pyrotechnic article by the manufacturer.

(2) A pyrotechnic article of categories F2, F3, T1 and P1 may be transferred to a person at least 18 years of age.

(3) A pyrotechnic article of categories F4, T2 and P2 may only be transferred to a person with specialist knowledge.

(4) If the seller has any doubts as to the age of the buyer when transferring a pyrotechnic article, the seller shall require the presentation of an identity document.

(5) A pyrotechnic article of categories P1 and P2 for vehicles shall not be made available to the public, except when the pyrotechnic article has been built into the vehicle or a removable part of the vehicle and the pyrotechnic article is made available to the consumer with the vehicle.

(6) A pyrotechnic article for vehicles is a component of safety devices in vehicles which contains a pyrotechnic substance used to activate the safety or other devices.

(7) The sale of crackers to consumers is prohibited.

## **Chapter 7 State Supervision**

### **§ 42. State supervision**

(1) The Consumer Protection and Technical Regulatory Authority is competent to exercise state supervision over:

- 1) the compliance with the requirements set for a handler of an explosive and a pyrotechnic article;
- 2) the compliance with the requirements for the handling of an explosive and a pyrotechnic article;
- 3) sites associated with the handling of an explosive and a pyrotechnic article;
- 4) the requirements for the transfer of a pyrotechnic article in retail sale;

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

5) the compliance with the requirements set for a pyrotechnic article;

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) Police officers are competent to exercise state supervision over:

- 1) the transport of an explosive and a pyrotechnic article on a public road;
- 2) the security regime of an explosives handling site;
- 3) the use of a pyrotechnic article;
- 4) a point of sale of a pyrotechnic article and the compliance with the requirements for the transfer of a pyrotechnic article.

(3) The Rescue Board is competent to exercise state supervision over the compliance with the requirements set for fire safety on a handling site for an explosive and a pyrotechnic article.

(4) [Repealed – RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(5) The Tax and Customs Board is competent to exercise state supervision over the compliance with the requirements set for the import of an explosive and a pyrotechnic article from a third country and for the export thereof to a third country and for bringing an explosive and a pyrotechnic article from another EEA State.

### **§ 43. Special state supervision measures**

(1) In order to exercise the state supervision provided by this Act, law enforcement agencies may apply the special measures of state supervision provided for in §§ 30, 31, 32, 37, 38, 44, 47, 49, 50, 51 and 52 of the Law Enforcement Act on the basis and pursuant to the procedure provided for in the Law Enforcement Act. When entering a handling site, law enforcement agencies shall ensure safety and, if necessary, take measures for decreasing danger.

(2) The Consumer Protection and Technical Regulatory Authority and police officers have the right to make a test transaction if the exercise of supervision over the compliance with the requirements of this Act would not be possible or would be significantly harder by means of the special measures provided for in subsection (1) of this section, but supervision is necessary to determine offences. § 54 of the Product Conformity Act shall be applied to test transactions.

[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(3) The procedure for the storage, transfer, preservation and transfer for destruction of an explosive and a pyrotechnic article which are confiscated, or transferred under this Act or in the course of state supervision shall be established by a regulation of the Government of the Republic.

## **Chapter 8**

# Liability

## **§ 44. Violation of requirements for use, manufacture and storage of explosive and pyrotechnic article**

(1) Violation of the requirements for the use, manufacture or storage of an explosive or a pyrotechnic article and also disregard for the restrictions established on the use of an explosive or a pyrotechnic article is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

## **§ 45. Use of handling site without operation authorisation**

(1) Operating a handling site without an operation authorisation if an operation authorisation is required and also failure to inform of any changes on the handling site is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

## **§ 46. Violation of requirements for blasting**

(1) Blasting without a blasting plan or failure to comply with the requirements of the blasting plan if a blasting plan is required is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 6400 euros.

## **§ 47. Violation of requirements for conveying pyrotechnic article or explosive to Estonia**

(1) Conveying a pyrotechnic article from another Member State to Estonia without notifying the Consumer Protection and Technical Regulatory Authority thereof, if such notification was required, and also conveying an explosive or a pyrotechnic article to Estonia without a transport permit or approval is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

## **§ 48. Violation of requirements for transfer of pyrotechnic article or explosive**

(1) Violation of the requirements for the transfer of a pyrotechnic article or an explosive is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

## **§ 49. Violation of requirements for keeping records**

(1) Violation of the requirements for keeping records concerning trade in explosives or pyrotechnic articles is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

## **§ 50. Working without certificate of competency or professional certificate**

Operation without a certificate of competency or professional certificate required under this Act in areas of activity where a certificate of competency or professional certificate is required is punishable by a fine of up to 300 fine units.

## **§ 51. Creation of threat by obstructing firework**

Operation which obstructs the ensuring of safety upon a firework or which causes a threat to human life or health by affecting a pyrotechnic article or interfering with the work of a pyrotechnician is punishable by a fine of up to 300 fine units.

## **§ 52. Proceedings**

(1) The body conducting extra-judicial proceedings pertaining to the misdemeanours set out in §§ 44–51 of this Act is the Consumer Protection and Technical Regulatory Authority.

(2) The body conducting extra-judicial proceedings pertaining to the misdemeanours provided for in §§ 44, 48 and 51 of this Act is the Police and Border Guard Board.

(3) An object used to commit or a substance or an object which has been the direct object of a misdemeanour provided for in §§ 44 and 48 of this Act may be confiscated pursuant to § 83 of the Penal Code by the Consumer Protection and Technical Regulatory Authority, the Police and Border Guard Board or a court.



## **Chapter 9 Implementing Provisions**

### **§ 53. Transitional provisions**

(1) All authorisations and certificates issued under the Explosives Act applicable before the entry into force of this Act and valid at the moment of entry into force of this Act shall remain valid until the end of their term of validity.

(1<sup>1</sup>) The Consumer Protection and Technical Regulatory Authority may revoke an operation authorisation for an explosives warehouse and an authorisation for storing explosives outside an explosives warehouse if the holder of the authorisation does not meet the requirements of this Act.  
[RT I, 29.06.2018, 3 – entry into force 01.07.2018]

(2) An act committed by a person before the entry into force of this Act if it is also punishable as a misdemeanour under this Act and misdemeanour proceedings pertaining to it are pending at the moment of entry into force of this Act shall be legally assessed in this Act under the section which prescribes the necessary elements of the misdemeanour.

**§ 54. – § 58. Provisions governing the amendment of other Acts are omitted from this translation.**

### **§ 59. Repeal of Act**

The Explosives Act (RT I 2004, 25, 170) is repealed.

### **§ 60. Entry into force of Act**

This Act enters into force on 4 July 2017.

<sup>1</sup>Directive 2014/28/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market and supervision of explosives for civil uses (OJ L 96, 29.03.2014, pp. 1–44); Commission Directive 2008/43/EC setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses (OJ L 94, 05.04.2008, pp. 8–12), as amended by Directive 2012/4/EL (OJ L 50, 23.02.2012, pp. 18–20); Directive 2013/29/EU of the European Parliament and of the Council on the harmonisation of the laws of the Member States relating to the making available on the market of pyrotechnic articles (OJ L 178, 28.06.2013, pp. 27–65); Commission Implementing Directive 2014/58/EU setting up, pursuant to Directive 2007/23/EC of the European Parliament and of the Council, a system for the traceability of pyrotechnic articles (OJ L 115, 17.04.2014, pp. 28–31).