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Waste Act¹

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Amended by the following acts

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14.04.2004	RT I 2004, 30, 208	01.05.2004
22.02.2005	RT I 2005, 15, 87	03.04.2005
16.06.2005	RT I 2005, 37, 288	10.07.2005
31.05.2006	RT I 2006, 28, 209	30.06.2006
07.12.2006	RT I 2006, 58, 439	01.01.2007
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08.02.2007	RT I 2007, 19, 94	11.03.2007
08.02.2007	RT I 2007, 19, 94	12.07.2007
08.02.2007	RT I 2007, 19, 94	01.01.2008
08.02.2007	RT I 2007, 19, 94	01.10.2008
13.06.2007	RT I 2007, 44, 315	14.07.2007
22.11.2007	RT I 2007, 66, 408	01.01.2008
18.12.2008	RT I 2009, 3, 15	01.02.2009
07.05.2009	RT I 2009, 25, 150	01.07.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
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22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
05.05.2010	RT I 2010, 24, 115	01.09.2010
20.05.2010	RT I 2010, 31, 158	01.10.2010
10.06.2010	RT I 2010, 41, 241	01.08.2010
16.06.2010	RT I 2010, 44, 260	19.07.2010, partially 01.01.2011 and 01.01.2012, and partially 01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the

		European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
09.12.2010	RT I, 17.12.2010, 21	27.12.2010
16.12.2010	RT I, 31.12.2010, 2	01.01.2011
22.02.2011	RT I, 17.03.2011, 1	18.03.2011
27.10.2011	RT I, 09.11.2011, 1	10.11.2011, partially01.01.2015
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
21.03.2012	RT I, 04.04.2012, 2	14.04.2012
20.12.2012	RT I, 04.01.2013, 12	14.01.2013, partially22.07.2019
24.04.2013	RT I, 16.05.2013, 1	01.06.2013
05.06.2013	RT I, 14.06.2013, 4	24.06.2013
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 08.07.2014, 13	18.07.2014, partially15.08.2018
20.06.2014	RT I, 08.07.2014, 3	01.08.2014
19.06.2014	RT I, 08.07.2014, 2	07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
06.01.2015	RT I, 06.01.2015, 21	06.01.2015
28.01.2015	RT I, 20.02.2015, 2	01.07.2015
18.02.2015	RT I, 06.03.2015, 23	16.03.2015
18.02.2015	RT I, 23.03.2015, 4	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015

Chapter 1 General Provisions

Division 1 Scope of Application and Definitions

§ 1. Scope of application of Act

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1) This Act provides the organisation of waste management, requirements for preventing waste generation and the health and environmental hazards arising from waste, including measures for improving the efficiency

of the use of natural resources and reducing the adverse impacts of such use, and liability for violation of the established requirements.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1¹) The following shall not fall within the scope of application of this Act:

- 1) gaseous effluents emitted into the atmosphere and carbon dioxide captured and transported for geological storage and geologically stored carbon dioxide;
- 2) uncontaminated soil and other naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated;
- 3) radioactive waste for the purposes of the Radiation Act;
- 4) explosives waste for the purposes of the Explosives Act;
- 5) faecal matter, if not covered by clause (2) 2) of this section, straw and other natural non-hazardous agricultural or forestry material used in farming, forestry or for the production of energy from such biomass through processes or methods which do not harm the environment or endanger human health;
- 6) sediments relocated inside surface waters for the purpose of managing waters and waterways or of preventing floods or mitigating the effects of floods and droughts or land reclamation if it is proved that the sediments do not display the hazardous properties specified in § 8 of this Act.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) The following shall not fall within the scope of application of this Act to the extent that they are regulated by other Acts or European Union regulations:

- 1) waste water and waste subject to treatment or emitted into the environment together with waste water, except waste generated in waste water treatment;
- 2) handling of animal by-products including processed products covered by Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (OJ L 300, 14.11.2009, p. 1–33), except those which are destined for incineration, landfilling or use in biogas or composting plant.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(3) This Act regulates handling of packaging waste insofar as this is not regulated by the Packaging Act.

(3¹) Subsections 19 (3) and (5), §§ 31, 34–35¹, 37 and 38, subsections 39 (1)–(3), §§ 40, 42 and 43–59, and Chapters 3–5 and 7–9 do not apply to the management of extractive waste, unless the extractive waste is deposited in a landfill.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3²) Requirements for closing of extractive waste facilities, subsections 33¹(2)–(6), § 35³, clause 73 (2) 8) and § 94¹ of this Act shall not apply to inert waste resulting from prospecting, extraction, treatment and storage of mineral resources and the working of quarries, non-hazardous waste generated from the prospecting of mineral resources, except oil and evaporates other than gypsum and anhydrite, as well as unpolluted soil and waste resulting from the extraction, treatment and storage of peat, unless such waste is deposited at a Category A extractive waste facility.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3³) For the purposes of this Act, “unpolluted soil” means soil that is removed from the upper layer of the ground during extractive activities and that is not deemed to be polluted under the legislation of Estonia or the European Union.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3⁴) Subsections 33¹(2) and (5), and § 35³ of this Act do not apply to non-hazardous waste, unless such waste is deposited at a Category A extractive waste facility.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act. The provisions concerning open proceedings apply to proceedings regarding issue and amendment of activity licences specified in clauses 73 (2) 1)–6) and 8) of this Act or hazardous waste management licences or regarding preparation or amendment of waste management plans, taking account of the specifications provided for in this Act.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) The provisions of the Public Procurement Act apply to ordering of organised waste transport, taking account of the specifications provided for in this Act. The provisions of § 14¹ of the Public Procurement Act do not apply to organised waste transport.

[RT I, 31.12.2010, 2 - entry into force 01.01.2011]

§ 2. Waste

(1) “Waste” means any movable property or registered ship which the holder discards, intends or is required to discard.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) “Discarding” means removal from use of movable property, refusal to commence use of movable property or holding of movable property without using it if the use thereof is impossible for technical reasons or unreasonable due to economic or environmental circumstances.

(3) [Repealed - RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(4) A list of the waste, including hazardous waste, which comply with the requirements specified in subsection (1) of this section (hereinafter *list of waste*) shall be established by a regulation of the Government of the Republic.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 2¹. End-of-waste status

(1) Waste shall cease to be waste when it has undergone a recovery, including recycling, operation and complies with criteria established pursuant to the provisions of Article 6(2) of Directive 2008/98/EC of the European Parliament and of the Council (OJ L 312, 22.11.2008, p. 3–C0#3F30) to be developed in accordance with the following conditions:

- 1) the substance or object is commonly used for specific purposes;
- 2) a market or demand exists for such a substance or object;
- 3) the substance or object fulfils the technical requirements for the specific purposes and meets the legislation and product standards;
- 4) the use of the substance or object will not lead to adverse environmental or human health impacts.

(2) If the criteria specified in subsection (1) of this section have not been established pursuant to Article 6(2) of Directive 2008/98/EC, the minister responsible for the area may, taking into account the conditions specified in clauses (1) 1)–4) of this section, establish by a regulation the criteria on the basis of which certain types of waste cease to be waste.

(3) The criteria shall include limit values for pollutants where necessary and shall take into account any possible adverse environmental or human health impacts of the substance or object.

(4) A recovery operation after which waste ceases to be waste shall be determined in the waste permit or integrated environmental permit issued on the basis of the Industrial Emissions Act (hereinafter *integrated permit*) of the undertaking which carried out the recovery operation.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 2². By-product

(1) A substance or object, resulting from a production process, the primary aim of which is not the production of that item, may be regarded as not being waste but as being a by-product only if the following conditions are met:

- 1) further use of the substance or object is certain;
- 2) the substance or object can be used directly without any further processing other than normal industrial practice;
- 3) the substance or object is produced as an integral part of a production process;
- 4) the substance or object fulfils relevant product, environmental and health protection requirements for the specific use and will not lead to adverse environmental or human health impacts.

(2) The minister responsible for the area shall have the right to establish regulations specifying the conditions specified in subsection (1) of this section concerning the consideration of substances or objects resulting from a production process as by-products.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 3. Non-hazardous waste

“Non-hazardous waste” means any waste which is not hazardous waste.

§ 4. Inert waste

“Inert waste” means non-hazardous waste that does not undergo any significant physical, chemical or biological transformations. Inert waste does not dissolve, burn or otherwise physically or chemically react, biodegrade or adversely affect other matter with which it comes into contact in a way likely to give rise to environmental pollution or harm human health. The leachability of inert waste in aquatic environment, its content of hazardous substances and the ecotoxicity of the leachate does not cause additional environmental pressure, in particular as regards requirements for the quality of groundwater or surface water.

§ 5. Biodegradable waste

“Biodegradable waste” means any waste that is capable of undergoing anaerobic or aerobic decomposition, such as food waste, paper and paperboard.

§ 5¹. Bio-waste

“Bio-waste” means the following biodegradable waste:

- 1) garden and park waste;
- 2) food and kitchen waste from households, retail premises and caterers;
- 3) waste from food processing plants the composition and nature of which is similar to the waste specified in clause 2) of this section.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 6. Hazardous waste

(1) “Hazardous waste” means waste which due to at least one of the hazardous properties set out in § 8 of this Act may cause a hazard to health, property or the environment.

(2) The procedure for classifying waste as hazardous waste shall be established by a regulation of the Government of the Republic on the basis of the origin and composition of the waste, its content of hazardous substances within the meaning of the Chemicals Act and the hazardous properties specified in § 8 of this Act.

(3) The requirements of subsection 5 (1) of the Metrology Act shall be observed in order to achieve traceability and reliability of measurement results upon the direct determination of the composition of waste, including the content of hazardous substances.

[RT I 2007, 19, 94 – entry into force 11.03.2007]

§ 7. Municipal waste

“Municipal waste” means waste from households, and waste produced in trade, provision of services or elsewhere which because of its composition or properties is similar to waste from households.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 7¹. Extractive waste

(1) For the purposes of this Act, “extractive waste” means waste arising from the prospecting, extraction, treatment and storage of mineral resources and from the extraction works.

(2) For the purposes of this Act, “mineral resource” means a naturally occurring deposit in the earth's crust of an organic or inorganic substance, such as energy fuels, metal ores, industrial minerals and construction minerals, but excluding water.

(3) For the purposes of this Act, “prospecting” means the search for mineral deposits of economic value, including sampling, bulk sampling, drilling and trenching, excluding any works required for the development of such deposits, and any activities directly associated with an existing extractive operation.

(4) The provisions regulating the operations carried out with extractive waste provided for in this Act shall not apply to:

- 1) the management of waste resulting from the prospecting, extraction and treatment of mineral resources and the working of quarries if such waste does not directly result from those operations. Such waste shall not be regarded as extractive waste and the general waste management requirements shall apply to them;
- 2) the management of waste resulting from the offshore prospecting, extraction and treatment of mineral resources.

(5) For the purposes of this Act, “offshore” means the area of the sea and seabed extending from the low water mark of ordinary or medium tides outwards.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 8. Hazardous properties of waste

The hazardous properties on the basis of which waste is considered hazardous are similar to the hazardous properties of:

- 1) H1 – explosive substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;
- 2) H2 – oxidising substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances;

3) H3-A – highly flammable liquid substances and preparations having a flash point below 21°C (including extremely flammable liquids), or substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, or solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, or gaseous substances and preparations which are flammable in air at normal pressure, or substances and preparations which, in contact with water or damp air, evolve highly flammable gases in hazardous quantities;

4) H3-B – flammable liquid substances and preparations having a flash point equal to or greater than 21°C and less than or equal to 55o C;

5) H4 – irritant non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membranes, may cause inflammation;

6) H5 – harmful substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve health risks;

7) H6 – toxic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks or death;

8) H7 – carcinogenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence;

9) H8 – corrosive substances and preparations which may destroy living tissue on contact;

10) H9 – infectious substances containing micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms;

11) H10 – substances and preparations toxic for reproduction which, if they are inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence;

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

12) H11 – mutagenic substances and preparations which, if they are inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence;

13) H12 – waste which releases toxic or very toxic gases in contact with water, air or an acid;

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

14) H13 – sensitising substances and preparations which, if they are inhaled or if they penetrate the skin, are capable of eliciting a reaction of hypersensitisation such that on further exposure to the substance or preparation, characteristic adverse effects are produced. Waste is regarded as having a sensitising adverse effect if testing methods are available to determine if the specified effects are produced;

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

15) H14 – ecotoxic waste which presents or may present immediate or delayed risks for one or more sectors of the environment;

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

16) H15 – waste capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed in clauses 1)–15) of this section.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 9. Waste holder

“Waste holder” means the producer of the waste, any other person, or a state or local government agency who is in possession of the waste.

[RT I 2007, 19, 94 – entry into force 11.03.2007]

§ 10. Waste producer

“Waste producer” means a person or a state or local government agency whose activities produce waste or a person who carries out operations with waste, for example pre-processing or mixing of waste, resulting in a change in the nature or composition of the waste.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 10¹. Dealer

For the provisions of this Act, “dealer” means an undertaking which acts in its own name to purchase and sell waste, regardless of whether the waste is in the possession of the dealer or not.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 10². Broker

For the provisions of this Act, “broker” means an undertaking arranging the recovery or disposal of waste on behalf of others, regardless of whether the waste is in the possession of the broker or not.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 11. Waste handling

(1) “Waste handling” means waste management, supervision over waste management and aftercare of waste management facilities.

(2) The costs of waste handling, except for supervision over waste management, shall be borne by the waste holder or, in the cases prescribed by law, by the producer or the person who has been in possession of the waste to be handled.

§ 12. Development of waste handling

(1) “Development of waste handling” means dissemination of information relating to waste, consultation on issues concerning waste, waste handling planning, or any other activities the aim of which is to prevent or reduce waste generation or improve the quality of waste handling.

(2) Local government bodies shall organise development of waste handling within their administrative territories.

(3) The state supports the development of waste handling through national support programmes.

§ 13. Waste management

“Waste management” means the collection, transport, recovery and disposal of waste, including actions taken as a dealer or broker.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 14. Collection and transport of waste

[RT I 2007, 19, 94 – entry into force 11.03.2007]

(1) “Waste collection” means the gathering of waste, including the preliminary sorting and preliminary storage and mechanical processing of waste without changing the composition and nature of the waste for the purposes of transport to a waste treatment facility for further management.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(1¹) “Separate collection of waste” means the activity where waste is kept separately by type and nature so as to facilitate further management, including encouraging recovery.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1²) Waste shall be collected separately if technically, environmentally and economically feasible and shall not be mixed with other waste or other material with different properties.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) “Waste transport” means transport of waste shipment from the place of origin to the place of destination. Waste transport includes the loading and unloading of a waste shipment and the assembly of a waste cargo from several shipments but does not include the activities specified in subsection (1) of this section.

[RT I 2007, 19, 94 – entry into force 11.03.2007]

(3) A transporter of waste is not deemed to be the waste holder if its only task is to convey the transferred waste shipment to the point of destination determined by the transferor or forwarding it in its original condition to the person authorised to receive the shipment, unless otherwise agreed by the contract concluded between the transferor of waste and the transporter of waste.

§ 14¹. Re-use

“Re-use” means any operation by which products or components of products that are not waste are used again for their original purpose.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 15. Waste recovery

(1) “Waste recovery” means any waste management operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) [Repealed - RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(3) “Preparing of waste for re-use” means checking, cleaning or repairing recovery operations, by which products or components of products that have become waste are prepared so that they can be re-used without any other pre-processing.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(4) “Recycling”, including “organic recycling” means a waste recovery operation by which waste materials are reprocessed into products, materials or substances whether for the original or other purposes. This does not include energy recovery and the reprocessing into materials that are to be used as fuels or for backfilling operations.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(5) “Energy recovery” means a waste recovery operation where combustible waste is used as a means to produce energy through incineration of this waste, with or without other waste or fuel, with recovery of the generated heat.

(6) “Organic recycling” means the degradation, under controlled conditions and using micro-organisms, of the biodegradable parts of waste, which produces stabilised organic residual materials or methane. Landfill shall not be deemed to be a form of organic recycling.

(7) Methods of waste recovery may comprise one or several recovery operations.

(8) A list of waste recovery operations shall be established by a regulation of the Government of the Republic.

§ 16. Treatment of waste

(1) “Treatment of waste” means recovery or disposal operations, including preparation of waste for recovery or disposal.

(2) “Preparing of waste for recovery or disposal” means the mechanical, thermal, chemical or biological impact on waste, including sorting and packaging of waste, whereby the properties of the waste are changed with the aim to reduce the quantity or harmfulness of the waste, facilitate its management or disposal or enhance the recovery of the waste.

(3) Compacting of waste in order to reduce the volume thereof, e.g. upon transportation or landfilling, is not deemed to be treatment of waste.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 17. Waste disposal

(1) “Waste disposal” means landfilling, incineration without energy recovery or other equivalent operation which is not recovery, including preparing of waste for disposal, even where the operation has as a secondary consequence the reclamation of substances or energy.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) A list of waste disposal operations shall be established by a regulation of the Government of the Republic.

§ 18. Environmental nuisance

For the purposes of this Act, “environmental nuisance” means a negative environmental impact not regulated by a numerical standard or a negative environmental impact not exceeding the numerical standard, e.g. the odour, dust or noise emanating from waste; gatherings of birds, rodents or insects; the concentration of aerosols in the air, or dispersion of waste by the wind.

§ 19. Waste management facility

(1) “Waste management facility” means a structure equipped with appropriate technical installations for the collection, recovery or disposal of waste.

(2) An area where waste recovery enables to improve soil fertility, the state of the environment in the area or the modes of use of the area, or an area where waste recovery or disposal activities are performed and the existence of construction works is not needed for such activities is also deemed to be a waste management facility.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) Waste bins or other containers designated for initial collection of only one type of non-hazardous or hazardous waste from the waste producers, or structures or mobile storage spaces housing the abovementioned containers for the purpose of collection of non-hazardous waste, or structures used for initial collection of packaging waste produced in households are not deemed to be waste management facilities.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) If a waste permit, an integrated permit or registration with the Environmental Board is necessary for waste management, waste may be recovered or disposed of only at places specified by the waste permit, integrated permit or registration.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(5) The location of a waste management facility, including location of a landfill shall be determined pursuant to the procedure provided by the Planning Act.

§ 20. Aftercare of waste management facility

“Aftercare of waste management facility” means the environmental monitoring of a waste management facility, which has been closed down and prevention of possible negative environmental impact, including environmental nuisances.

Division 2

Prevention of Waste Generation and Reduction of Quantity and Hazardousness of Waste

§ 21. General requirements for prevention of waste generation

(1) In any activity, all appropriate measures shall be applied to avoid waste generation and care shall be taken to prevent the waste generated from causing any excessive hazard to health, property or the environment.

(2) In order to achieve the objectives specified in subsection (1) of this section, measures shall be taken in any activity, as far as possible, to:

- 1) implement the best available techniques for sustainable use of natural resources and raw materials, including technologies whereby waste is recovered to the highest possible extent;
- 2) design, plan, manufacture and import products which are, above all, reusable or with the longest possible life span and which after they are removed from use produce waste which is recoverable to the highest possible extent.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

- 3) reduce the content of hazardous substances in materials and products.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 22. Prevention of waste generation

“Prevention of waste generation” means taking of measures before a substance, material or product becomes waste to reduce the quantity of waste and adverse impacts of the waste on the environment and health.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 22¹. Waste hierarchy

(1) The following waste hierarchy shall apply as a priority order in prevention of waste generation and in development and implementation of measures for waste handling:

- 1) prevention of waste generation;
- 2) preparing for re-use;
- 3) recycling;
- 4) other recovery, e.g. energy recovery;
- 5) disposal.

(2) The waste hierarchy may be departed from if this ensures the best overall environmental result taking account of the whole life-cycle of a substance, material or product.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 23. Producers, producers' responsibility organisations and distributors

(1) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(1¹) For the purposes of this Act, “producer” means a person who designs, plans, manufactures, processes, sells or imports products on professional basis.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1²) For the purposes of this Act, “producer of motor vehicles” is a person who manufactures motor vehicles or imports motor vehicles into Estonia on professional basis.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1³) For the purposes of this Act, “producer of electrical and electronic equipment” is a natural or legal person who, irrespective of the selling technique, including by means of distance communication:

- 1) is established in Estonia and manufactures electrical and electronic equipment under its own name or trademark, or has electrical and electronic equipment designed or manufactured and markets the equipment under its own name or brand in Estonia;

2) is established in Estonia and resells equipment manufactured by other suppliers under its own name or trademark in Estonia, however such reseller shall not be regarded as the producer if the brand of the producer appears on the equipment pursuant to clause 1) of this subsection;

3) is established in Estonia and places electrical and electronic equipment on the market in Estonia originating from another Member State of the European Union or outside the European Union on professional basis;

4) sells electrical and electronic equipment by means of distance communication directly to Estonian households or other users, but who is established in another Member State of the European Union or outside the European Union.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(1⁴) For the purposes of this Act, “producer of batteries and accumulators” means a person who, irrespective of the selling technique, including by means of distance communication, places batteries and accumulators, including batteries or accumulators installed in electrical and electronic equipment or motor vehicles, on the Estonian market on professional basis.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1⁵) For the purposes of this Act, “producer of tyres” is a person who manufactures tyres or imports tyres into Estonia on professional basis.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1⁶) For the purposes of this Act, “producer of agricultural plastic” is a person who produces agricultural plastic or imports agricultural plastic into Estonia on professional basis.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

(1⁷) For the purposes of this Act, “producer of motor vehicle parts” is a person who, irrespective of the selling technique, including by means of distance communication, places motor vehicle parts on the Estonian market on professional basis.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(1⁸) For the purposes of this Act, “placing on the market” means making a product available on the Estonian market for the first time on professional basis.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(1⁹) For the purposes of this Act, “making available on the market” means supplying for a charge or without charge of a product on the Estonian market within commercial activities for the marketing, consumption or use of the product.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2) A person who only engages in financing based on a financing agreement (e.g. a bank) is not deemed to be a producer unless it operates as a producer according to subsection (1¹), (1²), (1³), (1⁴), (1⁵) or (1⁶) of this section.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

(2¹) For the purposes of this Act, a financing agreement is deemed to be a loan agreement, leasing contract, commercial lease contract, hire purchase contract or an agreement related to products of concern regardless of whether or not such contract or agreement, or a warranty contract or warranty agreement provides the transfer of the right of ownership of such products.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(3) Within the meaning of this Act, "producers' responsibility organisation" means a non-profit organisation or other association not seeking economic income whose members are producers or producers' associations exclusively and who has, as one of its objectives, the organisation or financing of the collection and recovery of waste resulting from a certain type of product of concern.

(4) A producers' responsibility organisations must ensure:

- 1) access by the producers of the corresponding type of products of concern to the services offered by the producers' responsibility organisation;
- 2) collection, on equal conditions, of fees from the producers who have transferred their obligations by a contract or joined the producers' association responsibility organisation, and offering services to them based only on their market share on the market of the products of concern of such type;
- 3) purchase of services related to handling of waste based on free competition;
- 4) availability of the data related to waste collection and recovery to the Ministry of Environment and persons with the right of supervision.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

[RT I 2007, 19, 94 – entry into force 11.03.2007]

(4¹) The producers responsibility organisation shall ensure that, at the request of a producer, upon calculation of the waste handling fee payable by the producer, the average life span of products and the extent to which the producer has taken into consideration the requirements provided for in subsection 21 (1) and (2) and subsections 24 (1) and (3) of this Act in manufacturing of the product have been taken into account.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(5) For the purposes of this Act, “distributor” means a natural or legal person participating in the supply chain who makes a product of concern available on the market. For the purposes of subsections (1¹)–(1⁷) of this section, a distributor may also be a producer at the same time.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 24. Obligations of producers in prevention of waste generation and collection of waste generated

(1) When manufacturing products, the producers shall, as far as possible:

1) limit the use of substances in order to prevent their release into the environment and the need to dispose of the waste as hazardous waste;

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

2) promote integration of secondary raw materials in products;

3) facilitate the re-use, dismantling and recycling of the waste resulting from products.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(2) “Secondary raw material” means substances or materials recycled as a result of waste recovery operations.

(3) The requirements for environmentally sound handling of waste resulting from products, especially the requirements for waste recovery shall be taken into account already in planning for and designing new products.

(3¹) A producer may, through specific design features or manufacturing processes of a product, prevent the product from being re-used only if such specific design features or manufacturing processes present overriding advantages with regard to the protection of the environment or safety requirements.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(4) For the purposes of treatment of the waste resulting from the products manufactured by a producer, the producer is required to provide waste handlers with information concerning the materials and components used in the products and the content and location of hazardous substances in the products.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(5) In order to avoid environmental or health hazards in handling waste resulting from products, the minister responsible for the area has the right to issue regulations establishing the maximum contents of hazardous substances in products and the technical regulations for determining the content of hazardous substances or the target indicators for using secondary raw materials in the manufacturing of the products.

§ 24¹. Obligation of manufacturer upon manufacturing of electrical and electronic equipment incorporating batteries and accumulators

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(1) A manufacturer shall design electrical and electronic equipment such that waste batteries and accumulators can be readily removed from the equipment.

[RT I, 20.02.2015, 2 - entry into force 01.07.2015]

(1¹) If waste batteries and accumulators cannot be readily removed from electrical and electronic equipment by the end-user, a manufacturer shall design appliances in such a way that waste batteries and accumulators can be readily removed by qualified professionals that are independent of the manufacturer.

[RT I, 20.02.2015, 2 - entry into force 01.07.2015]

(2) Electrical and electronic equipment in which batteries and accumulators are incorporated shall be accompanied by instructions on how those batteries and accumulators can be safely removed by either the end-user or by qualified professionals that are independent of the manufacturer. Where appropriate, the instructions shall also inform the end-user of the types of battery or accumulator incorporated into the appliance.

[RT I, 20.02.2015, 2 - entry into force 01.07.2015]

(3) The provisions of subsections (1)–(2) of this section shall not apply if, for safety, performance, medical or data integrity reasons, continuity of power supply is necessary and a permanent connection between the appliance and the battery or accumulator is required.

[RT I, 20.02.2015, 2 - entry into force 01.07.2015]

§ 25. Products of concern

(1) “Product of concern” means a product the waste resulting from which causes or may cause health or environmental hazards, environmental nuisances or excessive pollution of the environment.

(2) Products of concern comprise:

1) batteries and accumulators;

2) [repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

3) motor vehicles and parts thereof;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

4) electrical and electronic equipment and parts thereof;

5) tyres;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

6) agricultural plastic.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

(3) For the purposes of this Act:

1) "battery or accumulator" means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable batteries or rechargeable cells;

2) [repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

3) "motor vehicle" means a four-wheeled power-driven vehicle within the meaning of the Traffic Act or a three-wheeled motor vehicle except a three-wheeled motorcycle;

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

4) "electrical and electronic equipment" means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current;

5) "tyre" means the tyre of an off-road vehicle defined in clause 2 36) and of the motor vehicle defined in clause 2 40) of the Traffic Act and of their trailer;

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

6) "agricultural plastic" means silage wrap film, silage covering film, tunnel film, net wrap and plastic twine.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

(3¹) The words "dependent on electric currents or electromagnetic fields in order to work properly" provided for in clause (3) 4) of this section shall mean, for the purposes of §§ 26¹⁰–26¹⁶ and 27, that electrical and electronic equipment needs electric currents or electromagnetic fields to fulfil at least one intended function.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(4) The minister responsible for the area has the right to issue regulations establishing the methods and procedure for marking products of concern.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 26. Obligations of producers in handling waste resulting from products of concern

(1) The producer is required to ensure the collection of waste resulting from products of concern placed on the market thereby and the recovery or disposal of the waste and shall have a sufficient guarantee for the performance of such obligations. The producer may choose whether to perform those obligations individually, to transfer them by written contract to a producers' responsibility organisation or to join a producers' responsibility organisation.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1¹) The obligations established on the basis of subsection (3) of this section apply to persons who receive from waste holders waste resulting from products of concern.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1²) [Repealed - RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(1³) A producer of batteries and accumulator is required to take back a battery and an accumulator of the same type, regardless of when the battery or accumulator was placed on the market, which brand appears on the battery or accumulator and whether the user intends to buy a new battery or accumulator or not.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1⁴) A producer of tyres is required to take back a tyre of the same type, regardless of when the tyre was placed on the market, which brand appears on the tyre and whether the user intends to buy a tyre or not.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1⁵) A producer of agricultural plastic is required to take back or organise the take-back and recovery of agricultural plastic placed on the market thereby, but not exceeding the total weight of the plastic placed on the market during the previous calendar year by the producer.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

(1⁶) A producer of electrical and electronic equipment established in another Member State of the European Union has the right to appoint a natural or legal person, established in Estonia, as its authorised representative who shall be responsible for the fulfilling of the obligations in Estonia imposed on the producer by this Act.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(1⁷) A producer of electrical and electronic equipment who sells electrical and electronic equipment in another Member State of the European Union in which it is not established is required to appoint an authorised representative in the other Member State concerned established in that Member State and who shall be responsible for the fulfilling the obligations in that Member State imposed on the producer.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(2) A guarantee may take the form of participation by the producer through own funding or another security equal to own funding in appropriate schemes for the financing of the management of waste arising from products of concern, a recycling insurance or a blocked bank account.

(3) The Government of the Republic has the right to issue regulations releasing producers from obligations specified in subsection (1) of this section until a specified term as regards waste resulting from certain products of concern, including waste generated outside households, or reducing the percentage of the products of concern to be collected in the total number of the marketed products and determining the relevant target indicators and the terms for accomplishing them.

(4) The costs of management of the waste specified in subsection (1) of this section shall be borne by the producer or a producers' responsibility organisation. The person specified in subsection (1¹) of this section shall cover the costs for management of the waste resulting from the products of concern received from the waste holder.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4¹) If a motor vehicle returned to the producer lacks parts which were included in the original set of the vehicle and are technically essential or contain a significant amount of material, such as the bodywork, axles, engine, gearbox, catalytic converter or electronic control unit, or if other waste has been added to the vehicle, then the producer may demand that the waste holder cover a part of the waste management costs, taking account of the value of the material of the parts absent from the returned vehicle and the waste management cost of the waste which has been added to the vehicle.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4²) If the waste resulting from electrical or electronic equipment returned to the producer is not complete in comparison to the original equipment and lack parts which were included in the original set or composition of the equipment and which contain a significant amount of material, are expensive or contain hazardous waste, or if other waste has been added to the equipment, then the producer may demand that the waste holder cover a part of the waste management costs. Any disputes concerning the completeness of equipment shall be settled by a person authorised by the city or rural municipality government.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4³) A producer placing on the market motor vehicles and their trailers shall, in the part of the tyres of the motor vehicles and trailers, keep separate account of the quantity and mass of the tyres, and organise the collection and recovery of the waste tyres removed from use.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) The obligation to guarantee and finance the management of waste resulting from products of concern placed on the market before obligations related to the products of concern arise to the producers (historical waste) rests with the producers who operate on the market at the time the corresponding products of concern turn into waste in proportion to their share in the market of the corresponding type of products of concern.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(6) [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

(7) If the producer is released from the obligation specified in subsection (1) of this section by a regulation specified in subsection (3) of this section, the costs of waste management shall be borne by the waste holder.

(8) The Government of the Republic or a minister authorised thereby has the right to issue regulations establishing the requirements and procedure for collection, return to the producer, recovery and disposal of waste resulting from products of concern which have been removed from use.

(9) A producer who has transferred, by a written contract, the obligations provided by this Act to a producers' responsibility organisation and who has fulfilled its obligations to the producers' responsibility organisation is not responsible for achieving the recovery and recycling targets of waste resulting from products of concern and forwarding data to the register of products of concern. In such case, the producers' responsibility organisation shall be responsible for the fulfilling respective obligations of the producer.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(10) The provisions of subsections (1)–(5) and (8) of this section and §§ 26¹ and 27 of this Act shall not apply to batteries and accumulators used in:

- 1) equipment connected with the protection of the essential interests of national security, arms, munitions and war material, except for batteries and accumulators which are not intended for specifically military purposes;
- 2) equipment designed to be sent into space.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(11) The provisions of subsections (1)–(5) and (8) of this section and §§ 26¹ and 26² of this Act shall not apply to:

- 1) electrical and electronic equipment which is connected with the protection of the essential interests of national security, including arms, munitions and war material intended for specifically military purposes;
- 2) electrical and electronic equipment which is specifically designed, and is to be installed, as part of another type of equipment to which provisions of subsections (1)–(5) and (8) of this section and §§ 26¹ and 26² of this Act shall not apply or which are not electrical and electronic equipment pursuant to clause 25 (3) 4) of this Act and which can fulfil its function only if it is part of that other type of equipment;
- 3) incandescent lamps.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(12) In addition to the provisions of subsection (11) of this section, the provisions of subsections (1)–(5) and (8) of this section and §§ 26¹ and 26² of this Act shall not apply to:

- 1) electrical and electronic equipment designed to be sent into space;
- 2) large-scale stationary industrial tools;
- 3) large-scale fixed installations, except any equipment which is not specifically designed and installed as part of those installations;
- 4) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;
- 5) non-road mobile machinery made available exclusively for professional use;
- 6) electrical and electronic equipment specifically designed solely for the purposes of research and development that is only made available on a business-to-business basis;
- 7) medical devices and *in vitro* diagnostic medical devices, which are expected to be infective before the end of their life, and active implantable medical devices.

[RT I, 08.07.2014, 13 - entry into force 15.08.2018]

(13) In this section, the following terms are used:

- 1) large-scale stationary industrial tools – the term has the meaning provided for in clause 27 (6) 1) of this Act;
- 2) large-scale fixed installation – a large-size combination of several types of apparatus and, where applicable, other devices, which are assembled, installed and de-installed by professionals, are intended to be used permanently as part of a building or a structure at a pre-defined and dedicated location and can only be replaced by the same specifically designed equipment;
- 3) non-road mobile machinery made available exclusively for professional use – the term has the meaning provided for in clause 27 (6) 4) of this Act;
- 4) medical device – a medical device pursuant to § 3 of the Medical Devices Act and which is also electrical and electronic equipment;
- 5) *in vitro* diagnostic medical device – an *in vitro* diagnostic medical device pursuant to § 6 of the Medical Devices Act;
- 6) active implantable medical device – an active implantable medical device pursuant to § 5 of the Medical Devices Act.

[RT I, 08.07.2014, 13 - entry into force 15.08.2018]

§ 26¹. Register of products of concern

(1) The register of products of concern is a state register within the meaning of the Databases Act where data concerning the producers of products of concern is gathered, and where data concerning products of concern manufactured in, imported into and exported from Estonia and data on the recovery of waste resulting from products of concern is maintained and processed.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1¹) Producers are required to register themselves in the register of products of concern and to submit data to the register.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1²) An undertaking who exports motor vehicles, tyres and batteries and accumulators from Estonia shall also submit data to the register of products of concern.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1³) A producer of electrical and electronic equipment established outside Estonia and who places equipment on the market in Estonia shall be registered in the register of products of concern through an authorised representative established in Estonia. An authorised representative shall be appointed by a written authorisation.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(1⁴) A producer of electrical and electronic equipment established in Estonia but who places electrical and electronic equipment on the market of another Member State of the European Union shall be registered in a corresponding register of that Member State of the European Union where the producer places equipment on the market.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(2) The register of products of concern shall be established and the statutes of the register shall be approved by the Government of the Republic pursuant to the procedure provided by the Public Information Act.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) The information subject to entry in the register of products of concern, the procedure for submission thereof, access to information in the register and the procedure for forwarding information arising from international agreements shall be established by the statutes of the register of products of concern.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3¹) The standard formats for registry cards of the register of products of concern shall be established by a regulation of the minister responsible for the area.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) The minister responsible for the area has the right to establish, by a regulation, a detailed list of the waste resulting from products of concern in compliance with the waste list prepared on the basis of subsection 2 (4) of this Act if this is necessary in order to specify the waste and to enter the recovery data in the register or products of concern.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 26². Covering of costs incurred upon return of waste electrical and electronic equipment to producer

(1) The costs of collection, recovery or disposal of waste electrical and electronic equipment resulting from household electrical and electronic equipment marketed before 13 August 2005 shall be borne collectively by the producers who market the relevant type of household electrical and electronic equipment at the time waste electrical and electronic equipment resulted from such equipment. The producers shall bear the costs in proportion to their market share in the sale of the corresponding type of electrical and electronic equipment.

(2) The costs of collection, recovery or disposal of waste electrical and electronic equipment resulting from other sources than household electrical and electronic equipment marketed before 13 August 2005 which have been substituted by new equipment of the same type or performing the same function shall be borne by the producer who sold the equipment by which the equipment which has turned into electrical or electronic waste is substituted.

(3) The costs of collection, recovery or disposal of waste electrical and electronic equipment resulting from other sources than household electrical and electronic equipment marketed before 13 August 2005 shall be borne by the waste holder unless the waste holder has substituted such equipment by new equipment of the same type or performing the same function.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) Each producer shall be responsible for the collection, recovery or disposal of waste resulting from the producer's own products placed on the market after 13 August 2005.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 26³. Covering of costs incurred upon collection and return to producer of end-of-life vehicles

(1) The producer shall bear the costs of receiving and handling of end-of-life vehicles in proportion to the market share in motor vehicles by make initially registered in the traffic register during the last calendar year.

(2) Upon collection of the motor vehicles specified in subsection 26 (4¹) of this Act, the producer may demand that the price of the net carrying value of the missing part be compensated by the waste holder. The net carrying value of the absent part shall not exceed the net carrying value of the material of the missing part.

(3) The provisions of subsection (2) of this section does not apply if a part of an end-of-life vehicle is missing as a result of a misdemeanour or criminal offence, unless the waste holder was the person who committed the misdemeanour or criminal offence.

(4) The producer and distributor are required to collect the discarded parts of vehicles from a waste holder regardless of whether or not the waste holder intends or substitute it with new parts.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 26⁴. Distribution of costs arising from collection and recovery of products of concern between producers and producers' responsibility organisations

Each producer and producers' responsibility organisation who has recovered waste resulting from products of concern more than the average level of recovery has the right to demand that other producers or producers' responsibility organisations who have recovered waste resulting from products of concern less than the average recovery level cover collection and recovery costs to the extent which guarantees an equal financial burden to all producers or producers' responsibility organisations, taking account of the share of the producers or producers' responsibility organisations in the total amount of products of concern of corresponding type placed on the market.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 26⁵. Presentation of information to user concerning costs of management of waste electrical and electronic equipment and waste batteries and accumulators

(1) Upon the sale of electrical and electronic equipment placed on the market before 13 August 2005, the producers may indicate the waste management costs as a separate part of the price of the equipment until 13 August 2012 or until 13 August 2014.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1¹) Upon the sale of electrical and electronic equipment placed on the market after 13 August 2005, the producers may not indicate the waste management costs as a separate part of the price of the equipment.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) Upon the sale of batteries or accumulators, the producers may not indicate the waste management costs as a separate part of the price of the battery or accumulator.

(3) The minister responsible for the area shall establish, by a regulation, a detailed list of the terms specified in subsection (1) of this section by categories of electrical and electronic equipment.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 26⁶. Covering of costs incurred upon collection and further handling of used batteries and accumulators

A producer of batteries and accumulators used in motor vehicles and industry may, instead of accepting used accumulators and batteries free of charge, also enter into a different agreement with the user, who is a legal person or sole proprietor, concerning the coverage of costs of handling of waste resulting from accumulators and batteries.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 26⁷. Obligations of producer and distributor upon take-back of waste resulting from electrical and electronic equipment and batteries and accumulators at place of sale

(1) A distributor of electrical and electronic equipment is responsible for ensuring that waste resulting from the equipment can be returned to the distributor at the place of sale free of charge on a one-to-one basis as long as the equipment is of equivalent type and has fulfilled the same functions as the supplied equipment.

(1¹) A distributor of electrical and electronic equipment is required at its place of sale, the selling space of which is at least 400 m², to take back waste electrical and electronic equipment free of charge the external dimensions of which do not exceed 25 cm, regardless of whether the user buys a new equipment of the same type or equipment of the such type is sold in the place of sale.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(2) A producer of electrical and electronic equipment shall supply the distributor specified in subsections (1) and (1¹) of this section with the necessary collection container upon the corresponding request of the distributor.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(3) A distributor of batteries and accumulators is responsible for ensuring that waste resulting from the battery or accumulator can be returned to the distributor at the place of sale free of charge as long as the battery or accumulator is of equivalent type and has fulfilled the same functions as the supplied battery or accumulator.

(4) A producer of batteries and accumulators shall supply the distributor specified in subsection (3) of this section with the collection container necessary for collection.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 26⁸. Notification of users of products of concern and organisation of information campaign

(1) A producer is required to notify the user of a product of concern of return facilities for waste resulting from the product of concern and organise information campaigns to raise environmental awareness of users.

(2) A producer and producers' responsibility organisation are required, in co-operation with distributors, to make information available to a user of a product of concern regarding the places where waste resulting from the product of concern can be taken back by making available the locations and telephone numbers where relevant information can be obtained.

(3) A producer and producers' responsibility organisation are required to organise information campaigns, including national information campaigns at least once a year, to notify the users of products of concern of the possibilities for collecting and handling the waste resulting from products of concern.

(4) The list of information made available to users of products of concern and the manners of and procedure for the presentation of information shall be established by a regulation of the minister responsible for the area.

(5) The costs of notification, including organisation of information campaigns shall be paid by the producer or producers' responsibility organisation. Producers and producers' responsibility organisations may organise joint information campaigns.

(6) A producers' responsibility organisation is required to submit to the register of products of concern not later than by 25 April each year a report on information campaigns, including a national information campaign organised during the previous calendar year. The report shall include information concerning the costs of the information campaigns.

(7) A producer of motor vehicle parts, batteries and accumulators or household electrical and electronic equipment and producers' responsibility organisation are required, in co-operation with distributor, to make available, in addition to information specified in subsection (2) of this section, also the information concerning the possibility to take back waste electrical and electronic equipment, waste batteries and accumulators or used motor vehicle parts to the place of sale.

(8) A producer of batteries and accumulators and producers' responsibility organisation are not required to present the information specified in subsections (2) and (7) of this section at the place of sale if the container for waste batteries and accumulators is in a visible place for all the visitors of the place of sale and the collection container is adequately labelled.

(9) The following are not required to organise information campaigns, including national information campaigns specified in subsection (3) of this section:

- 1) a producer of electrical and electronic equipment who places on the market only equipment other than household electrical and electronic equipment;
- 2) a producer of batteries and accumulators who places on the market batteries or accumulators only for industrial or professional use or accumulators used in electric vehicles of any type;
- 3) a producer of batteries and accumulators who places on the market batteries and accumulators only together with motor vehicles or off-road vehicles to which the obligation provided for in subsection 26 (1) of this Act does not apply;
- 4) a producer of tyres who places on the market solid tyres or tyres of excavation dumpers;
- 5) a producer of tyres who places on the market tyres only together with motor vehicles or off-road vehicles to which the obligation provided for in subsection 26 (1) of this Act does not apply, or tyres together with trailers;
- 6) a producer of agricultural plastic.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(10) A producer specified in subsection (9) of this section may make the information provided for in subsection (3) of this section available in another manner.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26⁹. Restriction on buying up products of concern

(1) Products of concern containing hazardous substances or components separated from such products may be bought up as waste only from producers registered in the register of products of concern established on the basis of subsection 26¹(2) of this Act or producers' responsibility organisations or undertakings holding waste permits whose lawful activities produced the waste.

(2) The restriction provided for in subsection (1) of this section does not apply to the sale of waste resulting from products of concern acquired in the course of supervision by the supervision authority or local government.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 26¹⁰. Obligations of manufacturer of electrical and electronic equipment

(1) In order to comply with the requirements provided for in § 27 of this Act, a manufacturer of electrical and electronic equipment (hereinafter *manufacturer*) is required to.

- 1) ensure upon placing on the market of electrical and electronic equipment that the equipment is designed and manufactured in conformity with the requirements provided for in § 27 of this Act;
- 2) comply with the requirements of the Product Conformity Act and the requirements established on the basis thereof as regards the placement of electrical equipment on the market;
[RT I, 23.03.2015, 4 - entry into force 01.07.2015]
- 3) draw up an European Union declaration of conformity and affix the CE marking on the finished product if the procedure specified in clause 2) of this subsection demonstrates that the electrical and electronic equipment is in conformity with the requirements;
- 4) keep the technical documentation and the European Union declaration of conformity for ten years after the electrical and electronic equipment has been placed on the market;
- 5) keep a register of non-conforming electrical and electronic equipment and product recalls, and keep distributors informed thereof;
- 6) ensure that the electrical and electronic equipment bears a type, batch or serial number or other element allowing its identification, or, where the size or nature of the electrical and electronic equipment does not allow it, that the required information is provided on the packaging or in a document accompanying the electrical and electronic equipment.

(2) Where other legislation requires the application of a conformity assessment procedure which is at least as stringent as provided for in clause (1) 2) of this section, compliance with the requirements provided for in § 27 of this Act may be demonstrated within the context of that procedure and a single technical documentation may be drawn up.

(3) In order to be in conformity with the requirements provided for in § 27 of this Act, manufacturers shall ensure that the procedure is in place for series production to remain in conformity with the specified requirements. Changes in product design or characteristics and changes in the harmonised standards or in technical specifications by reference to which conformity of electrical and electronic equipment is declared shall be adequately taken into account.

(4) In order to be in conformity with the requirements provided for in § 27 of this Act, manufacturers indicate their name, registered trade name or registered trade mark and the address at which they can be contacted on the electrical and electronic equipment or, where that is not possible, on its packaging or in a document accompanying the electrical and electronic equipment. The address must indicate a single point at which the manufacturer can be contacted. Where other legislation contains provisions for the affixing of the manufacturer's name and address which are at least as stringent, those provisions shall apply;

(5) In order to be in conformity with the requirements provided for in § 27 of this Act, manufacturers are required to, in addition to the provisions of subsections (1), (3) and (4) of this section:

- 1) immediately take the necessary corrective measures to bring the electrical and electronic equipment into conformity with the requirements established by this Act, to withdraw it or recall it, if the equipment placed on the market is not in conformity with the requirements provided for in § 27 of this Act;
- 2) immediately inform of the non-conformity of the equipment with the requirements provided for in § 27 of this Act the competent national authorities of the Member States in which they made the electrical and electronic equipment available to that effect, giving details, in particular, of the non-conformity and of any corrective measures taken;
- 3) at a reasoned request from a competent national authority of the Member State, provide it with all the information and documentation necessary to demonstrate the conformity of the electrical and electronic equipment with the requirements provided for in § 27 of this Act, in a language which can be easily understood by that authority;
- 4) to co-operate with the competent authority on any action taken by the manufacturer to ensure compliance with the requirements provided for in § 27 of this Act of the electrical and electronic equipment which they have placed on the market.

(6) In this section and §§ 26¹¹–26¹⁶ and 27 of this Act, the following terms are used:
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

- 1) “manufacturer of electrical and electronic equipment” means any person who manufactures an electrical and electronic equipment or who has an electrical and electronic equipment designed or manufactured and markets it under its name or trademark;
- 2) “placing on the market” means placing a product on the market within the meaning of Article 2(2) of Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.08.2008, p. 30–47);
- 3) “recall” means recall within the meaning of Article 2(14) of Regulation (EC) No 765/2008 of the European Parliament and of the Council;
- 4) “withdrawal” means withdrawal within the meaning of Article 2(15) of Regulation (EC) No 765/2008 of the European Parliament and of the Council;
- 5) “conformity assessment” means the process demonstrating whether the requirements for electrical and electronic equipment provided for in § 27 of this Act are met;
- 6) “technical specification” means technical specification within the meaning of Article 2(8) of Regulation (EC) No 765/2008 of the European Parliament and of the Council;
- 7) “harmonised standard” means harmonised standard within the meaning of Article 2(9) of Regulation (EC) No 765/2008 of the European Parliament and of the Council;
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹¹. Obligations of authorised representative

(1) A manufacturer has the right to appoint an authorised representative on the basis of a written authorisation to fulfil the requirements provided for in § 27 of this Act.

(2) For the purposes of this section and § 26¹⁴ of this Act, “authorised representative” means a person who has received from the manufacturer a written authorisation to act on behalf of the manufacturer with specific tasks.

(3) An authorised representative shall perform the tasks within the limits of the authority granted by the manufacturer.

(4) The authorisation shall enable the authorised person to perform at least the following acts to fulfil the requirements provided for in § 27 of this Act:

1) to keep the European Union declaration of conformity and the technical documentation at the disposal of the surveillance authority for ten years following the placing on the market of the electrical and electronic equipment;

2) at a reasoned request from competent authorities of the Member States, to provide them with all the information and documentation necessary to demonstrate the compliance of the electrical and electronic equipment with the requirements provided for in this Act;

3) to co-operate with the competent authorities of the Member States, at their request, on any action taken to ensure compliance of the electrical and electronic equipment with the requirements provided for in § 27 of this Act covered by the authorisation.

(5) An authorised representative shall not be required to perform the obligation provided for in clause 26¹⁰(1) 1) of this Act or prepare technical documentation to fulfil the requirements provided for in § 27 of this Act.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹². Obligations of importer of electrical and electronic equipment

(1) In order to comply with the requirements provided for in § 27 of this Act, an importer of electrical and electronic equipment (hereinafter *importer*) is required:

1) to place only electrical and electronic equipment that complies with the requirements provided for in § 27 of this Act on the European Union market;

2) before placing an electrical and electronic equipment on the market, to ensure that the manufacturer has carried out appropriate assessment of conformity of the equipment with the requirements established by this Act, and that, according to the technical documentation prepared by the manufacturer, the electrical and electronic equipment bears the CE marking and is accompanied by the required documents, and that the manufacturer has complied with the requirements provided for in clause 26¹⁰(1) 6) and subsection 26¹⁰(4) of this Act;
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

3) not to place an electrical and electronic equipment which is not in conformity with the requirements provided for in § 27 of this Act on the market until it has been brought into conformity with the requirements, and to inform the manufacturer and the supervisory authority thereof;

4) to keep, for ten years following the placing on the market of the electrical and electronic equipment, a copy of the European Union declaration of conformity at the disposal of supervisory authorities and ensure that the technical documentation can be made available to those authorities at their request.

(2) For the purposes of § 26¹⁴ of this Act, “importer of electrical and electronic equipment” means a person who places a product from a third country on the European Union market.

(3) In addition to the provisions of subsection (1) of this section, an importer is required to comply with the requirements provided for in clause 26¹⁰(1) 5) and subsections 26¹⁰(4) and (5) of this Act.

(4) The obligations of a manufacturer provided for in § 26¹⁰ of this Act shall apply to an importer if the importer places electrical and electronic equipment on the market under its name or trade mark, or modifies the electrical and electronic equipment already placed on the market in such a way that compliance with the requirements provided for in § 27 of this Act may be affected.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹³. Obligations of distributor of electrical and electronic equipment

(1) In order to comply with the requirements provided for in § 27 of this Act, a distributor of electrical and electronic equipment (hereinafter *distributor*) is required to:

1) when making an electrical and electronic equipment available on the market, to take into account the requirements applicable in particular by verifying that the electrical and electronic equipment bears the CE marking, that it is accompanied by the required documents in Estonian, and that the manufacturer and the

importer have complied with the requirements provided for in clause 26¹⁰(1) 6) and subsection 26¹⁰(4) of this Act.

2) not to make an electrical and electronic equipment which is not in conformity with the requirements provided for in § 27 of this Act available on the market until it has been brought into conformity with the requirements, and to inform the manufacturer, importer and the supervisory authority thereof;

3) to take the necessary corrective measures to bring the electrical and electronic equipment into conformity with the requirements established by this Act, to withdraw it or recall it, if the equipment placed on the market is not in conformity with the requirements provided for in § 27 of this Act, and immediately inform the competent authority giving details, in particular, of the non-compliance and of any corrective measures taken;

4) at a reasoned request from a competent authority, provide it with all the information and documentation necessary to demonstrate the conformity of the electrical and electronic equipment with the requirements provided for in § 27 of this Act;

5) to co-operate with the competent authority on any action taken by the distributor to ensure compliance with the requirements provided for in § 27 of this Act of the electrical and electronic equipment which they have made available on the market.

(2) For the purposes of § 26¹⁴ of this Act, “distributor” means any natural or legal person in the supply chain, other than the manufacturer or the importer, who makes an electrical and electronic equipment available on the market.

(3) For the purposes of this section, “making available on the market” means making available on the market within the meaning of Article 2(1) of Regulation (EC) No 765/2008 of the European Parliament and of the Council.

(4) The obligations of a manufacturer provided for in § 26¹⁰ of this Act shall apply to a distributor of electrical and electronic equipment if the distributor places electrical and electronic equipment on the market under its name or trademark, or modifies the electrical and electronic equipment already placed on the market in such a way that compliance with the requirements provided for in § 27 of this Act may be affected.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹⁴. Obligations of undertaking upon submission of information to competent authority

(1) An undertaking is required to submit, at the request of a competent supervisory authority, information for ten years following the placing of an electrical and electronic equipment on the market which enables to identify:

- 1) all undertakings who have supplied the undertaking with an electrical and electronic equipment;
- 2) all undertakings to whom the undertaking has supplied an electrical and electronic equipment.

(2) For the purposes of this section, “undertaking” means the manufacturer, the authorised representative, the importer and the distributor.

(3) At the request of a competent surveillance authority or authorised processor of the register of products of concern, an undertaking is required to submit the documents demonstrating compliance with the requirements provided for in § 27 of this Act concerning a product of concern.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹⁵. European Union declaration of conformity

(1) The European Union declaration of conformity certifies that the requirements for electrical and electronic equipment provided for in § 27 of this Act are met. If other legislation prescribes at least as stringent conformity assessment procedure as provided for in clause 26¹⁰(1) 2) of this Act, the conformity to the requirements provided for in § 27 of this Act may be certified in the framework of this procedure and one technical document may be prepared.

(2) The European Union declaration of conformity contains the elements provided for in Annex VI to Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 01.07.2011, p. 88–110), and it shall be updated as necessary and translated into the language or languages required by a Member State where the electrical and electronic equipment is placed on the market or made available.

(3) With the preparation of the European Union declaration of conformity, the manufacturer shall assume the responsibility that the electrical and electronic equipment meets the requirements provided for in this Act.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹⁶. General principles of CE marking and assumption of conformity

(1) The CE marking is a marking by which the manufacturer indicates that a product meets the requirements applicable on the basis of Regulation (EC) No 765/2008 of the European Parliament and of the Council concerning the affixing of the marking on the product.

(2) The CE marking is governed by the general principles set out in Article 33 of Regulation (EC) No 765/2008 of the European Parliament and of the Council.

(3) In the absence of evidence to the contrary, the electrical and electronic equipment bearing the CE marking is considered in conformity to the requirements provided for in § 27 of this Act.

(4) Any materials, components and electrical and electronic equipment, which have been tested and measured on conformity to the requirements provided for in § 27 of this Act or which have been assessed in accordance with the harmonised standards, which reference data are published in the Official Journal of the European Union, are considered in conformity to the requirements provided for in § 27 of this Act.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 26¹⁷. Export of used electrical and electronic equipment from Estonia

(1) A person who exports used electrical and electronic equipment from Estonia shall ensure that a shipment comprising used electrical and electronic equipment meets the minimum requirements provided for in Annex VI to Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (OJ L 197, 24.07.2012, p. 38–71).

(2) If a shipment comprising used electrical and electronic equipment does not meet the minimum requirements provided for in Annex VI to Directive 2012/19/EU, the provisions of Chapter 9 of this Act shall apply to this shipment.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 26¹⁸. General conditions for bringing into reuse of WEEE

(1) The Reuse Centre for the purposes of this Act is a person who makes the used electrical and electronic equipment available to persons who intend to use these for the original purpose of the equipment.

(2) The producer and the Reuse Centre must be convinced that there is market demand for the WEEE, which is sorted out as a whole appliance for the purposes of reuse.

(3) The WEEE, which does not completely meet the conditions provided for on the basis of subsection (6) of this section, but which has great potential for reuse, may be prepared for reuse.

(4) In repairing the equipment, there shall be used such spare parts, which enable the equipment to perform its initial duty and ensure its safety.

(5) The liability for the WEEE delivered for reuse shall transfer after the inspection of the equipment and recognising it suitable for reuse to the Reuse Centre.

(6) In order to avoid environmental or health hazards that may result from the WEEE delivered for reuse, the minister responsible for the area shall establish by a regulation the requirements for delivery of the WEEE for reuse.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 26¹⁹. Producer's obligations in bringing into reuse of WEEE

(1) To promote reuse, the producer shall ensure the separation of the reusable WEEE collected by types from other WEEE prior to their delivery for recovery, recycling or disposal.

(2) The producer shall, for the promotion of reuse, provide the Reuse Centre with an opportunity for accessing the WEEE collection facilities. For this purpose, the producer may enter into a cooperation agreement with the Reuse Centre, including for transportation of the WEEE and the pre-sorting of the WEEE at the collection facilities for the purposes of reuse.

(3) The producer shall deliver the WEEE suitable for reuse to the Reuse Centre free of charge.

(4) The producer shall take back free of charge the equipment, which is unsuitable for reuse and which the Reuse Centre is unable to sell or give away for free, including to donate.

(5) The producer must preserve the user manual for the electrical and electronic equipment for at least ten years after placing on the market of the electrical and electronic equipment.

(6) The producer shall ensure the free of charge availability of the user manual for the electrical and electronic equipment to the Reuse Centre and the equipment user.

(7) Shall be governed by Subsections (1)–(4) of this section are applied to a person who receives for the waste holder the waste generated by the electrical and electronic equipment.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 26²⁰. Obligations of Reuse Centre in bringing into reuse of WEEE

(1) The Reuse Centre may take for reuse only such WEEE, which meets the requirements provided for on the basis of subsection 26¹⁸(6) of this Act.

(2) The Reuse Centre shall ensure that with regard to the WEEE made available to other persons for the purposes of reuse the buyer or recipient thereof has been provided with the information that the equipment is an appliance taking for reuse.

(3) The Reuse Centre shall provide each appliance to be sold or donated with the sales warranty of at least six months.

(4) The Reuse Centre shall keep account of all the WEEE delivered to the Centre, all the preparation activities of the reuse of the WEEE and the sales and donation of the equipment prepared for reuse.

(5) Each WEEE shall be designated in such way that it is possible to track the movement of the equipment through the stages of the preparation activities of the reuse until the sales and donation of the equipment.

(6) The Reuse Centre shall submit to the register of products of concern the information of all the WEEE delivered to the Centre for preparation for the reuse during a calendar year, which have been sold or donated as used electronic equipment. The report need not be submitted if the producers' responsibility organisation and the Reuse Centre agree that the report is submitted by the producers' responsibility organisation.

(7) If the Reuse Centre itself organises the pre-sorting of the WEEE at the collection facilities and its transportation, the Centre shall hold a waste permit for the collection, transport and recovery of the WEEE.

(8) If the Reuse Centre itself organises only the transportation of the WEEE or carries out the preparation activities of the reuse, the Centre shall hold a registration certificate for the activities under clause 74 (1) 4) or 5) of this Act.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 27. Prohibitions and restrictions on placing on market of products of concern within European Economic Area

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1) Placing on the market of the following products of concern within the European Economic Area is prohibited:

1) products of concern containing prohibited industrial chemicals within the meaning of Regulation (EC) No. 689/2008 of the European Parliament and of the Council concerning the export and import of dangerous chemicals (OJ L 204, 31.7.2008, p. 1–35);

2) batteries and accumulators containing mercury or cadmium;

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

3) motor vehicles and parts thereof containing hexavalent chromium compounds, lead and its compounds, mercury and its compounds or cadmium and its compounds;

4) electrical and electronic equipment and parts thereof containing hexavalent chromium compounds, lead and its compounds, mercury and its compounds, cadmium and its compounds, polybrominated diphenyl ether or polybrominated biphenyls;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1¹) Exceptions may be made from the prohibition provided for in subsection (1) of this section provided that the possibility to make such an exception arises from the legislation of the European Union.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1²) The prohibition specified in clause (1) 4) of this section does not apply to the following electrical and electronic equipment:

1) equipment designed to be sent into space;

2) equipment which is specifically designed, and is to be installed, as part of another type of equipment that is excluded or does not fall within the scope of this Act, which can fulfil its function only if it is part of that equipment, and which can be replaced only by the same specifically designed equipment;

3) large-scale stationary industrial tools;

4) large-scale fixed installations;

5) means of transport for persons or goods, excluding electric two-wheel vehicles which are not type-approved;

6) non-road mobile machinery made available exclusively for professional use;

7) active implantable medical devices;

8) photovoltaic panels intended to be used in a system that is designed, assembled and installed by professionals for permanent use at a defined location to produce energy from solar light for public, commercial, industrial and residential applications;

9) equipment specifically designed solely for the purposes of research and development only made available on a business-to-business basis.

[RT I, 04.01.2013, 12 - entry into force 22.07.2019]

10) equipment which is necessary for the protection of the essential interests of the security of Member States, including arms, munitions and war material intended for specifically military purposes.

[RT I, 08.07.2014, 13 - jõust 18.07.2014]

(2) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) The Government of the Republic or a minister authorised thereby has the right to issue regulations establishing the following as regards certain products of concern or parts thereof:

1) maximum concentration values for dangerous substances up to which the content of dangerous substances is not subject to the prohibition specified in subsection (1) of this section;

2) areas of application, technical conditions or requirements upon application of which the prohibition specified in subsection (1) of this section does not apply;

3) time limits for full or partial implementation of the prohibition specified in subsection (1) of this section.

(5) [Repealed - RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(6) In this section, the following terms are used:

1) “large-scale stationary industrial tools” mean a large-scale assembly of machines, equipment or components, functioning together for a specific application, permanently installed and de-installed by professionals at a given place, and used and maintained by professionals in an industrial manufacturing facility or research and development facility;

2) “large-scale fixed installation” means a large-scale combination of several types of apparatus and, where applicable, other devices, which are assembled and installed by professionals, intended to be used permanently in a pre-defined and dedicated location, and de-installed by professionals;

3) “active implantable medical device” means the active implantable medical device pursuant to § 5 of the Medicinal Devices Act;

4) “non-road mobile machinery made available exclusively for professional use” means machinery, with an on-board power source, the operation of which requires either mobility or continuous or semi-continuous movement between a succession of fixed working locations while working, and is made available exclusively for professional use.

[RT I, 04.01.2013, 12 - entry into force 22.07.2019]

§ 27¹. Implementation of prohibition on use of equipment containing polychlorinated biphenyls and polychlorinated terphenyls

(1) The holders of functioning equipment containing polychlorinated biphenyls and polychlorinated terphenyls (hereinafter jointly *PCB*) shall take the equipment out of use or decontaminate the equipment and eliminate the PCB contained therein as soon as possible, but no later than by 31 December 2010.

[RT I, 17.12.2010, 21 - entry into force 27.12.2010]

(1¹) The use of PCB-containing equipment is prohibited.

[RT I, 17.12.2010, 21 - entry into force 01.01.2011]

(2) Decontamination is an act, which provides an opportunity for the safe reuse, recycling or disposal of the equipment, objects, materials and liquids contaminated with the PCB, including the replacement of the PCB by a suitable liquid not containing the PCB.

(3) For the purposes of this Act, the PCB include polychlorinated biphenyls, polychlorinated terphenyls, monomethyl-tetrachlorodiphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromodiphenyl methane or any preparation or mixture, which contains the aforementioned substances in total over more than 0.005% by weight.

[RT I, 2010.44, 260 - entry into force 19.07.2010]

§ 27². Avoidance of major accidents and notification thereof

(1) This section applies to a category A extractive waste facility determined on the basis of subsection 35²(5) of this Act, which is neither a dangerous enterprise nor an enterprise liable to be affected by major accident for the purposes of the Chemicals Act.

(2) Major accident for the purposes of this Act is an incident occurring in the course of handling extractive waste in the place of business, which poses immediately or over time a serious threat to the human health or the environment manifested in the place of business or elsewhere.

(3) In the design, construction, use, maintenance, closure and aftercare of an extractive waste facility liable to be affected by major accident, there shall be taken the necessary measures to avoid such accidents and limit their adverse effects on the human health or the environment, including transboundary effects.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 27³. General requirements for avoidance of major accidents and notification thereof

(1) Prior to starting the activities, the operator of an extractive waste facility specified in subsection 27²(1) of this Act shall prepare the principles of avoidance of major accidents in handling the extractive waste and enforce for the implementation thereof the safety management system and the internal emergency plan of the extractive waste facility, which specifies the measures taken on the territory of the installation in case of an accident. The operator shall appoint a safety manager who is responsible for implementing the principles of avoidance of major accidents and regular supervision.

(2) The Rescue Board shall prepare with regard to each installation a separate external emergency plan, which specifies the measures taken outside the territory of the installation in case of an accident. The operator shall submit to the issuer of waste permits together with the application for a waste permit the information necessary for the preparation of the plan, including the internal emergency plan of the extractive waste facility provided for in subsection (1) of this section. The issuer of waste permits shall forward the information to the Rescue Board.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(3) In the preparation of an external emergency plan, the requirements established by the Administrative Procedure Act with regard to open proceedings shall be observed.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 27⁴. Objectives of emergency plan

The emergency plan has the following objectives:

- 1) to restrain and control major accidents and other accidents in such way that their impact would be minimum and primarily to limit the damage caused to the human health and the environment;
- 2) to implement measures which are necessary for the protection of the human health and the environment from the impact of major accidents and other accidents;
- 3) to submit the necessary information to the relevant authorities, services and the public in the area. The public for the purposes of this Act is one or several natural or legal persons and, pursuant to the legislation or practices, the associations, organisations or groups of such persons;
- 4) to plan the cleaning, upkeep and restoration of the environment after a major accident.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 27⁵. Principles of avoidance of major accidents and safety management system

(1) The operator's principles of avoidance of major accidents and safety management system shall correspond to the amount of major accidents hazard arising from the extractive waste facility. The principles of avoidance of major accidents shall contain the operator's general objectives and principles of action with respect to the control of risk of major accidents. The safety management system shall include the part of the general management system which comprises the organisational structure, responsibilities, practices, procedures, processes and resources related to determining and implementing the principles of avoidance of major accidents.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2) The safety management system must address the following issues:

- 1) organisation and employees – duties and obligations of employees related to the management of risk of major accidents on all organisational levels, ascertaining the training needs of such employees and offering the relevant training; inclusion of employees and subcontractors, if necessary;
- [RT I, 04.01.2013, 12 - entry into force 14.01.2013]
- 2) identification and evaluation of serious threats – adoption and implementation of procedures for systematic identification of serious threats arising from normal and abnormal operation and the assessment of the likelihood and severity of such threats;
 - 3) operational control – establishment and implementation of procedures and guidelines pertaining to safe operation, including the maintenance of an extractive waste facility, the maintenance processes, equipment and temporary interruptions in the maintenance;
 - 4) management of change – establishment and implementation of procedures pertaining to changes in extractive waste facilities or planning of new extractive waste facilities;
 - 5) preparation of plans for emergencies – establishment and implementation of procedures for ascertaining of emergencies through systematic analysis and preparation, testing and review of emergency plans;
- [RT I, 04.01.2013, 12 - entry into force 14.01.2013]
- 6) monitoring of activities – establishment and implementation of procedure for the constant assessment of the performance of the objectives of the principles of avoidance of major accidents and the safety management

system, and means for taking investigative and corrective measures in case these objectives are not observed. The procedure shall comprise a procedure, which the operator uses for notification of a major accident and narrowly avoided accidents, especially if the protective measures had any deficiencies, and the investigation of these deficiencies and the follow-up measures taken on the basis of the drawn conclusions;

7) inspection and review – establishment and implementation of procedure for regular systematic evaluation of the performance and suitability of the principles of avoidance of major accidents and the safety management system. The management shall monitor whether the principles and the safety management system are functioning, and these shall be documented and updated.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 27⁶. Information to be transmitted in connection with avoidance of major accidents

(1) The information on the safety measures and, in case of accident, the obligatory behaviour shall be transmitted to the public concerned, and it shall contain at least the following data:

- 1) name of the operator and address of the extractive waste facility;
- 2) position of the person giving the information;
- 3) confirmation that effective requirements are applicable to the extractive waste facility and the issuer of the permit, if necessary, has been submitted the needed information for ensuring and verification of compliance with these requirements;
- 4) clear and simple explanation of the activities carried out at the facility;
- 5) conventional or generic names of the substances and preparations located at the extractive waste facility and of the waste involving major accident risks or generic hazard classification with a list of the principal hazardous characteristics;
- 6) general information relating to the nature of the major accident hazards, including their potential impact on the population and the environment in the surrounding area;
- 7) sufficient information on how the population in the surrounding area will be warned and how they will be kept knowledgeable of the developments in case of a major accident;
- 8) sufficient information on how the population should act in case of a major accident;
- 9) confirmation that the operator shall take sufficient measures on their territory primarily in cooperation with the emergency services in order to cope with major accidents and minimise their impact;
- 10) reference to an emergency plan outside the extractive waste facility, which was prepared in order to minimise the potential impact of an accident outside the extractive waste facility. It shall include advice to follow in case of an accident all the guidelines and requirements of the emergency services;
- 11) where to obtain additional information.

(2) The information specified in subsection (1) of this section shall be submitted to the public concerned free of charge and continuously. The information shall be reviewed and updated, if necessary, at least once every three years.

(3) The public concerned for the purposes of this Act is the public who is affected or may be affected by decision-making concerning extractive waste facilities of category A in granting of a waste permit or activity licence, or the public whose interests it involves. It is taken into account that non-governmental organisations promoting the environment protection also have such interest.

(4) In case of a major accident, the operator shall promptly submit to the Rescue Board all the necessary information to help minimise the negative impact of the accident on the human health and to evaluate and minimise the scope of actual or potential environmental damage.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(5) If an accident may have transboundary effects, the Rescue Board shall submit through the Ministry of the Interior the specified information to the competent authorities of the state, which may be affected by the accident.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

Division 3 General Requirements for Waste Handling

§ 28. Certified waste handling

(1) A waste holder is required to handle the waste in the possession thereof according to the established requirements or transfer the waste for handling to a person holding the corresponding right.

(1¹) Waste holders must have adequate information concerning the types, quantities and origin of the waste in their possession, concerning its properties relevant in terms of waste handling and concerning the hazards resulting from the waste to health, the environment or property.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) A person transferring waste must, under the circumstances, be convinced that the transferee holds the waste permit or integrated permit granting the right to handle the waste transferred.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) If waste is transferred for handling not requiring a waste permit or integrated permit, the person transferring the waste must, under the circumstances, be convinced that the transferee is competent to handle the waste and has the relevant technical and environmental protection equipment.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) The liability of a waste holder for handling the waste shall terminate or transfer when a new waste holder has a waste permit, integrated permit or registration certificate for handling the respective waste.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(5) If a waste holder delivers the waste for waste handling to a person not holding the corresponding right, the waste holder shall be liable for the waste handling.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(6) Upon transportation of the waste, the liability for the waste handling shall not transfer to the waste carrier unless the carrier is a waste holder.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 28¹. Incineration of waste on board ships

Incineration of waste on board ships is prohibited.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 29. Environmental impact of waste handling and best available techniques

(1) The processes or methods used in waste handling shall not endanger health, property or the environment. The waste handling shall implement all the necessary measures to avoid or reduce as much as possible the environmental nuisances caused by waste for the purposes of § 18 of this Act and the harmful impact of the waste on the environment, including landscapes and sites of special interest, and the human health.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) In waste handling, environmental nuisances shall be avoided or, if this is not possible, reduced unless this involves excessive costs.

(3) The waste handling shall use the best available techniques as determined in § 8 of the Industrial Emissions Act.
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(4) The minister responsible for the area shall have the right to issue regulations to implement the provisions of subsections (1)–(3) of this section and establish handling requirements for:

- 1) [Repealed - RT I, 09.11.2011, 1 - entry into force 10.11.2011]
- 2) waste containing polychlorinated biphenyls or polychlorinated terphenyls;
- 3) waste containing asbestos;
- 4) waste generated in the production of titanium oxide;
- 5) biodegradable waste;
- 6) waste electrical and electronic equipment (WEEE);
- 7) end-of-life vehicles;
- 8) waste batteries and accumulators;
- 9) construction and demolition waste;
- 10) waste tyres;
- 11) packaging waste;
- 12) wastes from human or animal health care;
- 13) municipal waste;
- 14) metal waste;
- 15) waste from thermal processing (including pyrolysis) of oil shale;
- 15¹) extractive waste;
[RT I 2010, 44, 260 - entry into force 19.07.2010]
- 16) sewage sludge.
- 17) [repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]
- 18) waste used for filling the workings or recoverable waste otherwise placed in the environment;
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]
- 19) waste oil;
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(4¹) In handling the waste containing the persistent organic pollutants, there shall be taken into consideration the provisions governing the waste handling, which are included in Article 7 of Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC (OJ L 158, 30.4.2004, p. 7–49).

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4²) In handling the waste containing the metallic mercury, there shall be followed, *inter alia*, the prohibitions and storage conditions provided for in Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury (OJ L 304, 14.11.2008, p. 75–79).
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) [Repealed -RT I, 23.03.2015, 6 - entry into force 01.07.2015]

§ 30. Principles of waste recovery

(1) Waste shall be recovered if this is technologically possible and does not involve excessive costs compared to other methods of waste management.

(2) [Repealed - RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 31. Sorting of waste

(1) Local governments shall organise sorting, including separate collection of waste in order to enable recovery of the waste to the highest possible extent.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) In the course of sorting, recoverable waste and hazardous waste shall be separated from other waste if this is technically feasible and does not entail excessive costs.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) Where it is technically, environmentally and economically feasible, the local government shall organise at least the separate collection of paper, cardboard, metal, plastic and glass waste.
[RT I, 09.11.2011, 1 - entry into force 01.01.2015]

§ 32. Principle of proximity in waste handling

Waste shall be disposed of and mixed municipal waste shall be recovered at a technologically suitable waste management facility where the health of persons and the safety of the environment is granted and which is located as close as possible to the site where waste was generated.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 33. Requirements for waste management facilities

(1) In order to ensure that waste management facilities are safe for health and the environment during waste handling and thereafter, the following requirements shall be established by a regulation of the minister responsible for the area:

- 1) requirements for establishment, operation and closure of landfills;
- 2) [repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 3) [repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(2) In order to ensure the safety of waste management facilities, the minister responsible for the area has the right to establish, by a regulation specified in subsection (1) of this section:

- 1) technical norms, values for technical parameters, and other requirements for operation;
- 2) [repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 3) [repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 4) requirements for environmental monitoring at waste management facilities and the surroundings thereof before commencement of operation, in the course thereof and after termination of operation of the facility;
- 5) duration of environmental monitoring during aftercare of waste management facilities.

§ 33¹. Requirements for construction, operation and closure of extractive waste facility

(1) The operator of an extractive waste facility shall ensure the following:

- 1) choice of suitable location for an extractive waste facility, primarily taking into consideration the positions of the protected natural objects and geological, hydrological, hydrogeological, seismic and geotechnical factors;
- 2) to design an extractive waste facility in such way that the conditions necessary for avoidance of soil, air, groundwater and surface water pollution are complied with;
- 3) efficient collection and cleaning of leachate at the time and in the manner provided for in a permit;
- 4) reduction of water and wind erosion to an extent that is technically possible and economically viable;

- 5) construction, management and maintenance of an extractive waste facility in such way as to ensure the physical stability of an extractive waste facility and avoid soil, air, groundwater and surface water pollution and contamination, and minimise as much as possible the damaging of landscape;
- 6) preparation of plans and giving instructions so that competent persons would be able to periodically inspect an extractive waste facility, perform monitoring and take measures in case the results indicate instability or water or soil contamination;
- 7) giving instructions for restoring the earth surface and closure of an extractive waste facility;
- 8) giving instructions for aftercare of an extractive waste facility.

(1¹) A competent person for the purposes of this Act is a natural person who has the technical knowledge and experience required for the performance of the assignments arising from this Act.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2) If a pond contains cyanide, the operator shall ensure that the concentration of weak acid dissociable cyanide is reduced there using the best available technology to the lowest possible level.

(3) The closure of an extractive waste facility shall be commenced only if the requirements established in a waste permit are met and the issuer of waste permits has granted consent for closure.

(4) An extractive waste facility shall be considered completed closed only after the issuer of waste permits has organised the on-site inspection of the extractive waste facility, assessed the reports submitted by the operator, warranted that an area affected by the extractive waste facility has been restored, and notified the operator of the consent for closure of the extractive waste facility.

(5) After the closure of an extractive waste facility, the operator shall, *inter alia*, verify the physical and chemical stability of the extractive waste facility and minimise the adverse impact on the environment, primarily on surface water and groundwater, ensuring the following:

- 1) supervision and protection of all parts of the extractive waste facility, and permanent serviceability of the instrumentation;
- 2) keeping the overflow channels and spillways clean and free.

(6) The operator shall be liable for the maintenance, monitoring and inspection of an extractive waste facility and for the measures improving an extractive waste facility in the aftercare until the issuer of waste permits or integrated permits requires it, taking into consideration the type and duration of hazard. The required measures and the time of their implementation shall be determined in a waste permit granted for the operation of an extractive waste facility.

(7) In case of change of the operator of an extractive waste facility, all the operators of the time of functioning and aftercare of an extractive waste shall be solidarily liable for any damage caused by negative environmental impact arising from the waste stored at the extractive waste facility.

(8) The minister responsible for the area shall establish by a regulation the list of specific requirements for construction, use, monitoring, closure and aftercare of an extractive waste facility.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 33². Inventory-taking of closed extractive waste facilities

The minister responsible for the area shall prepare an inventory list with regard to closed extractive waste facilities, including ownerless extractive waste facility, which cause serious adverse impact on the environment or may, within medium or short time, become a serious threat for the human health or the environment. The inventory list shall be updated on a regular basis.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 34. Landfills

(1) "Landfill" means a waste management facility for the deposit of waste onto or into land, including waste management facilities where a waste producer deposits waste at its place of production (internal waste disposal sites) and waste management facilities which are permanently used for temporary storage of waste for at least one year.

(2) The waste deposit sites specified in subsection (1) of this section are considered landfills until completion of their aftercare.

(3) The following are not deemed to be landfills:

- 1) facilities where waste is unloaded in order to permit its preparation for further transport for treatment, recovery or disposal elsewhere;
- 2) facilities where waste is stored prior to treatment or recovery if all the waste stored at the facility is treated or recovered within three years after being stored;
- 3) facilities where waste is stored prior to disposal if all the waste stored at the facility is disposed of within one year after being stored.

(4) Depending on the properties of the waste deposited, landfills are classified as:

- 1) landfills for hazardous waste;
- 2) landfills for non-hazardous waste;
- 3) landfills for inert waste.

§ 34¹. Landfill costs

(1) The fee charged by a landfill operator for the deposit of any waste in the landfill shall cover the expenses of the establishment, operation and closure of the landfill and to the extent possible the expenses of the financial security or insurance specified in clause 91 5) of this Act and the provisional expenses of the landfill aftercare for the period with the duration of at least 30 years.

(2) For the implementation of the principle of covering the landfill expenses specified in subsection (1) of this section and the requirements on the freedom of access to information on the environment, a landfill operator shall keep accounting of the landfill expenses and disclose the division of the fee charged for the deposit of waste in the landfill by cost categories upon corresponding request.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 35. Prohibition on deposit of untreated waste in landfills

(1) Deposit of untreated waste in landfills is prohibited.

(2) The obligation to treat waste before deposit does not extend to waste the treatment of which does not reduce the quantity of waste or the hazard arising from the waste to human health or the environment, and to such inert waste the treatment of which is technically not viable.

§ 35¹. Prohibition on deposit of used tyres in landfills

(1) The deposit of used tyres in landfills is prohibited, except for shredded tyres used as construction material in the landfills.

(2) The prohibition provided for in subsection (1) of this section does not apply to bicycle tyres and tyres with an outside diameter above 1400 mm.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 35². Extractive waste facility

(1) An extractive waste facility means any construction works or area designated for the accumulation or deposit of extractive waste, whether in a solid or liquid state in solution or suspension, for the following time-periods:

- 1) no time-period for Category A extractive waste facilities and facilities for waste characterised as hazardous in the extractive waste management plan specified in § 42¹ of this Act;
- 2) a period of more than six months for facilities for hazardous waste generated unexpectedly;
- 3) a period of more than one year for facilities for non-hazardous waste, which is not inert waste;
- 4) a period of more than three years for facilities of unpolluted soil, non-hazardous prospecting waste, waste resulting from the extraction, treatment and storage of peat and inert waste.

(2) The extractive waste facilities specified in subsection (1) of this section are deemed to include any dams or other structures serving to contain, retain, confine or otherwise support such facilities. Such extractive waste facilities also include heaps, ponds or other structures, but excluding excavation voids into which waste is replaced, after extraction of the mineral, for rehabilitation and construction purposes;

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2¹) A dam for the purposes of this Act means an engineered structure designed to retain or confine water or waste within a pond.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2²) A heap for the purposes of this Act means an engineered facility for the deposit of solid waste on the surface.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(2³) A pond for the purposes of this Act means a natural or engineered facility, for disposing of fine-grained waste, normally tailings, along with varying amounts of free water, resulting from the treatment of mineral resources and from the clearing and recycling of process water.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 35³. Financial security necessary for operation of extractive waste facility

(1) The operator of an extractive waste facility shall have the sufficient financial security for the performance of the obligations in the use, closure and aftercare of an extractive waste facility (hereinafter *security*). The security shall always be readily available for the restoration of an area affected by the extractive waste facility pursuant to a permit for operation of an extractive waste facility and the extractive waste management plan specified in § 42¹ of this Act.

(2) The security shall be calculated pursuant to the likely environmental impact of an extractive waste facility, taking into consideration the category of an extractive waste facility, the waste characteristics and the future use of the restored area, and other important facts. The issuer of waste permits shall calculate the amount of security for operation of an extractive waste facility.

(3) The calculation of the security shall be based on the assumption that independent third parties with sufficient qualifications shall provide an assessment of the necessary restoration work and perform the restoration work.

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(4) The availability of the security shall be certified by a guarantee of an Estonian or international credit or financial institution previously accepted by the issuer of permits. The credit rating of the credit or financial institution shall be at least A3 (Moody's) or A (Standard and Poor's) and in this respect the credit rating shall not be reduced within the last three months. The security shall be effective at least until the end of the aftercare of an extractive waste facility.

(5) At the time of provision of security, the value of the security shall constitute at least 115 per cent of the provisional amount of the restoration expenses of an area affected by the extractive waste facility. If the issuer of permits determines that there is no longer an assurance that the security ensures the payment of the expenses, the issuer shall have the right to request an increase of the security or replacement of the initial security by a new security.

(6) In determination of the provisional amount of the restoration expenses of an area affected by the extractive waste facility, the expert opinion of independent third parties with sufficient qualifications shall be followed.

(7) The amount of the security shall be amended on a regular basis pursuant to the restoration work which needs to be carried out on an area affected by the extractive waste facility pursuant to the extractive waste management plan and the waste permit issued for the operation of the extractive waste facility.

(8) If the issuer of permits approves the closure of an extractive waste facility, the issuer shall give the operator a written certificate which releases the operator from the obligation to provide the security, excluding the obligations following the closure.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 36. Sorting of mixed municipal waste in course of treatment of waste before deposit

(1) In order to allow the recovery of municipal waste to the highest possible extent, mixed municipal waste shall be sorted before it is deposited in landfills.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) It is prohibited to deposit unsorted mixed municipal waste in landfills.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) If necessary, waste collected separately shall be aftersorted.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) If the additional treatment of waste to be deposited reduces the quantity of the waste or the hazard arising from the waste to human health or the environment or facilitates the handling thereof, sorted municipal waste shall be additionally treated before deposit.

(5) The minister responsible for the area has the right, by a regulation, to establish a procedure for the sorting of waste, the percentage rates of and target indicators for recoverable waste separated from the total mass of waste and the bases of classification of sorted waste.

§ 37. Incineration plant and co-incineration plant

[Repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]

§ 38. General requirements for transport of waste

Waste shall be transported in enclosed means of transport in packages or in any other appropriate manner which prevents release of waste into the environment in the course of loading or transport.

Chapter 2 Waste Management Planning

Division 1 General Provisions for Waste Handling Planning and Waste Management Plans

§ 39. Development of waste handling

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(1) The waste handling shall be developed on the basis of the sectoral development plan and the local government waste management plan.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) The sectoral development plan and the local government waste management plan shall examine the situation of waste handling in the local government, the objectives for the organisation and enhancement of waste handling and measures to achieve the objectives.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(3) The sectoral development plan and the local government waste management plan shall contain the following:

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

- 1) information concerning the type, quantity and origin of the waste generated on the territory covered by the plan and evaluation of the future development of waste flows;
- 2) description of the existing waste collection systems and overview of major disposal and recovery facilities;
- 3) overview of handling waste oil, hazardous waste and other waste flows, which subject to separate regulation at the European Union level;
- 4) evaluation of necessity for new collection systems, closure of existing waste facilities, infrastructure of additional waste facilities and connected investments;
- 5) in case of necessity for creation of additional waste facilities infrastructure, information concerning the location of future disposal and recovery facilities and their capacity;
- 6) description of general waste handling policies, including overview of planned waste handling technologies or policies with regard to the waste for handling which it is necessary to take special measures;
- 7) overview of organisational aspects related to waste handling, including the description of the distribution of liability between persons in public and private law engaged in waste handling;
- 8) overview of use of awareness-raising and information campaigns targeted at the public or a specific group of consumers;
- 9) information concerning the waste disposal locations contaminated in the past and measures taken for the maintenance thereof;
- 10) description of environmental impact generated by the implementation of the sectoral development plan and the local government waste management plan.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(4) The operator of a waste disposal site, the holder of a permit for general geological surveys, a permit for geological exploration or extraction permit whose activities generate waste or, if the waste is generated in the course of enrichment of mineral resources, the enricher of mineral resources shall prepare a mining waste management plan specified in § 42¹ of this Act for minimising, processing, recovery and disposal of mining waste, taking into consideration the principle of sustainable development.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 40. National waste management plan

[Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

§ 40¹. Programme for prevention of waste generation

[Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

§ 41. [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 42. Local government waste management plan

(1) Local government waste management plan means a part of the local government development plan which deals with the development of waste handling in the rural municipality or city. Several local governments may prepare a joint waste management plan. The provisions of the sectorial development plan shall be taken into account upon preparation of a waste management plan.
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) In addition to that provided for in subsection 39 (3) of this Act, a local government waste management plan shall set out:

- 1) development of waste transport organised by a local government within the administrative territory thereof, including designation of the area or areas covered by the organised waste transport;
[RT I 2007, 19, 94 - entry into force 11.03.2007]
- 2) development of separate collection and sorting of waste, and the corresponding time limits for specific types of waste;
- 3) financing of waste handling.

§ 42¹. Extractive waste management plan

(1) An extractive waste management plan shall promote the recycling, reuse or recovery of extractive waste if it is environmentally friendly and takes into account the current requirements.

(2) An extractive waste management plan shall ensure safe disposal of extractive waste. In the preparation of an extractive waste management plan, at the design stage of an extractive waste facility, there shall be primarily taken into consideration the management of an extractive waste facility at the time of its operation and after its closure and there shall be chosen a project that meets the following requirements:

- 1) requiring minimal or, if possible, does not requiring at all the aftercare and supervision of a closed extractive waste facility;
- 2) preventing or at least minimising the long-term adverse impact which emanates e.g. from pollutants emitted by an extractive waste facility through air or water;
- 3) ensuring long-term geotechnical stability of dams or heaps rising above the existing ground level.

(3) An extractive waste management plan shall be submitted to the issuer of permits for approval if:

- 1) a waste permit is necessary pursuant to clause 73 (2) 8) or clause 75 (1) 12) of this Act for generation of tailings from treatment of mineral resources or operation of an extractive waste facility – together with the application for a waste permit;
- 2) waste is generated in the course of geotechnical stability, exploration or extraction, if a waste permit is not required – together with the application for a relevant permit, based on the requirements established by the Earth's Crust Act.

(4) The issuer of permits specified in subsection (3) of this section shall approve an extractive waste management plan meeting the requirements simultaneously with granting the permit. An extractive waste management plan shall constitute an integral part of a waste permit.

(5) The operator shall review an extractive waste management plan at least every five years and amend the plan if significant changes have occurred in the operation of the extractive waste facility or the deposited waste. The amended extractive waste management plan shall be submitted to the issuer of permits specified in subsection (3) of this section who shall approve it within five working days. The amendments shall be deemed to be effected as of the approval of the amended extractive waste management plan. A change in the structure or activities of an extractive waste facility, which in the opinion of the issuer of permits may materially damage the human health or the environment, shall be considered significant.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(6) The requirements which specify the contents of an extractive waste management plan, including the specific procedure for the submission, approval and review of the extractive waste management plan, shall be specified by a regulation of the minister responsible for the area.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 43. Updating of local government waste management plan

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(1) Updating of a local government waste management plan shall mean the regular review of a waste management plan and making amendments thereto. The provisions concerning the proceedings relating to preparation of a local government waste management plan shall apply to updating of a local government waste management plan.
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) [Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(3) [Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

§ 44. Rights and obligations of the minister responsible for the area and local governments in waste handling planning

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1) The minister responsible for the area shall co-ordinate the activities of the counties and local governments in preparation and implementation of local government waste management plans.
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) [Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(3) Local governments may demand information from persons, agencies and producers' associations free of charge concerning their waste-related activities if this is necessary for preparation or updating of a local government waste management plan.
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(4) A local government may require that persons, agencies and producers' associations which operate within the administrative territory thereof prepare waste management plans in accordance with subsection 39 (3) of this Act at their own expense and submit them to the local government if this is necessary for preparing or updating the local government waste management plan.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(5) The minister responsible for the area and local governments shall preserve the information collected in the course of preparation of the sectoral development plan and its implementing document, and a local government waste management plan pursuant to the procedure provided by law.
[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

Division 2 Preparation of National Waste Management Plan

[Repealed -RT I, 13.03.2014, 2 - entry into force 23.03.2014]

§ 45.–§ 54.[Repealed - RT I, 13.03.2014, 2 - entry into force 23.03.2014]

Division 3 Preparation of Local Government Waste Management Plan

§ 55. Co-ordination of draft local government waste management plan

A draft local government waste management plan shall be submitted to the Environmental Board and the county governor for comments before adoption of the draft.
[RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 56. Public display of and public discussion concerning draft local government waste management plan

(1) A local government shall organise public display of a draft local government waste management plan and at least one public discussion for deliberations on the draft.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) A notice of the time and place of public display of a draft local government waste management plan shall be published in a local newspaper at least two weeks before the public display. A draft local government waste management plan shall be placed on public display for at least two weeks.

(3) A notice of the time and place of a public discussion for deliberations on a draft local government waste management plan shall be published in a local newspaper at least two weeks before the public discussion.

(4) A public discussion need not be held if no proposals or objections are submitted during the public display.

§ 57. Submission of opinions during public display of or public discussion concerning draft local government waste management plan, and consideration of proposals and objections submitted

(1) Everyone has the right to submit proposals and objections concerning a draft local government waste management plan during the public display of the draft.

(2) Everyone has the right to submit his or her opinion on a draft waste management plan orally at the discussion for deliberations on the draft.

(3) The rural municipality or city government shall review the proposals and objections submitted during the public display of or a public discussion concerning a draft waste management plan and, if necessary, decide on amendment of the draft plan according to the proposals and objections submitted.

§ 58. Publication of results of public display of and public discussion concerning draft local government waste management plan

A rural municipality or city government shall publish the results of the public display of and the public discussion concerning a waste management plan in a local newspaper.

§ 59. Adoption of local government waste management plan

(1) A local government waste management plan shall be adopted by the local government council.

(2) A joint local government waste management plan enters into force after it has been adopted by all the local government councils co-operating for the plan.

§ 59¹. Publication of local government waste management plan

A local government waste management plan shall be published on the website of the local government.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

Chapter 3 Special Conditions for Handling Hazardous Waste

§ 60. Prohibition on mixing hazardous waste

(1) Mixing of hazardous waste with other types of hazardous waste, non-hazardous waste or any other substances or materials is not permitted, except in the case provided for in § 61 of this Act.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) Waste which has already been mixed shall be separated if this is technically feasible and does not entail excessive costs or if this is necessary for the prevention of potential health or environmental hazards.

§ 61. Mixing of hazardous waste

(1) Mixing of hazardous waste with other types of hazardous waste or with non-hazardous waste or any other substances or materials is permitted if the provisions of subsections 29 (1) and (2) of this Act are complied with in order to prevent or, if prevention is not possible, reduce the health or environmental hazards resulting from the waste and if mixing is technologically and economically justified.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) Hazardous waste shall not be mixed for the purpose of reclassification of hazardous waste into non-hazardous waste by way of diluting and thereby reducing the original content of hazardous waste below the limit value for classification as hazardous waste.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 62. Packaging of hazardous waste

(1) In the course of collection, temporary storage and transport of hazardous waste, the waste shall be packaged in order to prevent the health and the environmental hazards resulting from the waste and facilitate their recovery or disposal.

(2) A waste holder is required to label hazardous waste, except the hazardous waste produced by households, or their packaging before the waste is transferred to the waste handler.

(3) The procedure for labelling hazardous waste and packaging of hazardous waste shall be established by a regulation of the minister responsible for the area.

§ 63. Transport of hazardous waste

Hazardous waste shall be transported pursuant to the procedure provided for in legislation concerning transport of dangerous goods and in international agreements.

§ 64. Consignment note for hazardous waste

(1) Consignment note for hazardous waste (hereinafter *consignment note*) means a document which contains information concerning the type, composition, quantity and main properties of the hazardous waste transferred for handling and the producer of such waste, the person who transfers the waste for handling, the transport operator and the consignee.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) A consignment note shall be prepared as a digital document in the Internet-based database designated by the minister responsible for the area.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2¹) The provisions of subsections (1) and (2) of this section do not apply to natural persons or rescue service agencies upon transfer of hazardous waste produced in households or collected in the course of rescue work to waste handlers.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(3) A consignment note shall be prepared by the person who transfers waste for transport if the person holds the hazardous waste management licence specified in § 99 of this Act (hereinafter *licence*).

[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(4) If the person transferring waste does not hold a licence, a consignment note shall be prepared by the consignee of waste holding a licence.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4¹) The persons holding the licence specified in subsection (3) of this section shall prove the transfer or receipt of waste in the digital document prepared in the database specified in subsection (2) of this section.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) The format of a consignment note for hazardous waste and the procedure for preparation, forwarding and registration of consignment notes shall be established by a regulation of the minister responsible for the area.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 65. Organisation of hazardous waste management

(1) Development of a network of hazardous waste management facilities shall be organised by the minister responsible for the area in accordance with the sectoral development plan.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) Local governments shall organise collection of hazardous waste produced by households within their administrative territories and transfer of the waste to waste handlers, except in the case specified in subsection 26 (1) of this Act.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 65¹. Waste oils

(1) For the purposes of this Act, waste oils means mineral or synthetic lubricant or industrial oils, primarily oils used in internal combustion engines and gearbox oils, lubricating oils, oils for turbine and hydraulic oils, which is no longer suitable for the original intended use.

(2) Regeneration of waste oils means any recycling operation whereby base oils can be produced by refining waste oils, in particular by removing the contaminants, the oxidation products and the additives contained in such oils;

(3) If this is technically feasible, waste oils are collected separately.

(4) Where this is technically feasible and economically viable, waste oils of different characteristics are not mixed and waste oils are not mixed with other kinds of waste or substances, if such mixing impedes their treatment.

(5) Upon recovery of waste oils, priority shall be given to regeneration of waste oils if this is technically feasible, economically viable and if other recovery operations do not ensure a better overall environmental result taking account of the provisions of subsection 22¹(2) of this Act.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

Chapter 4

Waste Handling Organised by Local Governments

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 66. Organised waste transport

(1) "Organised waste transport" means collection and transport of municipal waste from a designated area to a specific waste management facility or facilities by an undertaking chosen by way of a competition organised by the local government.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1¹) [Repealed - RT I, 08.07.2014, 2 - entry into force 01.10.2014]

(2) Local governments shall organise the collection and transport of municipal waste, primarily garbage or mixed municipal waste, their sorting residues and the types of waste resulting from separate collection of waste at the site of generation of municipal waste within their administrative territories. Organised waste transport may also comprise other types of municipal waste or other waste if this is necessary for the performance of the requirements of this Act or if this is necessary due to a significant public interest.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) A local government may decide not to organise waste transport in low-density areas of its administrative territory where organised waste transport would be excessively costly due to the small number and disproportionate location of waste producers and the small quantities of waste, and organised waste transport is not necessary from the point of view health and environmental protection.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) The types of waste subject to organised waste transport, the transport areas, the frequency and time of transport and the procedure for determining the waste transport fees shall be established by a regulation of the rural municipality or city council.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) Waste transport fees shall be sufficient to cover the costs of establishment, operation, closure and aftercare of waste treatment facilities and the costs of waste transport and the costs related to preparation of transport.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(6) The amount of a waste transport fee shall be determined on the basis of the type, quantity and properties of waste, the frequency of waste transport services, and other circumstances which have a significant impact on the cost of waste handling.

(7) An undertaking who provides the service of transport of municipal waste in a local government with at least 40,000 residents is the provider of the vital services specified in clause 34 (9) 4) of the Emergency Act.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 67. Choice of waste transport operator

(1) For the purpose of finding a provider of the service of organised waste transport, a local government shall, independently or in cooperation with other local governments, organise a concession of services in accordance with the provisions of the Public Procurement Act. In the latter case, the administrative territories of the cooperating local governments may form a single transport area, taking account of the number of residents in the area provided in subsection (5) of this section.

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

(2) A local government council may authorise another local government, a non-profit association or foundation whose member the local government is and which, pursuant to its statutes, can only have local governments or local government associations as its members to perform the functions related to the organisation of a public procurement for organised waste transport pursuant to the procedure provided in § 13 of the Public Procurement Act.

(3) A local government shall prepare tender documents for ordering organised waste transport service upon conducting a concession of services, taking account of the provisions of subsection 31 (2) of the Public Procurement Act and considering the specifications provided in this subsection. The tender documents for organised waste transport shall, among other matters, set out the following conditions:

- 1) transport area;
- 2) types of waste to be transported;

- 3) estimated quantities of waste;
- 4) waste management facility;
- 5) term of the public contract;
- 6) transport conditions – frequency, time and technical conditions of transport;
- 7) operations for which the waste transport operator charges fees;
- 8) the number of one-family houses and apartment houses, and number of apartments in apartment houses located within the transport area.

(4) The tender documents for organised waste transport public procurement specified in subsection (3) of this section are presented before initiation of the public procurement to the Environmental Board for obtaining an opinion and if necessary, the Environmental Board shall make proposals within two weeks after receiving the tender documents for supplementing or amending the tender documents.

(5) The transport area specified in clause (3) 1) of this section shall be determined such that the minimum size of the area ensures filling of the waste truck in one collection round and the number of residents in the area does not, as a general rule, exceed 30,000.

(6) A transport area shall be determined by the local government council on the basis of the estimated waste quantities, the specific character of the built-up area and the road and street network.

(7) The body organising the public procurement for organised waste transport shall publish the decision on entry into a contract with the provider of the organised waste transport service in a local newspaper.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 68. Right to carry out waste transport

(1) The person who has entered into a public contract with the local government as a result of a public procurement for organised waste transport has the right to provide the service of organised waste transport in respect of the determined types of waste and in the transport area. The term of a public contract to be entered into with the provider of the service of organised waste transport shall be up to five years.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

(2) The right specified in subsection (1) of this section shall be exercised in accordance with the requirements and term established by the waste permit.

§ 69. Subscription to organised waste transport services

(1) A waste holder is considered to have subscribed to the organised waste transport services provided in the waste transport area of the place of residence or business of the waste holder. The waste holder is deemed to have subscribed to the organised waste transport services as of the entry into force of the waste permit for organised waste transport issued by the local government or of a regulation specified in subsection 66 (4) of this Act. The time after the entry into force of the permit or regulation is deemed to be the time of subscription.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1¹) A local government shall inform a waste holder in writing about the date as of which the waste holder is subscribed to organised waste transport.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) For the purposes of this Chapter, “waste holder” means also an apartment association or, in the absence thereof, the owner of the immovable where a summer house, dwelling or business premises are situated.

(3) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) If a local government is convinced that nobody lives on a registered immovable or a registered immovable is not being used, it may, as an exception, release the waste holder from subscription to organised waste transport for a certain term on the basis of a request of the waste holder.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4¹) All persons holding a waste permit or an integrated environmental permit are released from the obligation to subscribe to organised waste transport.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4²) In order to determine the term provided for in subsection (4) of this section, the local government shall conduct a prior on-site inspection to verify that the circumstances for release of the waste holder from subscription to organised waste transport are true and enable the release.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) The waste holder specified in subsection (4) of this section shall present a written confirmation to the local government by 20 January of the following year that nobody has lived on the registered immovable or the registered immovable has not been used during the year.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5¹) A waste holder who fails to present the confirmation by the due date specified in subsection (5) of this section shall be considered to have subscribed to the organised waste transport as of 21 January.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(6) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 70. Recovery and disposal of waste

Local governments shall organise recovery or disposal of the waste subject to organised waste transport. Local governments may organise also recovery or disposal of other waste.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 71. Local government waste handling rules

(1) Waste handling rules for organising waste management within a local government shall be established by a regulation of the local government council.

(2) Waste management rules shall set out:

1) organisation of waste handling and storage and the relevant technical requirements, such as the type, material and size of collection containers, the bottom structure and location of the containers, the use of shared collection containers;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

2) the measures for preventing or, if this is not possible, reducing hazards to human health and the environment resulting from waste, including regular removal of municipal waste from high density areas at least once every four weeks and from low density areas at least once every 12 weeks. Municipal waste may be regularly transported from a high density area, where composting of biological waste at the place of generation of waste is ensured, once every 12 weeks;

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

2¹) requirements for composting biological waste to ensure composting pursuant to clause (2) 2) of this section;

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

3) list of the waste transport areas within the territory of the local government where subscription to organised waste transport services is obligatory;

4) requirements for handling waste not covered by organised waste transport;

5) the procedure for collecting hazardous waste produced by households from the residents and for transferring the waste to an undertaking holding a hazardous waste handling licence;

6) the procedure for handling the waste produced by persons providing health care or veterinary services within the territory of the local government;

7) requirements for handling construction and demolition waste not subject to organised waste transport;

8) waste collection site or sites where waste collected by organised waste transport services shall be delivered for further transport;

9) organisation of supervision over waste handling in the territory of the local government;

10) requirements for aftercare of the waste management facilities, except landfills, in the territory of the local government.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

11) requirements for development of separate collection and sorting of waste, and the corresponding time limits for specific types of waste.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

12) organisation of waste collection in low density areas;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

13) collection sites for bulky waste, which are not further than 15 kilometres from the waste holder.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) Draft local government waste handling rules shall be submitted to the county governor and the Environmental Board for an opinion, the waste handling procedure of a health care provider to the Health Board for an opinion and the waste handling procedure of a provider of veterinary services to the veterinary centre of the county for an opinion, and proposals for amending the rules shall be submitted by the corresponding bodies within two weeks.

[RT I 2009, 49, 331 - entry into force 01.01.2010]

§ 71¹. Register of waste holders

(1) A local government shall establish the register of waste holders and the procedure for maintaining the register by a regulation.

(2) A local government has the right to receive, without charge, information relating to the data in the register specified in subsection (1) of this section from waste transport operators operating in the waste transport area.

[RT I 2010, 44, 260 - entry into force 01.01.2011]

Chapter 5 Financing of development of waste handling

§ 72. Support of development of waste handling

The development of waste handling shall be financed out of the pollution charge paid for the release of waste into the environment.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

Chapter 6 Waste Permits

Division 1 General Provisions

§ 73. Waste permits

(1) A waste permit grants a person handling waste or waste producer the right to carry out one or several of the waste management operations specified in subsection (2) of this section or generate waste in the areas of activity specified in § 75 of this Act, and determines the requirements for exercising the right.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) A waste permit is required for:

- 1) disposal of waste;
- 2) waste recovery;

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

3) collection or transport of hazardous waste, except the collection and transport of the waste generated by the activities of the persons themselves;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

4) collection or transport of waste metal generated and delivered by other persons with the purpose of further commercial distribution or recycling of the waste.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

5) waste transport organised by a local government;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

6) transport of municipal waste if carried out as a business or professional activity.

7) generation of waste in the cases provided in § 75 of this Act.

8) operation of a waste disposal site.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) A person who holds or is required to hold an integrated environmental permit for the activity specified in subsection (2) of this section or § 75 of this Act does not need a waste permit for a plant covered by the integrated environmental permit.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) A waste permit is not required:

1) from natural persons who handle the waste produced by their households themselves in accordance with the requirements of this Act;

2) upon collection and transport of waste in the course of rescue work by the Rescue Board.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

(4¹) A waste permit for the collection and transport of waste metal generated and delivered by other persons with the purpose of further commercial distribution or recycling of the waste pursuant to clause (2) 4) of this section is not required:

1) for the collection or transport of metal packaging of beverages taxable on the basis of the Packaging Excise Duty Act;

2) for the collection or transport of the waste of products of concern specified in clauses 25 (2) 3) and 4) of this Act and metal packaging which contain hazardous substances or are contaminated therewith if the person handling the waste holds a hazardous waste management licence for handling such waste.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) The minister responsible for the area has the right to establish, by a regulation, requirements for recovery, or disposal at the place of production, of certain types and quantities of non-hazardous waste upon compliance with which a waste permit is not required for handling the waste.

§ 74. Registration of waste handlers

(1) The Environmental Board shall register the activity of a person who:

[RT I 2009, 3, 15 - entry into force 01.02.2009]

1) is exempted from the obligation to hold a waste permit based on subsection 73 (5) of this Act;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

2) transports non-hazardous waste, except for municipal waste, as a part of its economic or professional activities;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

3) collects non-hazardous waste as a part of its economic or professional activities;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

4) organises, as a broker, the disposal or recovery of waste on behalf of others;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

5) operates as a dealer.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(1¹) [Repealed - RT I 2009, 3, 15 - entry into force 01.02.2009]

(2) A person specified in subsection (1) of this section shall notify the Environmental Board of the proposed activities by sending a notice containing the following information to the Environmental Board not later than two weeks before commencing the handling of the waste:

[RT I 2009, 3, 15 - entry into force 01.02.2009]

1) the business name and registry code, or the name and personal identification code;

2) the seat or residence and address, e-mail address and telephone and fax numbers;

3) the address, e-mail address and telephone and fax numbers of the permanent business establishment, including the waste management facility if there is one;

4) the area of activity;

5) the proposed types and annual quantities of the waste to be handled;

6) a description of the proposed waste management operations;

7) the proposed period of operation as a waste handler;

8) the location of the waste management facility or the name of the waste handler to whom the person intends to transfer the waste, including the name of the landfill where the waste transferred is to be deposited;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

9) a list of the counties where collection or transport of non-hazardous waste is planned.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2¹) [Repealed - RT I 2009, 3, 15 - entry into force 01.02.2009]

(2²) If the person acting as a broker or dealer is the producers' responsibility organisation specified in subsection 23 (3) of this Act, the operation of such person is registered in the register of products of concern specified in § 26¹ of this Act.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(3) The Environmental Board shall, on the basis of the information received, verify within ten working days whether the activities notified require a waste permit, and, if a permit is not necessary, shall assign a registration number and send a written registration certificate to the person within ten days; and the information specified in subsection (2) of this section shall be entered in the register prescribed for that purpose which may also be kept in an electronic form.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(4) The formats of the notice and registration certificate specified in subsections (2) and (3) of this section shall be established by a regulation of the minister responsible for the area.

(5) The Environmental Board shall publish the names of registered persons and the information entered in registration certificates on the web site of the Environmental Board or in the corresponding Internet-based database.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 75. Waste permit for waste generation

(1) Waste permit is required for waste generation in the event of operation in the following areas of activity:

- 1) production of electricity, heat, fuel or coke;
- 2) refining of liquid or gaseous fuel, or pyrolysis of solid fuel;
- 3) production or processing of metals;
- 4) processing of mineral materials;
- 5) chemical industry;
- 6) pulp, paper or textile industry, or tanning of skins or hides;
- 7) food industry;
- 8) animal husbandry;
- 9) surface treatment or finishing by using organic solvents;
- 10) production of plywood or fibreboard;
- 11) production of graphite (hard-burnt coal) or electrographite by way of incineration or graphitisation;
- 12) mining or enrichment of mineral resources;
- 13) timber industry;
- 14) storage of hazardous chemicals, including fuel.

(2) A detailed list of activities in the areas of activity specified in subsection (1) of this section, and the output levels and the quantities of waste for which a waste permit is not required shall be established by a regulation of the Government of the Republic.

Division 2 Granting, Amendment, Suspension, Revocation and Content of Waste Permits

§ 76. Authority issuing waste permits

(1) Waste permits are issued by the Environmental Board (hereinafter *issuing authority*).

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(2) [Repealed - RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 77. Applying for waste permits

(1) An application for a waste permit shall be submitted to the issuing authority in three copies.

(2) After verification of conformity of an application for a waste permit with the requirements, the issuing authority shall submit a copy of the application to the city or rural municipality government of the place of business of the applicant or, if the applicant does not have a permanent place of business, to the city or rural municipality government of the seat of the applicant for obtaining an opinion.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) A waste permit for waste management is required for each waste management facility and a waste permit for waste generation is required for each installation and place of waste generation. An applicant shall hold a hazardous waste management licence in order to apply for a waste permit for the provision of hazardous waste management as a service.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(5) A waste permit for the collection of hazardous waste or a waste permit for the transport of non-hazardous waste in the course of business or professional activities must be applied for each county where the applicant plans to operate.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 78. Application for waste permit

The following must be indicated in an application for a waste permit:

- 1) information specified in subsection 14 (3) of the Administrative Procedure Act;
- 2) information concerning the place of business and principal activity of the applicant;

- 3) information concerning the types and quantities of waste and the proposed movement, collection, transport, deposit and direct release into the environment of the waste during a calendar year;
- 4) an explanation concerning the waste management proposed by the applicant and a description of the technical equipment together with the necessary plans or drawings if the permit is applied for in order to carry out an activity specified in subsection 73 (2) of this Act;
- 5) an explanation of the production operations carried out by the applicant, a description of the raw material and technological processes involved in the production of waste, technologically and environmentally justified calculations for assessing the quantities of the waste produced and released into the environment and a description of the technical equipment together with the necessary plans or drawings if the permit is applied for in order to carry out an activity specified in § 75 of this Act;
- 6) a description of the composition of the waste and of the waste management operations and technology;
- 7) a description of the waste management facilities;
- 8) information concerning the persons whom the waste is intended to be transferred, including information concerning the persons depositing the waste;
- 9) a description of the safety measures and measures for mitigating the consequences of accidents which are applied when carrying out the activities;
- 10) proposals concerning the self-monitoring of the waste management facility or place of generation of the waste;
- 11) the measures intended for prevention of waste production and reduction of the quantities of waste upon generation of waste;
- 12) the intended health and environmental protection measures to be applied upon commencement and termination of activities, including a plan for the aftercare of the waste management facilities;
- 13) a copy of the hazardous waste management licence if the permit is applied for hazardous waste management in the course of the business or professional activities of the applicant.

§ 79. Opinion of local government concerning application for waste permit

A rural municipality or city government specified in subsection 77 (2) of this Act shall submit the opinion of the government concerning an application for a waste permit to the issuing authority within ten working days after receipt of the application.

§ 79¹. Open proceedings for granting waste permit

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

(1) The issuing authority shall publish a notice on receipt of an application for a waste permit in the publication *Ametlikud Teadaanded*, if necessary, at the expense of the applicant in a local or county newspaper. If the activities permitted by a waste permit may result in significant regional or national environmental disturbance, the notice shall be published in at least one national newspaper at the expense of the applicant. If necessary, the notice may also be published in a national newspaper in other cases.

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

(2) The notice shall set out the following data:

- 1) the business name, registry code and place or the name and address of the applicant;
- 2) the planned place of business;
- 3) a short description of the planned activities;
- 4) information on when and how the application for a waste permit and the draft waste permit can be examined, proposals can be made with respect to it and objections can be filed against it;
- 5) the information that everyone has to the right to submit proposals and objections in open proceedings.

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

(3) Where environmental impact is assessed in the proceedings for granting a waste permit, the issuing authority may notify of receipt of an application for a waste permit together with a notice on initiation of environmental impact assessment, taking also into consideration the requirements provided in the General Part of the Environmental Code Act when choosing the method of notification.

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

(4) The duration of public display organised in the proceedings for the issue of a waste permit is at least 14 days. The issuing authority shall determine the duration of public display depending on the complexity and volume of the case.

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

§ 80. Granting and notification of waste permit

(1) The decision concerning the granting of a waste permit shall be made taking into account the type of the activities and particularly the provisions of §§ 21 and 29 of this Act. The following shall be taken into consideration when making the decision:

- 1) information, opinions and positions obtained by making the application available to the public;
- 2) principles of the best available techniques;
- 3) other important facts.

(2) The quantities of waste permitted to be generated or released into the environment shall be determined by the issuing authority on the basis of the technologically and environmentally justified calculations submitted by the applicant, taking into consideration the principles of the best environmental practices and the criteria for the best available techniques.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) If an applicant carries out several of the activities specified in subsection 73 (2) or § 75 of this Act in the same place of business, the issuing authority may grant a single waste permit taking into account the specifications for each of the activities.

(4) An issuing authority may grant a single waste permit for activities in several waste management facilities or places of waste generation within the territory of one county or for transport of waste if this is expedient from the point of view of supervision.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(5) A waste permit shall be prepared in two original copies, one of which remains with the issuing authority and the other is issued to the applicant.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(6) At the request of the applicant, a waste permit may be issued as a digital document signed pursuant to the procedure provided for in the Digital Signatures Act.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(7) A notice concerning the granting of a waste permit shall be published in the official publication *Ametlikud Teadaanded*. A notice concerning the granting of a waste permit shall set out the following information:

- 1) business name, registry code and place or the name and address of the applicant;
- 2) place of business;
- 3) short description of the activities;
- 4) information on where the waste permit is available for examination.

§ 81. Content of waste permit

(1) A waste permit shall set out the following information:

- 1) the activity specified in subsection 73 (2) or § 75 of this Act for which the permit is granted;
- 2) the business name and registry code or the name and personal identification code of the holder of the permit;
- 3) the precise location of the place or places of business, and the geographical co-ordinates thereof if necessary;
- 4) the address and details of the holder of the permit and the contact person.

(2) A waste permit determines:

1) the types and quantities of the waste handled, and waste generated as a result of the activities specified in § 75 and waste management, including limit values for the quantities of waste permitted to be released into the environment;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

- 2) the permitted waste management operations;
- 3) the technical and environmental requirements for the activities;
- 4) the health and environmental protection measures to be applied upon commencement and termination of activities, including aftercare of the waste management facilities;
- 5) environmental monitoring requirements;
- 6) the safety measures and measures for mitigating the consequences of accidents which are applied when carrying out the activities;
- 7) the waste disposal site or sites where waste is transported if the waste permit is granted for waste transport;
- 8) the time of commencement and termination of the activities.

§ 82. Term of validity of waste permit

(1) A waste permit is granted for a period of up to five years. A waste permit enters into force on the date following the date of granting the permit.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) Upon transfer of the possession of a waste management facility or a place of waste generation which is not deemed to be a waste management facility, the possessor has the right to transfer the rights and obligations arising from the waste permit to the new possessor. Within six months after the transfer of the possession of the waste management facility or the place of waste generation which is not deemed to be a waste management facility, the new possessor is required to apply for amendment of the information specified in subsection 81 (1) of this Act entered in the permit.

§ 83. Refusal to grant waste permit

(1) Granting of a waste permit shall be refused if:

- 1) the applicant has submitted false information or falsified documents;
- 2) the applicant has been repeatedly punished for operation without an environmental permit, pollution of the environment or violation of the requirements for hazardous chemicals and waste management and a period shorter than the term established in subsection 25 (1) of the Punishment Register Act has passed from the offence;
- 3) the information collected enables to conclude that compliance with the environmental norms is not possible in carrying out the activities or that the activities are hazardous for the environment, human health or property;
- 4) the activity is based on procedures or technological processes which produce large quantities of waste or utilise natural resources and other raw materials or substances in a wasteful manner;
- 5) the activity applied for is to a significant extent contrary to the sectoral development plan for environmental conservation or to the local government waste management plan.

[RT I, 13.03.2014, 2 - entry into force 23.03.2014]

(2) A notice concerning refusal to grant a waste permit shall be published in the official publication *Ametlikud Teadaanded*. The notice concerning refusal to grant a waste permit shall describe the planned activity and indicate the place where the decision to refuse to grant a waste permit and other relevant materials can be examined.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 84. Amendment of waste permit

(1) A waste permit is amended if:

- 1) the information specified in subsection 81 (1) of this Act has changed;
- 2) the rules of law on which the requirements established by the waste permit were based have changed and public interest in amending the permit outweighs the certainty of the person that the rules of law remain in force;
- 3) the pollution caused by the activities specified by the waste permit is of such significance that negative effects are caused to the environment at the place of business of the holder of the waste permit and therefore the requirements established by the waste permit need to be amended;
- 4) measures not specified in the waste permit need to be applied for accident prevention;
- 5) the measures, including the best available techniques, applied in order to prevent waste generation have reduced the quantities of waste;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

6) the information specified in clause 81 (2) 1) or 2) of this Act has changed and the holder of the permit submits a reasoned application for amendment of the permit.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) The provisions concerning open proceedings do not apply to proceedings initiated for amending a waste permit on the basis of clause (1) 1) of this section.

§ 85. Revocation of waste permit

(1) The issuer of the waste permit shall revoke or suspend a waste permit, informing the holder of the permit thereof beforehand, if:

(08.02.2007 entered into force 11.03.2007 - RT I 2007, 19, 94)

- 1) existence of the facts specified in § 83 of this Act is proved with regard to the activities of the holder of the permit;
- 2) the holder of the permit fails to commence the activities specified in the permit within twelve months after the date specified in the permit and fails to submit a request for amendment of the date of commencement of the activities;
- 3) the holder of the permit fails to commence the waste transport organised by the local government within one week after the date specified in the permit and fails to submit a request for amendment of the date of commencement of the activity;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

4) [repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

5) the possessor of the waste management facility or a place of waste generation which is not deemed to be a waste management facility fails to perform the obligation provided for in subsection 82 (2) of this Act.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) Upon the death of a holder of a waste permit who is a natural person, the issuer of the waste permit shall revoke the permit. If the holder of a permit who is a legal person is dissolved, except upon transformation or merger of the legal person, the issuer of the waste permit shall revoke the waste permit.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 86. Terms for proceedings for granting, amendment or revocation of waste permit, and formats of waste permit and application for waste permit

The terms for the procedural acts performed in the course of the proceedings for granting, amendment or revocation of a waste permit, a detailed list of the information necessary for applying for a waste permit, the

format of an application for a waste permit and the format of a waste permit shall be established by a regulation of the minister responsible for the area.

§ 87. State fee for application for or amendment of waste permit

(1) Upon application for a waste permit, the applicant shall pay the state fee pursuant to the procedure provided by the State Fees Act.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) A state fee in the amount provided by the State Fees Act shall be paid for a review of an application for amendment of a waste permit.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

Division 3

Waste Permit for Collection and Transport of Waste Metal

§ 88. Additional information to be submitted when applying for waste permit for collection and transport of waste metal

In addition to the information specified in § 78 of this Act, a person applying for a waste permit for collection and transport of waste metal (hereinafter waste metal permit) shall submit the following documents to the issuing authority:

- 1) the opinion of the police authority concerning the activities specified in the waste metal permit;
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]
- 2) an extract from the building register or land register certifying whether the structure where the waste management facility is situated is a movable or a registered immovable;
- 3) a document certifying the applicant's right to use the registered immovable or the premises specified in clause 2) of this section if the applicant is not the owner.

§ 89. Refusal to grant waste metal permit if the applicant has criminal record

The issuing authority is required to verify on the basis of an inquiry submitted to the punishment register whether a sole proprietor applying for a waste metal permit or a member of the management board or supervisory board of a company applying for a waste metal permit has committed a criminal offence. Granting a waste metal permit shall be refused if a period shorter than the term specified in subsection 25 (1) of the Punishment Register Act has passed from the commission of the criminal offence.

§ 90. Place of deposit of waste metal permit

The original of a waste metal permit or a copy certified by the issuing authority shall be deposited at the place of business of the collector of waste metal and, at the request of a supervisory official or a person transferring waste metal, shall be submitted to the official or person.

Division 4

Waste Permit for Operation of Landfill or Waste Disposal Site

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 91. Applying for waste permit for operation of landfill

(1) In addition to the information specified in § 78 of this Act, an applicant for a waste permit for operating a landfill (hereinafter *landfill permit*) shall submit the following information to the issuing authority:

[RT I 2010, 44, 260 - entry into force 19.07.2010]

- 1) information concerning the types and quantities of waste to be deposited;
[RT I 2010, 44, 260 - entry into force 19.07.2010]
- 2) information concerning the proposed capacity of the landfill;
- 3) a description of the site of the landfill, including its hydrogeological and geological characteristics;
- 4) a written confirmation from the applicant that the applicant has the personnel with the skills necessary for operating in the area of activity indicated in the application and that the applicant's activities comply with the requirements established by legislation relating to environmental protection and occupational safety;
- 5) insurance contract or a written confirmation from an Estonian or international credit or financial institution accepted by the issuing authority concerning the existence of a financial security;
[RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 6) documents proving the legal basis for the use of land by the applicant;
- 7) documents in proof of the appropriate training of the staff, or certified copies of such documents;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

8) measures applied in organising the operation of the landfill to prevent accidents and limit their harmful consequences.

(1¹) The insurance contract or financial security specified in clause (1) 5) of this section shall be valid for the entire period of operation, closure and aftercare of the landfill to ensure that the operator is able to perform the duties thereof.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

(2) With the consent of the Environmental Board, the requirement specified in clause (1) 5) of this section may be chosen not to be implemented in the case of a landfill for inert waste.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 92. Verification of information submitted in application for landfill permit

Before commencement of operation of a landfill, the issuing authority shall verify whether the landfill corresponds to the information submitted in the application for a landfill permit. The verification shall not reduce the responsibility of the operator.

§ 93. Content of landfill permit

In addition to the information provided for in subsection 81 (2) of this Act, a landfill permit shall set out:

1) the class of the landfill according to subsection 34 (4) of this Act;

2) the types of waste to be deposited in the landfill according to the list of waste, and the quantity of waste either as total quantity or, if necessary, by types of waste or as a sum of waste quantities in terms of types of waste;

[RT I 2010, 44, 260 - entry into force 19.07.2010]

3) requirements for operation of the landfill and for environmental monitoring and supervision;

4) the obligation of the applicant to report at least annually to the issuing authority on the types and quantities of waste accepted in the landfill and on the results of environmental monitoring, and the procedure for notifying the issuing authority.

§ 94. Refusal to grant landfill permit

In addition to the grounds provided for in § 83 of this Act, the issuing authority shall refuse to grant a landfill permit if:

1) the applicant does not have an insurance contract or financial security specified in clause 91 5) of this Act;

2) the applicant does not have the right to use the land;

3) the applicant is unable to comply with the requirements established on the basis of § 33 this Act.

4) the data concerning the technical and professional training of the staff specified in clause 91 7) of this Act do not confirm that the staff of the landfill have the skills necessary for operation in the area of activity set out in the application.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 94¹. Waste permit for operation of extractive waste facility

(1) The provisions of this division, except for the provisions in clauses 91 (1) 8) and 93 1), apply to the granting of a permit for operation of an extractive waste facility. The provisions of clauses 91 (1) 5) and 94 1) of this Act do not apply to a permit for operation of an extractive waste facility established for the purpose of disposal of the waste specified in subsections 1 (3²) and (3³) of this Act.

(2) In addition to the information referred to in subsection (1) of this section, a person applying for a waste permit for operation of an extractive waste facility shall provide the issuing authority with:

1) information concerning possible alternative locations for the extractive waste facility;

2) extractive waste management plan.

(3) The information provided in the extractive waste management plan appended to the application for a permit specified in subsection (1) of this section need not be presented in the application.

(4) If a permit is being granted for operation of a Category A extractive waste facility and the issuing authority is aware that the operation may potentially have a significantly harmful impact on the environment and consequently cause hazard to human health in another Member State of the European Union or if this is requested by the Member State who may be affected by the hazard, the issuing authority shall forward the information provided in the application for a permit to the other Member State simultaneously with publishing the application on the national level.

(5) In addition to the information referred to in subsection (1) of this section, the category of the extractive waste facility assigned on the basis of subsection 35²(4) of this Act shall be indicated on the waste permit granted for operation of an extractive waste facility.

(6) In addition to the grounds referred to in subsection (1) of this section, the granting of a waste permit for operation of an extractive waste facility shall be refused if submission of an extractive waste management plan is required, but the submitted waste management plan does not conform to the requirements and the deficiencies are not eliminated by the date set for the purpose.

(7) In addition to the cases specified in subsection 84 (1) of this Act, a waste permit granted for operation of an extractive waste facility shall be amended in the following cases:

- 1) significant changes have occurred in the operation of the extractive waste facility or the deposited waste; [RT I, 04.01.2013, 12 - entry into force 14.01.2013]
- 2) it is necessary to change the details indicated in the permit on the basis of the information submitted by the operator or information obtained in the course of supervision;
- 3) it is necessary to change the requirements indicated in the permit due to changes in the extractive waste management plan or submission of a new waste management plan;
- 4) the principles of the best available techniques have changed to such extent that due to this and considering clause 80 (1) 2) of this Act it is necessary to change the conditions of the permit.

(8) In addition to the grounds provided in § 85 of this Act, a waste permit granted for operation of an extractive waste facility shall be revoked if the circumstances specified in § 94 exist or if submission of an extractive waste management plan is required, but a waste management plan is not submitted or the submitted waste management plan does not conform to the requirements and the deficiencies are not eliminated by the date set for the purpose.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

Division 5

Waste Permit for Waste Incineration

§ 95. Applying for waste permit for waste incineration

(1) In addition to the information listed in § 78 of this Act, a person applying for a waste permit for waste incineration (hereinafter *waste incineration permit*) shall provide the issuing authority with:

- 1) information concerning the use of heat generated during the waste incineration or co-incineration;
- 2) information concerning the quantities of waste to be generated during incineration, waste to be recovered, including recycled, and waste to be disposed of as well as measures for the prevention and reduction of generation of waste.

(2) The documents proving the competence of the natural person directing the operation of the waste incineration plant or waste co-incineration plant shall be appended to the application for a waste incineration permit.

[RT I, 16.05.2013, 1 - entry into force 01.06.2013]

§ 96. Content of waste incineration permit

In addition to the information provided for in subsection 81 (2) of this Act, in an ambient air pollution permit and a permit for special use of water, a waste incineration permit shall set out:

[RT I 2007, 19, 94 - entry into force 11.03.2007]

- 1) total annual waste incineration capacity of the waste incineration plant or waste co-incineration plant;
- 2) [repealed - RT I, 16.05.2013, 1 - entry into force 01.06.2013]
- 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) permitted content of pollutants, e.g. polychlorinated biphenyls (PCB), pentachlorophenol (PCP), chlorine, fluorine, sulphur, heavy metals, in the waste.

Division 6

Waste Permit for Waste Transport Organised by Local Governments

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 97. Applying for waste permit for waste transport organised by local governments

[RT I 2007, 19, 94 - entry into force 11.03.2007]

In addition to the information specified in § 78 of this Act, a person applying for a waste permit for waste transport organised by a local government (hereinafter *organised waste transport permit*) shall provide the issuing authority with a copy of the administrative act of the local government certifying that the tender of the

applicant was selected as the successful tender at the public procurement specified in subsection 67 (1) of this Act.

[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 98. Content of organised waste transport permit

In addition to the information provided for in subsection 81 (2) of this Act, an organised waste transport permit shall set out:

1) the area from which the waste subject to the waste transport organised by the local government is to be collected;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

2) the waste management facilities and persons whom the waste is transferred, including landfills and their operators.

Division 7 Waste Permit for Generation of Tailings from Treatment of Mineral Resources

[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 98¹. Applying for permit for generation of tailings from treatment of mineral resources

In addition to the information specified in § 78 of this Act, a person applying for a waste permit for generation of tailings from treatment of mineral resources shall provide the issuing authority with the extractive waste management plan. The information provided in the extractive waste management plan appended to the application need not be presented in the application.

§ 98². Refusal to grant and the amendment of permit for generation of tailings from treatment of mineral resources

(1) In addition to the grounds provided in § 83 of this Act, the granting of a permit for generation of tailings from treatment of mineral resources shall be refused if submission of an extractive waste management plan is required, but the submitted plan does not conform to the requirements and the deficiencies are not eliminated by the date set for the purpose.

(2) In addition to the grounds provided in § 84 of this Act, a permit for generation of tailings from treatment of mineral resources shall be amended if it is necessary to change the requirements of the permit due to changes in the mining waste management plan or submission of a new plan.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

Chapter 7 Hazardous waste management licence

§ 99. Hazardous waste management licence

(1) "Hazardous waste management licence" means an activity licence in proof of the relevant competence of and suitability of the technology used by a person which gives the person the right to handle, in the business or professional activities thereof, hazardous waste generated and delivered by other persons.

(2) A hazardous waste management licence is issued by the Environmental Board for a term of up to five years.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 99¹. Notification of applications for hazardous waste management licences

(1) A notice on submission of an application for a hazardous waste management licence shall be published in the official publication *Ametlikud Teadaanded*.

(2) The notice shall set out the following data:

1) business name, registry code and seat or the name and address of the applicant;

2) planned place of business;

3) short description of the planned activities;

4) information on when and how the application and the draft hazardous waste management licence can be examined, proposals can be made with respect to it and objections can be filed against it.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 100. Terms for granting of hazardous waste management licences and requirements set by hazardous waste management licences

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(1) A hazardous waste management licence may be granted if:

[RT I 2007, 19, 94 - entry into force 11.03.2007]

1) the waste management facility, technology and installations conform to the environmental requirements, including the requirements of the best available techniques;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

2) the person responsible for waste handling conforms to the requirements for training and competence provided in subsection (5) of this section;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

3) a valid insurance contract exists to cover the costs of elimination of the environmental pollution created as a result of accidents;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

4) the duties, competence and responsibility of all the employees involved in the handling of hazardous waste are specified in the documents dealing with the organisation of work of the applicant for the hazardous waste management licence;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

5) technical means and a possibility exist to certify the consignment note specified in § 64 of this Act by a digital signature and to forward it as an authorised user to the Internet-based databased indicated by the minister responsible for the area.

[RT I 2007, 19, 94 - entry into force 01.10.2008]

(2) The size of the sum insured shall be calculated based on the formula $M = T \times L / 52$, where:

M – the sum insured in euros;

[RT I 2010, 22, 108 - entry into force 01.01.2011]

T – 255 euros per ton, i.e. twice the average calculated fee charged in 2000 for treating or depositing hazardous waste;

[RT I 2010, 22, 108 - entry into force 01.01.2011]

L – the total annual handling quantity of hazardous waste in tons, i.e. the total quantity indicated in the licence application form submitted by the applicant;

52 – the number of weeks per year.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) If the amount of the financial security calculated according to the formula set out in subsection (2) of this section is less than 6390 euros, the value of the financial security shall be increased to 6390 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) If the amount of the financial security calculated according to the formula set out in subsection (2) of this section is more than 319,550 euros, the value of the financial security shall be reduced to 319,550 euros.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(5) The requirements for the relevant training and competence of a responsible person shall be established by a regulation of the minister responsible for the area.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(6) If, upon setting the conditions for the issue of a hazardous waste handling licence and the requirements established by the licence, it becomes evident that the planned activity is likely to result in a significant environmental impact, and an integrated environmental permit is needed for the activity, then the environmental impact shall be assessed in the course of the proceeding for the issue or amendment of the integrated environmental permit. In such case the issuer of the integrated environmental permit is the authority to make the decision in accordance with § 9 of the Environmental Impact Assessment and Environmental Management System Act.

[RT I, 23.03.2015, 6 - entry into force 01.07.2015]

§ 101. Refusal to grant hazardous waste management licence

Granting of a hazardous waste management licence shall be refused if:

1) the waste management facility, technology or equipment is not in compliance with environmental requirements, requirements for best available techniques or is hazardous to health or property;

[RT I 2007, 19, 94 - entry into force 11.03.2007]

2) the applicant for the licence does not have sufficient knowledge of the technical, technological and environmental protection aspects of the waste handling subject to the application;

3) the applicant does not have an insurance contract against accidents.

4) the hazardous waste management licence granted to the applicant before has been revoked based on clause 101 2) of this Act and less than three years have passed from the revocation;

5) The applicant or a responsible employee has been repeatedly punished for an environmental offence and the period of time provided by subsection 25 (1) of the Punishment Register Act has not passed from the offence;
6) the applicant lacks technical means and a possibility to certify the consignment note by a digital signature and to forward it as an authorised user to the internet-based database indicated by the minister responsible for the area.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 101¹. Amendment of hazardous waste management licence

(1) A hazardous waste management licence shall be amended if:
1) the business name, registry code and seat or the name and address of the applicant change;
2) the person responsible for waste handling changes;
3) the seat changes;
4) the rules of law on which the requirements established by the licence were based have changed and public interest in amending the licence outweighs the certainty of the person that the rules of law remain in force;
5) the activity may cause a significant negative environmental impact.

(2) The provisions concerning open proceedings do not apply to proceedings initiated for amending a licence on the basis of clauses (1) 1) and 2) of this section.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) A hazardous waste management licence shall not be changed on the basis of clause (1) 3) of this section if the management activity is on-site treatment of soil removed from polluted land areas and this activity includes waste management operations and waste quantities entered on the management licence. If the management techniques and equipment used in the above activity are the same as have already been approved upon granting of a valid licence, the specific environmental requirements in the changed or added place of business shall be determined in the waste permit.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 102. Suspension and revocation of hazardous waste management licence

The issuer of a hazardous waste management licence suspends or revokes the licence and gives prior notification thereof to the holder of the licence if:
1) it becomes evident that false information was submitted upon application for the licence;
2) the circumstances specified in clauses 101 1)-5) of this Act become evident in the activities of the holder of the licence;
[RT I 2007, 19, 94 - entry into force 11.03.2007]
3) the holder of the licence fails to comply with the requirements established upon the issue of the licence;
4) other contravention of legislation becomes evident;
5) [repealed - RT I 2007, 44, 315 - entry into force 14.07.2007]

§ 103. Procedure and terms for proceedings for granting, amendment, suspension or revocation of hazardous waste management licences, and format of licence

The procedure and terms for the procedural acts performed in the course of the proceedings for granting, amendment or revocation of a hazardous waste management licence, a list of the information necessary for applying for the licence and the format of the licence shall be established by a regulation of the Government of the Republic.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 103¹. Notification of granting, refusal to issue and amendment of hazardous waste management licence

A notice on the granting, refusal to issue or amendment of a hazardous waste management licence shall be published in the official publication *Ametlikud Teadaanded*. The notice shall set out the following data:
1) the business name, registry code and seat or the name and address of the recipient of the licence;
2) place of business;
3) short description of the activities;
4) information on where the hazardous waste management licence or the decision to grant such licence may be examined.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 103². State fee for granting and amendment of hazardous waste management licence

The applicant shall pay a state fee for the review of an application for the granting or amendment of a hazardous waste management licence in the amount provided by the State Fees Act.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

Chapter 8

Special Conditions for Collection of Waste Metal

§ 104. Waste Metal

Waste Metal means the waste mainly consisting of pure ferrous or non-ferrous metals or alloys thereof. A detailed list of waste metal shall be established by a regulation of the minister responsible for the area in accordance with the list of waste prepared on the basis of subsection 2 (4) of this Act.

§ 105. Restriction on buying up waste metal

- (1) It is prohibited to buy up metal objects as waste if the objects are of obvious artistic or historical value.
- (2) Electrical wires and cable may be bought up as waste only from network operators holding legal market licences, telecommunications network operators holding activity licences or undertakings holding waste permits whose lawful activities produced the waste.
- (3) Traffic signs and road signs, metal covers of underground utilities and railroad rails may be bought up as waste only from undertakings holding activity licences for road management work, railway infrastructure managers or undertakings holding waste permits whose lawful activities result in the production of such waste.
- (4) Motor vehicles or essential parts thereof may be bought up from persons as waste only on the basis of a certificate concerning the deletion of the vehicle from the register issued by the Estonian Road Administration or a person authorised thereby or from undertakings holding waste permits whose lawful activities result in the production of such waste.
[RT I, 17.03.2011, 1 - entry into force 18.03.2011]
- (5) The restrictions provided for in subsections (2)-(4) of this section do not apply to the sale of waste metal acquired in the course of supervision by the supervision authority or local government.

§ 106. Documentation concerning buying up of waste metal

- (1) A person who for the purpose of further commercial distribution and recovery collects and transports waste metal produced and transferred by other persons (hereinafter collector of waste metal) and the person transferring the waste metal shall prepare a document concerning the buying up of the waste metal which shall be signed by both parties and, in addition to other requisite information provided by legislation, shall set out:
 - 1) the registry code or personal identification code and residence or seat of the person transferring the waste metal;
 - 2) a brief description of the waste metal, the type and amount thereof and, in the case of a motor vehicle, also the type, mark, chassis number and colour thereof;
 - 3) the registration number of the vehicle used for delivering the waste metal;
 - 4) the value of the waste metal.
- (2) At least one signed original of a document specified in subsection (1) of this section remains with the collector of waste metal.
- (3) A collector of waste metal shall preserve a document specified in subsection (1) of this section for at least five years and ensure protection of the personal data.

§ 107. Settlement upon buying up waste metal

Upon the buying-up of waste metal and commercial distribution of bought-up waste metal, the waste metal shall be paid for by way of a non-cash settlement in the form of a transfer from the bank account of the buyer to the bank account of the seller. Cash settlement upon the buying-up and further distribution of waste metal is prohibited.

Chapter 9 Transboundary movement of waste

§ 108. Transboundary movement of waste

- (1) Transboundary movement of waste shall be in accordance with international agreements of the Republic of Estonia which have entered into force and pursuant to the procedure provided for in Regulation 1013/2006/EC of the European Parliament and of the Council on shipments of waste (OJ L 190, 12.7.2006, p. 1–98).
[RT I 2007, 19, 94 - entry into force 12.07.2007]

(2) Hazardous waste and waste regulated by international agreements may be imported to, exported from and passed in transit through the territory of the Republic of Estonia on the basis of a permit for transboundary movement of waste (hereinafter *transport permit*) issued pursuant to the procedure provided for in Regulation 1013/2006/EC of the European Parliament and of the Council.
[RT I 2007, 19, 94 - entry into force 12.07.2007]

§ 109. [Repealed - RT I 2007, 19, 94 - entry into force 12.07.2007]

§ 110. Transport permit for hazardous waste and for waste regulated by international agreements

(1) "Transport permit" means a document granting the right to import into or export from the Republic of Estonia hazardous waste or waste regulated by an international agreement or specified in Regulation (EC) No 1013/2006 of the European Parliament and of the Council or pass such waste in transit through the territory of the Republic of Estonia.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) For the purposes of Regulation 1013/2006/EC of the European Parliament and of the Council, the Environmental Board shall be the competent authority.
[RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 111. State fee payable upon application for transport permit

The state fee for proceedings relating to an application for a transport permit shall be paid by the applicant pursuant to the procedure provided for in the State Fees Act.
[RT I 2004, 30, 208 - entry into force 01.05.2004]

§ 112. [Repealed - RT I 2007, 19, 94 - entry into force 12.07.2007]

§ 113. Verification of transport permit

(1) A shipment of hazardous waste or waste regulated by an international agreement shall upon import, export or transit be accompanied by a copy of the transport permit and the consignment note.

(1¹) A waste transport operator engaged in transboundary transport or transport between Member States of the European Union shall hold a waste permit or registration certificate regardless of whether the transported waste is in the possession thereof or not pursuant to subsection 14 (3) of this Act. A waste shipment shall be accompanied by a waste permit or registration certificate or a copy thereof for submission, if necessary, to a competent authority or customs official.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) If an official of the Tax and Customs Board has reasonable doubts as to whether the information specified in the consignment note or transport permit corresponds to the waste shipment subject to customs examination, the official shall seize the shipment and notify the Environmental Inspectorate of the circumstances relating to the seizure.
[RT I 2004, 30, 208 - entry into force 01.05.2004]

§ 114. Maintenance of records on granting of hazardous waste transport permits

The Environmental Board shall maintain records on the granting of hazardous waste transport permits and shall preserve a copy of each hazardous waste transport permit granted, a copy of the corresponding application and the documents on the basis of which the permit was granted or refused to be granted for five years.
[RT I 2009, 3, 15 - entry into force 01.02.2009]

§ 114¹. Presentation of information concerning transboundary transport of waste for which transport permit is not required

The person who arranges the shipment or the waste consignee in Estonia shall, within three days after arrival of the waste at the waste management facility, where the recovery or disposal operation takes place, provide the Environmental Board or an authority authorised thereby with the document containing information concerning the waste shipment which is accompanying the shipment specified in Article 18 (1) of Regulation (EC) No 1013/2006 of the European Parliament and of the Council and is in accordance with Annex VII of the regulation.
[RT I 2010, 44, 260 - entry into force 01.01.2012]

§ 115. Procedure for import, export and transit of waste

(1) The formats for the documents for import, export and transit of waste are contained in Annexes IA and IB of Regulation (EC) No 1013/2006 of the European Parliament and of the Council.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) The general requirements provided in Article 18 of Regulation (EC) No 1013/2006 of the European Parliament and of the Council apply to the packaging on which deposit has been established in Estonia upon import into the Republic of Estonia if the quantity of the waste shipment exceeds four kilogrammes.
[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

Chapter 10

Maintenance of Records and Reporting

§ 116. Maintenance of records on waste

(1) [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) Persons holding a waste permit or an integrated environmental permit, persons registered pursuant to § 74 of this Act and producers of hazardous waste, except households, are required to keep, taking account of the provisions of subsection 28 (1) of this Act, regular records of the type, quantity, properties and origin of the waste generated, collected, stored or temporarily stored, transported, treated, recovered or disposed of in the course of their activities. If waste is transferred to other waste handlers, records shall also be kept of the destination, frequency of collection, modes of transport of and recovery and disposal operations regarding the waste.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) The source documents for the records specified in subsection (2) of this section and the consolidated data produced on the basis thereof shall be stored for at least five years.

(4) Authorities issuing waste permits, environmental supervision agencies and the chief processor and authorised processor of the environmental register have the right to have access to source documents for records and to consolidated data.

§ 117. Reporting on waste

(1) The persons specified in subsection 116 (2) of this Act shall submit reports on their waste-related activities to the Environmental Board at least once a year for entry into the environmental register. The format of the report, the scope of the data to be submitted and the procedure for submitting the reports shall be established by a regulation of the minister responsible for the area.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1¹) The obligation to submit reports does not extend to the following persons:

1) persons generating hazardous waste, for whose operation no waste permit or integrated permit is required;
[RT I 2010, 44, 260 - entry into force 19.07.2010]

2) brokers registered on the basis of clause 74 (1) 4) of this Act;
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

3) transporters of waste specified in subsection 14 (3) of this Act;
[RT I 2010, 44, 260 - entry into force 19.07.2010]

4) dealers registered on the basis of clause 74 (1) 5) of this Act.
[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

(2) In addition to the persons specified in subsection (1) of this section, the Environmental Board has the right to require submission of a report on waste also from waste producers whose activities do not require a waste permit or integrated permit but who produce more than 10 tons of non-hazardous waste per year or more than 100 kilograms of hazardous waste per year.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(2¹) Waste handlers who handle waste resulting from products of concern shall submit reports concerning their activities related to waste to the register of products of concern or on the forms of the register of products of concern to the producer of products of concern for entry of the information into the register of products of concern.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) The minister responsible for the area and environmental supervision agencies have the right to obtain information concerning products produced in or imported into Estonia, the substances used in manufacturing the products, the waste resulting from the products and concerning the handling of the waste from the producers and importers of the products and from governmental authorities and rural municipality and city governments.

(4) Statistical works relating to waste shall be organised pursuant to the procedure provided by the Official Statistics Act.

[RT I 2010, 41, 241 - entry into force 01.08.2010]

§ 118. Data processing

- (1) Data collected from reports on waste shall be preserved in and processed by the environmental register.
- (2) The composition of the data on waste in the environmental register and the procedure for maintaining the register shall be provided by the Environmental Register Act.

Chapter 11 STATE SUPERVISION

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 119. State supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

- (1) State supervision (hereinafter *supervision*) over compliance with the requirements arising from this Act shall be exercised by the Environmental Inspectorate and local governments or local government agencies.
- (2) Supervision over compliance with the requirements provided in § 27 of this Act shall be exercised taking account of the specifications provided for in Regulation (EC) No 765/2008 of the European Parliament and of the Council.
- (3) No supervision shall be exercised over the generation of hazardous waste by households.
- (4) Local governments shall exercise constant supervision over compliance with the local government waste management rules within their administrative territories.
- (5) In addition to the Environmental Inspectorate, supervision over compliance with the requirements of § 27 of this Act shall be exercised by the Technical Surveillance Authority, the Consumer Protection Board and the Tax and Customs Board.
- (6) In addition to the Environmental Inspectorate, supervision over compliance with the requirements of §§ 108 and 103 of this Act shall be exercised by the Tax and Customs Board.
- (7) Supervision over compliance with the requirements of subsection 25 (4) and § 26⁸ of this Act shall be exercised by the Consumer Protection Board.
- (8) In addition to the Environmental Inspectorate, supervision over compliance with the requirements of § 27² of this Act shall be exercised by the Technical Surveillance Authority.
- (9) Supervision over compliance with the requirements of § 27², subsection 27³(1) and §§ 27⁴ and 27⁶ of this Act shall be exercised by the Rescue Board.
- (10) Supervision over compliance of the activities relating to waste of persons holding a waste permit, persons registered with the Environmental Board and persons generating hazardous waste shall be exercised regularly.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 119¹. Special state supervision measures

Law enforcement authorities may apply the special state supervision measures provided in §§ 30, 31, 32, 45, 46, 49, 50, 51, 52 and 53 of the Law Enforcement Act for exercising the state supervision provided in this Act on the basis of and pursuant to the procedure provided by the Law Enforcement Act.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 119². Specifications concerning state supervision

- (1) For the purposes of supervision, officials of law enforcement authorities may stay in and drive vehicles, including off-road vehicles or floating vessels, in land or water areas where staying and movement is prohibited or restricted by legislation for the purpose of environment protection.
- (2) The Environmental Inspectorate is obliged to inspect the compliance with waste management conditions determined by the waste permit of operators of landfills, operators of extractive waste facilities of Category A and persons handling hazardous waste of 100 tons or more under a waste permit at least once annually.
- (3) The Environmental Inspectorate is obliged to inspect the compliance of the activities of producers' responsibility organisations with the requirements provided by the Waste Act at least once annually.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(4) If the special state supervision measures provided for in § 119¹ of this Act do not enable or make it especially complicated to conduct supervision over compliance with the requirements provided for in §§ 105 and 107 of this Act, but it is necessary for the purpose of preventing, ascertaining or averting serious or material danger or elimination of a violation, the Environmental Inspectorate may, as a special state supervision measure, make a transaction for the purpose of monitoring compliance. The making of a transaction for the purpose of monitoring compliance shall be decided by the Director General of the Environmental Inspectorate or an official authorised thereby.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

(5) A transaction for the purpose of monitoring compliance is an act with the features of a civil law sales contract or another transaction under the law of obligations the purpose of making of which is to monitor compliance with the requirements established by the legislation. Upon making a transaction for the purpose of monitoring compliance, the official making it may hide the purpose of making the transaction from the person in respect of whom the transaction for the purpose of monitoring compliance is made and from other persons. An official making a transaction for the purpose of monitoring compliance need not introduce himself or herself upon making the transaction and need not carry a uniform; the official is under no obligation to present his or her professional certificate prior to achievement of the purpose of making the transaction for the purpose of monitoring compliance. Upon making a transaction for the purpose of monitoring compliance, it is prohibited to conduct surveillance activities, abet a person to commit an offence or commit an act with elements of an offence, it is also prohibited to use a person recruited for secret cooperation for ensuring the making of a transaction for the purpose of monitoring compliance, simulate a legal person, use an undercover agent or covert measures within the meaning of §§ 7⁵¹ and 7⁵⁴–7⁵⁷ of the Police and Border Guard Act.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

(6) The Environmental Inspectorate shall notify the person in respect of whom the transaction for the purpose of monitoring compliance was made, immediately after achievement of the purpose of making the transaction for the purpose of monitoring compliance, of the fact that a transaction for the purpose of monitoring compliance has been applied to the person. The Environmental Inspectorate may, by a written reasoned decision, postpone the notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made if this is indispensable for continuation of supervision related to the activities of the same person or for monitoring by other persons of compliance with the requirements imposed on the making of such transactions. Notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made shall not be postponed for more than three months starting from the day of making the transaction.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

(7) The making of a transaction for the purpose of monitoring compliance shall be recorded in the minutes pursuant to the procedure provided for in § 12 of the Law Enforcement Act. The minutes of the transaction for the purpose of monitoring compliance shall additionally set out the decision that served as a basis for the transaction for the purpose of monitoring compliance, officials who have participated in the transaction for the purpose of monitoring compliance and the person in respect of whom the transaction for the purpose of monitoring compliance was made as well as other participants in the proceedings and recruited persons, testimony by the officials concerning the circumstances and results of the transaction for the purpose of monitoring compliance, the description of things and documents transferred or received as a result of the transaction for the purpose of monitoring compliance and testimony, statements and opinions by other participants in the proceedings and persons recruited in the proceedings. If notification of the person in respect of whom the transaction for the purpose of monitoring compliance was made is postponed on the basis of and pursuant to the procedure provided for in subsection (6) of this section, a reference shall be made in the minutes of the transaction for the purpose of monitoring compliance to the decision on postponement. The minutes shall be served on the person in respect of whom the transaction for the purpose of monitoring compliance was made.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

(8) A transaction made in the course of a transaction for the purpose of monitoring compliance is void.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

§ 119³. 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.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 119⁴. Use of direct coercion

The Environmental Inspectorate is permitted to use physical force on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 119⁵. Specification concerning supervision upon transport of used electrical and electronic equipment

A supervisory authority may collect the costs of due analysis and inspection of used electrical and electronic equipment considered as waste electronic and electrical equipment, including the costs of storage, from the producer, a third person acting on behalf thereof or other persons who organise the consigning of such used electrical and electronic equipment which is thought to be waste electrical and electronic equipment.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

Chapter 12 Liability

§ 120. Violation of requirements for prevention of waste generation or for waste management

(1) Violation of the requirements for the prevention of waste generation or for waste management or deposit of waste outside of waste management facilities is punishable by a fine of up to 300 fine units.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120¹. Handling of waste without waste permit or in violation of requirements of permit

(1) Handling of waste without a waste permit, if a permit is required, or in violation of the requirements of the permit or violation of the obligation to transfer waste to the person entitled to handle such waste is punishable by a fine of up to 300 fine units.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120². Handling of waste without registration certificate

(1) Handling of waste without a registration certificate, if a registration certificate is required, is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120³. Handling of hazardous waste without management licence or in violation of requirements of licence

(1) Handling of waste without a management licence, if a licence is required, or in violation of the requirements of the licence 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120⁴. Transport of hazardous waste without consignment note or in violation of requirements of consignment note

(1) Transport of hazardous waste without consignment note, if a without consignment note is required, or in violation of the requirements of the consignment note 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120⁵. Transboundary movement of internationally controlled waste without a corresponding permit or in violation of requirements of permit

(1) Transboundary movement of hazardous waste or other waste subject to international control without the corresponding permit or in violation of the requirements of the 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120⁶. Failure to submit waste report and violation of procedure for keeping record of waste

(1) Failure to comply with the procedure for keeping record concerning waste or submission of reports, or submission of incorrect data 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 120⁷. Violation of requirements of local government waste management rules

(1) Violation of the waste management requirements provided by local government waste management rules is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 121. Violation of procedure for establishment, utilisation or closure of waste management facilities or extractive waste facilities

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(1) Violation of the procedure for establishment, utilisation or closure of waste management facilities or extractive waste facilities is punishable by a fine of up to 300 fine units.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 122. Manufacture, import, export or sale of prohibited products

(1) Manufacture, import, export or sale of prohibited products is punishable by a fine of up to 300 fine units.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 123. [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 124. Violation of obligation to collect or recover waste resulting from products of concern

(1) Violation of the obligation of producers and distributors to collect the waste resulting from their products pursuant to the established procedure or failure to comply with the recovery obligation 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 124¹. Non-performance of registration obligation by producer of products of concern or failure to designate authorised representative of producer

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

(1) Non-performance of the registration obligation imposed on producer or failure to appoint authorised representative of producer upon placing a product of concern on the market in another Member State of the European Union is punishable by a fine of up to 250 fine units.

(2) The same act, if committed by a legal person,

is punishable by a fine of up to 25,600 euros.
[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 124². Submission of incorrect data to register of products of concern

(1) Submission of incorrect data to the register of products of concern is punishable by a fine of up to 250 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 13,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 124³. Failure to submit data to register of products of concern

(1) Failure to submit data to the register of products of concern 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 20,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 124⁴. Violation of requirements for marking of products of concern

(1) Violation of the requirements for marking products of concern 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 124⁵. Violation of restriction on buying up products of concern containing hazardous substances and components separated from such products

(1) Violation of the restriction on buying up products of concern containing hazardous substances or components separated from such products 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 124⁶. Failure by producer to organise required notification of users of products of concern and required information campaign

(1) Failure by producer to organise required notification of users of products of concern or to organise required information campaign 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.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

§ 125. Transfer of waste for handling to person without waste permit

(1) Transfer of waste for handling to a person who does not hold a waste permit when such permit is required is punishable by a fine of up to 250 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126. Deposit of untreated waste

(1) Acceptance of untreated waste, including mixed municipal waste which has not been sorted in compliance with the requirements of this Act in a landfill and deposit of such waste 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126¹. Violation of requirements for sorting mixed municipal waste and depositing conditions

(1) Violation of the requirements for sorting mixed municipal waste or depositing conditions 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126². Violation of special conditions for handling hazardous waste

(1) Violation of the special conditions for handling hazardous waste, except for requirements for packaging and marking,

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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126³. Violation of requirements for packaging and labelling hazardous waste

(1) Violation of the procedure for labelling hazardous waste or packaging thereof or the requirements for packaging hazardous waste

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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁴. Incineration of waste on board ships

(1) Incineration of waste on board a ship 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁵. Violation of special conditions for collection of waste metal

(1) Violation of the restrictions on buying up waste metal, the obligation to document a buying-up or the prohibition on cash settlement

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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁶. Waste disposal at place not complying with environmental protection requirements

(1) Waste disposal at a place not complying with the environmental protection requirements 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁷. Violation of requirements for transport of waste

(1) Violation of the requirements for transport of waste, except for the requirements for transport of hazardous waste,

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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁸. Failure to keep required account of tyres of motor vehicles and trailers of motor vehicles

(1) Failure to keep a required account of tyres of motor vehicles and trailers of motor vehicles is punishable by a fine of up to 100 fine units.

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

[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126⁹. Failure to comply with control requirements

(1) Transfer of waste for handling not requiring a permit without convincing that the transferee is competent to handle the waste and has the relevant technical and environmental protection equipment is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126¹⁰. Violation of special requirements for extractive waste management

(1) Violation of special requirements for extractive mining waste management 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 126¹¹. Violation of requirements for prevention of and reporting on major accidents

(1) Violation of the requirements for prevention of and reporting on major accidents 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.
[RT I 2010, 44, 260 - entry into force 01.01.2011]

§ 127. Proceedings

(1) [Repealed - RT I, 06.03.2015, 23 - entry into force 16.03.2015]

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 120–126¹¹ of this Act are conducted by:

[RT I 2010, 44, 260 - entry into force 19.07.2010]

- 1) the Environmental Inspectorate;
- 2) police authorities;
- 3) rural municipality and city governments.

[RT I 2009, 62, 405 - entry into force 01.01.2010]

(3) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 120⁴, 120⁵ and 122 of this Act are also conducted by the Tax and Customs Board.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) Extra-judicial proceedings concerning the misdemeanours provided for in § 122 of this Act are also conducted by the Technical Surveillance Authority and the Consumer Protection Board.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(4¹) Extra-judicial proceedings concerning the misdemeanours provided for in § 124⁶ of this Act are also conducted by the Consumer Protection Board.
[RT I, 04.01.2013, 12 - entry into force 14.01.2013]

(5) Extra-judicial proceedings concerning the misdemeanours provided for in § 126¹¹ of this Act are also conducted by:

- 1) the Environmental Inspectorate;
- 2) the Technical Surveillance Authority;
- 3) the Rescue Board.

[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 128. Waste management and remedy of effects of environmental pollution caused by waste

(1) Damages related to the release of waste into the environment and to the pollution created by waste, including the costs related to waste management and to the remedy of the effects of environmental pollution caused by waste shall be covered by the person who released the waste into the environment (hereinafter polluter).

(2) Waste which is released into the environment unlawfully shall be handled and the remedy of the effects of pollution caused thereby shall be organised by the polluter at the expense of the polluter.

(3) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) If, within one year after the initiation of misdemeanour proceedings in a matter of release of waste into the environment, the polluter has not been established, and also if, based on environmental protection considerations, the waste must be removed and the effects of pollution must be remedied without delay, then the waste management and remedy of the effects of pollution shall be organised, based on a precept of the environmental supervision agency, local government or local government agency, by the landowner on whose land the waste is located or the pollution took place.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(5) In the case specified in subsection (4) of this section, the Environmental Board has the obligation to organise the waste management and remedy of the effects of pollution before the land specified in subsection 31 (2) of the Land Reform Act is retained in state ownership, transferred into municipal ownership, restituted or privatised pursuant to the Land Reform Act.

[RT I 2009, 3, 15 - entry into force 01.02.2009]

(6) If a local government has failed to establish organised waste transport within its administrative territory, although it has such obligation, or if, according to the data of the register provided in § 71¹ of this Act, more than 2 percent of the waste holders are outside the system for collecting household waste, such local government shall cover the costs of removal of non-hazardous waste and pollution caused thereby.

[RT I 2010, 44, 260 - entry into force 19.07.2010]

(7) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 129. Failure to perform act essential for environmental safety

(1) For the purposes of this Act, an act essential for environmental safety means:

- 1) aftercare of waste management facilities;
- 2) gathering, recovery or disposal of waste resulting from products of concern;
- 3) treatment of waste before its deposit in a landfill;
- 4) closure of a landfill which fails to comply with the requirements.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

(3) [Repealed - RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 129¹. Confiscation

The Environmental Inspectorate or a court may, pursuant to § 83 of the Penal Code, apply confiscation in respect of the instrument by which the misdemeanour provided in §§ 120, 120¹, 120³–120⁵, 122, 124⁵, 126² or 126⁵ of this Act was committed or in respect of the waste or products which were the direct object of such misdemeanour.

[RT I, 06.03.2015, 23 - entry into force 16.03.2015]

Chapter 13 Implementing Provisions

§ 130. Omitted from this text

§ 131. Time limits for bringing existing lawful landfills into compliance with requirements

(1) Landfills shall meet the established requirements by 16 July 2009 or shall be closed for waste deposit by the same time.

(2) Landfills closed for waste deposit by 16 July 2009 shall be conditioned in accordance with the requirements not later than by 31 December 2015.

[RT I, 14.06.2013, 4 - entry into force 24.06.2013]

§ 132. Application of requirement of sorting of municipal waste

(1) Taking account of the principle of proximity, the prohibition provided for in § 35 of this Act on acceptance and deposit of unsorted municipal waste in landfills until 1 January 2008 only applies to these landfills which are located in a county where a waste management facility for the treatment of municipal waste has been established.

(2) The authority issuing waste permits has the right to release a landfill from compliance with the prohibition on acceptance and deposit of unsorted municipal waste by a waste permit until 16 July 2004 in exceptional circumstances on the basis of a reasoned application of the landfill.

(3) As of 1 January 2008, the prohibition on acceptance and deposit of unsorted municipal waste applies to all landfills.

§ 133. Depositing of used tyres

(1) [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

(2) As of 16 July 2006, landfills shall not receive used tyres which have been shredded, except for bicycle tyres and tyres with an outside diameter above 1400 mm.
[RT I 2007, 19, 94 - entry into force 11.03.2007]

(3) [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

(4) [Repealed - RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 134. Prohibition concerning percentage of biodegradable waste deposited

The percentage of biodegradable waste in the total amount by weight of municipal waste deposited in a landfill shall not exceed:

- 1) 45 by 16 July 2010;
- 2) 30 by 16 July 2013;
- 3) 20 by 16 July 2020.

§ 135. Arranging for organised waste transport

(1) Organised waste transport shall be arranged for as of 1 January 2005.

(2) The obligation to arrange for organised waste transport within the meaning of §§ 66-69 of this Act does not apply to a local government if fewer than 1500 persons live in its administrative territory.

(3) For the purposes of §§ 66–69 of this Act, owners or possessors of summer houses, structures used as dwellings or business premises, or apartments which are movables are also deemed to be waste holders.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

(4) Waste holders whom a rural municipality or city government has considered not to have subscribed to organised waste transport for a set term shall organise waste handling themselves until the expiry of the term set by the rural municipality or city government.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 135¹. Implementation of requirements for extractive waste management

(1) All extractive waste facilities to which a permit has been granted or which operated on 1 May 2008 must comply with the provisions of this Act regulating extractive waste by 1 May 2012, except for the provisions of § 35³ of this Act, which are applied from 1 May 2014.

(2) Subsection (1) of this section does not apply to extractive waste facilities which were closed before 1 May 2008.

(3) An extractive waste management plan is required after entry into force of subsection 39 (4) and § 42¹ of this Act upon submission of an application for a respective permit. An extractive waste management plan shall also be required if a permit for generation of tailings for treatment of mineral resources is being amended.

(4) § 35³, subsection 39 (4), § 42¹, clause 73 (2) 8) and § 94¹ of this Act do not apply to such extractive waste facilities where the acceptance of waste was terminated before 1 May 2006 or which are completing their closing procedures in conformity with the current legislation and are closed no later than by 31 December 2010.
[RT I 2010, 44, 260 - entry into force 19.07.2010]

§ 136. Validity of waste permits

(1) Waste permits granted before the entry into force of this Act are valid in so far as they are not in conflict with this Act. The administrative authority which has granted a waste permit before the entry into force of this Act may revoke the permit if the administrative authority would have had the right not to issue the administrative act due to subsequently changed factual circumstances or on the basis of a subsequently amended rule of law, and public interest outweighs the certainty of the person that the administrative act remains in force.

(2) A waste permit for waste transport granted before the entry into force of this Act remains valid in such parts of the administrative territory of a local government which is not covered by organised waste transport within the meaning of §§ 66-69 of this Act.

§ 136¹. Validity of hazardous waste management licences

Hazardous waste management licences which have been granted

- 1) in 1999, shall expire on 1 June 2007;
- 2) in 2000, shall expire on 1 January 2008;
- 3) in 2001, shall expire on 1 June 2008;
- 4) in 2002, shall expire on 1 January 2009;
- 5) in 2003, shall expire on 1 June 2009;
- 6) in 2004, shall expire on 1 January 2010;
- 7) in 2005, shall expire on 1 June 2010;
- 8) in 2006, shall expire on 1 June 2011;
- 9) in 2007 before the entry into force of this Act, shall expire on 1 June 2011.

[RT I 2007, 19, 94 - entry into force 11.03.2007]

§ 136². Effective dates for implementation of prohibition on use of equipment containing polychlorinated biphenyls and polychlorinated terphenyls

Subsection 27¹(1¹) of this Act enters into force on 1 January 2011.

[RT I, 17.12.2010, 21 - entry into force 27.12.2010]

§ 136³. Waste recovery targets

As of 1 January 2020 waste shall be recovered as follows:

- 1) paper, metal, plastic and glass waste originating from households and other waste collected by type originating from households and similar waste originating from other sources, except for production waste and waste originating from agricultural production or forestry, by way of preparation for reuse or recycling – at least to the extent of 50 percent of the total weight of such waste per calendar year;
- 2) construction and destruction waste, except for such natural substances as stones and soil as well as stones and soil containing hazardous substances, by way of preparation for reuse, recycling, or recovery in another manner, including for backfilling, instead of other substances – at least to the extent of 70 percent of the total weight of such waste per calendar year.

[RT I, 08.07.2014, 13 - entry into force 18.07.2014]

§ 136⁴. Adoption of waste prevention programme

A waste prevention programme shall be approved by a regulation of the Government of the Republic no later than by 12 December 2013.

[RT I, 09.11.2011, 1 - entry into force 10.11.2011]

§ 136⁵. Implementation of requirements applicable to producers of agricultural plastic

The requirements contained in § 26, subsection 26¹(1¹) and § 26⁸ of this Act apply to producers of agricultural plastic from 1 January 2013.

[RT I, 04.04.2012, 2 - entry into force 14.04.2012]

§ 136⁶. Validity of contracts for organised waste transport

Contracts entered into for the purpose of implementation of subsection 66 (1¹) of this Act in the wording in force until 1 October 2014 shall be effective until their expiry.

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

§ 136⁷. Frequency of waste transport

Concession agreements for organised waste transport entered into before 1 October 2014 shall be effective until their expiry, with the frequency of waste transport prescribed in the agreements.

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

§ 136⁸. Implementation of subsection 66 (1¹) of Waste Act

Unfinished public procurement proceedings and proceedings for contracts for the purpose of implementation of subsection 66 (1¹) of this Act in the wording in force until 1 October 2014 shall be completed and the contracts entered into in such proceedings shall be effective until their expiry.

[RT I, 08.07.2014, 2 - entry into force 07.01.2015, in accordance with clause 53 of Judgment No. 3-4-1-34-14 of Constitutional Review Chamber of Supreme Court of 6 January 2015 (RT I, 06.01.2015, 21): "In the current constitutional review matter on the basis of § 12 of the Constitutional Review Court Procedure Act the Supreme Court suspended the entry into force of the Waste Act Amendment Act (RT I, 08.07.2014, 2) until entry into force of Judgment of the Supreme Court (Ruling of Constitutional Review Chamber of Supreme Court of 25 September 2014 in matter No. 3-4-1-34-14). This Judgment of the Supreme Court enters into force in conformity with subsection 58 (2) of the Constitutional Review Court Procedure Act upon pronouncement on 6 January 2015. Thus, the Waste Act Amendment Act (RT I, 08.07.2014, 2) enters into force on 7 January 2015."]

§ 137. – § 139. Omitted from this text

§ 140. Entry into force of Act

This Act enters into force on 1 May 2004, except for § 138 of this Act which enters into force on the day following publication of the Waste Act in the *Riigi Teataja*.

¹Directive 2006/21/EC of the European Parliament and of the Council on the management of waste from extractive industries and amending Directive 2004/35/EC (OJ L 102, 11.4.2006, p. 15–34); Council Directive 90/313/EEC on the freedom of access to information on the environment (OJ L 158, 23.6.1990, p. 56–58); Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (OJ L 37, 13.2.2003, p. 24–39); Council Directive 1999/31/EC on the landfill of waste (OJ L 182, 16.7.1999, p. 1–19); [RT I 2010, 44, 260 - entry into force 19.07.2010] Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3–30); 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, 5.6.2009, p. 114–135). [RT I, 09.11.2011, 1 - entry into force 10.11.2011] Directive 2011/65/EU of the European Parliament and of the Council on the restriction of the use of certain hazardous substances in electrical and electronic equipment (OJ L 174, 1.7.2011, p. 88–110); Directive 2012/19/EU of the European Parliament and of the Council on waste electrical and electronic equipment (OJ L 197, 24.7.2012, p. 38–71). [RT I, 04.01.2013, 12 - entry into force 14.01.2013]

Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.9.2006, p. 1–14), amended by directives 2008/12/EC (OJ L 76, 19.3.2008, p. 39–40) and 2008/103/EC (OJ L 327, 5.12.2008, p. 7–8); Directive 2013/56/EU of the European Parliament and of the Council amending Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators as regards the placing on the market of portable batteries and accumulators containing cadmium intended for use in cordless power tools, and of button cells with low mercury content, and repealing Commission Decision 2009/603/EC (OJ L 329, 10.12.2013, p. 5–9). [RT I, 20.02.2015, 2 - entry into force 01.07.2015]