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Atmospheric Air Protection Act¹

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Chapter 1 Ambient Air Protection

Division 1 General Provisions

§ 1. Scope of regulation

This Act provides for:

- 1) the requirements set for affecting ambient air by chemical and physical pollutants;
- 2) the measures for maintaining and improving the quality of ambient air;
- 3) the requirements for protection of ozone layer;
- 4) the measures for mitigation of climate changes and reduction of greenhouse gas emissions;
- 5) the organisation of state supervision over compliance with the requirements provided for in this Act;
- 6) the liability for failure to comply with the requirements provided for in this Act.

§ 2. Application of Administrative Procedure Act and General Part of the Environmental Code Act

(1) The Administrative Procedure Act shall apply to the administrative procedure provided for in this Act, taking account of the specifications provided for in this Act.

(2) Chapter 5 of the General Part of the Environmental Code Act shall apply to the proceedings regarding environmental permits provided for in this Act for release of pollutants from stationary sources of pollution into the ambient air (hereinafter *air pollution permit*), taking account of the specifications provided for in this Act.

§ 3. Atmospheric air and ambient air

(1) Atmospheric air consists of the troposphere, stratosphere and mesosphere air layers which extend up to 100 kilometres from the ground.

(2) Ambient air is outdoor air in the troposphere, excluding air in working environment.

§ 4. Pollutant

For the purposes of this Act, a pollutant is any substance or mixture of substances in the ambient air which may have harmful effects on human health or the environment.

§ 5. Affecting of ambient air by chemical pollution

Affecting of the ambient air by chemical pollution is the alteration of the composition of the ambient air by emission of pollutants.

§ 6. Affecting of ambient air by physical exposure

Affecting of the ambient air by physical exposure is the affecting of the ambient air by noise and infrasound and ultrasound.

§ 7. Ambient air pollution

Ambient air pollution is the affecting of the ambient air by chemical pollution or physical pollution so that it causes environmental hazard or environmental risk.

§ 8. Unfavourable weather conditions

Unfavourable weather conditions are such meteorological conditions which may cause, in mutual short term conjunction, deterioration of air quality in certain areas in the air layer near the ground.

§ 9. Air quality level and pollutant deposition level

(1) Air quality level is the content of a pollutant per unit of volume of ambient air during a certain period of time at a temperature of 293.15 kelvins (K) and an atmospheric pressure of 101.3 kilopascals (kPa) and the quantity of fine particulate matter (PM₁₀) and very fine particulate matter (PM_{2.5}) and substance contained therein under the conditions prevailing at the date of measurements.

(2) Pollutant deposition level is the quantity of a pollutant which deposited from the ambient air during a certain period of time per surface unit and which characterises the air quality level.

§ 10. Air quality limit value

(1) Air quality limit value is the emission limit value of pollutant in a unit of volume of the ambient air or an emission limit value of pollutant which has deposited on a surface unit and which was established on the basis of scientific knowledge and has to be achieved, in the case the specified quantity is exceeded, within a given period and must not be exceeded thereafter. The objective of establishing the limit value is to prevent, preclude or reduce the adverse impact of the pollutant to human health or the environment.

(2) If the margin of exceedance of the limit value has been established for a pollutant on the basis of subsections 47 (1) and (2) of this Act in addition to the air quality limit value or the number of acceptable exceedance thereof per calendar year, it shall be deemed, in the case of compliance therewith, that the limit value has not been exceeded.

(3) Significant environmental nuisance is presumed in the case the air quality limit value is exceeded.

§ 11. Margin of tolerance of air quality limit value

The margin of tolerance of air quality limit value is the percentage of the air quality limit value by which the established limit value may temporarily be exceeded on the terms and conditions provided for in this Act.

§ 12. Air quality target value

(1) Air quality target value is the quantity of a pollutant in a unit of volume of ambient air or the quantity of a pollutant deposited on a surface which has to be attained in the case the specified quantity is exceeded by taking appropriate measures not entailing disproportionate costs either over a specified period or as quickly as possible and with the aim of improving the air quality and avoiding or reducing adverse impact on human health and the environment.

(2) If a number of the cases per calendar year where it is permitted to exceed the target value has been established for a pollutant on the basis of subsection 47 (1) of this Act in addition to the air quality target value, it shall be deemed that in the case of compliance therewith the target value has not been exceeded.

§ 13. Critical level of air quality

Critical level of air quality is the quantity of a pollutant in a unit of volume of ambient air or the quantity of a pollutant deposited on a surface which is established on the basis of scientific knowledge and, if exceeded, direct adverse effects may occur on ecosystems or parts thereof, except on humans.

§ 14. Information threshold for air quality and long-term air quality objective

(1) Information threshold for air quality is the level of air quality beyond which there is a risk to human health from brief exposure for particularly sensitive sections of the population such as children, sick persons, the elderly and pregnant women, and for which immediate and appropriate information is necessary in order to implement protective measures.

(2) Long-term air quality objective is the level of air quality to be attained in the long term, save where not achievable through proportionate measures, with the aim of providing effective protection of human health and the environment.

§ 15. Alert threshold of air quality

Alert threshold of air quality is the quantity of a pollutant in a unit of volume of ambient air or the quantity of a pollutant deposited on a surface which is higher than the air quality limit value and beyond which there is a risk to human health from brief exposure and protective measures must be immediately implemented.

§ 16. Average exposure indicator and reduction target thereof

(1) Average exposure indicator is an average level determined on the basis of measurements at urban background locations which reflects the population exposure to very fine particulate matter (PM_{2,5}) on the basis of which the national target for reducing the average exposure indicator for very fine particulate matter and the air quality level obligation are calculated.

(2) Target for reducing the average exposure indicator for very fine particulate matter is a percentage reduction of the average exposure set on the basis of subsection 47 (1) of this Act for the reference year with the aim of reducing harmful effects on human health, to be attained where possible by the term specified in the same provision and for the attainment thereof necessary measures not entailing disproportionate costs are prescribed.

§ 17. Air quality level obligation

Air quality level obligation is the quantity of a pollutant in a unit of volume of ambient air determined on the basis of the average exposure indicator with the aim of reducing harmful effects of the pollutant on human health.

§ 18. Urban background locations

Urban background locations are such places in urban areas where air quality levels are representative of the exposure of the general urban population.

§ 19. Emission source

(1) An emission source is a source which emits pollutants, noise, infrasound or ultrasound into the ambient air.

(2) Emission sources are classified on the basis of the geometry of emission sources as point, line, surface and spatial emission sources.

(3) Emission sources are classified on the basis of the mobility of emission sources as stationary and mobile emission sources:

1) a stationary emission source is an emission source with a permanent location, including emission sources the location of which is changed at certain intervals, or a group of emission sources located within the same production area;

2) a mobile emission source is an emission source which emits pollutants into the ambient air while moving.

(4) If possible, classification of emission sources shall be based on the standard EVS 892 or another equivalent international standard or a standard of a European standardisation body.

§ 20. Sudden emission

(1) Sudden technological emission means emissions into the ambient air caused by technology during installation or equipment start-up and shut-down periods.

(2) Accidental sudden emission means emissions into the ambient air in case of accident, technical failure, leakage or unplanned shut-down.

§ 21. Production area

For the purposes of this Act, production area is an area necessary for the operation of an installation which comprises one or more land units where the emission sources are located and which is operated by one or more operators.

§ 22. Air layer near ground

Upon the assessment of air quality, the air layer near the ground extends up to four meters above the ground or up to such height to which the public have regular access or where is fixed habitation.

§ 23. Air quality zone

Air quality zone is a zone formed taking account of the size of populations and ecosystems exposed to air pollution where air quality management and assessment are organised.

Division 2

Principles and Principal Obligations of Ambient Air Protection

§ 24. Principle of maintaining of air quality level

In air quality zones where the air quality level is lower than the air quality limit value or target value established for a pollutant on the basis of subsections 47 (1) and (2) of this Act, the best ambient air quality must be maintained, compatible with sustainable development.

§ 25. Principle of application of measures in case of exceedance of air quality limit values or target values

In the case of exceedance of the air quality limit values or target values established for pollutants on the basis of subsections 47 (1) and (2) of this Act, measures must be applied in order to bring the air quality level in conformity with the air quality limit values or target values.

§ 26. Restrictions upon planning activities which are likely to result in exceedance of air quality limit values or target values

Upon planning such activities which are likely to result in exceedance of the air quality limit value or target value established for a pollutant on the basis of subsections 47 (1) and (2) of this Act in the air layer near the ground, the areas where, under unfavourable weather conditions, the dispersion of pollutants released into the ambient air is limited due to natural reasons or as a result of human activity, shall be excluded in the selection of location of emission sources.

§ 27. Prohibition concerning height of emission of pollutants

It is prohibited to build stationary emission sources with a height of emission of pollutants greater than 250 metres above ground level.

§ 28. Obligations of possessors of emission sources upon activities which are likely to result in exceedance of air quality limit values or target values in air layer near ground

The possessor of an emission source is required to apply additional measures for reducing the emissions of pollutants into the ambient air upon activities which are likely to result in exceedance of the air quality limit value or target value established for a pollutant on the basis of subsections 47 (1) and (2) of this Act in the air layer near the ground.

§ 29. Duties of operator of stationary emission source

(1) The operator of a stationary emission source shall use the best available techniques, energy efficient technology and abatement equipment to reduce emissions of pollutants in so far as it may be reasonably expected, taking into consideration the expenses to be incurred and possible adverse impact of pollution.

(2) If abatement of pollutants is prescribed by the air pollution permit or integrated environmental permit or if abatement is planned by the building design documentation, operation of a stationary emission source without abatement equipment or with defective abatement equipment is prohibited, except under the conditions provided for in this Act or the Industrial Emissions Act and legislation established on the basis thereof.

Chapter 2

Air Quality Management and Information of Public of Air Quality

Division 1

Air Quality Assessment and Management

§ 30. Air quality management and assessment

(1) Air quality management is the planning and implementation of measures on the basis of air quality assessment for improving air quality. Emission limitation, improvement of conditions for dispersion of pollutants, prevention of transport of pollutants or other relevant measures shall be implemented for improving air quality.

(2) Air quality management, including air quality assessment, shall be organised by the Ministry of the Environment.

(3) Air quality assessment is the measurement, including monitoring, calculation, prediction and estimation, of the air quality level.

(4) Air quality shall not be assessed in any location situated in an air quality zone where members of the public do not have access and there is no fixed habitation, and in work environment where provisions concerning health and safety at work apply.

§ 31. Database of air quality assessment

(1) Database of air quality assessment is a database in the State Information Systems which contains data constituting the basis for the air quality assessment, and air quality data.

(2) The following data shall be entered in the database of air quality assessment:

- 1) data on the emission sources related to pollution of ambient air;
- 2) air quality data obtained in the course of monitoring and calculation of ambient air.

(3) The chief processor of the database of air quality assessment is the Ministry of the Environment.

(4) The database of air quality assessment and its statutes shall be established by a regulation of the minister responsible for the area.

§ 32. Factors used upon air quality assessment

The following factors shall be taken into account upon air quality assessment:

- 1) possibility of adverse impact of pollutants, harmfulness of pollutants for the purposes of the Chemicals Act, incidence of pollutants in the ambient air and in particular the action of the pollutants which cause irreversible effects on human health and the environment as a whole;
- 2) air quality level;
- 3) environmental transformations related to changes in air quality level which may lead to production of more dangerous pollutants;
- 4) persistence of pollutants in the environment, if the pollutant is not biodegradable and can accumulate in human body or in the environment.

§ 33. Pollutants considered upon air quality management and assessment

(1) Air quality shall be managed and assessed in relation to the following pollutants:

- 1) sulphur dioxide (SO₂);
- 2) nitrogen dioxide (NO₂) and oxides of nitrogen (NO_x) is the sum of the volume of nitrogen oxide and nitrogen dioxide (NO + NO₂) calculated as nitrogen dioxide;
- 3) fine particulate matter (PM₁₀);
- 4) very fine particulate matter (PM_{2.5});
- 5) lead (Pb);
- 6) ozone (O₃);
- 7) benzene (C₆H₆);
- 8) carbon monoxide (CO);
- 9) benzo(a)pyrene (B(a)P) as an indicator of polycyclic aromatic hydrocarbons (PAH);
- 10) cadmium (Cd);
- 11) arsenic (As);
- 12) nickel (Ni);
- 13) mercury (Hg).

(2) For the purposes of this Act, fine particulate matter (PM₁₀) shall mean matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM₁₀, standard EN 12341 or another equivalent international standard or a standard of a European standardisation body, with a 50 % efficiency cut-off at 10 µm aerodynamic diameter.

(3) For the purposes of this Act, very fine particulate matter (PM_{2.5}) shall mean matter which passes through a size-selective inlet as defined in the reference method for the sampling and measurement of PM_{2.5}, standard EN 14907 or another equivalent international standard or a standard of a European standardisation body, with a 50 % efficiency cut-off at 2.5 µm aerodynamic diameter.

(4) For the purposes of clause (1) 9) of this section, polycyclic aromatic hydrocarbons shall mean organic compounds composed of at least two fused aromatic rings made entirely from carbon and hydrogen.

(5) A pollutant not specified in subsection (1) of this section the volume of which is likely to exceed the air quality limit value established for the pollutant on the basis of subsection 47 (2) of this Act must be considered upon air quality assessment and management.

Subdivision 1

Assessment of Air Quality Level

§ 34. Measurement of air quality level

(1) For the purposes of the Metrology Act, measurement of air quality level is the taking of samples of the ambient air and the analysis thereof performed by a competent measurer.

(2) Air quality level shall be measured by fixed or indicative measurements.

§ 35. Fixed measurements

Fixed measurements are measurements taken at fixed sites, either continuously or by random sampling, to determine the air quality level in accordance with the relevant objectives established on the basis of subsection 43 (1) of this Act.

§ 36. Indicative measurements

Indicative measurements are irregular single measurements which meet objectives that are less strict than those required for fixed measurements.

§ 37. Continuous monitoring

Continuous monitoring is carried out by a stationary system of measuring devices to determine the content of pollutants in gases released from emission sources or in the ambient air. The measurement results of continuous monitoring are registered in real time automatically.

§ 38. Calculation and prediction of air quality level

(1) Calculation of air quality level is the determination of the content of a pollutant in the air layer near the ground on the basis of parameters of emission sources and meteorological data by using the calculation methods and models established on the basis of subsection 43 (1) of this Act.

(2) Prediction of air quality level is the determination of the content of pollutants in the air layer near the ground, taking into account all the relevant air quality data and factors which may affect the air quality.

(3) Calculation and prediction of the level of air quality is based on the information characterising the emission sources present in the air quality zone, raw materials and technology used there, the gases released into the ambient air, pollutants present in the gases and the emissions thereof.

§ 39. Disclosure of necessary source data and methods used

The Ministry of the Environment shall make the source data necessary and the methods used for calculation and prediction of air quality available on its website.

§ 40. Estimation of air quality level

The calculation model established on the basis of subsection 43 (1) of this Act according to which the primary meteorological data are the estimated meteorological data is used for estimation of air quality level.

§ 41. Assessment thresholds of air quality

(1) Air quality level is assessed by taking into account the upper and lower assessment thresholds of air quality established on the basis of subsection 47 (1) of this Act expressed as a percentage of the air quality limit value or target value.

(2) If the air quality level exceeds the upper assessment threshold of air quality established for a pollutant, fixed measurements shall be used to assess the air quality. The fixed measurements may be supplemented by calculation methods or indicative measurements to provide adequate information on the spatial distribution of the air quality level.

(3) If the air quality level is lower than the upper assessment threshold and higher than the lower assessment threshold of air quality established for a pollutant, the fixed measurements may be combined with calculation methods or indicative measurements, or indicative measurements may be combined with calculation methods to assess air quality.

(4) If the air quality level is lower than the lower assessment threshold of air quality established for a pollutant, calculation or prediction or both may be used to assess air quality.

§ 42. Determination of exceedances of upper and lower assessment thresholds of air quality

(1) If sufficient data of air quality level are available on a pollutant specified in subsection 33 (1) of this Act which have been obtained in accordance with the objectives established on the basis of subsection 43 (1) of this Act, exceedances of the upper and lower assessment thresholds of air quality established for the pollutant shall be determined on the basis of the pollutant content measured during the previous five years. An assessment threshold shall be deemed to have been exceeded if it has been exceeded during at least three separate years out of the previous five years.

(2) Where the data of the air quality level are available for a period of less than five years prior to the assessment, the results of the indicative measurements during the period of one and the same year and at locations likely to be typical of the highest air quality level may be combined with the results obtained from information received from the database of air quality assessment and calculation to determine exceeding of the upper and lower assessment thresholds of air quality established for the pollutant.

§ 43. Procedure for air quality assessment

(1) The procedure for air quality assessment shall be established by a regulation of the minister responsible for the area.

(2) The following shall be established by the regulation specified in subsection (1) of this section:

- 1) the measurement methods used to determine the content of pollutants in the ambient air, including a list of sampling and measurement methods and methods of pollutant analysis by pollutants;
- 2) the requirements set for sampling and analysis of ambient air;
- 3) the criteria for the location of fixed measurement sampling points, type of measurements, parameters to be determined, minimum number of sampling points in air quality zones or agglomerations and sampling frequency;
- 4) the list of calculation methods and models used for the calculation of air quality level.

(3) The type of emission source in the air quality zone shall be taken into account upon determination of the sampling points specified in clause (2) 3) of this section.

(4) Unfavourable weather conditions shall be determined for an emission source or a group of emission sources by using calculation methods.

Subdivision 2

Air Quality Management in Air Quality Zones and Agglomerations

§ 44. Air quality management in air quality zones and agglomerations

(1) The territory of the state is divided into air quality zones and agglomerations according to the air quality level.

(2) Air quality is managed and assessed in all the air quality zones and agglomerations in relation to all the pollutants specified in subsection 33 (1) of this Act and, if necessary, in relation to other pollutants.

(3) For the purposes on this Act, agglomeration is a zone that is a conurbation with a population in excess of 250 000 inhabitants or, where the population is 250 000 inhabitants or less, taking into account the population density per square kilometre.

(4) The division of the territory of the state into air quality zones and agglomerations according to the air quality and the population density per square kilometre necessary for determination of agglomerations shall be established by a regulation of the minister responsible for the area.

(5) The division of air quality zones on the basis of assessment thresholds of air quality shall be updated according to need but not less frequently than every five years.

§ 45. Exceeding of air quality limit value in connection with winter de-icing of roads

Upon division of the territory of the state into air quality zones, the minister responsible for the area may designate the zones within which the air quality limit values established for fine particulate matter on the basis

of subsection 47 (1) of this Act may be exceeded in ambient air due to the re-suspension of fine particulate matter following winter de-icing of roads if reasonable measures have been taken to improve air quality.

§ 46. Exceeding of air quality limit value in connection with contributions from natural sources

Contributions from natural sources are emissions of pollutants into the ambient air not caused directly or indirectly by human activities but by natural processes such as volcanic eruptions, seismic and geothermal phenomena, wild-land fires, high-wind events, seawater sprays or the atmospheric re-suspension or transport of natural particles from dry regions.

§ 47. Establishment of air quality limit values and target values, other air quality limit values and assessment thresholds of air quality

(1) In consideration of the effects of the pollutants specified in subsection 33 (1) of this Act on human health and the environment, the minister responsible for the area shall establish the following by a regulation:

- 1) air quality limit values;
- 2) margin of tolerance of air quality limit value;
- 3) air quality target values;
- 4) the number of cases per calendar year where it is permitted to exceed air quality limit value and target value;
- 5) critical level of air quality;
- 6) alert threshold of air quality;
- 7) information threshold and long-term targets of air quality;
- 8) assessment thresholds of air quality;
- 9) reduction target of the average exposure indicator for the reference year and term for meeting such target;
- 10) air quality level obligation.

(2) The minister responsible for the area may establish by a regulation, if necessary, air quality limit values and the number of cases per calendar year where it is permitted to exceed the air quality limit values for pollutants not specified in subsection 33 (1) of this Act.

§ 48. Consideration of specific formation mechanism of tropospheric ozone

(1) In consideration of the specific formation mechanism of tropospheric ozone, the minister responsible for the area shall establish the information threshold and long-term target of air quality for ozone.

(2) Necessary measures not entailing disproportionate costs shall be prescribed for the attainment of the target values and long-term objectives established for ozone content on the basis of subsection 47 (1) of this Act.

(3) In air quality zones and agglomerations in which the ozone level meets the long-term objective, the level shall be maintained below the limit values established on the basis of subsection 47 (1) of this Act through proportionate measures in order to maintain the best air quality compatible with sustainable development and a high level of environmental and human health protection in so far as factors including the transboundary nature of ozone pollution and meteorological conditions permit.

§ 49. More stringent air quality limit values and target values established for protection of health of sensitive groups of population

The minister responsible for the area may, at the proposal of the Health Board, establish by a regulation more stringent air quality limit values or target values for the pollutants specified in subsection 33 (1) of this Act for the protection of the health of sensitive groups of population, and such limit values shall apply on the territories of the following institutions:

- 1) health care institutions;
- 2) social welfare institutions;
- 3) educational institutions.

§ 50. Determination of nitrogen oxides and volatile organic compound content

(1) Measurement of ozone precursor substances in ambient air during monitoring at the state level shall include nitrogen oxides (NO and NO₂) and appropriate volatile organic compounds at least at one sampling point with the objective to analyse any trend in ozone precursors, to check the efficiency of emission reduction strategies and the consistency of data in the database of air quality assessment and to help attribute emission sources to observed pollution concentrations, to support the understanding of ozone formation and precursor dispersion processes and occurrence of photochemical reactions.

(2) Volatile organic compounds specified in subsection (1) of this section recommended for measurement include l-Butene, Isoprene, Ethyl benzene, Ethane, Trans-2-Butene, n-Hexane, m + p-Xylene, Ethylene, cis-2-Butene, i-Hexane, o-Xylene, Acetylene, 1,3-Butadiene, n-Heptane, 1,2,4-Trimethylebenzene, Propane, n-Pentane, n-Octane, 1,2,3-Trimethylebenzene, Propene, i-Pentane, i-Octane, 1,3,5-Trimethylebenzene, n-Butane, 1-Pentene, Benzene, Formaldehyde, i-Butane, 2-Pentene, Toluene and total non-methane volatile organic compounds.

(3) For the purposes of this Act, volatile organic compounds, other than methane, are organic compounds from anthropogenic and biogenic sources that are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight.

(4) Measurements of the ozone precursor substances specified in subsection (2) of this section shall be taken in particular in urban or suburban areas at any sampling point set up in accordance with the requirements established on the basis of subsection 43 (1) of this Act and considered appropriate for meeting the objectives specified in subsection (1) of this section.

§ 51. Combined effect of pollutants

(1) Combined effect of pollutants is the effect on human health which may occur due to several pollutants and which may be more significant than the effect of each such pollutant individually.

(2) The procedure for determination of the combined effect of pollutants shall be established by a regulation of the minister responsible for the area, if necessary.

(3) The minister responsible for the area may, at the proposal of the Health Board, establish by a regulation more stringent air quality limit values in order to reduce the combined effect of pollutants.

Division 2 Information of Public of Air Quality

§ 52. Disclosure of results of fixed continuous measurements

(1) The Ministry of the Environment shall provide the public with regularly updated, sufficient and timely information on the presence of the pollutants specified in subsection 33 (1) of this Act in the ambient air, exceedance of air quality limit values and deposition of pollutants on the ground through its website.

(2) The information presented on the deposition of pollutants on the ground shall cover the following pollutants:

- 1) arsenic;
- 2) cadmium;
- 3) mercury;
- 4) nickel;
- 5) benzo(a)pyrene as an indicator of polycyclic aromatic hydrocarbons.

(3) The information on the ambient concentration of pollutants shall be presented as average values.

(4) The Ministry of the Environment shall disclose on its website a short assessment in relation to the air quality objectives and information regarding the effects of pollutants on human health.

(5) Where appropriate, the information regarding vegetation shall be disclosed to the public.

§ 53. Frequency of updating of information provided on results of fixed continuous measurements

(1) Information on ambient concentrations of sulphur dioxide, nitrogen dioxide, fine particulate matter, ozone and carbon monoxide shall be updated on at least a daily basis, and, wherever practicable, information shall be updated on an hourly basis.

(2) Information on ambient concentrations of lead and benzene, presented as an average value for the last 12 months, shall be updated on a three-monthly basis, and on a monthly basis, wherever practicable.

(3) Information concerning the content of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons in the ambient air and deposition thereof on the ground shall be updated at least once a year.

(4) If the upper assessment threshold of air quality is exceeded, the information on the concentrations of pollutants shall be updated at least once a day.

§ 54. Information of public about exceedances of alert and information thresholds of air quality, and content of disclosed information

(1) The Ministry of the Environment shall immediately inform the public of actual and predicted exceedances of alert and information thresholds of air quality established for a pollutant on the basis of subsection 47 (1) of this Act by the broadcast media, in the printed press or through the Internet or in any other appropriate manner

which efficiently ensures that the information reaches persons who are potentially affected and does not result in unreasonable expenses.

(2) In the case of observed exceedances of alert or information thresholds of air quality, at least the following information shall be provided:

- 1) location or area of the exceedance;
- 2) type of threshold exceeded (information or alert);
- 3) start time and duration of the exceedance;
- 4) highest one hour concentration and highest eight hour mean concentration in the ambient air in the case of ozone.

(3) In the case of predicted exceedances of information or alert thresholds, at least the following information shall be provided:

- 1) location or area of the exceedance;
- 2) expected changes in air quality level together with the reasons for those changes.

(4) Information on the type of population who may be affected by exceedances of information or alert thresholds shall include at least the following:

- 1) sensitive groups of population affected;
- 2) description of likely symptoms;
- 3) recommended precautions to be taken by the population concerned;
- 4) where to find further information.

(5) The Ministry of the Environment shall publish on its website information on reduction of the effect caused by pollution and on preventive action and on the emission sources causing the exceedance of information or alert threshold.

(6) The Ministry of the Environment shall submit the information specified in subsections (4) and (5) of this section for approval to the Health Board before publication.

Division 3 Environmental Noise

Subdivision 1 Level of Environmental Noise

§ 55. Environmental noise

(1) Unjustified creation of environmental noise is prohibited.

(2) For the purposes of this Act, environmental noise shall mean unwanted or harmful outdoor sound created by human activities and unwanted or harmful sound created by stationary or mobile sources (hereinafter *noise sources*).

(3) The following are not environmental noise:

- 1) domestic noise;
- 2) noise from entertainment events;
- 3) noise in working environment;
- 4) noise caused by national defence activities.

§ 56. Normative levels of environmental noise

(1) The normative level of environmental noise is a figure used to assess different noise situations in areas of noise categories specified in § 57 of this Act.

(2) The normative levels of environmental noise are:

- 1) limit value of noise – the maximum permitted level of noise the exceeding of which causes environmental nuisance and the exceeding of which requires enforcement of reduction measures;
- 2) target value of noise – the maximum permitted level of noise in newly planned areas.

(3) The party interested in a spatial plan shall ensure that the target value of noise is not exceeded.

(4) The normative levels of environmental noise and the methods of noise measurement shall be established by a regulation of the minister responsible for the area.

§ 57. Noise categories

Noise categories are determined according to the principal purpose of land use specified by the comprehensive plan as follows:

- 1) category I – areas of recreation facilities;
- 2) category II – areas of educational institutions, health care and social welfare institutions and residential buildings, green areas;
- 3) category III – areas of centres;
- 4) category IV – areas of public buildings;
- 5) category V – areas of production;
- 6) category VI – areas of traffic.

§ 58. Requirements for plans with aim of limiting environmental noise

(1) Upon compiling new plans, it shall be ensured that during implementation of a plan, the standard level of noise established for the area on the basis of subsection 56 (3) of this Act is not exceeded.

(2) The requirements for compilation of plans with the aim of limiting environmental noise shall be established by a regulation of the minister responsible for the area.

§ 59. Prevention of exceeding normative levels of noise

The possessor of a noise source shall ensure that the noise from the territory of the noise source of the possessor does not exceed the normative level.

§ 60. Noise indicators

(1) Noise indicator is an indicator describing the harmful effect of noise on a strategic noise map.

(2) Noise indicators are:

- 1) day-evening-night noise indicator L_{den} – the long-term average sound level determined over all the day, evening and night periods of a year which is the noise indicator for overall annoyance;
- 2) day-noise indicator L_{day} – the long-term average sound level determined over all the day periods of a year which is the noise indicator for annoyance during the day period from 7.00 to 19.00;
- 3) evening-noise indicator $L_{evening}$ – the long-term average sound level determined over all the evening periods of a year which is the noise indicator for annoyance during the evening period from 19.00 to 23.00;
- 4) night-time noise indicator L_{night} – the long-term average sound level determined over all the night periods of a year which is the noise indicator for sleep disturbance at night from 23.00 to 7.00.

§ 61. Methods for measurement, determination and assessment of noise levels

(1) The methods for measurement, determination and assessment of noise levels shall be established by a regulation of the minister responsible for the area.

(2) Upon measurement of noise level, the traceability of measurement results must be proved for the purposes of the Metrology Act.

(3) Measurements of environmental noise shall be made by a competent measurer for the purposes of the Metrology Act.

Subdivision 2

Mapping of Environmental Noise and Action Plan for Reduction of Environmental Noise

§ 62. Mapping of environmental noise

(1) Mapping of environmental noise is the description of actual noise situation or presentation of data on an existing or predicted noise situation in terms of a noise indicator specified in subsection 60 (2) of this Act.

(2) Mapping of environmental noise shall be performed by a person specified in subsection 61 (3) of this Act.

§ 63. Environmental noise map and action plan for reduction of environmental noise prepared based on such map

(1) Environmental noise maps shall be prepared for noise sources causing significant noise nuisance and for the noise spreading therefrom to the surrounding area.

(2) Environmental noise maps shall be prepared based on exceeding of the normative levels of noise or measurements taken in the case of reasonable complaints made by inhabitants which confirm significant noise nuisance.

(3) An environmental noise map shall include the following:

- 1) the principal purpose of land use specified by the comprehensive plan;
- 2) noise sources which cause or may cause exceeding of a relevant standard level of noise, including due to the combined effect of several noise sources;
- 3) the level of noise from a noise source as contours by 5 decibel ranges;
- 4) other important information.

(4) A local authority shall organise in cooperation with the possessor of a noise source the preparation of an environmental noise map for its administrative territory, taking into account the functions provided for in subsection 75 (1) of the Planning Act to prevent the spreading of noise.

(5) Based on the environmental noise map, the local authority shall agree with the possessor of the noise source on reduction measures and terms for the implementation thereof. Based on the agreement, the local authority shall prepare an action plan for reduction of noise.

(6) The noise reduction targets and priority actions specified in the action plan for reduction of noise are a part of the local government development plan.

(7) The local authority shall submit the environmental noise map and the action plan for reduction of noise to the Health Board for information.

(8) The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure of preparation of the environmental noise map and the action plan for reduction of noise.

(9) In order to ensure the normative levels established on the basis of subsection 56 (3) of this Act, the local authority shall prepare plans and establish design specifications on the basis of the data of the noise map.

(10) The technical requirements for the environmental noise map and the action plan for reduction of noise and the procedure for the preparation thereof shall be established by a regulation of the minister responsible for the area.

§ 64. Strategic environmental noise map and action plan for reduction of environmental noise prepared based on such map

(1) Strategic environmental noise map is a map designed for the global assessment of noise levels in a densely populated area or caused by a major road, major railway and major airport or for overall predictions for the noise levels of such area. A strategic environmental noise map constitutes the basis for an action plan for reduction of noise.

(2) The local authority of a densely populated area shall prepare a strategic environmental noise map for the densely populated area and submit it to the Health Board and the Ministry of the Environment for information.

(3) Upon preparation of a strategic noise map, a densely populated area shall mean an area with more than 100,000 inhabitants and designated as a densely populated area in the comprehensive plan.

(4) Upon preparation of a strategic environmental noise map, the following definitions apply:

- 1) major road is a regional, national or international road, which has more than three million vehicle passages a year;
- 2) major railway is a railway which has more than 30,000 rail vehicles passages per year;
- 3) major airport is a civil airport which has more than 50,000 take-offs or landings per year, excluding those purely for training purposes on light aircraft.

(5) A strategic environmental noise map and an action plan for reduction of noise shall be prepared for noise spreading outside a densely populated area and submitted to the Health Board and the Ministry of the Environment for information by:

- 1) owner of a major road;
- 2) owner of a major railway;
- 3) owner of a major airport.

(6) A strategic environmental noise map shall include the following:

- 1) boundaries of the spreading of noise in terms of the indicators provided for in subsection 60 (2) of this Act;
- 2) noise sources causing the spreading of noise;
- 3) the extent of the spreading of existing or predicted noise;
- 4) location and number of inhabitants and buildings, specific characteristics of the buildings;
- 5) other important information.

(7) A strategic environmental noise map may include the information specified in subsection 63 (3) of this Act.

(8) Based on the strategic environmental noise map, the local authority shall agree with the possessor of the noise source on reduction measures and terms for the implementation thereof. Based on the agreement, the local authority shall prepare an action plan for reduction of noise which shall be submitted to the Health Board and the Ministry of the Environment for information.

(9) The noise reduction targets and priority actions specified in the action plan for reduction of noise are a part of the local government development plan.

(10) The technical requirements for the strategic environmental noise map and the action plan for reduction of noise and the procedure for the preparation thereof shall be established by a regulation of the minister responsible for the area.

§ 65. Disclosure of environmental noise map, strategic environmental noise map and action plans for reduction of noise

(1) An environmental noise map, an action plan for reduction of noise prepared on the basis thereof and data on the effectiveness of the implementation thereof shall be published on the website of the local authority.

(2) A strategic environmental noise map, an action plan for reduction of noise prepared on the basis thereof and data on the effectiveness of the implementation thereof shall be published on the website of the local authority and the Health Board.

§ 66. Review of environmental noise map, strategic environmental noise map and action plans for reduction of noise

(1) Updating of a noise map and an action plan for reduction of noise prepared on the basis thereof shall be organised by the local authority in the case of new significant noise sources or other significant change in the noise situation not later than within three years after the significant change.

(2) The review, amendment, if necessary, and submission to the Health Board and the Ministry of the Environment of a strategic environmental noise map and an action plan for reduction of noise prepared on the basis thereof, shall be organised by the person who prepared the strategic environmental noise map every five years.

Division 4 Substances with Unpleasant or Irritant Odour

§ 67. Substances with unpleasant or irritant odour

For the purposes of this Act, a substance with unpleasant or irritant odour (hereinafter *odoriferous substances*) shall mean a substance or mixture of substances emitted into the ambient air which may cause the experience of undesirable sensations of odour.

§ 68. Assessment of presence of odoriferous substances in ambient air

(1) The procedure for the assessment of the presence of odoriferous substances, requirements for the assessment and disturbance levels of the presence of odoriferous substances shall be established by a regulation of the minister responsible for the area.

(2) The following shall be established by the regulation specified in subsection (1) of this section:

- 1) the list of measurements and calculation methods used for the assessment of the presence of odoriferous substances;
- 2) the procedure for the assessment of the presence of odoriferous substances;
- 3) the requirements for the assessment of the presence of odoriferous substances;
- 4) disturbance levels of the presence of odoriferous substances according to the assessment methods and the procedure for the application thereof.

§ 69. Emissions of odoriferous substances due to combined effect of several installations

The combined effect of installations is calculated in such a manner that the disturbance levels of odoriferous substances are not exceeded upon total release of pollutants from the emission sources of several installations.

§ 70. Plan for reducing presence of odoriferous substances and preparation thereof

(1) If the Environmental Inspectorate ascertains an exceedance of a disturbance level of the presence of odoriferous substances established on the basis of subsection 68 (1) of this Act, the Environmental Inspectorate

shall notify the Environmental Board thereof and set the operator of the emission source which caused the exceedance of the disturbance level of the presence of odoriferous substances a term for the preparation of a plan for reducing the presence of odoriferous substances.

(2) If the exceedance of the disturbance level of the presence of odoriferous substances ascertained by the Environmental Inspectorate was caused due to the combined effect of several installations, implementation of the measures for reducing the presence of odoriferous substances and preparation of a plan for reducing the presence of odoriferous substances may be demanded separately from each operator or jointly from the operators.

(3) If preparation of a plan for reducing the presence of odoriferous substances is demanded separately from each operator in the case specified in subsection (2) of this section, the Environmental Inspectorate shall set all the operators a common term for the preparation of plans.

(4) A plan for reducing the presence of odoriferous substances shall include:

- 1) description of the areas of activity and emission sources causing the emission of odoriferous substances;
- 2) information on the population density of the area surrounding the installation and the distance of habitation from the production area of the installation;
- 3) list of the measures for reducing the presence of odoriferous substances implemented in the installation before preparation of the plan and additional measures planned, including an assessment concerning the compliance of the installation with the best available techniques or the possibility to implement additional measures arising from the developments in the best available techniques;
- 4) calculation of the reduction of the emissions of odoriferous substances achieved after the implementation of the measures by emission sources expressed in odour units and calculation result of the reduction of the presence of odoriferous substances in the ambient air;
- 5) the cost of the measures;
- 6) information concerning the persons who implement the measures;
- 7) terms for implementation of the measures and terms for checking the efficiency of the measures implemented;
- 8) terms for submission of a report or reports on implementation of the plan to the Environmental Board.

(5) The measures implemented by the plan shall be efficient and sufficient in order to ensure that upon release of odoriferous substances the disturbance levels of the presence of odoriferous substances are not exceeded or the operation of the installation meets the criteria for the best available techniques provided for in § 8 of the Industrial Emissions Act.

§ 71. Approval of, reporting on and verification of plan for reducing presence of odoriferous substances

(1) An operator shall submit a plan for reducing the presence of odoriferous substances to the Environmental Board for approval within ten days after the term established for the preparation of the plan by the Environmental Inspectorate.

(2) The Environmental Board shall forward the plan for reducing the presence of odoriferous substances of the operator for an opinion to the Environmental Inspectorate and the local authority.

(3) Upon approval of the plan for reducing the presence of odoriferous substances, the Environmental Board may establish additional conditions for the operator for implementation of measures for reducing the presence of odoriferous substances or temporarily establish conditions for the operator that are different from the air pollution permit or integrated environmental permit.

(4) If preparation of a plan for reducing the presence of odoriferous substances is demanded separately from each operator in the case specified in subsection 70 (2) of this Act, the Environmental Board shall assess the total effect and sufficiency of the submitted plans. The Environmental Board shall demand amendment of the plans by additional measures if the measures prescribed by the plans submitted by the operators are insufficient in order to ensure that upon release of pollutants the disturbance levels of the presence of odoriferous substances are not exceeded outside the production areas of their installations.

(5) Upon demanding additional measures pursuant to subsection (4) of this section, the Environmental Board shall take into account the following criteria:

- 1) implementation of the best available techniques in the installation;
- 2) capacity and output of the installation;
- 3) total emissions of odoriferous substances and emissions of odoriferous substances per unit of output;
- 4) technical and economic justification.

(6) An operator shall submit to the Environmental Board a report on the implementation of the plan for reducing the presence of odoriferous substances within the specified term at least once a year.

(7) The Environmental Inspectorate shall verify compliance with the plan for reducing the presence of odoriferous substances in co-operation with the Environmental Board.

§ 72. Amendment of plan for reducing presence of odoriferous substances

(1) An operator may amend the measures prescribed by the plan for reducing the presence of odoriferous substances with the consent of the Environmental Board. Amendment of the measures shall not cause an increase in the emissions of odoriferous substances compared to the approved initial plan.

(2) If, after implementation of the measures for reducing the presence of odoriferous substances within the terms prescribed by the plan, exceeding of the disturbance levels of the presence of odoriferous substances is ascertained, the Environmental Inspectorate has the right to assess the plan for reducing the presence of odoriferous substances insufficient.

(3) Upon assessment of the plan for reducing the presence of odoriferous substances insufficient, the Environmental Inspectorate shall set the operator a term for amendment and supplementation of the plan by more efficient measures.

(4) The amended plan for reducing the presence of odoriferous substances shall be approved pursuant to the procedure provided for in § 71 of this Act.

Chapter 3 Plan for Improvement of Air Quality

§ 73. Plan for improvement of air quality

(1) A plan for improvement of air quality is a plan for improvement of air quality of an air quality zone, agglomeration or a part thereof located in the territory of a local authority. The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure of preparation of the plan.

(2) A local authority shall prepare a plan for improvement of air quality of an air quality zone, agglomeration or a part thereof if the air quality level of the respective zone or agglomeration or part thereof exceeds or is likely to exceed the air quality limit value or target value established for one or several pollutants on the basis of subsection 47 (1) of this Act or the number of cases per calendar year where it is permitted to exceed the values, or the margin of tolerance of limit value. Where ambient air quality plans must be prepared or implemented in respect of several pollutants, where appropriate, integrated air quality plans covering all pollutants concerned shall be prepared and implemented.

(3) Upon preparation of a plan for improvement of air quality, the local authority shall agree with the operators of emission sources on air quality improvement measures and terms for the implementation thereof, taking into account the provisions of the action plans for reducing the emissions of pollutants prepared by the operators of emission sources pursuant to subsection 103 (1) of this Act.

(4) The emission reduction targets and priority actions specified in the plan for improvement of air quality are a part of the local government development plan.

(5) The Ministry of the Environment shall notify the local authority if exceeding of the air quality limit value or target value established for a pollutant on the basis of subsection 47 (1) of this Act is ascertained in the course of assessment of air quality.

(6) A plan for improvement of air quality shall be updated according to need but not less frequently than every five years after the preparation or updating thereof.

(7) In zones where the target value of ozone level is exceeded, the state programme for reduction of emissions of pollutants prepared pursuant to subsection 108 (2) of this Act shall be implemented.

(8) A plan for improvement of air quality or the programme specified in subsection 108 (2) of this Act shall be implemented if the target value established for ozone is achievable through measures not entailing disproportionate costs.

(9) For air quality zones and agglomerations in which the ozone level in ambient air is higher than the long-term objective but below, or equal to, the established target value, cost-effective measures with the aim of achieving the long-term objective shall be prepared and implemented. Those measures shall, at least, be consistent with the plan for improvement of air quality and the programme specified in subsection 108 (2) of this Act.

(10) The Ministry of the Environment shall submit to the European Commission the plan for improvement of air quality no later than two years after the end of the year the exceedance specified in subsection (2) of this section was first observed.

(11) A plan for improvement of air quality need not be prepared if:

- 1) the exceedance of the air quality limit value established for fine particulate matter is caused by winter de-icing of roads;
- 2) the exceedance of the air quality limit value is caused by contributions from natural sources.

§ 74. Content of plan for improvement of air quality

(1) A plan for improvement of air quality shall include the following information and documents:

- 1) the names, positions and contact details of the persons responsible for the preparation and implementation of the plan for improvement of air quality;
- 2) a map of the air quality zone or agglomeration and the geographical coordinates and location map of the fixed measurement station;
- 3) general information on the air quality zone or agglomeration (type of zone: city, industrial or rural area) in which the air quality level exceeds or is likely to exceed the air quality limit value or target value established for one or several pollutants on the basis of subsection 47 (1) of this Act;
- 4) estimate of the polluted area in square kilometres and of the population exposed to the pollution;
- 5) useful climatic data;
- 6) relevant data on topography;
- 7) information on the type of targets requiring protection in the air quality zone;
- 8) condition of ambient air, the results of air quality assessment received during a period of five years prior to the preparation of the action plan, concentration of pollutants measured upon preparation of the action plan and information on the measurement methods used;
- 9) information on the origin of pollution, including a list of the main emission sources responsible for ambient air pollution in the air quality zone or agglomeration with a location map and geographical coordinates of the emission sources, consolidated data of emissions released into the ambient air from stationary emission sources of the air quality zone or agglomeration and diffusion equation, information on pollution imported from other air quality zones or agglomerations;
- 10) analysis of the situation, details of those factors responsible for the excess ambient air pollution, including details of transport and formation of pollutants;
- 11) details of measures for improvement of air quality, including local, regional, national and international measures, implemented in the air quality zone or agglomeration and the effects of these measures;
- 12) consolidated data of the measures for reducing emissions released into the ambient air from stationary emission sources of the air quality zone or agglomeration and the timetable for the implementation of the measures;
- 13) details of measures to limit transport emissions implemented and planned by the local authority;
- 14) details of the measures or projects planned or being researched for the long term for improvement of air quality in the air quality zone or agglomeration;
- 15) concentrations observed before the implementation of the improvement measures and since the beginning of the project;
- 16) the expected time required to improve air quality and attain the objectives;
- 17) details of the auxiliary materials used upon preparation of the action plan.

(2) In the event of exceedance of the air quality limit value or target value established for a pollutant on the basis of subsection 47 (1) of this Act for which the attainment deadline is already expired, the plan for improvement of air quality shall set out appropriate measures, so that the exceedance period can be kept as short as possible.

(3) A plan for improvement of air quality may include the measures specified in subsections 78 (1) to (4) of this Act.

(4) A plan for improvement of air quality shall as far as possible comply with the state programme for the reduction of emissions of pollutants specified in subsection 108 (2) of this Act and the action plan for reducing environmental noise specified in subsection 63 (5) of this Act.

§ 75. Person who initiates preparation of plan for improvement of air quality

A local authority shall initiate the preparation of a plan for improvement of air quality after the receipt of a written notice specified in subsection 73 (5) of this Act.

§ 76. Disclosure of information upon preparation of plan for improvement of air quality

(1) Upon preparation of a plan for improvement of air quality, relevant information shall be published on the website and newspaper of the local authority.

(2) The newspaper specified in subsection (1) of this section is a rural municipality or city newspaper published at least once a month or, in cities divided into city districts, a city district newspaper published on a regular basis, also a county newspaper published on a regular basis or a daily national newspaper, designated by the local government as the newspaper where the official notices of the rural municipality or city are published.

(3) If this ensures better provision of information to the public, the information specified in subsection (1) of this section may be published on another website or in another manner.

§ 77. Approval of plan for improvement of air quality and disclosure of plan

(1) A plan for improvement of air quality shall be submitted to the Ministry of the Environment for approval before confirmation.

(2) The Ministry of the Environment shall approve or decide not to approve a plan for improvement of air quality within 45 days after the receipt of the draft plan for improvement of air quality.

(3) A plan for improvement of air quality shall be published on the website of the local authority within seven working days after confirmation of the plan.

§ 78. Short-term plan for improvement of air quality, joint plans and cooperation with other states

(1) Where, in a given air quality zone or agglomeration, there is a risk that the levels of pollutants will exceed the alert threshold of air quality established for one or several pollutants on the basis of subsection 47 (1) of this Act, the local authority shall determine specific measures for reducing the risk or duration of such an exceedance in a short-term plan for improvement of air quality.

(2) A local authority may also prescribe measures in a short-term plan for improvement of air quality if, in a given air quality zone or agglomeration, there is a risk that the levels of pollutants will exceed the air quality limit value or target value established for one or several pollutants on the basis of subsection 47 (1) of this Act.

(3) Where, in a given zone, there is a risk that the ozone level in the ambient air exceeds the alert threshold of air quality established on the basis of subsection 47 (1) of this Act, the local authority shall determine specific measures in a short-term plan for improvement of air quality when there is a significant potential, taking into account national geographical, meteorological and economic conditions, to reduce the risk, duration or severity of such an exceedance, taking into account Commission Decision 2004/279/EC concerning guidance for implementation of Directive 2002/3/EC of the European Parliament and of the Council relating to ozone in ambient air (OJ L 87, 25.03.2004, p. 50-59).

(4) A short-term plan for improvement of air quality may provide for measures to control and, where necessary, suspend activities which contribute to the risk of the air quality limit values or target values or alert threshold being exceeded, such as motor-vehicle traffic, the use of industrial plants or products and domestic heating, and measures aiming at the protection of sensitive population groups, including children.

(5) In the case of a risk specified in subsection (1) of this section, the municipal council shall each time decide on the implementation of necessary measures specified in subsection (4) of this section and the deadline thereof.

(6) A local authority shall publish on its website the information and investigations on the basis of which the measures determined in the plan for improvement of air quality specified in subsections (1) to (3) of this Act were planned and the information on the implementation.

(7) If a limit value established on the basis of subsection 47 (1) of this Act is exceeded due to significant transboundary transport of air pollutants or their precursors, the Ministry of the Environment shall, where appropriate, cooperate with other Member States of the European Union upon preparation of joint or coordinated plan for improvement of air quality containing appropriate but proportionate measures in order to remove such exceedance of the limit value, taking into account the provision of § 73 of this Act.

(8) The Ministry of the Environment shall, if appropriate, prepare and implement a joint short-term plan for improvement of air quality covering neighbouring zones in other Member States of the European Union. The Ministry of the Environment shall ensure that neighbouring zones in other Member States of the European Union which have developed short-term plans receive all appropriate information.

(9) Where the information threshold or alert thresholds of air quality are exceeded in air quality zones or agglomerations close to the state border, the Ministry of the Environment shall provide information as soon as possible to the public and the competent authorities in the neighbouring Member States of the European Union concerned.

(10) Upon preparation of the plans specified in subsections (7) and (8) of this section and upon informing the public as specified in subsection (9) of this section, the Ministry of the Environment shall, where appropriate, cooperate with third countries.

Chapter 4

Regulation of Emissions of Pollutants from Stationary Emission Sources

Division 1 General Provisions

§ 79. Air pollution permit

(1) An air pollution permit grants the right to release pollutants from a stationary emission source into ambient air and determines the conditions for exercising such right.

(2) The requirements provided for in this Act, except for the requirement provided for in subsection (6) of this section, shall also apply to installations required to hold an integrated environmental permit if the activities of the installations are related to release of pollutants into ambient air.

(3) Taking into consideration the characteristics of economic activities and specific areas of economic activities and possible environmental disturbances caused thereby, the minister responsible for the area shall establish by a regulation threshold capacities for the activities of installations and threshold quantities for the emissions of pollutants beyond which an air pollution permit is required for the activities of installations.

(4) An air pollution permit is required regardless of the threshold quantities or threshold capacities established on the basis of subsection (3) of this section if upon determination of air quality level it is ascertained that the emissions of pollutants released from the emission sources of an installation cause an exceedance of the air limit value or target value established for a pollutant on the basis of subsections 47 (1) and (2) of this Act outside the production area of the installation.

(5) A person whose right to engage in a particular activity is granted by an integrated environmental permit is not required to hold an air pollution permit.

(6) An operator of a stationary emission source required to hold an air pollution permit must hold an air pollution permit before application for a building permit for the respective emission source.

§ 80. Registering of operator of stationary emission source

(1) The activity of such an operator of a stationary emission source, who is not required to hold an air pollution permit on the basis of subsection 79 (3) of this Act but whose activity corresponds to the threshold capacity established on the basis of subsection (2) of this section, shall be registered with the Environmental Board.

(2) Taking into consideration the characteristics of economic activities and specific areas of economic activities, the minister responsible for the area shall establish by a regulation threshold capacities for activities beyond which it is required to register the activity of an operator of a stationary emission source with the Environmental Board.

Subdivision 1 Registration of Operator of Stationary Emission Source

§ 81. Registration of operator of stationary emission source

(1) The activity of an operator of a stationary emission source shall be registered by the Environmental Board.

(2) The Environmental Board shall issue a certificate of registration electronically.

(3) The rights and obligations provided for in §§ 100 and 102 of this Act apply to operators of installations registered with the Environmental Board.

§ 82. Application for registration

(1) An operator of a stationary emission source shall submit an application for registration in writing or electronically to the Environmental Board at least one month prior to the commencement of activities containing the following information:

- 1) the business name and registry code, or the name and personal identification code of the applicant;
- 2) the seat or residence and address, e-mail address and telephone number of the applicant;
- 3) the address of the site of the installation;
- 4) a description of the installation and the production area;
- 5) the area of activity;
- 6) technological installations and abatement equipment of pollutants;

7) the names and emissions of the pollutants being released in tonnes per year and in grams per second with emissions of at least one kilogram per year, unless otherwise provided by legislation.

(2) The Environmental Board has the right to demand in addition to the information specified in subsection (1) of this section the diffusion equation for each pollutant in the air layer near the ground if the air quality limit value or target value has been established for the pollutant on the basis of subsections 47 (1) and (2) of this Act. The provisions of § 92 of this Act shall apply to diffusion equation.

(3) The format of the application for registration and the certificate of registration shall be established by a regulation of the minister responsible for the area.

§ 83. Registration of activity and issue of certificate

(1) The Environmental Board shall verify on the basis of an application for registration within ten working days after the receipt of the application the need to hold an air pollution permit and the compliance of the submitted application with the requirements. If the activity specified in the application is not required to be registered, the Environmental Board shall notify the applicant for registration thereof within 15 working days.

(2) The Environmental Board shall decide on the registration of or refusal to register an activity within one month after the submission of an application for registration in compliance with the requirements. If an application for registration is not reviewed with the term, the activity of the person shall not be deemed registered by default due to expiry of the term.

(3) If diffusion equation specified in subsection 82 (2) of this Act is required, the term specified in subsection (2) of this section shall commence as of the registration of diffusion equations with the Environmental Board.

(4) A certificate issued concerning the registration of the activity of an installation shall be entered in the register prescribed for that purpose.

(5) The Environmental Board shall publish the name of the registered installation and the information entered on the certificate on its website.

(6) A certificate of registration shall not replace an air pollution permit or integrated environmental permit.

§ 84. Period of validity of registration

The activity of a person specified in subsection 80 (1) of this Act shall be registered for an unspecified term, unless registration is applied for a specified term.

§ 85. Obligation of person who has registered its activity to inform of amendment of data submitted in application for registration

(1) A person who has registered its activity is required to immediately inform the Environmental Board of changes in its business name, registry code, name, personal identification code or contact details, and change or termination of the installation or activity, and other circumstances which may affect the activity permitted on the basis of the registration, and to apply for the amendment of the registration or a new registration.

(2) If due to the change of the installation or activity an air pollution permit or integrated environmental permit is required for the activity of the installation, the operator is required to submit a relevant application for the specified permit to the Environmental Board.

§ 86. Amendment of registration

(1) The Environmental Board shall amend a registration:

- 1) on the basis of an application of the registered person;
- 2) in other cases provided by law.

(2) In the cases where the amendment of a registration is initiated by the person who registered the activity, the person shall submit an application for amendment of the registration in writing or electronically together with the information specified in subsection 82 (1) of this Act required for amendment to the Environmental Board.

(3) In the cases where the amendment of a registration is initiated by the Environmental Board, the Environmental Board shall inform the person who registered the activity electronically of the reason for the amendment of the registration and set a term for submission of the information and documents required for amendment.

§ 87. Revocation of registration

(1) The Environmental Board shall revoke a registration:

- 1) if the bases provided for in § 88 of this Act become evident;
- 2) if the registered person has submitted a respective application.

(2) In the cases where the revocation of a registration is initiated by the person who registered the activity, the person shall submit an application for revocation of the registration in writing or electronically to the Environmental Board.

(3) In the cases where the revocation of a registration is initiated by the Environmental Board, the Environmental Board shall inform the person who registered the activity electronically of the reason for the revocation of the registration.

§ 88. Refusal to register

The Environmental Board shall refuse to register the activity of an operator of a stationary emission source if:

- 1) the emissions of pollutants released by a new or reconstructed emission source cause the air quality limit value or target value to be exceeded;
- 2) the application for registration contains false information which is of material importance.

Subdivision 2

Issue, Amendment and Revocation of Air Pollution Permit and Content of Air Pollution Permit

§ 89. Issuer of air pollution permits

Air pollution permits are issued by the Environmental Board (hereinafter *issuer of permits*).

§ 90. Term of validity of air pollution permit

An air pollution permit is issued for an unspecified term unless:

- 1) the air pollution permit is applied for a specified term;
- 2) the air pollution permit is related to another administrative act or contract for use for a specified term;
- 3) other environmentally justified circumstances exist.

§ 91. Application for air pollution permit and draft for emission allowances

(1) An application for an air pollution permit shall set out the information and annexes provided for in subsections 42 (1) and (3) of the General Part of the Environmental Code Act.

(2) In addition to the provisions of subsection (1) of this Act, a draft for the emission allowances is an integral part of an application for air pollution permit and shall set out the following information:

- 1) description of the activity, including the place and manner of release of pollutants into ambient air, information on the technology and equipment used;
- 2) information on planned sudden technological emissions and the duration thereof in hours, including equipment start-up and shut-down hours;
- 3) the names and emissions of the pollutants being released with emissions of at least one kilogram per year, unless otherwise provided by legislation;
- 4) information on emissions of pollutants released by each individual emission source by technological processes;
- 5) information on the compliance of emissions with the emission limit values established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act;
- 6) the diffusion equation for each pollutant in the air layer near the ground if the air quality limit value or target value has been established for the pollutant on the basis of subsections 47 (1) and (2) of this Act;
- 7) requirements for determination of the efficiency of the abatement equipment of pollutants;
- 8) information on the need to measure the air quality level or emissions of pollutants;
- 9) where necessary, the conditions for preparation and implementation of an action plan for reducing the emissions of pollutants;
- 10) assessment concerning the possible occurrence of odour nuisance;
- 11) assessment concerning the possible occurrence of noise;
- 12) information concerning other environmental disturbances that may occur.

(3) The information on the duration of sudden emissions specified in clause (2) 2) of this section shall be submitted in the case of an activity specified in Annex I to Regulation (EC) No 166/2006 of the European Parliament and of the Council concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 04.02.2006, p. 1-17).

(4) An application for an air pollution permit for a waste incineration plant or waste co-incineration plant shall set out the following information in addition to the information and annexes specified in subsections (1) and (2) of this section:

- 1) total annual waste incineration capacity;
- 2) detailed sampling and measurement procedures for waste gases for periodic measurements of the content of pollutants;
- 3) minimum and maximum mass flows in a specific period of time of the hazardous waste incinerated;
- 4) minimum and maximum calorific value of hazardous waste.

(5) The requirements which specify the contents of a draft for emission allowances shall be established by a regulation of the minister responsible for the area.

§ 92. Calculation of dispersion of pollutants

(1) The results of the calculation of dispersion of the pollutants specified in clause 91 (2) 6) and subsection 82 (2) of this Act shall be submitted for each pollutant released from an installation and for each emission source.

(2) Dispersion of pollutants shall be determined by calculation of air quality level pursuant to the provisions of subsection 38 (1) of this Act.

(3) Upon calculation of dispersion of each pollutant, all the emission sources located within the production area of the installation and all the emission sources holding an air pollution permit or integrated environmental permit and all the registered emission sources that are within the area of calculation of the calculation programme used for the calculation of dispersion of pollutants shall be taken into account.

(4) In calculations of dispersion of pollutants with a common air quality limit value or target value, instantaneous emissions of pollutants released simultaneously from emission sources shall be totalled.

(5) In the case of an activity specified in Annex I to Regulation (EC) No 166/2006 of the European Parliament and of the Council, the issuer of an air pollution permit or integrated environmental permit shall demand from the operator of the emission source an additional diffusion equation for the pollutant released in ambient air which is calculated taking into account the total of planned sudden technological emissions of such pollutant and the emissions of other emission sources within the production area with normal operating mode. Possible accidental sudden emissions shall not be taken into account in the diffusion equation of the pollutant.

(6) Upon determination of the intensity of a sudden technological emission, the average period of one hour shall be taken into account even if the duration of the actual emission is less than one hour.

§ 93. Issue of air pollution permit based on production area or to several installations

If an air pollution permit is issued on the basis of production area or an air pollution permit covers two or more installations or two or more parts of an installation, the air pollution permit shall include requirements which ensure the compliance of the activities of all the installations separately or jointly with the requirements of this Act and legislation established on the basis thereof.

§ 94. Assessment of calculation results of dispersion of pollutants and odoriferous substances

(1) The calculation results of dispersion of a pollutant shall be compared with the hourly average, eight-hour average, 24-hour average and annual average limit value and target value established for the pollutant on the basis of subsections 47 (1) and (2) of this Act.

(2) The total of the maximum instantaneous emissions of each pollutant released into ambient air from all the emission sources located in the production area of an installation shall not exceed a value which may cause an exceedance of the air quality limit value specified in subsection (1) of this section outside the production area of the installation.

(3) If necessary, the issuer of an air pollution permit or integrated environmental permit shall require the operators of emission sources to take into account upon calculation of air quality level outside the production area of the installation the results of continuous air surveillance or the information on the background concentrations of pollutants received during assessment of the combined effect of similar emission sources.

§ 95. Calculation of total maximum emission amounts of pollutants

Upon registration of the activity of an installation and issue of an air pollution permit or integrated environmental permit, the issuer of the permit or certificate of registration shall take into account, if necessary, the total maximum emission amounts of pollutants in the territory and economic zone of Estonia established on the basis of subsection 108 (1) of this Act.

§ 96. Preferential right to emit pollutant into ambient air

(1) If the air quality level of an air quality zone or agglomeration or the total maximum emission amounts of pollutants established on the basis of 108 (1) of this Act does not permit all applications for an air pollution permit or integrated environmental permit to be satisfied, the persons who generate energy for domestic or community use shall have a preferential right to obtain an air pollution permit or integrated environmental permit.

(2) If all the persons applying for an air pollution permit or integrated environmental permit generate energy for domestic or community use or if none of the persons applying for an air pollution permit or integrated environmental permit generates energy for domestic or community use, the persons with the lowest emissions of pollutants per unit of similar production shall have a preferential right to obtain an air pollution permit or integrated environmental permit.

(3) The decision to grant a preferential right shall be made by a directive of the minister responsible for the area at the proposal of the Environmental Board.

§ 97. Refusal to issue air pollution permit

The issuer of air pollution permits shall refuse to issue an air pollution permit in the cases provided for in § 52 of the General Part of the Environmental Code Act or if the emissions of pollutants released from the emission source cause an exceedance of the total maximum emission amounts of pollutants in the territory and economic zone of Estonia established on the basis of subsection 108 (1) of this Act.

§ 98. Content of air pollution permit

(1) In addition to the provisions of subsection 53 (1) of the General Part of the Environmental Code Act, an air pollution permit shall set out the following information:

- 1) the place and method of emission of pollutants from emission sources into the ambient air;
- 2) information on the duration of permitted sudden technological emissions in hours, including equipment start-up and shut-down hours;
- 3) the name of each pollutant released from all the emission sources located in the production area of the installation and information on the total emission allowances in tonnes per calendar year or, if necessary, during a shorter period, with emissions of at least one kilogram per year, unless otherwise provided by legislation, including information on the permitted sudden technological emissions;
- 4) information on the instantaneous emission allowance in grams per second for each pollutant released from each individual emission source and, if necessary, information on the emission limit values established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act;
- 5) requirements for determination of the efficiency of abatement equipment;
- 6) information on the need to monitor the air quality level or emissions of pollutants;
- 7) the conditions for preparation and implementation of an action plan for reducing the emissions of pollutants.

(2) An air pollution permit for a waste incineration plant or waste co-incineration plant shall set out the following information in addition to the information specified in subsection (1) of this section:

- 1) the permitted quantity of incinerated waste in tonnes or kilograms per calendar year and per hour;
- 2) emission limit values for pollutants;
- 3) detailed sampling and measurement procedures for regular monitoring of the content of pollutants;
- 4) maximum duration of any technically unavoidable stoppages, disturbances or failures of the purification devices or the measurement devices during which the emission limit values established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act shall not be deemed to be exceeded.

(3) An air pollution permit may contain requirements that are not specified in this section but are provided for in this Act or legislation established on the basis thereof or established by the Industrial Emissions Act or on the basis thereof.

(4) Upon determination of the conditions of air quality monitoring for an operator of an emission source, the issuer of air pollution permits or integrated environmental permits shall take into account the results of the assessment of air quality level of the air quality zone or agglomeration.

(5) If a plan for improvement of air quality has been prepared for the air quality zone or agglomeration pursuant to subsection 73 (2) of this Act, the issuer of air pollution permits or integrated environmental permits shall take into account the requirements of such plan upon determination of the conditions of air quality monitoring for an operator of an emission source.

(6) A draft for emission allowances is an integral part of an air pollution permit. The draft for emission allowances shall be published by the issuer of air pollution permits or integrated environmental permits on its website.

(7) In the case of a risk of an exceedance of air quality limit values or target values established on the basis of subsections 47 (1) and (2) of this Act, the issuer of air pollution permits or integrated environmental permits may establish additional requirements for continuous or random monitoring of a pollutant.

§ 99. Amendment and revocation of air pollution permit

(1) The issuer of an air pollution permit or integrated environmental permit shall amend the conditions of the permit in addition to the cases provided for in subsection 59 (1) of the General Part of the Environmental Code Act if:

- 1) the air quality limit values or target values established for pollutants on the basis of subsections 47 (1) and (2) of this Act based on which the air pollution permit was issued have changed;
- 2) the emission limit values established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act for pollutants released from the emission source based on which the air pollution permit was issued have changed;
- 3) the method for measurement or calculation of emissions of pollutants established on the basis of subsection 107 (1) of this Act has changed;
- 4) the total maximum emission amounts of pollutants established on the basis of 108 (1) of this Act have changed.

(2) In the cases where the amendment of an air pollution permit is initiated by the issuer of the permit, the issuer of the permit shall inform the operator of the emission source in writing of the grounds for changing the conditions of the air pollution permit, request the submission of the data necessary for amendment of the air pollution permit and set a term for the submission of the data.

(3) An operator whose permit is amended in compliance with the requirement specified in clause (1) 3) of this section is not required to submit the calculation results of dispersion of pollutants for each stationary emission source and the combined effect of emission sources located within the same production area and monitoring of air quality if all the following conditions are met:

- 1) the forecast for emissions of pollutants does not exceed the provisions of the effective permit;
- 2) the emissions of pollutants on the basis of which the air pollution permit was issued have not caused an exceedance of the air quality limit values or target values established for pollutants on the basis of subsections 47 (1) and (2) of this Act outside the territory of the installation;
- 3) no new emission sources have appeared in the area surrounding the installation the emissions from which have not been taken into account upon the issue of the effective integrated environmental permit or air pollution permit.

(4) An air pollution permit shall be revoked on the bases of and pursuant to the procedure provided for in § 62 of the General Part of the Environmental Code Act.

Division 2

Rights and Obligations of Holder of Air Pollution Permit or Integrated Environmental Permit

§ 100. Holders of air pollution permit or integrated environmental permit and their right to receive information

(1) A holder of an air pollution permit or integrated environmental permit is a person who has been issued or for whose activity an air pollution permit on the basis of subsection 79 (3) of this Act or an integrated environmental permit on the basis of subsection 19 (3) of the Industrial Emissions Act is required.

(2) A holder of an air pollution permit or integrated environmental permit has the right to receive information from the issuer of the permit concerning the measurement results of air quality level determined at the state or local authority level or at the level of an operator of an installation located in the area and information on the technology used in installations located in the area and emissions of pollutants from emission sources and other necessary information which may be useful upon planning the measures for reducing the emissions of pollutants or upon improving the air quality of the area if such information is not confidential.

§ 101. Obligations of holder of air pollution permit or integrated environmental permit

(1) A holder of air pollution permit or integrated environmental permit is required to:

- 1) ensure that the emissions released into the ambient air from the emission source operated by it does not exceed the provisions of the air pollution permit or integrated environmental permit, the emission limit values of pollutants established on the basis of this Act or the Industrial Emissions Act, and shall not cause the air quality limit value or target value established for a pollutant on the basis of subsections 47 (1) and (2) of this Act to be exceeded outside the production area of the installation;
- 2) plan measures for limitation of the instantaneous emissions of pollutants released into the ambient air, including for reducing the operating load of technological installations, with the aim of improving air quality in the case of unfavourable weather conditions;
- 3) give prior notice to the issuer of the air pollution permit or integrated environmental permit and the local authority of all intended modifications to the production technology or parameters of the emission sources

which may cause the emissions of pollutants to exceed the provisions of the air pollution permit or integrated environmental permit or the dispersion conditions of the pollutants in the ambient air to deteriorate significantly;

4) use the equipment installed for abatement of pollutants, regularly check their efficiency and keep documented records of the checks;

5) check the composition of the gases emitted from the emission source and the amounts of the emissions of pollutants and the compliance thereof with the provisions of the air pollution permit or integrated environmental permit and the limit values established on the basis of subsection 105 (3) of this Act or §§ 73, 76 or subsection 79 (3) of the Industrial Emissions Act;

6) assess at least once per year, unless otherwise provided in the air pollution permit or the integrated environmental permit, the compliance of air quality with the air quality limit values or target values established for pollutants on the basis of subsections 47 (1) and (2) of this Act outside the production area of the installation if the emissions of pollutants released from the emission source are likely to cause an exceedance of the upper assessment threshold of air quality established on the basis of subsection 47 (1) of this Act in the air quality zone or agglomeration;

7) give notice to the issuer of the air pollution permit or integrated environmental permit of significant environmental disturbance relating to the activity of the operator regardless of whether the requirements provided for in the air pollution permit or integrated environmental permit are complied with.

(2) The frequency of and a specific procedure for monitoring the efficiency of the abatement equipment of pollutants, composition of the gases emitted from the emission source and amounts of the emissions of pollutants provided for in clauses (1) 4) and 5) of this section shall be determined in an air pollution permit or integrated environmental permit, if necessary.

(3) If the operator of an emission source cannot ensure compliance with the requirements specified in clause (1) 1) of this section due to technical or economic reasons, the operator shall immediately notify the Environmental Board and the local authority thereof.

(4) Upon receipt of a notice specified in subsection (3) of this section, the Environmental Board has the right to amend the air pollution permit or integrated environmental permit and demand an action plan for reducing the emissions of pollutants specified in subsection 103 (1) of this Act.

(5) Air quality assessment shall be based on the procedure for air quality assessment established on the basis of subsection 43 (1) of this Act.

§ 102. Obligation of holder of air pollution permit to preserve documentation and submit information

(1) An operator shall preserve all the documentation and information belonging to the operator concerning the application for an air pollution permit, issue of the air pollution permit, monitoring prescribed by the air pollution permit and inspection of compliance with the requirements during the term of validity and at least five years after the revocation of the air pollution permit.

(2) The documents specified in subsection (1) of this section shall be accessible at the request of the issuer of permits and the Environmental Inspectorate.

(3) An operator shall provide the issuer of permits with:

- 1) monitoring information in compliance with the requirements prescribed by the air pollution permit;
- 2) information concerning the proposed change of operator.

(4) An operator is required to submit, at the request thereof, to the issuer of permits the information required for issue, amendment, revocation of the air pollution permit or to the Environmental Inspectorate the information required for performance of environmental inspections.

(5) If the air pollution permit prescribes the obligation of continuous monitoring, the operator shall enter the data of continuous monitoring to the database of air quality assessment in real time. The traceability of measurement results must be proved for the purposes of the Metrology Act.

§ 103. Action plan for reducing emissions of pollutants, approval of and reporting on action plan

(1) If the concentration of a pollutant in ambient air outside the production area of an installation is likely to exceed the air quality limit value or target value established for the pollutant on the basis of subsections 47 (1) and (2) of this Act, the Environmental Board may demand from the holder of the air pollution permit or integrated environmental permit preparation of an action plan for reducing the emissions of pollutants.

(2) An action plan for reducing the emissions of pollutants shall be submitted to the Environmental Board for approval who shall send the action plan before approval to the Environmental Inspectorate and the local authority of the installation site for an opinion.

(3) The local authority and the Environmental Inspectorate shall submit an opinion within ten working days after the receipt of the action plan for reducing the emissions of pollutants.

(4) At least once a year, the holder of an air pollution permit or integrated environmental permit shall submit a report on implementation of the action plan specified in subsection (1) of this section to the Environmental Board.

§ 104. Content of action plan for reducing emissions of pollutants

A plan for reducing the emissions of pollutants shall include at least the following information:

- 1) the names and addresses of persons responsible for the preparation and implementation of the action plan;
- 2) information on the results of air quality assessment received during the previous five years, emissions of pollutants released from emission sources and the methods used for determination thereof;
- 3) analysis of the background situation concerning the transport and formation of pollutants released into ambient air;
- 4) details of measures for improvement of air quality implemented in the installation before preparation of the action plan and the effects of these measures;
- 5) detailed measures planned for reducing the emissions of pollutants;
- 6) the expected time required to improve air quality and attain the objectives set;
- 7) in the case an integrated environmental permit is required, information on the use of the best available techniques;
- 8) details of the auxiliary materials used upon preparation of the action plan.

Division 3

Limit Values of Emissions of Pollutants and Adherence to Such Values, Pollutant Emission Allowance and Total Maximum Emission Amounts of Pollutants in Territory and Economic Zone of Estonia

§ 105. Emission limit values of stationary emission sources and adherence to such values

(1) The limit value of emissions from an emission source outside the scope of application of the Industrial Emissions Act is the maximum amount of pollutants in the gases released from an emission source related to any industrial incineration or production process per unit of volume, production, capacity, energy or time. The limit values of emissions shall not be exceeded.

(2) If a derogation from the obligation to adhere to the limit values of emissions has been established on the basis of the Industrial Emissions Act or subsection (3) of this section and the amount and duration of sudden emissions provided for in an air pollution permit or integrated environmental permit is not exceeded during equipment start-up and shut-down periods, it shall be deemed that the limit values have not been exceeded.

(3) The minister responsible for the area shall establish by a regulation the limit values of emissions of pollutants released from combustion plants outside the scope of application of the Industrial Emissions Act, the requirements for monitoring the emissions of pollutants and the criteria for adherence to the limit values of emissions.

(4) In the case of continuous measuring of the content of pollutants in the gases released from a combustion plant comprising boilers with the total rated thermal input of less than 50 megawatts and using only coal, the limit values of emissions of pollutants shall be regarded as having been complied with if the results of the measurements performed concerning the combustion plant during the operating hours of a calendar year show that no daily average emissions declared admissible exceed the emission limit value by 150 per cent.

§ 106. Emission allowance of pollutant and consideration of sudden emissions upon determination of emission allowance

(1) An air pollution permit shall set out the maximum instantaneous emission allowance of each pollutant released from each emission source into ambient air and the total emission allowance of each pollutant released from all the emission sources located in the production area of the installation in tonnes per calendar year or, if necessary, during a shorter period.

(2) The emission allowance of a pollutant is determined such that the amount of pollutant released into the ambient air from a stationary emission source or from all emission sources located within a single production area shall not cause the air quality limit value or target value established for the pollutant on the basis of subsections 47 (1) and (2) of this Act to be exceeded outside the production area of the installation.

(3) Combined effect of installations in a production area where installations of several operators are located is calculated in such a manner that upon release of each pollutant from the emission sources of all the installations

in total the air quality limit value or target value established for the pollutant on the basis of subsections 47 (1) and (2) of this Act shall be complied with on the external boundary of the production area.

(4) Upon determination of pollutant emission allowance, sudden technological emissions shall be taken into account, but not possible accidental emissions.

(5) For the purposes of this Act, maximum instantaneous emission is the maximum emission of a pollutant released from an emission source which is averaged over the hour with the most intensive emission and which is expressed in grams or milligrams per second. The maximum instantaneous emission is determined on the basis of the full load process or normal operating mode of the equipment, taking no account of sudden emissions of pollutants.

(6) In the case specified in subsection 91 (3) of this Act, the maximum instantaneous emission of a sudden technological emission is determined separately, taking into account the most intensive hour of equipment start-up and shut-down. The duration of equipment start-up and shut-down shall be determined by an air pollution permit or integrated environmental permit in conformity with the technical documentation of the production technology.

(7) The emission allowance of a pollutant is deemed to be exceeded if the maximum instantaneous emission of the pollutant released from an emission source exceeds the instantaneous emission provided for in the air pollution permit or integrated environmental permit or if the total emission of the pollutant released from all the emission sources located in the production area of the installation exceeds the emission allowance provided for in the air pollution permit or integrated environmental permit for a calendar year or a shorter period, including sudden emissions, or the actual duration of sudden emissions in hours in a calendar year exceeds the duration provided for in the air pollution permit or integrated environmental permit.

(8) Arise of environmental hazard is presumed in the case the emission allowance of a pollutant is exceeded.

§ 107. Methods for measurement and calculation of emissions of pollutants

(1) The methods for measurement and calculation of emissions of pollutants shall be established by a regulation of the minister responsible for the area.

(2) Upon measurement or calculation of emissions of pollutants, temporal dynamics of the emission and characteristics of the emission source shall be taken into account and all the processes causing the release of pollutants from the emission source of the installation and all the pollutants related to the emissions source shall be covered.

(3) If no methods for determination of the emissions of pollutants have been established on the basis of subsection (1) of this section, internationally acknowledged methods, standards, calculation methods developed by the producer country of the technological installation used or other methods that are intended for the emission source may be used to determine the emissions of pollutants.

§ 108. Total maximum emission amounts of pollutants in territory and economic zone of Estonia and state programme for reduction of emissions

(1) The total maximum emissions of pollutants released from stationary and mobile emission sources in the territory and economic zone of Estonia and the terms for reaching such emissions shall be established by a regulation of the Government of the Republic.

(2) The Ministry of the Environment shall organise the preparation of the state programme for the reduction of emissions of the pollutants specified in subsection (1) of this section. The provisions of the Administrative Procedure Act concerning open proceedings apply to the procedure of preparation of the programme.

(3) The state programme for the reduction of emissions of pollutants shall contain at least the following:

- 1) measures against the emission of pollutants, terms for the implementation thereof and information concerning the cost of the measures;
- 2) information concerning the actual emissions of pollutants and forecast for emissions of pollutants after the implementation of the measures.

(4) The state programme for reduction of emissions of pollutants shall be approved by a directive of the minister responsible for the area.

(5) The Ministry of the Environment shall disclose the state programme for the reduction of emissions of pollutants on its website.

(6) The Ministry of the Environment shall review the state programme for the reduction of emissions of pollutants at least every five years and amend it, if necessary.

Chapter 5

Regulation of Emissions of Pollutants from Mobile Emission Sources, Requirements for Products and Fuels, Monitoring of Quality and Quantity of Liquid Fuels

Division 1 Measures for Reducing Emissions of Pollutants from Mobile Emission Sources

§ 109. Restriction of movement of motor vehicles in order to facilitate dissipation of pollutants under unfavourable weather conditions

For preventing environmental hazards, local authorities may restrict the movement of motor vehicles, except for emergency and road service vehicles, in order to facilitate the dissipation of pollutants under unfavourable weather conditions in air quality zones or agglomerations where the air quality limit value or target value or alert threshold established for a pollutant on the basis of subsections 47 (1) and (2) of this Act is likely to be exceeded.

§ 110. Content of pollutants in exhaust gases of mobile emission sources, opacity and noise levels thereof

(1) The standards for the pollutant content and opacity of exhaust gases emitted by mobile emission sources, including limit values of emissions of pollutants released into the ambient air per unit of run of a motor vehicle or energy, and the limit values for noise shall be established by a regulation of the minister responsible for the area.

(2) If the pollutant content and opacity of the exhaust gases or the noise levels emitted by mobile emission sources do not meet the requirements established on the basis of subsection (1) of this section, the production, import of such vehicles into Estonia, passage thereof through the territory of Estonia with running engines and use thereof is prohibited.

§ 111. Notification of new users of motor vehicles

(1) Producers, importers and sellers of new motor vehicles shall notify the users of the vehicles of the fuel consumption and carbon dioxide emissions thereof.

(2) The list of the data to be provided to users of new motor vehicles and the procedure for notification of users shall be established by a regulation of the minister responsible for the area.

§ 112. Marking of tyres used in road transport

Tyres used in road transport shall be labelled for the purpose of lower noise level, fuel efficiency and safety for the purpose of giving harmonised information concerning the parameters of tyres pursuant to Regulation (EC) No 1222/2009 of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other essential parameters (OJ L 342, 22.12.2009, p. 46-58).

Division 2 Requirements for Products for Purposes of Reducing Emissions of Pollutants

§ 113. Special requirements for handling paints and other coating materials and finishing products for vehicles containing volatile organic compounds

(1) The minister responsible for the area shall establish by a regulation the subcategories of paints and other coating materials containing volatile organic compounds, except for aerosols, and finishing products of vehicles used outside manufacturing equipment, the limit values of volatile organic compound content and the methods used for determination of conformity with the limit values.

(2) The provisions of the Chemicals Act apply to the products specified in subsection (1) of this section and to handling thereof, taking account of the specifications provided for in this Act.

§ 114. Labelling of paints and other coating materials and finishing products for vehicles containing volatile organic compounds

The following information shall be appended to the labelling of the products specified in subsection 113 (1) of this Act:

- 1) the subcategory of the product and the limit values of volatile organic compound content in grams per litre corresponding to the subcategory;
- 2) the maximum volatile organic compound content in grams per litre of the product in a ready to use condition which contains solvents or other components containing solvents.

§ 115. Permit for exceptional use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds

A permit for exceptional use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds (hereinafter *permit for use of finishing products*) grants the right to exceptionally use products specified in subsection 113 (1) of this Act not in compliance with the volatile organic compound content limit values for restoration and maintenance of buildings and vintage vehicles of historical and cultural value for the purposes of marketing thereof, including for taking thereof to and using thereof in the territory of the European Union.

§ 116. Issuer of permits for use of finishing products

Permits for use of finishing products are issued by the Environmental Board.

§ 117. Procedure for application for and issue of permits for use of finishing products and format of application and permit

The procedure for the application for and issue of permits for use of finishing products and the format of the application and the permit shall be established by a regulation of the minister responsible for the area.

§ 118. Refusal to issue permit for use of finishing products

The issuer of permits for use of finishing products shall refuse to issue a permit for use of finishing products if:

- 1) the applicant for the permit has submitted inaccurate information;
- 2) the quantity of the products applied for is unreasonably big taking into consideration the intended restoration or maintenance;
- 3) the use of the products puts a serious risk on human health or the environment.

§ 119. Communication of permit for use of finishing products

The Environmental Board shall deliver a permit for use of finishing products or a decision regarding the refusal to grant a permit to the applicant for the permit and publish it on its website.

Division 3 Requirements for Fuels, Monitoring of Quality and Quantity of Liquid Fuels

§ 120. Environmental requirements for fuels

(1) The environmental requirements for liquid fuels, biofuel and liquid biofuel sustainability criteria, the procedure for monitoring of and reporting on the compliance of liquid fuels with the environmental requirements and the methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels and liquid biofuels shall be established by a regulation of the minister responsible for the area.

(2) The following shall be established by the regulation specified in subsection (1) of this section:

- 1) the environmental requirements for petrol, diesel fuel, gas oil, light heating oil and biofuels used as motor fuel in positive ignition engines and diesel engines used in road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea;
- 2) the environmental requirements for gas oil, light heating oil, heavy fuel oil and marine fuels;
- 3) the biofuel and liquid biofuel sustainability criteria;
- 4) the procedure for permission of the use of emission abatement methods as an alternative to low sulphur marine fuel;
- 5) the methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels or liquid biofuels;
- 6) the procedure for monitoring of and reporting on the compliance of liquid fuels with the environmental requirements;
- 7) the specific procedure for supervision over compliance of marine fuels with the environmental requirements.

(3) For the purposes of this Act, biofuel is the liquid or gas fuel produced from biomass and used in transport.

(4) For the purposes of this Act, liquid biofuel is the liquid fuel for energy purposes other than for transport, including electricity and heating and cooling produced from biomass.

(5) For the purposes of this Act, biomass means the biodegradable fraction of products, waste and residues of biological origin from agriculture (both vegetal and animal substances), forestry and related production, fishery and aquaculture and the biodegradable fraction of industrial and municipal waste.

§ 121. Monitoring of quality and quantity of liquid fuels

(1) The Ministry of the Environment shall organise the monitoring of the quality and quantity of liquid fuels sold in Estonia.

(2) The Tax and Customs Board shall submit to the Ministry of the Environment no later than by 1 May of the following year the following data on the fuel sold in Estonia during the preceding calendar year:

- 1) name of the type of fuel based on the commodity code of the combined nomenclature of goods;
- 2) quantities by categories of fuels.

§ 122. Fuel monitoring database

(1) The fuel monitoring database is a database in the State Information Systems containing fuel monitoring data.

(2) The following information shall be entered in the fuel monitoring database:

- 1) information concerning fuel storage or loading or emission sources relating to other activities, including filling stations, containers, vessels or other emission sources;
- 2) contact details of the operators of emission sources;
- 3) results of the fuel monitoring of a specific emission source;
- 4) copies of the reports on state monitoring of motor fuel quality and quantities and the European Commission reports;
- 5) information concerning fuel sale.

(3) The chief processor of the fuel monitoring database is the Ministry of the Environment.

(4) The fuel monitoring database and its statutes shall be established by a regulation of the minister responsible for the area.

§ 123. Requirements for transport of petrol and storage thereof in terminals and service stations

For the purposes of limitation of the emissions of volatile organic compounds, the minister responsible for the area shall establish by a regulation the requirements for transport of petrol and storage thereof in terminals and service stations.

Chapter 6

Submission of Annual Reports and Consolidated Data on Monitoring of Air Quality, Holder of Environmental Permit and Activities of Installation subject to Registration and Mobile Emission Sources

§ 124. National monitoring of air quality

National monitoring of air quality shall be performed by fixed or indicative measurements in accordance with the procedure established on the basis of subsection 43 (1) of this Act.

§ 125. Annual report on results of fixed or indicative measurements performed during monitoring of air quality at national or local government level

(1) An annual report on the results of fixed or indicative measurements performed during monitoring of air quality at the national or local government level must contain at least the data specified in subsections (2) to (7) of this section.

(2) A report on the results of the measurement of the content of sulphur dioxide, nitrogen dioxide and nitrogen oxides, fine particulate matter and very fine particulate matter and lead must contain the following data:

- 1) the number and description of exceeding the hourly average limit value and 24-hour average limit value of air quality established for the protection of human health, and of exceeding the average critical level of air

quality established for the protection of vegetation for the calendar year and winter season from 1 October to 31 March for sulphur dioxide;

2) the number and description of exceeding the hourly average limit value and the average limit value of a calendar year for the protection of human health, and the average critical level of air quality established for a calendar year for the protection of vegetation for nitrogen dioxide and nitrogen oxides;

3) the number and description of exceeding the 24-hour average limit value of air quality and the average limit value for a calendar year established for the protection of human health for fine particulate matters;

4) the number and description of exceeding the average target value of air quality for a calendar year and of the average limit value for a calendar year established for the protection of human health for very fine particulate matter, and of the average limit value for a calendar year and the total number and description of the rate of such exceeding;

5) the number and description of exceeding average limit value of air quality for a calendar year established for lead for the protection of human health;

6) the number and description of exceeding the air quality alert threshold established for sulphur dioxide and nitrogen dioxide.

(3) The data on exceeding of the air quality average limit value established in clause (2) 4) of this section per very fine particulate matter and the data on exceeding of the limit value and the total margin of tolerance thereof must indicate the date of exceeding, hour of exceeding or total number of exceeded hours and the measured values of the content of pollutants.

(4) A report on measurement results of benzene and carbon oxide content must include the following data:

1) the number and description of exceeding the average limit value of air quality for a calendar year established for the protection of human health for benzene;

2) the number and description of exceeding average limit value of air quality for a calendar year established for the protection of human health for carbon oxide.

(5) A report on the measurement results of ozone content must include the following data:

1) the number and description of exceeding the eight-hour average target value of air quality established for the protection of human health, and of hourly average target value of air quality established for the protection of vegetation for ozone;

2) the number and description of exceeding the air quality eight-hour average target established for the protection of human health and of the air quality hourly average long-term target established for the protection of vegetation;

3) the number and description of exceeding the air quality hourly average information threshold;

4) the number and description of exceeding the air quality hourly average alert threshold;

5) the date of exceeding the air quality information or alert threshold, the total number of exceeded hours, the highest hourly values of ozone content;

6) the annual average content of volatile organic compounds specified in subsection 50 (2) of this Act in ambient air.

(6) A report on measurement results of arsenic, cadmium, nickel, benzo(a)pyrene content must include the following data:

1) number and description of exceeding the average target values of air quality established for these pollutants for a calendar year;

2) mercury content values;

3) polycyclic aromatic hydrocarbons content values in ambient air;

4) total deposition of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons.

(7) A report on measurement results of pollutants content must contain information on exceeding the assessment threshold of each pollutant content established on the basis of subsection 47 (1) of this Act and expressed as a percentage of limit value or target value, and information on the method used for determining the content of each pollutant.

(8) The information submitted in an annual report on exceeding the established limit values of pollutant contents must be combined with a summary assessment of the effects of those exceedances.

§ 126. Monitoring of air quality by holder of air pollution permit or integrated environmental permit and verification of compliance with the emission limit values of pollutants

(1) Monitoring of air quality by a holder of an air pollution permit or integrated environmental permit includes verification of compliance of each pollutant emitted from any emission source of an installation with the emission allowances provided for in the air pollution permit or integrated environmental permit and where necessary of the limit values of pollutant emissions established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act, or monitoring of compliance with air quality limit or target values of pollutants in the ambient air outside the production territory of the installation by means of fixed or indicative measurements or calculation.

(2) The traceability of measurement results must be proved for the purposes of the Metrology Act.

§ 127. Annual report of holder of air pollution permit or integrated environmental permit related to pollution of ambient air

(1) A holder of an air pollution permit or integrated environmental permit shall submit to the issuer of permits annual reports related to pollution of ambient air which must contain:

- 1) information on fuel and energy consumption and in the case an integrated environmental permit is required, even information on raw materials consumption and production quantity by areas of activity determined in the report;
- 2) information on the total emission allowances of each pollutant per calendar year and actual emissions released by all the sources of pollution located on the production territory of the installation, including accidental and technological emissions;
- 3) information on actual emissions of pollutants released by each individual emission source by technological processes;
- 4) information on the content of pollutants in the gases released from emission sources;
- 5) in the case of any activity specified in Annex I to the Regulation No 166/2006 of the European Parliament and of the Council, information on the duration of sudden technological emissions in hours;
- 6) emission limit values of pollutants established on the basis of the Industrial Emissions Act or subsection 105 (3) of this Act;
- 7) information on measures taken to reduce emissions of pollutants.

(2) The format and procedure for submission of an annual report of a holder of an air pollution permit or integrated environmental permit shall be established by a regulation of the minister responsible for the area.

(3) An annual report of a holder of an air pollution permit or integrated environmental permit shall constitute the basis for entry of the information of pollution sources and emissions of pollutants in the European Pollutant Release and Transfer Register according to Regulation (EC) No 166/2006 of the European Parliament and of the Council.

§ 128. Annual report related to pollution of ambient air of operator subject to registration

(1) An operator subject to registration shall submit to the issuer of permits an annual reports related to pollution of ambient air which must contain:

- 1) information of fuel consumption in the case of a combustion plant, information on the number of animals in the case of animal husbandry, information on petroleum products loading quantities in the case of a filling station;
- 2) information on actual emissions of pollutants released into the ambient air by an emission source.

(2) The format and procedure for submission of an annual report of an operator subject to registration shall be established by a regulation of the minister responsible for the area.

§ 129. Submission of consolidated data on mobile emission sources

(1) Persons who keep records of mobile emission sources shall submit to the Ministry of the Environment the following consolidated data for calculation of emissions of pollutants released into the ambient by mobile emission sources on the territory of the state air by counties:

- 1) the types and number of motor vehicles and the run of each type of vehicle;
- 2) the number of flight operations by types of aircraft and the division thereof into flight types for international and domestic flights separately per each airport;
- 3) the types and number of non-road mobile machinery;
- 4) the types and number of railway engines.

(2) The list of persons required to submit such data, the term for submission of the data and the format for submission thereof shall be established by a regulation of the Government of the Republic.

Chapter 7 Climate Change Mitigation and Ozone Layer Protection

Division 1 Greenhouse Gas Emission Allowance Trading

Subdivision 1

General Provisions

§ 130. Greenhouse gases

For the purpose of this Act, greenhouse gases are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCd), perfluorocarbons (PFCd) and sulphur hexafluoride (SF₆) and other natural and anthropogenic gaseous components of the atmosphere which absorb and emit infrared radiation.

§ 131. Greenhouse gas emission

For the purposes of this Act, greenhouse gas emissions are the release of greenhouse gases into the atmosphere from the activities of operators of stationary emission sources and aircraft operators included in the greenhouse gas emission allowance trading system.

§ 132. Monitoring year

For the purposes of this Act, a monitoring year is a calendar year which ends 24 months before the beginning of the period of a trading system which is covered by the application submitted for emission allowances allocated free of charge.

§ 133. Carbon dioxide equivalent

Carbon dioxide equivalent is one tonne of carbon dioxide or other greenhouse gases which is converted into a quantity of carbon dioxide using the global warming potential according to Table 6 of clause 3 of Annex VI of the European Commission Regulation (EU) No 601/2012 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 181, 12.07.2012, p. 30-104).

§ 134. Global warming potential

Global warming potential shows how many times one molecule of a greenhouse gas is more effective as to its heat reflection capacity than a molecule of carbon dioxide.

§ 135. Greenhouse gas emission allowance trading system

The greenhouse gas emission allowance trading system (hereinafter *trading system*) is a system created for reduction of greenhouse gas emissions in an effective and economically efficient manner by Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32-46).

§ 136. Greenhouse gas emissions trading registry, person holding account and person trading account

(1) Greenhouse gas emissions trading registry (hereinafter *trading registry*) is an electronic database where the data of the holding accounts of the Republic of Estonia and persons participating in the trading system and the transactions conducted by them with greenhouse gas emission allowances, emission allowances allocated to installations and transactions conducted with these, certified and surrendered greenhouse gas emission allowances of installations, conformity status of installations, data of the participants in the Joint Implementation and Clean Development Mechanism projects and greenhouse gas emission reduction achieved as a result of implementing the projects are recorded.

(2) For the purposes of this Act, a person holding account is the holding account of a legal or natural person through which transactions can be performed in a trading registry in accordance with Article 65 of the European Commission Regulation (EU) No 389/2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122, 03.05.2013, p. 1-59).

(3) For the purposes of this Act, a person trading account is a holding account of a legal or natural person through which transactions can be performed in a trading registry in accordance with Article 66 of the European Commission Regulation (EU) No 389/2013.

§ 137. Greenhouse gas emission allowance and assigned amount unit

(1) For the purposes of this Act, a greenhouse gas emission allowance is the common denominator of an emission allowance, assigned amount unit, certified emission reduction unit and emission reduction unit.

(2) An emission allowance is a right transferable in a trading system to release one tonne of carbon dioxide equivalent into the atmosphere during a trading system period.

§ 138. Trading system period

(1) A trading system period (hereinafter *trading period*) is a period of time during which trading with emission allowances is permitted.

(2) The trading period from 2013 to 2020 is the time period from 1 January 2013 until 31 December 2020.

§ 139. Kyoto trading period

A Kyoto trading period is a period of time from 1 January 2013 until 31 December 2020 during which the parties specified in Annex 1 to the United Nations Framework Convention on Climate Change (hereinafter *Framework Convention on Climate Change*) ensure independently or in co-operation with contracting parties that the aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases specified in Annex A to the Kyoto Protocol to the specified Convention (hereinafter *Kyoto Protocol*) do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments provided for in Annex B to the Kyoto Protocol.

§ 140. Additional measures by operators of emission source

The operator of an emission source shall take additional measures to reduce the greenhouse gas emissions, which by accumulating in the ambient air may cause climate change.

§ 141. Aircraft operator and its administration

(1) For the purposes of this Chapter, an aircraft operator is a person who operates an aircraft during the time when it operates the routes specified in the regulation established pursuant to subsection 155 (1) of this Act or the owner of an aircraft in the case the specified person is not known or if the owner of an aircraft has not identified such person.

(2) Estonia is the state which administers an aircraft operator if the aircraft operator has the operating licence of an air carrier issued in Estonia pursuant to Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, p. 3-20) or if Estonia has been attributed the biggest quantity of emissions from the flights carried out by the aircraft operator during the reference year.

(3) The reference year specified in subsection (2) of this section is the first calendar year of operation of an aircraft operator which commenced its operation in the European Union after 1 January 2006, and in the other cases the calendar year which began on 1 January 2006.

§ 142. Entrant in trading system

For the purposes of this Act, an entrant in the trading system is an operator operating in one or more areas of activity established pursuant to subsection 155 (1) of this Act who obtained a trading system emission permit (hereinafter *emission permit*) for the first time after 30 June 2011. An operator operating in one or more areas of activity established pursuant to subsection 155 (1) of this Act whose installation has been expanded to a significant extent after 30 June 2011 is deemed to be an entrant in the trading system only to the extent of the specified expansion.

§ 143. Organisation of activities to reduce climate change

Activities to reduce climate change shall be arranged by the Ministry of the Environment on the basis of the requirements for limitation of greenhouse gas emissions arising from the Framework Convention on Climate Change, Kyoto Protocol and the European Union legislation.

Subdivision 2 Emission Permit

§ 144. Emission permit

(1) An emission permit entitles an operator of a stationary emission source to release greenhouse gases into the atmosphere from an installation or any part thereof.

(2) Operators of stationary emission sources which operate in the areas of activity listed in the regulation established on the basis of subsection 155 (1) of this Act are required to hold an emission permit.

(3) An emission permit is issued by the Ministry of the Environment for a trading period.

(4) An emission permit may cover one or more installations of the same operator located in the same production territory.

(5) The Ministry of the Environment shall review the emission permit requirements at least every five years as of the preparation or updating of the requirements and amend them as appropriate.

§ 145. Application for emission permit

(1) An application for an emission permit shall include:
1) data provided for in clauses 42 (1) 1), 2), 5), 6), 8) and 12) of the General Part of the Environmental Code Act;

- 2) consumption of raw materials and additives which are likely to cause greenhouse gas emissions;
3) greenhouse gas emissions from the installation into the atmosphere by emission sources.

(2) Qualifying requirements for applications for emission permits and the application form and the qualifying requirements for amending an application for an emission permit shall be established by a regulation of the minister responsible for the area.

(3) An application for an emission permit shall be accompanied by a monitoring plan which is prepared in compliance with the Regulation of the European Commission (EU) No 601/2012.

§ 146. Decision on issue of emission permit

(1) The issue of an emission permit or refusal to issue an emission permit shall be decided by the Ministry of the Environment on the basis of an application submitted and the information annexed thereto and additionally submitted upon request of the Ministry of the Environment based on the provisions of this Act and legislation established on the basis thereof.

(2) The Ministry of the Environment shall make a decision concerning the issue of an emission permit or refusal to issue an emission permit within 30 days as of submission of an emission application prepared in compliance with the requirements of this Act and all the documents appended thereto and the additional data which is requested from the emissions applicant pursuant to this Act.

§ 147. Refusal to issue emission permit

The Ministry of the Environment shall refuse to issue an emission permit if:

- 1) the emission permit applicant is not operating in any area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act or the installation thereof does not exceed the threshold value established for holding the emission permit in this area of activity;
2) an emission permit applicant does not hold an air pollution permit or integrated environmental permit;
3) there are significant inconsistencies between the data submitted in the emission permit application and the air pollution permit or integrated environmental permit issued to the installation;
4) the permit applicant has failed to submit the information required pursuant to this Act, or has submitted misleading or inaccurate information or falsified documents;
5) compulsory dissolution has been imposed on the emission permit applicant for any offence and a court judgment to this effect has entered into force;
6) the grounds provided for in subsection 52 (1) of the General Part of the Environmental Code Act exist.

§ 148. Contents of emission permit

- (1) An emission permit shall contain:
1) data provided for in clauses 53 (1) 1) to 5) of the General Part of the Environmental Code Act;
2) description of the areas of activity causing the formations of the greenhouse gases of the installation and annual greenhouse gas emissions originating from the installation;
3) monitoring requirements;
4) reporting requirements;
5) obligation to transfer to a competent authority a quantity of emission allowances equal to the total actual emissions of the installation as certified per each calendar year after the end of the relevant calendar year.

(2) The format of emission permits shall be established by a regulation of the minister responsible for the area.

§ 149. Obligation of holder of emission permit to inform of changes in data stated in emission permit and amendment of emission permit

(1) A holder of an emission permit must immediately inform the Ministry of the Environment of any changes in the data entered in the permit.

(2) A holder of an emission permit must immediately inform the Ministry of the Environment of all the proposed changes in the functioning of the installation, expansion of the installation or significant reduction of its production capacity which may constitute a basis for the amendment of the permit.

(3) An emission permit shall be amended:

- 1) in the case provided for in subsection 59 (1) of the General Part of the Environmental Code Act;
- 2) if the holder of the permit notifies the Ministry of the Environment of changes in the data entered in the permit;
- 3) if the laws, regulations or administrative provisions which constitute the basis for the requirements set by the emission permit have been amended;
- 4) if any other grounds provided by law exists.

(4) The Ministry of the Environment amends the emission permit or issues a new emission permit within 30 days as of the receipt of the relevant notice.

§ 150. Suspension and restoration of validity of emission permit

(1) Upon suspension of the activities of an installation for a term of more than six months, the operator shall inform the Ministry of the Environment thereof in writing at least one month prior to the suspension of the activities of the installation. The Ministry of the Environment shall suspend the validity of the emission permit as of the suspension of the activities of the installation.

(2) The Ministry of the Environment shall suspend allocation of free emission allowances to such installation of the operator which emission permit is suspended. Emission allowances shall be allocated free of charge as soon as possible after restoration of the validity of the emission permit.

(3) An operator shall inform the Ministry of the Environment of recommencement of the activities of an installation in writing at least one month prior to the commencement of the activities of the installation. The Ministry of the Environment shall restore the validity of the emission permit as of the day of commencement of the activities of the installation.

§ 151. Revocation of emission permit

(1) In addition to the terms and conditions provided for in subsection 62 (1) of the General Part of the Environmental Code Act, the Ministry of the Environment shall revoke the permit if:

- 1) the air pollution permit or integrated environmental permit of the installation is repealed;
- 2) the possessor of the installation has not commenced the activity permitted by the emission permit within six months as of the beginning of the term of operation specified in the emission permit and has failed to submit an application for postponement of the beginning of the operation;
- 3) the activities of the holder of the emission permit do not comply with the requirements provided for in the emission permit;
- 4) compulsory dissolution has been imposed on the holder of the emission permit for any offence and a court judgment to this effect has entered into force;
- 5) the holder of the emission permit is bankrupt or liquidated as a legal person;
- 6) it becomes evident that other circumstances exist which, pursuant to this Act, constitute a basis for refusal to issue an emission permit.

(2) The notice on revocation of an emission permit shall be published on the website of the Ministry of the Environment within five working days as of the revocation of the emission permit.

§ 152. Application for exclusion from trading system

If an emission permit is revoked at the request of an operator, the operator is obliged to submit to the Ministry of the Environment an application for exclusion from the trading system at least four months prior to the proposed termination of the operation or change in the operation which causes exclusion from the trading system.

§ 153. Public display of application for exclusion from trading system

(1) The Ministry of the Environment shall display the application for exclusion from trading system publicly on its website for examination by the general public within five working days as of the receipt of the application.

(2) Every person has an opportunity to deliver opinions with regard to the application within two weeks as of the day of disclosure of the application on the website.

§ 154. Exclusion from trading system

(1) The Ministry of the Environment shall review the application for exclusion from a trading system, taking into consideration the comments made by the general public, within 20 working days as of the expiry of the term for delivery of opinions. If the Ministry of the Environment approves the application, it shall forward it to the European Commission which decides on the exclusion of the operator of the trading system from the trading system.

(2) Resolutions made on exclusion shall be disclosed by the Ministry of the Environment on its website.

(3) In the case of closure of an account with positive balance, the operator must indicate, at the request of the administrator of the trading registry, an account in the trading system where the emission allowances of the period of exclusion from the trading system are transferred. If the operator fails to indicate such an account within 40 days as of receipt of the request of the administrator of the trading registry, the administrator of the trading registry shall transfer the emission allowances to the national deposit account.

Subdivision 3

Arrangements for Trading in Emission Allowances and Allocation of Emission Allowances

§ 155. List of areas of activity and procedure for greenhouse gas emissions trading

(1) The list of areas of activity for operators included in the trading system shall be established by a regulation of the Government of the Republic.

(2) The procedure for greenhouse gas emissions trading shall be established by a regulation of the minister responsible for the area.

(3) The following shall be established by the regulation specified in subsection (2) of this section:

- 1) the procedure for applying for and allocation of emission allowances free of charge;
- 2) the procedure for reporting on greenhouse gas emissions;
- 3) procedure for certification of greenhouse gas emissions;
- 4) procedure for surrender of emission allowances;
- 5) specifying procedure for exclusion from trading system.

(4) The greenhouse gas emission allowances which are valid during the trading period shall be registered in the trading registry and transactions are concluded therewith through the specified registry according to the European Commission Regulation (EC) No 2216/2004 for a standardised and secured system of registries pursuant to Directive 2003/87/EC of the European Parliament and of the Council and Decision No 280/2004/EC of the European Parliament and of the Council (OJ L 386, 29.12.2004, p. 1-77).

(5) State fees are charged for the performance of acts of the greenhouse gas emissions trading registry pursuant to the rates provided for in the State Fees Act.

(6) An operator of stationary sources of pollution and an aircraft operator are exempted from payment of state fees for review of applications for opening of holding or trading accounts and for annual maintenance of holding and trading accounts.

§ 156. Application for and allocation of emission allowances free of charge

(1) Greenhouse gas emission allowances for operators of stationary emission sources for a trading period are applied for and allocated according to Commission Decision 2011/278/EU determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 130, 17.05.2011, p. 1-45).

(2) An aircraft operator operating in the areas of activity specified in the regulation established on the basis of subsection 155 (1) of this Act may apply, during each trading period, for allocation of emission allowances free of charge by submitting to the Ministry of the Environment at least 21 months before the beginning of the trading period covered by the application certified tonne-kilometre data of the monitoring year of the trading system activities which are calculated pursuant to Annex IV to Directive 2003/87/EC of the European Parliament and of the Council. Free emission allowances are applied for and allocated according to Commission Decision 2011/638/EU on benchmarks to allocate greenhouse gas emission allowances free of charge to aircraft operators pursuant to Article 3e of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 252, 28.09.2011, p. 20-21).

(3) During the trading period from 2013 to 2020, the total emission allowances allocated to aircraft operators shall constitute 95 per cent of the average emissions of the aircraft performing flights during the period from 2004 to 2006 multiplied by the number of years in the specified trading period.

(4) The Ministry of the Environment shall submit applications conforming to the requirements provided for in subsection (2) of this section to the European Commission at least 18 months before the beginning of the trading period which is covered by the application.

(5) Within three months after the European Commission has made a decision on the total quantity of the emission allowances allocated for the trading period, the quantity of emission allowances to be auctioned during the trading period, the quantity of allowances in special reserve during the trading period and the quantity of emission allowances allocated for the trading period free of charge and the benchmarks which are used to allocate emission allowances free of charge to the aircraft operators whose applications were submitted

by the Ministry of the Environment to the European Commission, shall be calculated by the Ministry of the Environment pursuant to the European Commission Decision 2011/638/EU and it shall publish on its website the following quantities of emission allowances:

- 1) the total quantity of emission allowances for the respective trading period which is calculated by multiplying the benchmark indicated in the decision of the European Commission by the number of tonne-kilometres stated in the application;
- 2) the quantity of emission allowances allocated to each aircraft operator for each year which is calculated by dividing the total quantity of emission allowances allocated for the whole trading period by the number of years in the trading period.

(6) The Ministry of the Environment shall allocate emission allowances free of charge for the current calendar year subject to the approval of the Commission to operators of stationary emission sources and aircraft operators by 28 February each year.

§ 157. Transfer of emission allowances allocated free of charge

An operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act shall be transferred emission allowances allocated free of charge in the trading registry according to the European Commission Regulation (EU) No 389/2013.

§ 158. Special reserve for aircraft operators

(1) The amount of the special reserve of aircraft operators of the European Union (hereinafter *special reserve*) is three per cent of the total quantity of emission allowances of aircraft operators of the European Union.

(2) During each trading period, the emission allowances allocated free of charge from the special reserve may be applied for by aircraft operators who have commenced operation in the areas of activity specified in the regulation established on the basis of subsection 155 (1) of this Act after the monitoring year or in the case of whom the number of tonne-kilometres increases during the period between the monitoring year and the second year of the trading period to an extent of more than 18 per cent per year on the average and who do not continue the activities of another aircraft operator either fully or partially.

(3) An aircraft operator who complies with the requirements of subsection (2) may apply for allocation of emission allowances from the special reserve free of charge by submitting a relevant application to the Ministry of the Environment by 30 June of the third year of the trading period.

(4) Aircraft operators whose tonne-kilometres increased during the period between the monitoring year and the second year of the trading period to an extent of more than 18 per cent per year shall be allocated maximally one million emission allowances free of charge during the same trading period.

§ 159. Application for allocation of emission allowances free of charge from special reserve

(1) Applications submitted on the basis of subsection 158 (3) of this Act shall indicate:

- 1) tonne-kilometre data for the second year of the trading period which are certified according to Annexes IV and V of Directive 2003/87/EC of the European Parliament and of the Council;
- 2) evidence demonstrating compliance with the conditions provided for in subsection 158 (2) of this Act.

(2) Aircraft operators who comply with the conditions specified in subsection 158 (4) of this Act shall indicate the following in their application in addition to the provisions of subsection (1) of this section concerning the period between the monitoring year and the second year of the trading period:

- 1) percentage increase in tonne-kilometres;
- 2) absolute growth in tonne-kilometres;
- 3) absolute growth in tonne-kilometres which exceeds the percentage indicated in subsection 158 (4) of this Act.

(3) The Ministry of the Environment shall submit applications which comply with the requirements provided for in subsection 158 (3) of this Act and subsections (1) and (2) of this section to the European Commission within six months as of the deadline for submitting an application pursuant to subsection 158 (3) of this Act.

(4) Within three months after the European Commission makes a decision on the benchmark used for allocation of emission allowances free of charge to aircraft operators whose applications were submitted by the Ministry of the Environment to the European Commission, the Ministry of the Environment shall calculate and publish the total quantity of emission allowances allocated free of charge from the special reserve to each specified aircraft operator and the quantity of emission allowances allocated free of charge for each year.

(5) The total quantity specified in subsection (4) of this section is calculated by multiplying the benchmark stated in the decision of the European Commission by:

1) the number of tonne-kilometres indicated in the application in the case of aircraft operators which fall within the area of application of the regulation established on the basis of subsection 155 (1) of this Act;
2) the absolute growth in tonne-kilometres indicated in the application which exceeds the percentage indicated in subsection (158 4) of this Act in the case of aircraft operators which fall within the area of application of subsection 158 (3) of this Act.

(6) In order to calculate the emission allowances allocated free of charge for each year which are specified in subsection (4) of this section, the total quantity of the free emission allowances of the aircraft operator is divided by the number of full calendar years which remain up to the end of the trading period to which the free emission allowances are related.

§ 160. Auctioning of emission allowances of stationary emission source operators and aircraft operators

(1) The state shall auction all the emission allowances of operators of stationary emission sources which are not allocated free of charge pursuant to § 164 of this Act and Commission Decision 2011/278/EU.

(2) The state shall auction each year the emission allowances of aircraft operators which the European Commission allocated to the state from certified total aviation emission allowances of the European Union in 2010.

(3) Auctioning shall take place pursuant to the European Commission Regulation (EC) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community (OJ L 302, 18.11.2010, p. 1-41).

(4) The procedure for auctioning of emission allowances shall be established by a regulation of the Government of the Republic.

§ 161. Use of revenues from auctioning

(1) The revenues generated from the auctioning shall be transferred to the state budget and used in line with the state budget strategy. The annual budget records the volume of the revenue and expenditure relating to the auctioning in that year. The state budget strategy shall indicate the intended distribution of the use of the revenues generated from the auctioning, determine the intended purpose of the measures relating to climate policy and the ministers responsible for the use of the revenues. The revenues generated from the auctioning shall cover the administrative expenses of the auctioning of the trading system related to Estonia.

(2) The general terms and conditions for the use of and reporting on the revenue from auctioning during the trading period from 2013 to 2020 shall be established by a regulation of the Government of the Republic.

(3) In order to implement the measures determined in the state budget strategy pursuant to subsection (5) of this section, the minister responsible for the use of the revenues may establish by a regulation the requirements and procedure for the use of the revenues generated from the auctioning.

(4) At least 50 per cent of the revenues specified in subsection (1) of this section and generated from the auctioning, including the total revenue received from the emission allowances allocated to Estonia for the purpose of solidarity and economic growth or the amount equivalent to such revenues, shall be used for financing the targets limiting the generation of greenhouse gases. These objectives are:

- 1) encouragement to shift to types of transport and public transport causing less environmental disturbances;
- 2) development of renewable energy in order to achieve the objective of Estonia to increase the share of renewable energy to 25 per cent by 2020 and development of other technologies which promote transfer to a safe and sustainable low carbon economy emissions, and facilitation of achievement of the goal of the European Union to improve energy efficiency by 2020 by 20 per cent;
- 3) financing of energy efficiency and clean technologies in research and development in the sectors that are covered by Directive 2003/87/EC of the European Parliament and of the Council;
- 4) introduction of energy efficiency improvement and energy conservation measures;
- 5) financing of greenhouse gas emission reduction and climate change adaptation research, development and demonstration projects;
- 6) contributing to the Global Energy Efficiency and Renewable Energy Fund and the Adaptation Fund;
- 7) adaptation to the impact of climate change and mitigation of climate change;
- 8) participation in the initiatives of the Estonian and the European Strategic Energy Technology Plan and the European Technology Platforms as well as in planning of the climate change mitigation policy and energy policy and monitoring of the performance of these policies;
- 9) introduction of measures for prevention of deforestation, accelerating of afforestation and extensive regeneration of forests in developing countries which have ratified the Framework Convention on Climate Change, and facilitation of adaptation to unfavourable effects of technology transfer and climate change in these countries;
- 10) sequestration of carbon dioxide in forestry.

(5) The support granted for the purpose of achievement of the objectives specified in clauses (4) 2) and 4) of this section includes granting of support for taking renewable energy into use and upgrading heating systems in small houses.

(6) The whole revenue generated from the auctioning of the emission allowances of aircraft operators specified in subsection 160 (2) of this Act shall be used for financing of the achievement of the following targets limiting greenhouse gas emissions:

- 1) implementation of the measures for achievement of the objectives specified in clauses (4) 1) and 5) to 10) of this section;
- 2) research and development in connection with the climate change mitigation and adaptation process, particularly in the field of aeronautics and air transport.

(7) In order to use the funds received from trading in emission allowances, the user of the funds may enter into a contract under public law with a legal person governed by private law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsection 6 (2) of the specified Act. The duty of granting support and the right to perform all the acts required for the performance of this duty may be *inter alia* transferred to persons by a contract under public law.

(8) Supervision over compliance with contracts under public law specified in subsection (7) of this section shall be exercised by the user of the funds who entered into a contract under public law.

(9) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection (7) of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the user of the funds who entered into the relevant contract under public law shall organise further performance of the administrative duty.

§ 162. Application for authorisation to submit direct bids at auctions

(1) In order to submit direct bids at auctions either in their individual capacity or on behalf of the clients of their principal activity, the persons specified in clause 47 (1) 9) of the Securities Market Act shall apply for an authorisation from the Financial Supervision Authority.

(2) In order to submit direct bids at auctions on behalf of themselves or their customers for the auction products, which are not financial instruments, investment firms and credit institutions must apply for an authorisation from the Financial Supervision Authority.

(3) An authorisation on the basis of subsection (2) of this section can be applied for by an investment firm holding an activity licence of an investment firm issued by the Financial Supervision Authority which complies with subsection 40 (1) of the Securities Market Act.

(4) An authorisation may be applied for on the basis of subsection (2) of this section by a credit institution holding an activity licence which complies with the Directive 2006/48/EC of the European Parliament and of the Council relating to the taking up and pursuit of the business of credit institutions (OJ L 177, 30.06.2006, p. 1-200) which complies with subsection 3 (1) of the Credit Institutions Act.

§ 163. Issue of authorisation to submit direct bids at auctions and exercise of supervision

(1) The proceedings of issue of the authorisation specified in subsections 162 (1) and (2) of this Act are conducted in compliance with the provisions of §§ 51 to 53, subsections 54 (2) and (3), subsections 55 (1) to (4)¹ and § 55¹ and 56 of the Securities Market Act.

(2) The authorisation specified in subsections 162 (1) and (2) of this Act is issued only on the condition that the applicant complies with the requirements specified in Article 59(5) of the European Commission Regulation (EU) No 1031/2010 and, taking this into consideration, submits the documents specified in clauses 54 (1) 1) to 5), 7) to 10), 12), 13) and 15) of the Securities Market Act. Submission of the internal policies or their drafts specified in this clause 54 (1) 12) of the Securities Market Act shall be also based on the provisions of Article 59(2) of the Commission Regulation (EU) No 1031/2010.

(3) The Financial Supervision Authority may revoke the authorisation specified in clauses 162 (1) and (2) of this Act pursuant to § 58 of the Securities Market Act on the basis of the exceptions provided for in the European Commission Regulation (EU) No 1031/2010 and the provisions of Article 59(6)(c) of the specified regulation. Upon revocation of the authorisation specified in clauses 162 (1) and (2) of this Act, the supervisory agency specified in § 222 of this Act shall be involved in the proceedings.

(4) For exercise of supervision over compliance with the requirements provided for in this Act and stated in Article 59(2) and (5) of the European Commission Regulation (EU) No 1031/2010, the Financial Supervision Authority shall have the right to obtain free of charge information about reporting regarding greenhouse gas emissions from the trading registry.

(5) The Financial Supervision Authority shall have all the rights arising from the Financial Supervision Authority Act and provided for in subsections 230 (1) and (5), §§ 230³ and 233, clauses 234 (1) 1) and 3),

§§ 234¹ and clauses 235 1) and 5) of the Securities Market Act with respect to the applicant for authorisation specified in subsections 162 (1) and (2) of this Act or the person to whom the specified authorisation is issued upon certification of compliance with the requirements and issue of precepts specified in Article 59(2), (3) and (5) of the European Commission Regulation (EU) No 1031/2010.

§ 164. Allocation of emission allowances free of charge for power generation

(1) The Ministry of the Environment shall organise the preparation of the national plan of investments made for the emission allowances allocated free of charge for power production during the period from 2013 to 2019 (hereinafter *investment plan*), and use of the emission allowances allocated free of charge for the investments included in the plan.

(2) Inclusion of investments in the investment plan may be applied for by an installation included in the greenhouse gas emission allowance trading system which has been in operation or commenced the relevant investment before 31 December 2008 and which operator is:

- 1) electricity operator engaged in power generation, or
- 2) cogenerator who generates power in efficient cogeneration regime.

(3) Emission allowances allocated to operators free of charge pursuant to the investment plan for 2013 may total maximum 70 per cent of the certified average greenhouse gas emissions generated by such installations during the period from 2005 to 2007 in the course of power generation upon final domestic electricity consumption. If an installation commenced its operation after 2007, maximally 70 per cent of the emission allowances allocated free of charge shall be allocated for 2013 pursuant to the investment plan based on a prior efficiency reference basis. After 2013, the rate of emission allowances allocated free of charge shall decrease by ten percentage points per year.

(4) The reference basis for the prior efficiency of the emission allowances allocated free of charge for power production during the period from 2013 to 2019 shall be established by a regulation of the minister responsible for the area.

(5) The minister responsible for the area shall announce the term for submitting applications for inclusion of investments in the investment plans which is published, together with the format of application for inclusion in the investment plans, on the website of the Ministry of the Environment.

(6) An investment included in the investment plan based on an application shall:

- 1) reduce the greenhouse gas emissions cost-effectively and directly or indirectly;
- 2) be in concordance with the national development plan for the energy sector up to 2020 which was approved by a resolution of the *Riigikogu* on 15 June 2009;
- 3) be in concordance with the legislation, must not strengthen the dominant position of a plant and cause unreasonable distortion of competition;
- 4) complement the investments which Estonia has to make in order to achieve the other objectives and legal requirements arising from the European Union law, and the investment shall not increase the total volume of power generation of the installation during the period from 2013 to 2019;
- 5) diversify the energy and supply sources of power generation and reduce the emission of greenhouse gases related to power generation;
- 6) ensure sustainability of the investment result even after 2019, except in the case the investment is made in new technologies being tested;
- 7) be equivalent to the market value of emission allowances allocated free of charge and applied for, or lower than the cost of the investment made pursuant to the application.

(7) If the investment specified in the application does not comply with the requirements specified in subsection (6) of this subsection, the applicant must provide detailed justifications for this in the application.

(8) The Ministry of the Environment submits the investment plan to the European Commission for approval.

(9) The Government of the Republic shall approve by an order the investment plan approved by the European Commission.

§ 165. Use of emission allowances allocated free of charge for power generation

(1) The terms and conditions of and the procedure for the use of emission allowances allocated free of charge based on the investment plan shall be established by a regulation of the minister responsible for the area.

(2) The terms and conditions of and the procedure for the use of emission allowances allocated free of charge shall provide the following concerning the emission allowances:

- 1) obligations of the beneficiary;
- 2) terms and conditions of and procedure for the allocation;
- 3) procedure for use and reporting and for auditing of the reports;
- 4) procedure for supervision over the beneficiary.

(3) If an operator was allocated emission allowances based on an investment plan and the operator fails to comply with the requirements and procedure for the use of the emission allowances allocated free of charge

to such extent that, as a consequence thereof, the investment specified in the investment plan is not carried out on time, the operator shall transfer money and interest to the account determined by the Ministry of the Environment in the value of the emission allowances allocated to such operator based on the investment plan according to the regulation established on the basis of subsection (1) of this section. The interest rate is six-month Euribor plus five per cent per year. The basis for interest calculation is a period of 360 days.

Subdivision 4

Monitoring of Emissions, Reporting and Surrender of Emission Allowances

§ 166. Monitoring plan and reporting

(1) An operator of a stationary emission source operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act shall submit to the Ministry of the Environment together with an application for an emission permit the monitoring plan which has been prepared pursuant to the European Commission Regulation (EU) No 601/2012.

(2) If an aircraft operator commences activities in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act, the operator shall submit to the Ministry of the Environment a monitoring plan pursuant to the European Commission Regulation (EU) No 601/2012. Monitoring of tonne-kilometre data of aircraft operators shall comply with Annex IV of Directive 2003/87/EC.

(3) An operator of a stationary emission source or aircraft operator shall check on regular basis whether the monitoring methods used by the operator can be improved and submit a relevant report to the Ministry of the Environment for approval pursuant to Article 69 of the European Commission Regulation (EU) No 601/2012.

(4) An operator of a stationary emission source or aircraft operator shall submit to the Ministry of the Environment an updated monitoring plan before any significant changes in the monitoring methods used.

(5) An aircraft operator shall review the monitoring plan before the beginning of each trading period and as appropriate submit to the Ministry of the Environment an updated monitoring plan.

(6) The Ministry of the Environment shall approve the monitoring plan submitted by an operator of a stationary emission source or aircraft operator within 30 days as of the submission of a monitoring plan in compliance with the requirements of the European Commission Regulation (EU) No 601/2012 and once again after any significant changes in the monitoring methods used by the operator.

(7) An operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act shall submit to the Ministry of the Environment by 25 March each year a certified report on the greenhouse gas emission (hereinafter *emission report*) for the preceding calendar year and organise the certification of the emission for the preceding calendar year in the trading registry. Reporting of tonne-kilometre data of aircraft operators shall comply with Annex IV of Directive 2003/87/EC.

(8) If an operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act has failed to organise by 25 March the entry of the certified data for the preceding calendar year in the trading registry, the Ministry of the Environment shall prepare a conservative greenhouse gas emission assessment of the operation of an operator of a stationary emission source or aircraft operator during the preceding calendar year and enter the greenhouse gas emission calculated on the basis thereof in the trading registry.

§ 167. Certification

(1) Certification denotes the assessment of the credibility and accuracy of the data presented in the emission report which is made by an accredited certifier pursuant to the European Commission Regulation (EU) No 600/2012 on the certification of greenhouse gas emission reports and tonne-kilometre reports and the accreditation of certifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ 181, 12.07.2012, p. 1-29) and Article 15 and Annex V of Directive 2003/87/EC of the European Parliament and of the Council.

(2) The emission reduction credits from implementation of Joint Implementation projects may be certified by the person specified in subsection (1) of this section.

§ 168. Surrender, cancellation and replacement of emission allowances

(1) An operator of a stationary emission source or aircraft operator shall surrender in the trading registry by 30 April each year the quantity of emission allowances pursuant to the report for the preceding calendar year which

result from the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act and which are certified pursuant to subsection 167 (1) of this Act.

(2) In the case specified in subsection 166 (8) of this Act, an operator of a stationary emission source or aircraft operator shall surrender in the trading registry the amount of the greenhouse gas emission allowances corresponding to that entered by the Ministry of the Environment.

(3) An operator of a stationary emission source or aircraft operator may use, upon compliance with the obligation specified in subsection (1) of this section, the certified emission reduction units and the emission reduction units according to the European Commission Regulation (EU) No 1123/2013 on determining international credit entitlements pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ 299, 09.11.2013, p. 32-33).

(4) An operator of a stationary emission source or aircraft operator may use, upon compliance with the obligation specified in subsection (1) of this section, the emission allowances allocated by another Member States of the European Union.

(5) An operator of a stationary emission source shall not use, upon compliance with the obligation specified in subsection (1) of this section, the emission allowances allocated to an aircraft operator.

(6) Based on a written request of the person, the Ministry of the Environment shall cancel the emission allowances held by the person within the days as of the receipt of the request.

(7) Four months after the beginning of each trading period, the Ministry of the Environment shall cancel the emission allowances which are no longer valid and have not been surrendered or cancelled. The Ministry of the Environment shall replace the emission allowances cancelled on the specified basis by valid emission allowances.

§ 169. Indemnity for emission allowances

(1) An operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act who has failed to comply in time with the requirement established in subsection 168 (1) of this Act to surrender the emission allowances is required to pay, for the emission allowances not surrendered, an indemnity for emission allowances in the amount of 100 euros per each tonne of excessively emitted carbon dioxide equivalent with regard to which the emission allowances are not surrendered. Payment of the specified amount of money shall not release the operator from its obligation to surrender the emission allowances corresponding to excess emissions no later than upon surrender of the emission allowances relating to the following calendar year. The indemnity for emission allowances shall be increased in accordance with the European Consumer Price Index.

(2) The indemnity for emission allowances shall be collected by the Environmental Inspectorate and shall be transferred to the state budget.

§ 170. Accessibility of information

(1) The Ministry of the Environment shall disclose on its website the information concerning free emission allowances allocation plans and the annual greenhouse gas emissions from the stationary emission sources of the operators or aircraft included in the trading system.

(2) The Ministry of the Environment shall disclose on its website the names of the operators who violate the requirement to surrender the emission allowances.

Division 2

Joint Implementation and Clean Development Mechanism

§ 171. Joint Implementation

(1) The Joint Implementation for the purposes of this Act is the project activities provided for in Article 6 of the Kyoto Protocol in the framework of which the developed countries which have ratified the Kyoto Protocol or an operator of a developed country shall be granted the right, upon financing of a project for reduction of greenhouse gas emissions in another developed country which has ratified the Kyoto Protocol, to hold the greenhouse gas emission reduction units achieved as a result of the implementation of such project for the performance of the obligations specified in Annex B to the Kyoto Protocol.

(2) The emission reduction unit for the purposes of this Act is the reduction of greenhouse gas emissions as a result of the implementation of the Joint Implementation and expressed as the equivalent in carbon dioxide.

§ 172. Clean Development Mechanism

(1) The Clean Development Mechanism for the purposes of this Act is the project activities provided for in Article 12 of the Kyoto Protocol in the framework of which the developed countries which have ratified the Kyoto Protocol or an operator of a developed country shall be granted the right, upon financing of a project for reduction of greenhouse gas emissions in a developed country which has ratified the Kyoto Protocol, to hold the certified greenhouse gas emission reduction units achieved as a result of the implementation of such project for the performance of the obligations specified in Annex B to the Kyoto Protocol.

(2) The certified emission reduction unit for the purposes of this Act is the reduction of greenhouse gas emission as a result of the implementation of the Clean Development Mechanism and expressed as the equivalent in carbon dioxide.

§ 173. Publication of information concerning Joint Implementation and Clean Development Mechanism project activities and annual reports on greenhouse gas emissions trading

The Ministry of the Environment shall publish on its website the information concerning the Joint Implementation and the Clean Development Mechanism project activities.

§ 174. Use of units obtained from project activities in trading system

(1) If an operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act has failed to exercise the right granted to it for the trading period from 2008 to 2012 to use the certified emission reduction units and the emission reduction units pursuant to subsections (2) and (3) of this section, the operator may submit an application to the Ministry of the Environment for exchange of the following units for emission allowances in force as of 2013:

- 1) the certified emission reduction units and the emission reduction units which have been allocated for reduction of emissions up to 31 December 2012 in the course of the Clean Development Mechanism or the Joint Implementation projects which implementation was permitted in the trading system during the trading period from 2008 to 2012;
- 2) the certified emission reduction units and the emission reduction units of the Clean Development Mechanism or Joint Implementation projects registered before 2013 which were allocated for the reduction of emissions since 2013;
- 3) the certified emission reduction units of the new Clean Development Mechanism projects commenced in the least developed countries since 2013 which were allocated for the reduction of emissions since 2013.

(2) Clause (1) 2) of this section applies to all the certified emission reduction units and the emission reduction units of the Clean Development Mechanism projects which implementation was permitted in the trading system during the trading period from 2008 to 2012.

(3) Clause (1) 3) of this section applies to all certified emission reduction units of the Clean Development Mechanism projects which implementation was permitted in the trading system during the trading period from 2008 to 2012, until the least developed country has entered into a relevant climate contract with the European Union or until 2020, whichever is first.

(4) The units specified in subsection (1) of this section may be used pursuant to the Framework Convention on Climate Change and the Kyoto Protocol and the decisions adopted on the basis thereof, with the exception of:

- 1) project activities relating to nuclear facilities;
- 2) project activities relating to land use, modification of land use and forestry.

(5) During the period from 2008 to 2020, an operator of a stationary emission source operating in the area of activity specified in the regulation established by the Government of the Republic on the basis of subsection 155 (1) of this Act may use, for the performance of the duties thereof, the certified emission reduction units and emission reduction units to the extent of not more than 11 per cent of the emission allowances allocated to such operator free of charge during the trading period from 2008 to 2012.

(6) An aircraft operator operating in the area of activity specified in the regulation established on the basis of subsection 155 (1) of this Act may use, during the trading period from 2013 to 2020, the certified emission reduction units and emission reduction units to the extent of not more than 1.5 per cent of its certified greenhouse gas emissions during the same trading period.

(7) An entrant in the trading system may use, during the trading period from 2013 to 2020, the certified emission reduction units and emission reduction units to the extent of not more than 4.5 per cent of its certified greenhouse gas emissions during the same trading period.

(8) The Ministry of the Environment shall approve only the project activities in the case of which the registered offices of all the parties to the projects are in the country which concluded the international agreement covering

such projects, or in the country or in the state or district level administrative unit which trading system is connected with the trading system of the European Union.

Division 3

Green Investment Scheme

§ 175. Green Investment Scheme

(1) The Green Investment Scheme for the purposes of this Act is the channelling of the funds received from trading in the assigned amount units pursuant to Article 17 of the Kyoto Protocol to environmentally sustainable projects or programmes.

(2) An assigned amount unit for the purposes of this Act is a unit which gives the right to the state to emit one tonne of carbon dioxide equivalent into the ambient air during a specified period.

(3) In addition to other environmentally sustainable projects and programmes, reconstruction of private houses by natural persons, purchase and installation of equipment for the production of renewable energy for private houses and purchase of electric cars and charging devices and installation thereof shall be also supported through the Green Investment Scheme.

§ 176. Avoidance of double counting

The Ministry of the Environment shall not allocate any emission reduction units or certified emission reduction units for project activities which reduce or limit the greenhouse gas emissions arising from the operation of the operators included in the trading system.

§ 177. Implementation of Green Investment Scheme

(1) The Government of the Republic shall determine by an order an appropriate minister as the user of the funds received on the basis of an assigned amount units trading agreement entered into for the implementation of each Green Investment Scheme (hereinafter *user of funds*) and as appropriate the general conditions for the use of the funds.

(2) For the execution of the order specified in subsection (1) of this section, the user of the funds may establish by a regulation the conditions of and the procedure for the use of the funds received from trading with assigned amount units.

(3) To organise trading in the assigned amount units, use the funds received from trading in the assigned amount units and implement the Green Investment Scheme, the user of the funds may enter into a contract under public law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsection 6 (2) of the specified Act. The duty of granting support to persons and the right to perform all the acts required for the performance of this duty may be *inter alia* transferred by a contract under public law.

(4) Supervision over compliance with contracts under public law specified in subsection (3) of this section shall be exercised by the user of the funds who entered into a contract under public law.

(5) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection (3) of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the user of the funds who entered into the relevant contract under public law shall organise further performance of the administrative duty.

§ 178. Conditions of and procedure for use of funds received from trading with assigned amount units and obligations of applicants

(1) The regulation specified in subsection 177 (2) of this Act provides the following for the grant of support from the funds received from trading with assigned amount units:

- 1) objective of granting the support and measures supported;
- 2) eligible and non-eligible expenditure;
- 3) maximum rate of support and in the case self-financing is required, the minimum rate thereof;
- 4) requirements set for applicants;
- 5) requirements set for applications for support;
- 6) evaluation criteria and procedure for evaluation of applications for support;
- 7) conditions of and procedure for approval or refusal of applications for support.

(2) Pursuant to clause (1) 4) of this section, the following requirements may be established for applicants for support:

- 1) the applicant is solvent;
- 2) the applicant has not received money earlier as compensation for the same expense from the state budget, European Union funds or funds of foreign aid;

3) the applicant complies with the other requirements set out in the eligibility criteria for the use of the funds.

(3) An applicant is required to:

- 1) certify, at the request of the person conducting the proceedings, the existence of self-financing or other financial resources or documents prescribed in the eligibility criteria for the use of the funds;
- 2) submit, at the request of the person conducting the proceedings, additional information concerning the applicant and the application for support;
- 3) permit monitoring of compliance of the application for support and the applicant with the requirements, in particular, an on-site inspection to be conducted;
- 4) notify the person conducting the proceedings immediately of any changes in the information presented in the application for support or of any arising circumstances which may affect the making of the decision on the application for support.

Division 4

Limitation of Greenhouse Gas Emissions in Sectors which are not included in Trading System

§ 179. Effort Sharing Decision

(1) Limitation of greenhouse gas emissions in the sectors which are not included in the trading system (transport, agriculture, waste management, operation of combustion plants with the total rated thermal input of up to 20 megawatts and use of solvents and other products) is regulated by Decision 406/2009/EC of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 05.06.2009, p. 136-148) (hereinafter *Effort Sharing Decision*).

(2) If the actual greenhouse gas emissions of the state on a given year are below the greenhouse gas emission limit determined for the state for that year by the European Commission and the state decides to enter into a sales contract pursuant to the Effort Sharing Decision, the proceeds of the sales contract shall be paid into the state budget.

(3) If the actual greenhouse gas emissions of the state on a given year exceed the greenhouse gas emission limit determined for the state for that year by the European Commission and the state decides to enter into a purchase contract pursuant to the [Effort] Sharing Decision, the costs related to the purchase contract shall be covered from the state budget.

(4) The action plan for trading pursuant to the Effort Sharing Decision shall be determined in the state budget strategy.

§ 180. Sales contracts pursuant to Effort Sharing Decision

(1) The Government of the Republic shall appoint by an order an appropriate minister as the user of the funds received on the basis of each sales contract pursuant to the Effort Sharing Decision (hereinafter *user of funds*) and as appropriate the general conditions for the use of the funds.

(2) For the execution of the order specified in subsection (1) of this section, the user of the funds may establish by a regulation the conditions of and the procedure for the use of the funds received from trading pursuant to the Effort Sharing Decisions.

(3) In order to use the funds received on the basis of sales contracts pursuant to the Effort Sharing Decision and to channel the funds into environmentally sustainable projects and programmes, the user of funds may enter into a contract under public law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act without applying subsection 6 (2) of the specified Act. The contract under public law may be used to transfer, *inter alia*, the duty of granting support to persons and the right to perform the acts required for the performance of this duty.

(4) Supervision over performance of the contract under public law specified in subsection (3) of this section shall be exercised by the user of the funds who entered into the contract under public law.

(5) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection (3) of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the user of the funds who entered into the relevant contract under public law shall organise further performance of the administrative duty.

(6) The funds received from sales contracts pursuant to the Effort Sharing Decision shall be channelled into projects or programmes which reduce or limit greenhouse gas emissions in the sectors which are not included in the trading system.

§ 181. Conditions of and procedure for use of funds received from trading pursuant to Effort Sharing Decision and obligations of applicants

(1) The regulation specified in subsection 180 (2) of this Act provides the following information for the grant of support from the funds received from trading pursuant to the Effort Sharing Decision:

- 1) objective of granting the support and measures supported;
- 2) eligible and non-eligible expenditure;
- 3) maximum rate of support and in the case self-financing is required, the minimum rate thereof;
- 4) requirements set for applicants;
- 5) requirements set for applications for support;
- 6) evaluation criteria and procedure for evaluation of applications for support;
- 7) conditions of and procedure for approval or refusal of applications for support.

(2) The requirements and obligations provided for in subsections 178 (2) and (3) of this Act may be established for applicants for support.

§ 182. Purchase contracts pursuant to Effort Sharing Decision

(1) The Government of the Republic shall authorise, by its order, the minister responsible for the area to sign each purchase contract pursuant to the Effort Sharing Decision and determine the procedure for reporting on execution of purchase contracts.

(2) Upon execution of the order specified in subsection (1) of this section, the minister responsible for the area shall ensure that the selling country participating in the transaction shall channel the funds received from the sale pursuant to the purchase contract into environmentally sustainable activities.

Division 5

Regulation of Use of Substances that Deplete Ozone Layer

§ 183. Substances that deplete ozone layer

For the purposes of this Act, substances that deplete ozone layer are the substances specified Annexes I and II to Regulation (EC) of the European Parliament and of the Council No 1005/2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1-30).

§ 184. Organisation of handling, handling and operator of substances that deplete ozone layer

(1) The Ministry of the Environment shall organise the protection of the ozone layer and the activities relating to handling of substances that deplete the ozone layer pursuant to the requirements of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the legislation of the European Union concerning substances that deplete the ozone layer.

(2) For the purposes of this Act, handling of substances that deplete the ozone layer is the production, use, importation and exportation, marketing, recovery, recycling and reclamation of substances that deplete ozone layer as well as importation and exportation, marketing, installation, maintenance, servicing, leakage control and labelling of products, equipment and containers containing or relying on such substances.

(3) The owner of substances that deplete the ozone layer, products, equipment or containers containing such substances or relying on such substances is an operator of the substances that deplete the ozone layer, products, equipment or containers containing or relying on such substances.

§ 185. Restrictions on handling of substances that deplete ozone layer

The handling of substances that deplete the ozone layer, products and equipment containing or relying on such substances is restricted or prohibited. The European Commission shall grant the permission for importation of such substances, products and equipment into the European Union and exportation thereof from the European Union pursuant to Regulation (EC) No 1005/2009 of the European Parliament and of the Council after requesting the consent of the Ministry of the Environment in the cases provided by the specified regulation.

§ 186. Requirements for competence

(1) Persons engaged in handling of products, equipment or containers that contain or rely on substances that deplete the ozone layer shall have the necessary expertise and skills certified by a document confirming professional training.

(2) The requirements for competence of persons engaged in handling of products, equipment or containers that contain or rely on substances that deplete the ozone layer shall be established by a regulation of the minister responsible for the area.

(3) The Environmental Inspectorate shall check the existence of the document certifying the competence specified in subsection (1) of this section at the same time with inspecting the equipment.

§ 187. Labelling of products, equipment and containers

Products, equipment and containers containing substances that deplete the ozone layer or rely on such substances shall be labelled pursuant to the procedure provided by the Chemicals Act, taking account of the requirements established by Regulation (EC) No 1005/2009 of the European Parliament and of the Council.

§ 188. Reporting on substances that deplete ozone layer

The Tax and Customs Board shall submit to the Ministry of the Environment by 30 April each year information concerning illegal trade of substances that deplete the ozone layer detected during the preceding calendar year.

Division 6

Fluorinated greenhouse gases and handling thereof and registry of products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete ozone layer and of their handling operations

§ 189. Fluorinated greenhouse gases

Fluorinated greenhouse gases for the purposes of this Act are the substances which are specified in Article 2(1) of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ L 150, 20.05.2014, p. 195-230).

§ 190. Organisation of application of legislation concerning fluorinated greenhouse gases and reporting

The Ministry of the Environment shall organise the implementation of legislation concerning fluorinated greenhouse gases and state reporting on the basis of the requirements of the Framework Convention on Climate Change, the Kyoto Protocol and the European Union legislation concerning fluorinated greenhouse gases.

§ 191. Products, equipment and systems containing fluorinated greenhouse gases, handling and operator of fluorinated greenhouse gases

(1) The products, equipment and systems containing fluorinated greenhouse gases denote all the products, equipment and systems containing or potentially containing fluorinated greenhouse gases specified in the Regulation (EU) No 517/2014 of the European Parliament and of the Council, including containers used for transportation and storage of fluorinated greenhouse gases.

(2) Handling of fluorinated greenhouse gases for the purposes of this Act shall mean all operations with fluorinated greenhouse gases, which are regulated by Regulation (EU) No 517/2014 of the European Parliament and of the Council and its implementing regulations.

(3) The owner of fluorinated greenhouse gases, products, equipment or systems containing or relying on such substances is an operator of fluorinated greenhouse gases, products, equipment or systems containing or relying on such substances.

(4) An operator of fluorinated greenhouse gases, products, equipment or systems containing or relying on such substances shall mean a person responsible for the operator's obligations specified in Regulation (EU) No 517/2014 of the European Parliament and of the Council.

§ 192. Registry of products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete ozone layer and of their handling operations

(1) The registry of the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer and of their handling operations FOKA (hereinafter *FOKA registry*) is a database in the State Information Systems containing:

1) data on the scope of use of all the products, equipment or systems, quantity, type of substances and handling operations containing five or more carbon dioxide equivalents of fluorinated greenhouse gases specified in

Article 4 of Regulation (EU) No 517/2014 of the European Parliament and of the Council, with the exception of Articles 4 (1)(a), (b) and (c);

2) data on the equipment containing solvents based on five or more carbon dioxide equivalents of fluorinated greenhouse gases, the quantity, type of the substances contained therein and the handling operations;

3) data on the scope of use of any stationary products, equipment, systems or containers containing three or more kilograms substances that deplete the ozone layer, the type of the substance and handling operations;

4) reports prepared on products, equipment and systems containing fluorinated greenhouse gases.

(2) The FOKA registry and the registry statutes shall be established by a regulation of the minister responsible for the area.

(3) The chief processor of the FOKA registry is the Ministry of the Environment.

§ 193. Entry of data on fluorinated greenhouse gases and substances that deplete ozone layer in FOKA registry

(1) An operator shall register all the products, equipment or systems specified in clauses 192 (1) 1) to 3) of this Act in the FOKA registry.

(2) An operator shall register the products, equipment or systems specified in clauses 192 (1) 1) and 2) of this Act in the FOKA registry within two weeks after the installation thereof.

(3) If the products, equipment, systems or containers containing five or more carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer are already entered in the FOKA registry, the operator thereof shall register the transfer, transfer of a usufruct or disposal from use and transfer to waste operators of such product, equipment, system or container in the FOKA registry within two weeks after the relevant operation.

(4) The competent person that performs the handling operation shall register the handling operations with a product, equipment, system or container containing five or more carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer in the FOKA registry within five working days after the operation.

(5) If a product, equipment or system containing five or more carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer is changed in the course of reconstruction, the operator shall complement the composition of the FOKA registry by the data of the new product, equipment or system within two weeks after the completion of the reconstruction.

(6) The procedure and formats for submission to the FOKA registry of data concerning the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer and of their handling operations shall be established by a regulation of the minister responsible for the area.

§ 194. Professional certificates and partial professional certificates of personnel handling fluorinated greenhouse gases

(1) Natural persons engaged in handling fluorinated greenhouse gases (hereinafter *employees*) shall have the personnel certificates or professional or partial professional certificates in compliance with the European Commission Regulations specified in subsection (2) of this section.

(2) Professional certificates and partial professional certificates certify the competence of an employee to perform handling operations which are specified in:

1) Article 2(1) of Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, p. 12-16);

2) Article 1 of Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment (OJ L 92, 03.04.2008, p. 21-24);

3) Article 1 of Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, p. 25-27);

4) Article 1 of Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear (OJ L 301, 18.11.2015, p. 22-27);

1) Article 2(1) of Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning

and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (OJ L 301, 18.11.2015, p. 28-38).

§ 195. Issue of professional certificates and partial professional certificates

(1) The Professions Act shall be applied to the issue of professional certificates and partial professional certificates with the specifications arising from the European Commission Regulations specified in subsection 194 (2) of this Act.

(2) In addition to the minimum personnel competence requirements provided for in the European Commission Regulations specified in subsection 194 (2) of this Act, an employee holding a professional certificate or partial professional certificate who handles fluorinated greenhouse gases shall know the legislation of Estonia relating to the profession.

(3) In addition to the provisions of the Professions Act, the body that awards professions and specified in § 10 of the Professions Act shall comply with the requirements established for certification and assessment bodies or attestation bodies which are established by the European Commission Regulation specified in subsection 194 (2) of this Act.

§ 196. Mutual recognition

The right of a person of another Member State of the European Union to operate in the Republic of Estonia in the areas of activity regulated by the European Commission Regulation specified in subsection 194 (2) of this Act is certified by a personnel certificate or company certificate issued in the relevant Member State in compliance with the above-mentioned Regulation. The personnel or company certificate shall have been translated into the Estonian or English language, except in the case the document is in English. The translation shall be made by a sworn translator or certified by a notary.

§ 197. Mandatory permit for handling products, equipment and systems containing fluorinated greenhouse gases

(1) Holding a permit for handling products, equipment and systems containing fluorinated greenhouse gases (hereinafter *handling permit*) shall be mandatory, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, for sole proprietors and legal persons acting in the following areas of activity:

- 1) handling of stationary refrigeration, air conditioning and heat pump equipment containing or potentially containing fluorinated greenhouse gases;
- 2) handling of stationary firefighting equipment containing or potentially containing fluorinated greenhouse gases.

(2) The operations specified in Articles 2(2) and 2(1)(a) and (b) of Commission Implementing Regulation (EU) No 2015/2067 and Articles 2(2) and 2(1)(a) and (b) of Commission Regulation (EC) No 304/2008 are the handling operations that require a handling permit in the areas of activity specified in subsection (1) of this section.

§ 198. Object of control of handling permit

(1) Handling permits are issued to persons who have personnel for handling the products, equipment and systems containing fluorinated greenhouse gases who have the personnel certificates or professional or partial professional certificates specified in § 194 of this Act and such persons implement the tools and methods required for handling products, equipment or systems containing fluorinated greenhouse gases in their economic or professional activities.

(2) Operators of products, equipment and systems containing fluorinated greenhouse gases shall comply with the requirements provided for in Article 6(1) of the European Commission Implementing Regulation (EU) No 2015/2067 and Article 8(1) of the European Commission Regulation (EC) No 304/2008.

§ 199. Application for handling permit

(1) In addition to the provisions of subsection 19 (2) of the General Part of the Economic Activities Code Act, the person applying for a handling permit shall submit to the issuer of permit a written application containing the following data:

- 1) data handling operations for which the handling permit is applied;
- 2) data on the work volumes indicating that the applicant has a sufficient number of personnel certified in compliance with the European Commission Regulations specified in subsection 194 (2) of this Act in order to perform the handling operations requiring the handling permit in the described work volume;
- 3) a list of tools at the disposal of the applicant;
- 4) descriptions of the work methods of the applicant;

5) the date of submission of the application.

(2) If the applicant wishes to perform several types of handling operations in one area of activity, these shall be indicated in one application for a handling permit.

§ 200. Information and conditions set out in handling permit

(1) A handling permit shall set out:

- 1) number and date of issue of the handling permit;
- 2) the name and contact details of the issuer of the handling permit;
- 3) the business name, registry code and contact details of the holder of the handling permit;
- 4) the area of activity specified in § 197 of this Act, the quantities of fluorinated greenhouse gases in equipment and pumps permitted to be handled, and handling operations;
- 5) the date of submission of the application for the handling permit.

(2) The secondary conditions of a handling permit which constitute a part of the handling permit and which the issuer of the permit establishes in its decision to issue the handling permit and the holder of the handling permit is required to meet such conditions.

§ 201. Decision on issue of handling permit

(1) Handling permits are issued by the Environmental Board.

(2) The issuer of the permit shall make a decision concerning the issue of or refusal to issue a handling permit within two months as of submission of the application prepared in compliance with the requirements of this Act and all the documents appended thereto and the additional data which the issuer of the permit demands from the applicant pursuant to this Act.

(3) If an application for a handling permit is not reviewed during the time limit specified in subsection (2) of this section, the handling permit shall not be deemed issued to the applicant by default upon expiry of the time limit.

§ 202. Specific procedure for application for and amendment of handling permit, detailed requirements for application for handling permit and handling permit

The specific procedure for application for and amendment of a permit for handling products, equipment and systems containing fluorinated greenhouse gases, detailed requirements and formats of an application for a handling permit shall be established by a regulation of the minister responsible for the area.

§ 203. Public list of holders of handling permit

The list of the holders of a handling permit shall be made public on the website of the issuer of the permit.

§ 204. Maximum allowed leak rates for products, equipment and systems containing fluorinated greenhouse gases and ensuring access to products, equipment or systems containing fluorinated greenhouse gases

(1) Maximum allowed leak rates for the products, equipment and systems containing fluorinated greenhouse gases shall be established by a regulation of the minister responsible for the area.

(2) An operator of products, equipment or systems containing fluorinated greenhouse gases shall ensure access to the supervisory authority to the detachable connections of the products, equipment or systems in so far as it is technically possible.

§ 205. Labelling of products, equipment and systems containing fluorinated greenhouse gases

(1) The products, equipment and systems containing fluorinated greenhouse gases specified in Article 12 of Regulation (EC) No 517/2014 of the European Parliament and of the Council may be marketed in the Republic of Estonia only in the case such products, equipment and systems bear labelling in the Estonian language which complies with the requirements of Article 12 of Regulation (EU) No 517/2014 of the European Parliament, the European Commission Implementing Regulation (EU) No 2015/2068 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, the format of labels for products and equipment containing fluorinated greenhouse gases (OJ L 301, 18.11.2015, p. 39-41) and the Chemicals Act.

(2) The label of a product, equipment and system containing fluorinated greenhouse gases with the FOKA registry code shall be affixed close to the opening for servicing of the product, equipment or system and it shall be clearly legible throughout the time period when the product, equipment or system contains fluorinated greenhouse gases.

§ 206. Requirements for handling and reporting on fluorinated greenhouse gases

(1) The authority consolidating data on handling of fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 June each year the data on the quantities and types, product types and handling of fluorinated greenhouse gases contained in the products, equipment and systems within its area of responsibility.

(2) Sellers of fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 June each year a report on the quantities and types of gases marketed by such sellers in Estonia in the previous calendar year.

(3) A person producing products, equipment and systems containing fluorinated greenhouse gases shall submit to the Ministry of the Environment by 20 June each year a report on the quantities and types of gases used in production, loss of substance in the manufacturing process and types of products marketed in Estonia in the previous calendar year.

(4) A shipowner for the purposes of the Maritime Safety Act the vessel in whose possession which flies the flag of the Republic of Estonia contained fluorinated greenhouse gases, shall submit a report to the Ministry of the Environment by 20 June each year on the quantities and types of fluorinated greenhouse gases contained in the refrigerating units, air-conditioning appliances or firefighting equipment containing fluorinated greenhouse gases and used by the vessel which flies the flag of the Republic of Estonia and is in the shipowner's possession, and loss of substance during the use thereof in the previous calendar year.

(5) A rail transport undertaking for the purposes of the Railways Act the rail vehicles in whose possession contained fluorinated greenhouse gases shall submit a report to the Ministry of the Environment by 20 June each year on the rail vehicles that were in the possession of the undertaking in the previous calendar year, which are registered in the state railway traffic register and are used in Estonia. The report shall indicate the number of the railcars and locomotives equipped with refrigerating units, air-conditioning appliances or firefighting equipment containing fluorinated greenhouse gases, the quantities and types of fluorinated greenhouse gases contained therein and loss of substance during the use thereof.

(6) The procedure for handling of and reporting on fluorinated greenhouse gases, the formats of the reports and the list of the authorities consolidating data on handling thereof shall be established by the Government of the Republic by a regulation.

Division 7 Capture, Transportation and Geological Storage of Carbon Dioxide

§ 207. Geological storage of carbon dioxide

(1) Geological storage of carbon dioxide denotes the injection of carbon dioxide in underground geological formations for the purpose of permanent storage.

(2) This Act does not apply to such geological storage of carbon dioxide where the total volume carbon dioxide is less than 100 kilotons and the storage is undertaken for research, development or testing of new products and processes.

§ 208. Restriction on transportation of carbon dioxide captured for geological storage

Carbon dioxide captured for geological storage shall not be transported for the purpose of geological storage outside the territories of the Member States of the European Union, their economic zones or continental shelves for the purposes of the United Nations Convention on the Law of the Seas.

§ 209. Pipelines for transportation of carbon dioxide captured for geological storage

(1) Pipelines for the transportation of carbon dioxide captured for geological storage (hereinafter *transportation pipelines*) are pressure pipelines and a fixed operational assembly of facilities connected thereto, which is necessary for the transfer and injection of geologically stored carbon dioxide into a suitable geological formation.

(2) Pipelines on installation sites which are necessary for capture and compression of carbon dioxide emitted in industrial processes shall not be considered as transportation pipelines.

§ 210. Requirements for transportation pipelines

- (1) The requirements for planning and construction of construction works apply to the planning and construction of transportation pipelines.
- (2) Pressure equipment safety requirements apply to the installation, putting into service, use, reconstruction and repair of transportation pipelines.

§ 211. Connection to transportation pipelines

- (1) Connection to transportation pipelines denotes the connection of an installation or transportation pipelines to the transportation pipelines belonging to another person.
- (2) The owner of transportation pipelines shall allow connection to the transportation pipelines belonging to the owner within the technical limits thereof, unless this would endanger the existing transport performance. Refusal to allow connection to transportation pipelines shall be substantiated in writing.
- (3) The owner of transportation pipelines who has refused connection due to absence of technical capability shall make the changes necessary for allowing connection, as far as it is economic to do so or when a potential connected party is willing to pay for them, provided this would not have an adverse impact on the environmental security on transportation of carbon dioxide.
- (4) The owner of transportation pipelines shall develop the conditions for connection to transportation pipelines (hereinafter *connection conditions*).
- (5) The connection conditions shall:
 - 1) be transparent and unambiguous;
 - 2) comply with the principle of equal treatment of similar connected parties;
 - 3) consider the technical capability of transportation pipelines;
 - 4) consider the duly substantiated reasonable needs of the owner or operator of the transport network;
 - 5) consider the interests of all other users of the transport network and the users of processing or handling facilities connected to the transport network, which may be affected by the transport network;
 - 6) consider Estonia's obligation to reduce carbon dioxide arising from the international law or the European Union law, even if Estonia has decided to comply with the specified obligation by capture of carbon dioxide.
- (6) The owner of transportation pipelines shall publish on its website:
 - 1) the technical data regarding the transportation pipelines and data on the transport performance achieved;
 - 2) connection conditions;
 - 3) data regarding the principles of the formation of transportation pipelines connection fees;
 - 4) data regarding the storage sites and storage capacities of carbon dioxide transported by transportation pipelines.

§ 212. Requirements for composition of carbon dioxide captured for geological storage

- (1) Carbon dioxide captured for geological storage shall not contain additives, excluding substances originating from the source upon capture of carbon dioxide or incidental associated substances from the capture or injection process and detection agents required for monitoring of migration of carbon dioxide.
- (2) An operator who engages in capture of carbon dioxide shall analyse at least once per calendar month the composition of other substances in the carbon dioxide captured for geological storages, and determine the content of substances classified as corrosive pursuant to the Chemicals Act, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 136, 29.05.2007, p. 3-280) and Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1-1355).
- (3) Concentrations of all incidental and added substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or human health.

§ 213. Reporting on capture and transportation of geologically stored carbon dioxide

- (1) An operator who engages in capture of geologically stored carbon dioxide shall submit data to the Ministry of the Environment by 31 March each year regarding the quantity of carbon dioxide captured during the preceding calendar year, the measurement methods and chemical composition thereof by installations.

(2) The owner of transportation pipelines shall submit data to the Ministry of the Environment by 31 March each year regarding the quantity and measurement methods of carbon dioxide injected during the preceding calendar year through the owner's transportation pipelines.

(3) The quantities of carbon dioxide captured for geological storage and transported shall be determined pursuant to Commission Decision 2010/345/EU amending Decision 2007/589/EC as regards the inclusion of monitoring and reporting guidelines for greenhouse gas emissions from the capture, transport and geological storage of carbon dioxide (OJ L 155, 22.06.2010, p. 34-47).

§ 214. Assessment of possible functioning of capture and transportation of geologically stored carbon dioxide emitted by large combustion plants

(1) An operator of large combustion plants with the rated electrical output of the combustion plants planned at 300 megawatts or more shall submit, prior to obtaining a building permit for the large combustion plant, an assessment to the Ministry of the Environment of whether:

- 1) sites suitable for geological storage of carbon dioxide are available;
- 2) transportation of carbon dioxide is technically and economically feasible;
- 3) it is technically and economically feasible to retrofit for carbon dioxide capture system.

(2) The Ministry of the Environment shall make a decision about the possible functioning of the capture and transportation of carbon dioxide emitted by large combustion plants, using the assessment specified in subsection (1) of this section and other available information, including the information concerning human health and protection of the environment.

(3) If, pursuant to the decision of the Ministry of the Environment, it is possible to capture and transport carbon dioxide emitted by large combustion plants, the operator of a large combustion shall ensure that there is sufficient space on the site of the large combustion plant for the equipment necessary to capture and compress carbon dioxide.

§ 215. Disclosure of information relating to geological storage of carbon dioxide

The Ministry of the Environment shall disclose on its website the environmental information relating to capture and transportation of carbon dioxide for the purpose of geological storage.

§ 216. Surrender of emission allowances

The requirement to surrender emission allowances established on the basis of subsection 168 (1) of this Act shall not be applied to such emissions which have been certified pursuant to the procedure established on the basis of subsection 155 (3) of this Act and transported for geological storage to an installation which holds a valid permit for this purpose pursuant to the Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC and Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, p. 114-135).

Chapter 8 State Supervision

§ 217. Exercise of state supervision

State supervision over compliance with the requirements of this Act and legislation established on the basis thereof, taking into account the specifications provided for in this Chapter, shall be exercised by the Environmental Inspectorate.

§ 218. State supervision over environmental noise

The state supervision over environmental noise shall be exercised by the Health Board.

§ 219. State supervision over compliance with requirements for paints and other coating materials and finishing products for vehicles containing volatile organic compounds

The state supervision over compliance with the requirements for paints and other coating materials and finishing products for vehicles containing volatile organic compounds shall be exercised by:

- 1) the Environmental Inspectorate – over compliance with the requirements for use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;

- 2) the Consumer Protection Board – over compliance with the requirements for conformity of labelling of paints and other coating materials and finishing products for vehicles containing volatile organic compounds in retail trade;
- 3) the Tax and Customs Board – over compliance with the requirements for import of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
- 4) the Health Board – over compliance with the requirements for conformity of labelling of paints and other coating materials and finishing products for vehicles containing volatile organic compounds in wholesale trade;

§ 220. State supervision over greenhouse gas emissions trading registry and use of emission allowances included in investment plan

(1) The Ministry of the Environment shall exercise the state supervision over greenhouse gas emissions trading in the trading registry in accordance with the European Commission Regulation (EU) No 389/2013.

(2) The Ministry of the Environment shall exercise supervision over the implementation of the investment plan specified in subsection 164 (1) of this Act.

§ 221. State supervision over compliance with requirements for handling substances that deplete ozone layer

The state supervision over compliance with requirements for handling substances that deplete the ozone layer shall be exercised by:

- 1) the Environmental Inspectorate – handling of substances that deplete the ozone layer;
- 2) the Tax and Customs Board – import and export of substances that deplete the ozone layer, products or equipment containing such substances or relying on such substances;
- 3) the State Agency of Medicines – metered dose inhalers that function on the basis of substances that deplete the ozone layer.

§ 222. State supervision over compliance with requirements for handling fluorinated greenhouse gases

The state supervision over compliance with the requirements for handling fluorinated greenhouse gases shall be exercised by:

- 1) the Environmental Inspectorate – over compliance of an operator and the operations thereof with the requirements for handling fluorinated greenhouse gases specified in this Act, the legislation established on the basis thereof and Regulation (EU) No 517/2014 of the European Parliament and of the Council and its implementing regulations;
- 2) the Tax and Customs Board – over compliance with the requirements for import of the products, equipment and systems containing fluorinated greenhouse gases, including the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases;
- 3) professional institutions specified in § 6 of the Professions Act – over the requirements for awarding of professional qualifications pursuant to the Professions Act to the personnel specified in Regulation (EU) No 517/2014 of the European Parliament and of the Council and the European Commission Regulations specified in subsection 194 (2) of this Act.

§ 223. Special state supervision measures

(1) In order to exercise supervision provided for in this Act, a law enforcement authority may apply the special state supervision measures provided for in §§ 30 to 32 and 49 to 53 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

(2) A law enforcement authority is entitled to use results of measurements or technical equipment for recording noise.

§ 224. Use of direct coercion

The Environmental Inspectorate is permitted to use physical force on the basis of and pursuant to the procedure provided by the Law Enforcement Act.

§ 225. Making measurements, taking of samples and traffic management restriction

(1) A law enforcement authority may, to ensure compliance with the requirements of this Act and the legislation established on the basis thereof, make measurements and take free of charge samples.

(2) An accredited laboratory authorised by the Ministry of Environment is also entitled to take fuel samples.

(3) In order to prevent the exceeding of the standard levels of environmental noise, a local authority has the right to restrict, through traffic management, the movement of motor vehicles within its territory.

§ 226. Penalty payment rate

Upon failure to comply with a precept, the upper limit of penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 32,000 euros.

Chapter 9

Liability

§ 227. Failure to prepare or violation of requirements for preparation and implementation of plan for reducing presence of odoriferous substances or action plan for reducing emissions of pollutants

(1) Failure to prepare or violation of the requirements for preparation and implementation of an action plan for reducing the presence of odoriferous substances in the ambient air or an action plan for reducing the emissions of pollutants 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.

§ 228. Activities without air pollution permit or registration or violation of requirements of air pollution permit

(1) Release of pollutants from stationary emission sources into the ambient air without an air pollution permit or registration, if the permit or registration is required, or in violation of the requirements of the permit or registration 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.

§ 229. Failure to perform obligations of holder of air pollution permit, holder of integrated environmental permit or operator subject to registration

(1) Failure to perform the obligations of the holder of an air pollution permit, the holder of an integrated environmental permit or an operator subject to registration 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 13,000 euros.

§ 230. Operation without abatement equipment or with defective abatement equipment of pollutants

(1) Operation without abatement equipment or with defective abatement equipment of pollutants, if abatement of pollutants is prescribed by the air pollution permit or if abatement is planned by the building design documentation, 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.

§ 231. Exceeding emission limit values of stationary emission source

(1) Exceeding the emission limit values of a stationary emission source 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.

§ 232. Violations of requirements established for mobile emission source

(1) Production, import into Estonia, passage through the territory of Estonia of vehicles with running engines or non-road use of a mobile emission source which does not conform to the requirements provided for in this Act 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 13,000 euros.

§ 233. Illegal marketing and use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds, which volatile organic compound content does not comply with maximum levels

(1) Marketing and use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds, which volatile organic compound content does not comply with maximum levels, without a permit or in violation of the requirements of a permit 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.

§ 234. Violation of requirements for transport of petrol and storage thereof in terminals and service stations

(1) Violation of the requirements for transport of petrol and storage thereof in terminals and service stations 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.

§ 235. Violation of requirements established for fuels

(1) Violation of environmental requirements established for liquid fuels and biofuels 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.

§ 236. Illegal handling of substances prohibited in order to protect ozone layer and of products, equipment or containers containing or relying on such substances

(1) Illegal recovery, recycling and reclamation of substances prohibited in order to protect the ozone layer, and illegal installation, maintenance, servicing, leakage control or labelling of products, equipment and containers containing or relying on such substances 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.

§ 237. Violation of requirements for emission allowances trading system

(1) Violation of the requirements for the emission allowances trading system 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.

§ 238. Violation of requirements for use of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the requirements for use of fluorinated greenhouse gases pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council 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 16,000 euros.

§ 239. Exceeding maximum allowed leak rates or violation of requirements for restriction of leakage of products, equipment and systems containing fluorinated greenhouse gases

(1) Exceeding the maximum allowed leak rates of products, equipment and systems containing fluorinated greenhouse gases or violation of requirements for restriction of leakage of products, equipment and systems containing fluorinated greenhouse gases established by Regulation (EU) No 517/2014 of the European Parliament and of the Council, European Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases (OJ L 333, 19.12.2007, p. 4-5) and European Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (OJ L 335, 20.12.2007, p. 10-12) 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.

§ 240. Failure to comply with requirements for recovery of fluorinated greenhouse gases from products, equipment and systems

(1) Emission, upon the handling of the products, equipment and systems containing fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council, of the substance contained therein instead of immediate recovery thereof and violation of the requirements for proper recovery of the residual gases contained in refillable or non-refillable containers when they reach the end of their life 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.

§ 241. Violation of requirement for destruction of fluorinated greenhouse gases

(1) Violation of the requirements for destruction of fluorinated greenhouse gases pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council 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 16,000 euros.

§ 242. Violation of requirements for labelling of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases, including violation of the requirements for labelling the fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council and the European Commission Implementing Regulation (EU) No 2015/2068 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 16,000 euros.

§ 243. Violation of requirements for reporting on fluorinated greenhouse gases

(1) Violation of the requirements for reporting on fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council and the European Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases (OJ L 318, 05.11.2014, p. 5-20) 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 16,000 euros.

§ 244. Illegal marketing of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the marketing restrictions on the products, equipment and systems containing fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council 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.

§ 245. Handling of products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel or operators

(1) Handling of the products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel 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.

§ 246. Violation of requirements for capture and transportation of geologically stored carbon dioxide

(1) Violation of the requirements for capture and transportation of geologically stored carbon dioxide 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.

§ 247. Violation of requirements for entry of data relating to substances that deplete ozone layer or fluorinated greenhouse gases in FOKA registry

(1) Violation of the requirements for entry of the data relating to substances that deplete the ozone layer or fluorinated greenhouse gases in FOKA registry 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 3200 euros.

§ 248. Exceeding normative levels of noise

(1) Exceeding the normative levels of noise 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.

§ 249. Proceedings

(1) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 227 to 232, 234, 235, 237 and 245 to 247 of this Act shall be conducted by the Environmental Inspectorate.

(2) Extra-judicial proceedings concerning the misdemeanour provided for in § 233 of this Act shall be conducted by:

- 1) the Environmental Inspectorate – in case of violation of the requirements for use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
- 2) the Consumer Protection Board – in case of violation of the retail trade requirements for paints and other coating materials and finishing products for vehicles containing volatile organic compounds;

3) the Tax and Customs Board – in case of violation of the requirements for import of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;

4) the Health Board – in case of violation of the requirements for paints and other coating materials and finishing products for vehicles in wholesale trade containing volatile organic compounds.

(3) Extra-judicial proceedings concerning the misdemeanour provided for in § 236 of this Act shall be conducted by:

1) the Environmental Inspectorate – in case of violation of the requirements for handling of substances that deplete the ozone layer;

2) the Tax and Customs Board – in case of violation of the requirements for import and export of substances that deplete the ozone layer, products or equipment containing such substances or relying on such substances;

3) the State Agency of Medicines – in case of violation of the requirements for metered dose inhalers that function on the basis of substances that deplete the ozone layer.

(4) Extra-judicial proceedings concerning the misdemeanour provided for in §§ 238 to 244 of this Act shall be conducted by:

1) the Environmental Inspectorate - in case of violation caused by an operator and the operations thereof of the requirements for handling of fluorinated greenhouse gases specified in this Act, legislation established on the basis thereof and the European Union regulations specified in subsection 191 (2) of this Act;

2) the Tax and Customs Board – in case of violation of the requirements for import and export of products, equipment and systems containing fluorinated greenhouse gases, including the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases.

(5) The Health Board shall conduct extra-judicial proceedings in the misdemeanours provided for in § 248 of this Act.

Chapter 10 Implementing Provisions

Division 1 Implementation of Act

§ 250. Noise mapping and preparation of action plan for reduction of noise

Local authorities shall prepare the environmental noise map specified in subsection 63 (1) of this Act no later than by 30 June 2019 and an action plan for reduction of noise specified in subsection 63 (5) by 30 June 2020.

§ 251. Non-compliance with requirement for assessment of presence of odoriferous substances in outlet of sewerage construction works

An assessment of the presence of odoriferous substances pursuant to a regulation to be established on the basis of subsection 68 (1) of this Act shall not be carried out in an outlet of sewerage construction works.

§ 252. Implementation of Act with regard to installations required to hold registration

The requirements provided for in Subdivision 1 of Division 1 of Chapter 4 of this Act shall apply with regard to installation as of 1 January 2018.

§ 253. Transmission of data of continuous monitoring to database of air quality assessment in real time

The requirement for transmission of the data of continuous monitoring to the database of air quality assessment in real time provided for in subsection 102 (5) of this Act shall be implemented no later than as of 1 July 2018.

§ 254. Application of Ambient Air Protection Act

(1) The regulations established on the basis of subsection 120⁷(2) of the Ambient Air Protection Act shall remain in force until the end of using the funds received from trading with assigned amount units.

(2) The permits issued on the basis of the Ambient Air Protection Act prior to entry into force of this Act shall remain in force until the expiry of the validity or term, their amendment or revocation.

(3) The contracts under public law entered into on the basis of the Ambient Air Protection Act prior to entry into force of this Act shall remain in force until the expiry of the term, performance of the obligation or termination of the contract.

(4) Proceedings of application for air pollution permits that are pending upon the entry into force of this Act shall be finalised pursuant to the provisions of the Ambient Air Protection Act. Other proceedings of application

for contracts under public law that are pending upon the entry into force of this Act, which have been initiated on the basis of the Ambient Air Protection Act, shall be finalised pursuant to the provisions of this Act.

Division 2

Amendment and Repeal of Acts

§ 255. – § 266. The provisions on amendment of other Acts omitted from translation

§ 267. Repeal of Ambient Air Protection Act

The Ambient Air Protection Act (RT I 2004, 43, 298) is repealed.

§ 268. The provisions on amendment of other Acts omitted from translation

Division 3

Entry into Force of Act

§ 269. Entry into force of Act

This Act enters into force on 1 January 2017.

¹Directive 94/63/EC of the European Parliament and of the Council on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, p. 24-33); Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery (OJ L 59, 27.02.1998, p. 1-86); Directive 1998/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, p. 58-68); Council Directive 99/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC (OJ L 121, 11.05.1999, p. 13-18), amended by Directive 2005/33/EC (OJ L 191, 22.07.2005, p. 59-69), amended by Directive 2009/30/EC (OJ L 140, 05.06.2009, p. 88-113); Directive 99/94/EC of the European Parliament and of the Council, relating to the availability of consumer information on fuel economy and CO₂ emissions in respect of the marketing of new passenger cars (OJ L 12, 18.01.2000, p. 16-23); Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, p. 1-21); Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants (OJ L 309, 27.11.2001, p. 22-30); Directive 2002/49/EC of the European Parliament and of the Council, relating to the assessment and management of environmental noise (OJ L 189, 18.07.2002, p. 12-25); Directive 2003/17/EC of the European Parliament and of the Council amending Directive 1998/70/EC on the quality of petrol and diesel fuels (OJ L 76, 22.03.2003, p. 10-19); Directive 2003/30/EC of the European Parliament and of the Council on the promotion of the use of biofuels or other renewable fuels for transport (OJ L 123, 17.05.2003, p. 42-46); Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32-46); Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 99/13/EC (OJ L 143, 30.04.2004, p. 87-96); Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (OJ L 338, 13.11.2004, p. 18-23); Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.01.2005, p. 3-16); Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, p. 1-163), amended by Directive 2006/51/EC (OJ L 152, 07.06.2006, p. 11-21); Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (OJ L 152, 11.06.2008, p. 1-44). Directive 2008/101/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.01.2009, p. 3-21); Directive 2009/29/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to improve and extend the greenhouse gas emission allowance trading system of the Community (OJ L 140, 05.06.2009, p. 63-87); Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC)

No 1013/2006 (OJ L 140, 05.06.2009, p. 114-135). Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17-119).

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