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Atmospheric Air Protection Act[1]

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28.05.2024	RT I, 11.06.2024, 1	21.06.2024
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24.09.2025	RT I, 02.10.2025, 2	12.10.2025

Chapter 1
Ambient Air Protection

Subchapter 1
General Provisions

§ 1. Scope of regulation

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

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

[RT I, 22.10.2021, 3 – entry into force 01.11.2021]]

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

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

(3) The provisions of the Product Conformity Act apply to this Act, taking account of the specifications provided for in this Act.
[RT I, 22.10.2021, 3 – entry into force 01.11.2021]

§ 3. Atmospheric air and ambient air

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

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

§ 4. Pollutant

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

§ 4^1. Specific emissions

For the purposes of this Act: specific emissions are emissions released into the ambient air per raw material or production unit.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

§ 5. Affecting of ambient air by chemical pollution

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

§ 6. Affecting of ambient air by physical exposure

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

§ 7. Ambient air pollution

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

§ 8. Unfavourable weather conditions

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

§ 9. Air quality level and pollutant deposition level

(1) Air quality level is the content of a pollutant per unit of volume of ambient air during a certain period of time at a temperature of 293.15 kelvins (K) and an atmospheric pressure of 101.3 kilopascals (kPa) and the quantity of fine particulate matter (PM_{10}) and very fine particulate matter ($PM_{2,5}$) and substance contained therein under the conditions prevailing at the date of measurements.

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

§ 10. Air quality limit value

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

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

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

§ 11. Margin of tolerance of air quality limit value

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

§ 12. Air quality target value

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

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

§ 13. Critical level of air quality

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

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

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

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

§ 15. Alert threshold of air quality

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

§ 16. Average exposure indicator and reduction target thereof

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

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

§ 17. Air quality level obligation

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

§ 18. Urban background locations

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

§ 19. Emission source

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

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

(3) Emission sources are classified on the basis of the mobility of emission sources as stationary and mobile emission sources:
1) a stationary emission source is an emission source with a permanent location, including emission sources the location of which is changed at certain intervals, or a group of emission sources located within the same production area;
2) a mobile emission source is an emission source which emits pollutants into the ambient air while moving.

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

§ 19^{1}. Operation with negligible environmental impact

For the purposes of this Act, the operation of an installation causes a negligible impact where the concentration of all pollutants emitted from all its emission sources at any point outside the production territory is less than 50 per cent of the air quality limit or target value established for the pollutant on the basis of subsection 1 or 2 of § 47 of this Act.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

§ 20. Sudden emission

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

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

§ 21. Production area

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

§ 22. Air layer near ground

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

§ 23. Air quality zone

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

Subchapter 2
Principles and Principal Obligations of Ambient Air Protection

§ 24. Principle of maintaining of air quality level

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

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

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

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

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

§ 27. Prohibition concerning height of emission of pollutants

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

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

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

§ 29. Duties of operator of stationary emission source

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

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

Chapter 2
Air Quality Management and
Information of Public of Air Quality

Subchapter 1

Air Quality Assessment and Management

§ 30. Air quality management and assessment

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

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

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

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

(5) In order to assess the air quality provided for in this Act at national level, the Ministry of Climate designates a reference laboratory and may enter into an administrative contract pursuant to the rules provided for in the Administrative Co-operation Act with a company in state ownership whose main activity is environmental researches. §§ 6 and 14 of the Administrative Co-operation Act do not apply to entry into such administrative contract.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(5^1) The following are the duties of the reference laboratory specified in subsection 5 of this section:
1) assessment of ambient air quality at national level;

(2) analysis of the adequacy of various measurement systems, including methods, equipment, networks, laboratories and their measurement accuracy, ensuring measurement accuracy and analysis of assessment methods;
3) coordination in Estonia the quality assurance programmes of air quality assessment organised by the European Commission and cooperation with other European Union Member States and the European Commission;
4) participation in comparison ring tests of programmes for ensuring the quality of air quality assessments organized by the European Commission;
5) ensuring the quality of the collection and reporting of air quality data and the proper implementation of the quality control system;
6) informing the public about air quality levels;
7) informing the institutions concerned promptly in the event of damage to the environment and emergencies.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(6) The following is used for the assessment of the air quality:
1) data on the emission sources and emissions related to pollution of ambient air;
2) air quality data obtained in the course of monitoring and calculation of ambient air.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 31. Database of air quality assessment

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 32. Factors used upon air quality assessment

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

§ 33. Pollutants considered upon air quality management and assessment

(1) Air quality shall be managed and assessed in relation to the following pollutants:
1) all sulphur compounds expressed as sulphur dioxide (SO_2), including sulphur trioxide (SO_3), sulphuric acid (H_2SO_4) and reduced sulphur compounds such as hydrogen sulphide (H_2S), mercaptans and dimethyl sulphides;
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

2) nitrogen dioxide (NO_2) and oxides of nitrogen (NO_x) is the sum of the volume of nitrogen oxide and nitrogen dioxide ($NO + NO_2$) calculated as nitrogen dioxide;
3) fine particulate matter (PM_{10});
4) very fine particulate matter ($PM_{2,5}$);
5) lead (Pb);
6) ozone (O_3);
7) benzene (C_6H_6);
8) carbon monoxide (CO);
9) benso(a)pyrene (B(a)P) as an indicator of polycyclic aromatic hydrocarbons (PAH);
10) cadmium (Cd);
11) arsenic (As);
12) nickel (Ni);
13) mercury (Hg).

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

(3) For the purposes of this Act, very fine particulate matter ($PM_{2.5}$) shall mean matter which passes through a size-selective inlet upon sampling pursuant to the standard EN 12341 or another equivalent international standard or a standard of a European standardisation body, with a 50 % efficiency cut-off at 2.5 µm aerodynamic diameter.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

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

Division 1
Assessment of Air Quality Level

§ 34. Measurement of air quality level

(1) Measurement of air quality level is the taking of samples of the ambient air and the analysis thereof performed by a competent measurer for the purposes of the Metrology Act.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

§ 35. Fixed measurements

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

§ 36. Indicative measurements

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

§ 37. Continuous monitoring

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

§ 38. Calculation and prediction of air quality level

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

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

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

§ 39. Disclosure of source data

[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
The Environmental Board makes the source data necessary for the computational assessment and estimation of air quality in the case of applying for an environmental protection permit available on its website.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 40. Estimation of air quality level

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

§ 41. Assessment thresholds of air quality

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

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

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

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

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

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

(2) Where the data of the air quality level are available for a period of less than five years prior to the assessment, the results of the indicative measurements during the period of one and the same year and at locations likely to be typical of the highest air quality level may be combined with the results obtained from the information received from the national emissions inventory and calculation to determine exceeding of the upper and lower assessment thresholds of air quality established for the pollutant.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 43. Procedure for air quality assessment

(1) The procedure for air quality assessment shall be established by a regulation of the minister in charge of the policy sector.

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

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

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

Division 2
Air quality management in air quality zones and agglomerations

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

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

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

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

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

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

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

Upon division of the territory of the state into air quality zones, the minister in charge of the policy sector may designate the zones within which the air quality limit values established for fine particulate matter on the basis of subsection 1 of § 47 of this Act may be exceeded in ambient air due to the re-suspension of fine particulate matter following winter de-icing of roads if reasonable measures have been taken to improve air quality.

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

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

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

(1) In consideration of the effects of the pollutants specified in subsection 1 of § 33 of this Act on human health and the environment, the minister in charge of the policy sector shall establish the following by a regulation:
1) air quality limit values;
2) margin of tolerance of air quality limit value;
3) air quality target values;
4) the number of cases per calendar year where it is permitted to exceed air quality limit value and target value;
5) critical level of air quality;
6) alert threshold of air quality;
6[1]) derogations from the implementation of air quality limit values, target values, critical levels and alert thresholds;
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]
7) information threshold and long-term targets of air quality;
8) assessment thresholds of air quality;
9) reduction target of the average exposure indicator for the reference year and term for meeting such target;
10) air quality level obligation.

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

§ 48. Consideration of specific formation mechanism of tropospheric ozone

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

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

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

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

The minister in charge of the policy sector may, at the proposal of the Health Board, establish by a regulation more stringent air quality limit values or target values for the pollutants specified in subsection 1 of § 33 of this Act for the protection of the health of sensitive groups of population, and such limit values shall apply on the territories of the following institutions:
1) health care institutions;
2) social welfare institutions;
3) educational institutions.

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

(1) Measurement of ozone precursor substances in ambient air during monitoring at the national level shall include nitrogen oxides (NO and NO 2) and appropriate volatile organic compounds at least at one sampling point with the objective to analyse any trend in ozone precursors, to check the efficiency of emission reduction strategies and the consistency of data in the national emissions inventory and to help attribute emission sources to observed pollution concentrations, to support the understanding of ozone formation and precursor dispersion processes and occurrence of photochemical reactions.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(1^1) For the purposes of this Act, ozone precursors mean nitrogen oxides, non-methane volatile organic compounds, methane, and carbon monoxide.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

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

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

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

§ 51. Combined effect of pollutants

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

(2) The procedure for determination of the combined effect of pollutants shall be established by a regulation of the minister in charge of the policy sector, if necessary.

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

Subchapter 2
Information of Public of Air Quality

§ 52. Disclosure of results of fixed continuous measurements

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

(2) The information presented on the deposition of pollutants on the ground shall cover the following pollutants:
1) arsenic;
2) cadmium;
3) mercury;
4) nickel;
5) benso(a)pyrene as an indicator of polycyclic aromatic hydrocarbons.

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

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

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

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

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

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

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

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

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

(1) The Ministry of Climate shall immediately inform the public of actual and predicted exceedances of alert and information thresholds of air quality established for a pollutant on the basis of subsection 1 of § 47 of this Act by the broadcast media, in the printed press or through the Internet or in any other appropriate manner which efficiently ensures that the information reaches persons who are potentially affected and does not result in unreasonable expenses.

(2) In the case of observed exceedances of alert or information thresholds of air quality, at least the following information shall be provided:
1) location or area of the exceedance;
2) type of threshold exceeded (information or alert);
3) start time and duration of the exceedance;
4) highest one hour concentration and highest eight hour mean concentration in the ambient air in the case of ozone.

(3) In the case of predicted exceedances of information or alert thresholds, at least the following information shall be provided:
1) location or area of the exceedance;
2) expected changes in air quality level together with the reasons for those changes.

(4) Information on the type of population who may be affected by exceedance of information or alert thresholds shall include at least the following:
1) sensitive groups of population affected;
2) description of likely symptoms;
3) recommended precautions to be taken by the population concerned;
4) where to find further information.

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

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

Subchapter 3
Environmental Noise

Division 1
Level of Environmental Noise

§ 55. Environmental Noise

(1) Unjustified creation of environmental noise is prohibited.

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

(3) The following are not environmental noise:
1) domestic noise;
2) noise from entertainment events;
3) noise in working environment;
4) noise caused by national defence activities;
5) noise of a siren device for the purposes of subsection 8 of § 13[1] of the Emergency Act.
[RT I, 02.10.2025, 2 – entry into force 12.10.2025]

§ 56. Normative levels of environmental noise

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

(2) The normative levels of environmental noise are:
1) limit value of noise – the maximum permitted level of noise the exceeding of which causes environmental nuisance and the exceeding of which requires enforcement of reduction measures;
2) target value of noise – the maximum permitted level of noise in new comprehensive plan areas.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

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

(4) The normative levels of environmental noise and the methods of noise measurement shall be established by a regulation of the minister in charge of the policy sector.

§ 57. Noise categories

Noise categories are determined according to the principal purpose of land use specified by the comprehensive plan as follows:
1) category I – areas of recreation facilities;
2) category II – areas of educational institutions, health care and social welfare institutions and residential buildings, green areas;
3) category III – areas of centres;
4) category IV – areas of public buildings;
5) category V – areas of production;
6) category VI – areas of traffic.

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

(1) Upon compiling new plans, it shall be ensured that during implementation of a plan, the standard level of noise established for the area on the basis of subsection 4 of § 56 of this Act is not exceeded.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

(2) The requirements for compilation of plans with the aim of limiting environmental noise shall be established by a regulation of the minister in charge of the policy sector.

§ 59. Prevention of exceeding normative levels of noise

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

§ 60. Noise indicators

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

(2) Noise indicators are:
1) day-evening-night noise indicator L_{den}– the long-term average sound level determined over all the day, evening and night periods of a year which is the noise indicator for overall annoyance;
2) day-noise indicator L_{day}– the long-term average sound level determined over all the day periods of a year which is the noise indicator for annoyance during the day period from 7:00 to 19:00;
3) evening-noise indicator $L_{evening}$– the long-term average sound level determined over all the evening periods of a year which is the noise indicator for annoyance during the evening period from 19:00 to 23:00;
4) night-time noise indicator L_{night}– the long-term average sound level determined over all the night periods of a year which is the noise indicator for sleep disturbance at night from 23:00 to 7:00.

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

(1) The methods for measurement, determination and assessment of noise levels shall be established by a regulation of the minister in charge of the policy sector.

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

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

Division 2
Mapping of Environmental Noise and Action Plan for Reduction of Environmental Noise

§ 62. Mapping of environmental noise

(1) Mapping of environmental noise denotes the description of actual noise situations or presentation of data on existing or predicted noise situations and their comparison with standard noise levels established on the basis of subsection 4 of § 56 of this Act.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The strategic noise map of ambient air is a map that provides an overall assessment of the noise levels generated in densely populated areas, including concerning any ports and industrial equipment located there and regulated by the Industrial Emissions Act, or the main roads, main railways and main airports, or provides an overall forecast of the noise levels in the area, using the calculated noise control indicators specified in subsection 2 of § 60 of this Act. A strategic environmental noise map constitutes the basis for an action plan for reduction of noise.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

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

(4) Upon preparation of a strategic environmental noise map, the following definitions apply:
1) major road is a regional, national or international road, which has more than three million vehicle passages a year;
2) major railway is a railway which has more than 30,000 rail vehicles passages per year;
3) major airport is a civil airport which has more than 50,000 take-offs or landings per year, excluding those purely for training purposes on light aircraft.

(5) A strategic environmental noise map and an action plan for reduction of noise shall be prepared for noise spreading outside a densely populated area and submitted to the Health Board and the Ministry of Climate for information by:
1) owner of a major road;
2) owner of a major railway;
3) owner of a major airport.

(6) A strategic environmental noise map shall include the following:
1) boundaries of the spreading of noise in terms of the indicators provided for in subsection 2 of § 60 of this Act;
2) noise sources causing the spreading of noise;
3) the extent of the spreading of existing or predicted noise;
4) location and number of inhabitants and buildings, specific characteristics of the buildings;
5) other important information.

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

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

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

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

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

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

(2) A strategic environmental noise map, an action plan for reduction of noise prepared on the basis thereof and data on the effectiveness of the implementation thereof are published on the website of the local authority and in the national geoportal.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

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

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

Subchapter 4
Substances with unpleasant or irritant odour

§ 67. Substances with unpleasant or irritant odour

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

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

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

(2) The following shall be established by the regulation specified in subsection 1 of this section:
1) the list of measurements and calculation methods used for the assessment of the presence of odoriferous substances;
2) the procedure for the assessment of the presence of odoriferous substances;
3) the requirements for the assessment of the presence of odoriferous substances;
4) disturbance levels of the presence of odoriferous substances according to the assessment methods and the procedure for the application thereof.

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

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

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

(1) If the Environmental Board ascertains exceedance of a disturbance level of the presence of odoriferous substances established on the basis of subsection 1 of § 68 of this Act, it shall set the operator of the emission source which caused the exceedance of the disturbance level of the presence of odoriferous substances a term for the preparation of a plan for reducing the presence of odoriferous substances.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

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

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

(4) A plan for reducing the presence of odoriferous substances shall include:
1) description of the areas of activity and emission sources causing the emission of odoriferous substances;
2) information on the population density of the area surrounding the installation and the distance of habitation from the production area of the installation;

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

(5) The measures implemented by the plan must be efficient and ensure that upon release of odoriferous substances the disturbance levels of the presence of odoriferous substances are not exceeded.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

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

(1)) An operator shall submit a plan for reducing the presence of odoriferous substances to the Environmental Board for approval within ten days after the term established for the preparation of the plan.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) The Environmental Board shall forward the plan for reducing the presence of odoriferous substances of the operator for an opinion to the local authority.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

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

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

(5) Upon demanding additional measures pursuant to subsection 4 of this section, the Environmental Board shall take into account the following criteria:
1) implementation of the best available techniques in the installation;
2) capacity and output of the installation;
3) total emissions of odoriferous substances and emissions of odoriferous substances per unit of output;
4) technical and economic justification.

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

(7) The Environmental Board shall verify compliance with the plan for reducing the presence of odoriferous substances.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

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

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

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

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

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

Chapter 3

Plan for improvement of air quality

§ 73. Plan for improvement of air quality

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

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

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

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

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

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

(7) In zones where the target value of ozone level is exceeded, the national programme for reduction of emissions of certain air pollutants prepared pursuant to subsection 2 of § 108 of this Act shall be implemented.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

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

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

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

(11) A plan for improvement of air quality need not be prepared if:
1) the exceedance of the air quality limit value established for fine particulate matter is caused by winter de-icing of roads;
2) the exceedance of the air quality limit value is caused by contributions from natural sources.

§ 74. Content of plan for improvement of air quality

(1) A plan for improvement of air quality shall include the following information and documents:
1) the names, positions and contact details of the persons responsible for the preparation and implementation of the plan for improvement of air quality;
2) a map of the air quality zone or agglomeration and the geographical coordinates and location map of the fixed measurement station;
3) general information on the air quality zone or agglomeration (type of zone: city, industrial or rural area) in which the air quality level exceeds or is likely to exceed the air quality limit value or target value established for one or several pollutants on the basis of subsection 1 of § 47 of this Act;
4) estimate of the polluted area in square kilometres and of the population exposed to the pollution;
5) useful climatic data;
6) relevant data on topography;

7) information on the type of targets requiring protection in the air quality zone;
8) condition of ambient air, the results of air quality assessment received during a period of five years prior to the preparation of the action plan, concentration of pollutants measured upon preparation of the action plan and information on the measurement methods used;
9) information on the origin of pollution, including a list of the main emission sources responsible for ambient air pollution in the air quality zone or agglomeration with a location map and geographical coordinates of the emission sources, consolidated data of emissions released into the ambient air from stationary emission sources of the air quality zone or agglomeration and diffusion equation, information on pollution imported from other air quality zones or agglomerations;
10) analysis of the situation, details of those factors responsible for the excess ambient air pollution, including details of transport and formation of pollutants;
11) details of measures for improvement of air quality, including local, regional, national and international measures, implemented in the air quality zone or agglomeration and the effects of these measures;
12) consolidated data of the measures for reducing emissions released into the ambient air from stationary emission sources of the air quality zone or agglomeration and the timetable for the implementation of the measures;
13) details of measures to limit transport emissions implemented and planned by the local authority;
14) details of the measures or projects planned or being researched for the long term for improvement of air quality in the air quality zone or agglomeration;
15) concentrations observed before the implementation of the improvement measures and since the beginning of the project;
16) the expected time required to improve air quality and attain the objectives;
17) details of the auxiliary materials used upon preparation of the action plan.

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

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

(4) A plan for improvement of air quality shall as far as possible comply with the national programme for the reduction of emissions of certain air pollutants specified in subsection 2 of § 108 of this Act and the action plan for reducing environmental noise specified in subsection 5 of § 63 of this Act.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 4
Regulation of Emissions of Pollutants from Stationary Emission Sources

Subchapter 1
General Provisions

§ 79. Air pollution permit

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

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

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

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

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

(6) [Repealed - RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(7) Where the operation of an installation causes a negligible effect for the purposes of § 19[1]of this Act, an application for an air pollution permit for an installation is not examined in open proceedings.
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]

§ 80. Registering of operator of stationary emission source

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

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

Division 1
Registration of operator of stationary emission source

§ 81. Registration of operator of stationary emission source

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

(2) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

§ 82. Application for registration

(1) An operator of a stationary emission source submits an application for registration to the Environmental Board through the environmental decisions information system at least one month prior to the commencement of activities containing the following information:
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]
1) the name and personal identification code or registry code of the applicant;
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]
2) the address and contact details, and the name and contact details of the contact person of the applicant;
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]
3) the address of the site of the installation;
4) a description of the installation and the production area;
5) the area of activity;
6) technological installations and abatement equipment of pollutants;
7) the names and emissions of the pollutants being released in tonnes per year and in grams per second with emissions of at least one kilogram per year, unless otherwise provided by legislation.

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

(3) The format of the application for registration and the data included in the certificate is established by a regulation of the minister in charge of the policy sector.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 83. Registration of activity and issue of certificate

(1) The Environmental Board verifies the conformity of the registration application with the requirements within ten working days as of the submission of the application. Where an activity specified in the application does not require registration or requires an air pollution permit, the Environmental Board notifies the applicant for registration thereof within ten working days as of the receipt of the application.

[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(2) The Environmental Board decides on the registration of or refusal to register an activity within 30 days after the receipt of an application for registration in compliance with the requirements. If an application for registration is not reviewed with the term, the activity of the person is not deemed registered by default due to expiry of the term.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

(4) The activities of an installation are registered in the environmental decisions information system and a registration certificate is issued to the applicant for registration through the environmental decisions information system.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(4^1) The registration referred to in subsection 2 of this section may be made and a certificate issued through the environmental decisions information system in an automated manner, provided that the automatic verification of the prerequisites for making the registration is ensured.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(5) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

§ 84. Period of validity of registration

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

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

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

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

§ 86. Amendment of registration

(1) The Environmental Board shall amend a registration:
1) on the basis of an application of the registered person;
2) in other cases provided by law.

(2) In the cases where the amendment of a registration is initiated by the person who registered the activity, the person submits through the environmental decisions information system an application for amendment of the registration together with the information specified in subsection 1 of § 82 of this Act required for amendment to the Environmental Board.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(3) In the cases where the amendment of a registration is initiated by the Environmental Board, the Environmental Board informs the person who registered the activity through the environmental decisions information system of the reason for the amendment of the registration and sets a term for submission of the information and documents required for amendment.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 87. Revocation of registration

(1) The Environmental Board shall revoke a registration:
1) if the bases provided for in § 88 of this Act become evident;
2) if the registered person has submitted a respective application.

(2) In the cases where the revocation of a registration is initiated by the person who registered the activity, the person submits an application for revocation of the registration to the Environmental Board through the environmental decisions information system.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

(3) In the cases where the revocation of a registration is initiated by the Environmental Board, the Environmental Board informs the person who registered the activity through the environmental decisions information system of the reason for the revocation of the registration.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 88. Refusal to register

The Environmental Board shall refuse to register the activity of an operator of a stationary emission source if:
1) the emissions of pollutants released by an emission source cause the air quality limit value or target value to be exceeded;
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
2) the application for registration contains false information which is of material importance.

Division 2
Issue, Amendment and Revocation of Air Pollution Permit and Content of Air Pollution Permit

§ 89. Issuer of air pollution permits

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

§ 90. Term of validity of air pollution permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

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

(2) In addition to the provisions of subsection 1 of this section, a draft for the emission allowances is an integral part of an application for air pollution permit and shall set out the following information:
1) description of the activity, including the place and manner of release of pollutants into ambient air, information on the technology and equipment used;
2) information on planned sudden technological emissions and the duration thereof in hours, including equipment start-up and shut-down hours;
3) the names and emissions of the pollutants being released with emissions of at least one kilogram per year, unless otherwise provided by legislation;
4) information on emissions of pollutants released by each individual emission source by technological processes;
5) information on the compliance of emissions with the emission limit values established on the basis of the Industrial Emissions Act or subsection 3 of § 105 of this Act;
6) the diffusion equation for each pollutant in the air layer near the ground if the air quality limit value or target value has been established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act;
7) [repealed – RT I, 25.10.2022, 1 – entry into force 04.11.2022]
8) information on the need to measure the air quality level or emissions of pollutants;
9) where necessary, the conditions for preparation and implementation of an action plan for reducing the emissions of pollutants;
10) assessment concerning the possible occurrence of odour nuisance;
11) assessment concerning the possible occurrence of noise;
12) information concerning other environmental disturbances that may occur.

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

(4) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(5) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(6) Safety data sheets of chemicals used in the process are attached to the application for an air pollution permit.
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(7) Combustion plants with a rated thermal input for fuel combustion of less than one megawatt-hour and the fuels used in them are not reported separately in a draft for emission allowances, and their rated thermal input is only reported in the total rated thermal input of the installation.
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

§ 92. Calculation of dispersion of pollutants

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

(1^1) In the case of computational assessment of dispersion of pollutants specified in subsection 1 of this section, it is permitted to consider emission sources with similar parameters related to one activity in one production territory as a single emission source where this is not likely to cause the air quality limit value or target value to be exceeded.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

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

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

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

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

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

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

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

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

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

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

§ 95. Calculation of total maximum emission amounts of pollutants

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

§ 96. Preferential right to emit pollutant into ambient air

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

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

(3) The decision to grant a preferential right shall be made by a directive of the minister in charge of the policy sector at the proposal of the Environmental Board.

§ 97. Refusal to issue air pollution permit

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

§ 98. Content of air pollution permit

(1) In addition to the provisions of subsection 1 of § 53 of the General Part of the Environmental Code Act, an air pollution permit shall set out the following information:
1) the place and method of emission of pollutants from emission sources into the ambient air;
2) information on the duration of permitted sudden technological emissions in hours, including equipment start-up and shut-down hours;
3) the name of each pollutant released from all the emission sources located in the production area of the installation and information on the total emission allowances in tonnes per calendar year or, if necessary, during a shorter period, with emissions of at least one kilogram per year, unless otherwise provided by legislation, including information on the permitted sudden technological emissions;
4) information on the instantaneous emission allowance in grams per second for each pollutant released from each individual emission source and, if necessary, information on the emission limit values established on the basis of the Industrial Emissions Act or subsection 3 of § 105 of this Act;
5) [repealed – RT I, 25.10.2022, 1 – entry into force 04.11.2022]
6) information on the need to monitor the air quality level or emissions of pollutants;
7) the conditions for preparation and implementation of an action plan for reducing the emissions of pollutants.

(2) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

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

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

(6) A draft for emission allowances is an integral part of an air pollution permit. The draft for emission allowances shall be published by the issuer of air pollution permits or integrated environmental permits in the Information System for Environmental Decisions.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

§ 99. Amendment and revocation of air pollution permit and integrated environmental permit

[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(1) The issuer of an air pollution permit or integrated environmental permit shall amend the conditions of the permit in addition to the cases provided for in subsection 1 of § 59 of the General Part of the Environmental Code Act if:
1) the air quality limit values or target values established for pollutants on the basis of subsections 1 and 2 of § 47 of this Act based on which the air pollution permit was issued have changed;
2) the emission limit values established on the basis of the Industrial Emissions Act or subsection 3 of § 105 of this Act for pollutants released from the emission source based on which the air pollution permit was issued have changed;
3) the method for measurement or calculation of emissions of pollutants established on the basis of subsection 1 of § 107 of this Act has changed;
4) the total maximum emission amounts of pollutants established on the basis of 108 (1) of this Act have changed.

(2) Where, in order to amend the conditions of an air permit or integrated environmental permit, the issuer of the permit needs to request additional data, the issuer of the permit informs the holder of the permit in writing of the reason for the amendment of the conditions of the permit, determines the method of submitting the necessary data for the amendment of the permit, and a deadline for submitting the data or the corresponding application for the amendment of the permit.
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(2^1) A holder of an air pollution permit or integrated environmental permit submits an application to the issuer of permits via the environmental decisions information system, where the holder intends to amend:
1) the activities authorised by the permit, including the technology, equipment, emission sources and process inputs, in a way that affects the pollutants covered by the permit, their emissions or the emission limit values established for the installation under the Industrial Emissions Act or the Atmospheric Air Protection Act;
2) the method of determining pollutant emissions on the basis of which the permit was issued;
3) substantially a permitted activity described in the permit in another way.
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

(3) A holder of an air pollution permit or integrated environmental permit whose permit is amended in compliance with the requirement specified in clause 3 of subsection 1 of this section is not required to submit calculation results of dispersion of pollutants for each stationary emission source and the combined effect of emission sources located within the same production area and monitoring of air quality where all the following conditions are met:
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]
1) the forecast for emissions of pollutants does not exceed the provisions of the effective permit;
2) the emissions of pollutants on the basis of which the permit was issued have not caused an exceedance of the air quality limit values or target values established for pollutants on the basis of subsections 1 and 2 of § 47 of this Act outside the territory of the installation;
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]
3) no new emission sources have appeared in the area surrounding the installation the pollutant emissions from which have not been taken into account upon the issue of an effective permit.
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]

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

Subchapter 2
Rights and Obligations of Holder of Air Pollution Permit or Integrated Environmental Permit

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

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

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

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

(1) A holder of air pollution permit or integrated environmental permit is required to:
1) ensure that the emissions released into the ambient air from the emission source operated by it does not exceed the provisions of the air pollution permit or integrated environmental permit, the emission limit values of pollutants established on the basis of this Act or the Industrial Emissions Act, and shall not cause the air quality limit value or target value established for a pollutant on the basis of subsections 1 and 2 of § 47 of this Act to be exceeded outside the production area of the installation;
2) plan measures for limitation of the instantaneous emissions of pollutants released into the ambient air, including for reducing the operating load of technological installations, with the aim of improving air quality in the case of unfavourable weather conditions;
2[1]) keep the start-up and shut-down periods as short as possible in operation of combustion plants;
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]
3) give prior notice to the issuer of the air pollution permit or integrated environmental permit and the local authority of all intended modifications to the production technology or parameters of the emission sources which may cause the emissions of pollutants to exceed the provisions of the air pollution permit or integrated environmental permit or the dispersion conditions of the pollutants in the ambient air to deteriorate significantly;
4) use the equipment installed for abatement of pollutants, regularly check their working order and keep documented records of the checks;
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
5) check the composition of the gases emitted from the emission source and the amounts of the emissions of pollutants and the compliance thereof with the provisions of the air pollution permit or integrated environmental permit and the limit values established on the basis of subsection 3 of § 105 of this Act or §§ 73, 76 or subsection 3 of § 79 of the Industrial Emissions Act;
6) assess at least once per year, unless otherwise provided in the air pollution permit or the integrated environmental permit, the compliance of air quality with the air quality limit values or target values established for pollutants on the basis of subsections 1 and 2 of § 47 of this Act outside the production area of the installation if the emissions of pollutants released from the emission source are likely to cause an exceedance of the upper assessment threshold of air quality established on the basis of subsection 1 of § 47 of this Act in the air quality zone or agglomeration;
7) give notice to the issuer of the air pollution permit or integrated environmental permit of significant environmental disturbance relating to the activity of the operator regardless of whether the requirements provided for in the air pollution permit or integrated environmental permit are complied with;
8) to render all necessary assistance to the Environmental Board upon assessment of compliance with the requirements provided for in this subsection and enable carrying out of checks for sampling or collection of other relevant information.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(2) The frequency of and a specific procedure for monitoring the working order of the abatement equipment of pollutants, composition of the gases emitted from the emission source and amounts of the emissions of pollutants provided for in clauses 4 and 5 of subsection 1 of this section are determined in an air pollution permit or integrated environmental permit, where necessary.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022].

(3) If the operator of an emission source cannot ensure compliance with the requirements specified in clause 1 of subsection 1 of this section, the operator shall immediately notify the Environmental Board and the local authority thereof and take the necessary measures to restore compliance with the requirements as soon as possible.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

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

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

(1) An operator must preserve all the documentation and information belonging to the operator concerning the application for an air pollution permit, issue and amendment thereof, monitoring prescribed thereby, inspection of compliance with the requirements, possible non-compliance and measures taken for restoration of compliance with the requirements during the term of validity and at least six years after revocation of the air pollution permit.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(2) The documents specified in subsection 1 of this section shall be accessible at the request of the issuer of permits.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2[1]) The format of submitting the monitoring data must allow data processing.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(3) An operator shall provide the issuer of permits with:
1) monitoring information in compliance with the requirements prescribed by the air pollution permit;
2) information concerning the proposed change of operator.

(4) An operator is required to submit to the Environmental Board, at the request thereof and without undue delay, the information required for issue, amendment, revocation of an air pollution permit and environmental inspections.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(5) If the air pollution permit prescribes the obligation of continuous monitoring of pollutant in ambient air, the operator shall enter the data of continuous monitoring in real time to the air quality management system which can be found on the website of the Ministry of Climate. The traceability of measurement results must be proved for the purposes of the Metrology Act.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

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

(2) An action plan for reducing the emissions of pollutants shall be submitted to the Environmental Board for approval who shall send the action plan before approval to the local authority of the installation site for an opinion.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(3) The local authority shall submit an opinion within ten working days after the receipt of the action plan for reducing the emissions of pollutants.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

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

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

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

Subchapter 3
Limit Values of Emissions of Pollutants and Adherence to Such Values, Pollutant Emission Allowance and Total Maximum Emission Amounts of Pollutants in Territory and Economic Zone of Estonia

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

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

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

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

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

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

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

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

(3) Combined effect of installations in a production area where installations of several operators are located is calculated in such a manner that upon release of each pollutant from the emission sources of all the installations in total the air quality limit value or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act shall be complied with on the external boundary of the production area.

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

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

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

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

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

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

(1) The methods for measurement and calculation of emissions of pollutants shall be established by a regulation of the minister in charge of the policy sector.

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

(3) If no methods for determination of the emissions of pollutants have been established on the basis of subsection 1 of this section, internationally acknowledged methods, standards, calculation methods developed

by the producer country of the technological installation used or other methods that are intended for the emission source may be used to determine the emissions of pollutants.

§ 108. National commitments for reduction of anthropogenic emissions of pollutants in the territory and economic zone of Estonia, national programme for reduction of emissions of certain air pollutants and reporting

[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

(1) National commitments for reduction of anthropogenic emissions of pollutants in the territory and economic zone of Estonia, and the terms for the performance thereof and exceptions, and the procedure for preparation of national summary reports of emissions of pollutants and projections of total emissions of pollutants shall be established by a regulation of the Government of the Republic.

(2) The Ministry of Climate shall organise preparation of national programme for reduction of emissions of certain air pollutants (hereinafter *programme for reduction of air pollutants*). Open proceedings provided for in the Administrative Procedure Act shall apply to the procedure of preparation of programmes for reduction of air pollutants.

(3) For the purposes of this Act, anthropogenic emissions of pollutants are emissions to air of pollutants linked to human activities.

(4) Upon preparation, adoption and implementation of the programme for reduction of air pollutants:
1) it shall be assessed to what extent it is likely that domestic emission sources affect air quality in the territory of the state and in the neighbouring Member States using, where applicable, the data and methods which have been developed in the framework of the European Monitoring and Assessment Programme pursuant to the Protocol to the Convention on long-range transboundary air pollution on long-term financing of the cooperative programme for monitoring and evaluation of the long-range transmission of air pollutants in Europe;
2) the need to reduce the emissions of air pollutants shall be taken into consideration in order to meet air quality objectives;
3) upon planning measures for reduction of emissions of very fine particles for performance of national commitments, measures for reduction of carbon black or black carbon shall be given priority;
4) consistency with other relevant schemes and programmes shall be ensured.

(5) For the purposes of this Act, air quality objectives are air quality limit values, target values and air quality level obligations provided for on the basis of subsection 1 of § 47 of this Act.

(6) For the purposes of this Act, carbon black or black carbon mean carbonaceous particulate matter that absorbs light.

(7) The programme for reduction of air pollutants shall include at least the following:
1) contents pursuant to the minimum requirements provided for in Part 1 of Annex III of Directive (EU) (EL) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance) (OJ L 344, 17.12.2016, pp. 1-31);
2) mandatory measures to reduce emissions of pollutants provided for in Part 2 of Annex II to the Directive (EU) 2016/2284 of the European Parliament and of the Council and the deadlines for the implementation thereof and information on the cost of the measures;
3) information concerning the actual emissions of pollutants and forecast for emissions of pollutants after the implementation of the measures.

(8) Before final completion of the draft programme for reduction of air pollutants and all significant changes thereof, the compiler of the programme for reduction of air pollutants shall consult the public and competent authorities who are likely to be concerned by the implementation of the programme for reduction of air pollutants by reason of their specific environmental responsibilities. Where appropriate, transboundary consultations shall be organised.

(9) The minister in charge of the policy sector shall establish by a directive the programme for reduction of air pollutants.

(10) The Ministry of Climate shall review the state programme for the reduction of emissions of air pollutants at least every four years after submission to the European Commission of the first programme for the reduction of air emissions of pollutants and amend it, if necessary.

(11) Without prejudice to the provisions of subsection 10 of this section, the policy directions and measures for reduction of the emissions contained in the programme for reduction of air pollutants shall be updated within 18 months after the submission of the latest national emissions inventory or national emissions projections if,

according to the submitted data, the national commitments for reduction of emissions are not complied with or it there is a risk of non-compliance.

(12) If the programme for reduction of air pollutants is updated pursuant to subsection 11 of this section, the Ministry of Climate shall submit the updated programme for reduction of air pollutants to the European Commission within two months after the updating thereof.

(13) The Ministry of Climate shall disclose the programme for reduction of air pollutants and any amendments thereto on its website.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

§ 108[1]. Flexibilities for compliance with national commitments for reduction of emissions

(1) Annual national emission inventories for sulphur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and very fine particulate matter may be adjusted pursuant to the provisions of Part 4 of Annex IV of the Directive (EU) 2016/2284 of the European Parliament and of the Council where non-compliance with their national emission reduction commitments would result from applying improved emission inventory methods updated in accordance with scientific knowledge.

(2) National emissions inventory contains information on certain of emissions during the period under review. The Ministry of Climate shall organise the preparation of the national emissions inventory pursuant to Annexes I and IV of Directive (EU) 2016/2284 of the European Parliament and of the Council.

(3) The additional terms and conditions provided for in subclauses (ii) and (iii) of subclause (d) of clause (1) of Part 4 of Annex IV of Directive (EU) 2016/2284 of the European Parliament and of the Council shall apply to the commitments provided for in subsection 1 of this section in the case the specific emissions differ considerably from the estimated results of implementation of the norms or standards of the European Union legislation which govern the control of air pollution based on emission sources, and the difference may be due to the methods used to determine the emissions, and:
1) the compiler of the national emissions inventory has taken into consideration the results of the national programmes concerning supervision over compliance with the European Union legislation governing supervision over control of air pollution based on emission sources and has shown that considerably different specific emissions do not result from domestic implementation or entry into force of the specified legislation;
2) The Ministry of Climate has notified the European Commission of significant differences of specific emissions.
[RT I, 26.06.2018, 7 – entry into force 01.01.2025, subsection 3 enters into force]

(4) For the purpose of this section, legislation of the European Union governing control of emission source based air pollution are the legislation of the European Union the objective of which is to reduce the air pollutant emissions covered by Directive (EU) 2016/2284 of the European Parliament and of the Council and which prescribe mitigation measures based on emission sources.

(5) If due to an exceptionally cold winter or an exceptionally dry summer emission reduction commitments cannot be complied with in a certain year, compliance with those commitments may be based on the average indicator which is obtained by averaging its emissions for the year in question and the year preceding that year and the estimate for the year following it, provided that this calculated average does not exceed the annual emission arising from the reduction commitment.

(6) If, in a given year for which one or more reduction commitments have been provided pursuant to Annex II to the Directive (EU) 2016/2284 of the European Parliament and of the Council which are more stringent compared to the cost-effective reduction identified in 21 September 2005 Communication from the European Commission 'Thematic Strategy on Air Pollution' COM(2005) 446 (final) TSAP 16, the national emissions reduction commitment cannot be complied with regardless of implementation of all the cost-effective measures, the deadline for compliance with the commitment in question is maximum five years provided for each those years non-compliance with the commitment is compensated for by an equivalent emission reduction of any other pollutant referred to in Annex II to Directive (EU) 2016/2284 of the European Parliament and of the Council.

(7) The deadline for compliance with national emission reduction commitment shall be deemed to be maximum three years where non-compliance with emission reduction commitments for the relevant pollutants results from a sudden and exceptional interruption or loss of capacity in the power or heat supply or production system, which could not have been foreseen, and provided that the following conditions are met:
1) it has been demonstrated that all reasonable efforts, including the implementation of new measures and policies have been made to ensure compliance with the commitments, and these efforts will continue to be made to keep the period of non-compliance as short as possible;
2) it has been demonstrated that the implementation of measures and policies additional to those referred to in clause 1 of this subsection would lead to disproportionately high costs and this would substantially jeopardise national energy security, or pose a substantial risk of energy poverty to a significant part of the population.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

§ 108[2]. Notification of European Commission of implementation of flexibilities upon compliance with national emission reduction commitments

Upon application of subsection 1, 3, 5, 6 or 7 of § 108[1]of this Act, the Ministry of Climate shall inform the European Commission thereof by 15 February of the year after the relevant reporting year. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

Chapter 5
Regulation of Emissions of Pollutants from Mobile Emission Sources, Requirements for Products and Fuels, Monitoring of Quality and Quantity of Liquid Fuels

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

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

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

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

[Repealed – RT I, 03.07.2017, 4 – entry into force 13.07.2017]

§ 111. Notification of new users of motor vehicles

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

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

§ 112. Marking of tyres used in road transport

Tyres used for road transport are marked to provide harmonised information on tyre parameters for the purposes of low noise, fuel efficiency and safety in accordance with Regulation (EU) 2020/740 of the European Parliament and of the Council on the labelling of tyres with respect to fuel efficiency and other parameters, amending Regulation (EU) 2017/1369 and repealing Regulation (EC) No 1222/2009 (OJ L 177, 05.06.2020, pp 1–31).
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 112[1]. Type-approval for and market surveillance over internal combustion engines for non-road mobile machinery

(1) An approval authority in accordance with Regulation (EU) no 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC (OJ L 252, 16.09.2016, pp. 53-117) in Estonia is the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

(2) A state fee shall be paid for review of applications for type-approval certificates and review of applications for amendment of type approval certificates.

(3) The tests required for type-approval shall be carried out at the expense of type-approval applicants.

[RT I, 29.11.2018, 1 – entry into force 25.12.2018]

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

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

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

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

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

The following information shall be appended to the labelling of the products specified in subsection 1 of § 113 of this Act:
1) the subcategory of the product and the limit values of volatile organic compound content in grams per litre corresponding to the subcategory;
2) the maximum volatile organic compound content in grams per litre of the product in a ready to use condition which contains solvents or other components containing solvents.

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

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

§ 116. Issuer of permits for use of finishing products

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

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

The procedure for the application for and issue of permits for use of finishing products and the format of the application and the permit shall be establish by a regulation of the minister in charge of the policy sector.

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

The issuer of permits for use of finishing products shall refuse to issue a permit for use of finishing products if:
1) the applicant for the permit has submitted inaccurate information;
2) the quantity of the products applied for is unreasonably big taking into consideration the intended restoration or maintenance;
3) the use of the products puts a serious risk on human health or the environment.

§ 119. Communication of permit for use of finishing products

[Repealed – RT I, 13.03.2019, 2 – entry into force 15.03.2019]

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

§ 120. Environmental requirements for fuels

(1) The environmental requirements for sustainability criteria of liquid fuels, biofuels, liquid biofuels and biomass fuels, the procedure for monitoring of and reporting on the compliance of liquid fuels with the

environmental requirements and the methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels, liquid biofuels and biomass fuels shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 03.06.2020, 1 – entry into force 01.07.2021]

(2) The following shall be established by the regulation specified in subsection 1 of this section:
1) the environmental requirements for petrol, diesel fuel, gas oil, light heating oil and biofuels used as motor fuel in positive ignition engines and diesel engines used in road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea;
2) the environmental requirements for gas oil, light heating oil, heavy fuel oil and marine fuels;
3) sustainability criteria of liquid fuels, biofuels, liquid biofuels and biomass fuels;
[RT I, 03.06.2020, 1 – entry into force 01.07.2021]
4) the procedure for permission of the use of emission abatement methods as an alternative to low sulphur marine fuel;
5) methods for the assessment of the reduction of greenhouse gases emissions from the use of biofuels, liquid biofuels and biomass fuels;
[RT I, 03.06.2020, 1 – entry into force 01.07.2021]
6) the procedure for monitoring of and reporting on the compliance of liquid fuels with the environmental requirements;
7) the specific procedure for supervision over compliance of marine fuels with the environmental requirements.

(3) Biofuels for the purposes of this Act are liquid fuels used in transport and produced from biomass.
[RT I, 03.06.2020, 1 – entry into force 01.07.2021]

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

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

(6) For the purposes of this Act, gas fuel is motor natural gas and motor liquid petroleum gas for the purposes of the Alcohol, Tobacco, Fuel and Electricity Excise Duty Act, and biomethane for the purposes of the Natural Gas Act.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

(7) For the purposes of this Act, electric power is the electric power which is used in road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

(8) For the purposes of this Act, hydrogen is the energy which is used in road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

(9) Biomass fuels for the purposes of this Act are gaseous or solid fuels produced from biomass.
[RT I, 03.06.2020, 1 – entry into force 01.07.2021]

§ 121. Monitoring of quality and quantity of liquid fuels

(1) The Ministry of Climate shall organise the monitoring of the quality and quantity of liquid fuels sold in Estonia. In order to perform this duty, the Ministry of Climate may enter into an administrative contract pursuant to the procedure provided for in the Administrative Co-operation Act with a company in state ownership whose main activity is the environmental research. §§ 6 and 14 of the Administrative Co-operation Act shall not apply to entry into such administrative contract.
[RT I, 22.12.2018, 1 – entry into force 01.01.2019]

(2) The Tax and Customs Board shall submit to the Ministry of Climate no later than by 1 May of the following year the following data on the fuel sold in Estonia during the preceding calendar year:
1) name of the type of fuel based on the commodity code of the combined nomenclature of goods;
2) quantities by categories of fuels.

§ 122. Fuel monitoring database

(1) The fuel monitoring database is a database belonging to the state information system in which data on monitoring the quality of liquid fuels sold in Estonia are collected and processed with the aim to organize efficient monitoring of the quality of liquid fuels, ensure public availability of the data and inform the public of the results of monitoring the quality of fuels.

[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(2) The following information shall be entered in the fuel monitoring database:
1) [repealed – RT I, 25.10.2022, 1 – entry into force 04.11.2022]
2) information concerning fuel storage or loading or emission sources relating to other activities, including filling stations and containers;
3) contact details of operators of emission sources;
4) results of fuel monitoring of specific emission sources.

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

(4) The fuel monitoring database and its statutes shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

§ 122[1]. Implementation of Regulation (EU) 2023/1805 of the European Parliament and of the Council

(1) The Environmental Board and the Transport Administration are competent authorities for the purposes of Article 27 of Regulation (EU) 2023/1805 of the European Parliament and of the Council on the use of renewable and low-carbon fuels for maritime transport and amending Directive 2009/16/EC (OJ L 234, 22.09.2023, pp. 48–100).

(2) The Environmental Board determines the amount to be paid for a vessel which has a compliance deficit on 1 June of a verification period in relation to the greenhouse gas emission intensity referred to in Article 4(2) of Regulation (EU) 2023/1805 of the European Parliament and of the Council or in relation to the requirements related to the sub-target for renewable fuels of non-biological origin referred to in Article 5(3) of the Regulation, which is calculated on the basis of Article 23(2) of that Regulation and paid by the date determined in Article 23 (3) of that Regulation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

[RT I, 03.07.2017, 4 – entry into force 13.07.2017]
For the purposes of limitation of the emissions of volatile organic compounds, the minister in charge of the policy sector shall establish by a regulation the requirements for transport of petrol and storage thereof in terminals and service stations.
[RT I, 03.07.2017, 4 – entry into force 13.07.2017]

Subchapter 4
Reduction of life cycle greenhouse gas emissions from fuel

[RT I, 03.07.2017, 4 - entry into force 13.07.2017]

§ 123[1]. Failure to comply with rate of reduction of life cycle greenhouse gas emissions from fuel

(1) Suppliers must reduce by at least six per cent the life cycle greenhouse gas emissions of fuel per unit of energy in comparison with the fuel baseline standard during a calendar year.
[RT I, 03.06.2020, 1 – entry into force 01.01.2021]

(3) If suppliers reduce the life cycle greenhouse gas emissions of fuels by biofuels, they are required to fulfil the biofuel sustainability criteria established on the basis of subsection 1 of § 120 of this Act.

(3[1]) Verification of compliance with the biofuel sustainability criteria specified in subsection 3 of this section must be based on the terms and conditions provided for § 2[3]of the Liquid Fuel Act.
[RT I, 03.07.2017, 4 – entry into force 01.05.2018]

(3[2]) The reduction in greenhouse gas emissions from other than liquid and gaseous fuels produced from renewable raw materials of biological origin must be at least 70 per cent as of 15 June 2022 compared to the intensity of greenhouse gas emissions per unit of energy generated during the life cycle of fossil fuels.
[RT I, 18.05.2022, 1 – entry into force 28.05.2022]

(4) If suppliers reduce the life cycle greenhouse gas emissions of fuels per unit of energy by means of electric power used in road transport, the suppliers must be able to properly measure and monitor the electricity supplied according to the methods established pursuant to subsection 6 of § 123[3]of this Act.

(5) For the purposes of this Act, suppliers are persons with respect to whom a notation has been entered in the register of economic activities for release of fuel for consumption or termination of tax warehouse of fuel, or persons or legal persons who hold an activity licence for import of fuel, who makes available the electric power,

gas fuel or hydrogen used in road vehicles and non-road mobile machinery, inland vessels, agricultural and silvicultural tractors and recreational craft, unless they are on the sea.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

(6) For the purposes of this Act, life cycle greenhouse gas emissions of fuel are all the net emissions of carbon dioxide (CO_2), methane (CH_4) and dinitrogen oxide (N_2O) that can be assigned to fuel, including blended components and energy supplied. The specified net emissions of greenhouse gases calculation include, irrespective of where those emissions occur, all stages from extraction or cultivation, including land-use changes, and transport, distribution, processing and combustion of blended components and energy supplied.

(7) For the purposes of this Act, greenhouse gas emissions per unit of energy are the total mass of carbon dioxide (CO_2) equivalent greenhouse gas emissions associated with the fuel or energy supplied, divided by the total energy content of the fuel or energy supplied; for fuel, expressed as its minimal heating value (hereinafter *gCO_{2eq}/MJ*).

(8) For the purposes of this Act, fuel baseline standard is the total greenhouse gas emissions intensity from non-biological origin used in the European Union in 2010 which is 94.1 gCO_{2eq}/MJ.
[RT I, 03.07.2017, 4 – entry into force 13.07.2017]

§ 123[2]. Agreement between suppliers

(1) The minimum obligation to reduce life cycle greenhouse gas emissions from fuel specified in subsection 1 of § 123[1]of this Act may be performed jointly by suppliers, and in this case they are treated as single suppliers. Upon failure to perform the obligation, the supplier who is the person performing the obligation specified in subsection 1 of § 123[1]of this Act shall be liable.

(2) Where suppliers decide to perform the obligation specified in subsection 1 of § 123[1]of this Act jointly, an agreement has to be concluded on this via the digital environment specified in subsection 2 of § 2[6]of the Liquid Fuel Act.
[RT I, 18.05.2022, 1 – entry into force 28.05.2022]

(3) [Repealed – RT I, 18.05.2022, 1 – entry into force 28.05.2022]

§ 123[3]. Calculation of and reporting on greenhouse gas emissions from fuel and energy supplied

(1) Suppliers shall submit to the Environmental Board by the 15th date of each month a monthly report on the volume of greenhouse gases from the fuel and energy supplied (hereinafter *report on volume of greenhouse gases*) and indicate therein the quantities of energy, motor spirit, diesel fuel, gas fuel, hydrogen and biofuel used in road transport and released for consumption during the previous calendar month, and the greenhouse gas data corresponding to them.
[RT I, 07.03.2023, 21 – entry into force 17.03.2023]

(2) A report on volume of greenhouse gases must contain at least the following:
1) data on the total volume of each fuel and energy supplied and greenhouse gas emissions intensity;
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]
2) data on the life cycle greenhouse gas emissions from biofuel per unit of energy.

(2[1]) If suppliers wish to perform the obligation specified in subsection 1 of § 123[1]of this Act by means of biofuel, they shall submit evidence that the biofuel supplied was produced using the methods provided for in subsection 3 of § 2[3]of the Liquid Fuel Act.
[RT I, 03.07.2017, 4 – entry into force 01.05.2018]

(3) If suppliers reduce the life cycle greenhouse gas emissions of fuels per unit of energy by the allowances from upstream greenhouse gas emission reductions of motor spirit, diesel fuel, compressed natural gas or liquid petroleum gas, suppliers must submit the following information together with the report on volume of greenhouse gases on the project:
1) starting date of the project which must be after 1 January 2011;
2) annual emission reductions ($gCO2_{eq}$);
3) duration for which the claimed reductions occurred;
4) project location closest to the source of the emissions in latitude and longitude coordinates in degrees to the fourth decimal place;
5) baseline annual emissions prior to installation of reduction measures and annual emissions after the reduction measures have been implemented in $gCO2_{eq}/MJ$ of feedstock produced;
6) non-reusable certificate number uniquely identifying the scheme and the claimed greenhouse gas reductions;
7) non-reusable number uniquely identifying the calculation method and the associated scheme;

8) where the project relates to oil extraction, the average annual historical and reporting year gas-to-oil ratio (GOR) in solution, reservoir pressure, depth and well production rate of the crude oil.

(4) For the purposes of this Act, upstream emissions are all greenhouse gas emissions occurring prior to the raw material entering a refinery or a processing plant where the fossil fuel was produced.

(5) The project specified in subsection 3 of this section must meet the following conditions:
1) the upstream emission reduction of greenhouse gases and baseline emissions are to be monitored, reported and verified in accordance with the ISO 14064 standard series;
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]
2) the results submitted must comply with the confidence level provided for in Commission Implementing Regulation (EU) 2018/2066 on the monitoring and reporting of greenhouse gas emissions pursuant to Directive 2003/87/EC of the European Parliament and of the Council and amending Commission Regulation (EU) No 601/2012 (OJ L 334, 31.12.2018, pp. 1-93), and Commission Implementing Regulation (EU) 2018/2067 on the verification of data and on the accreditation of verifiers pursuant to Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, pp. 94-134);
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]
3) the methods for upstream emission reduction of greenhouse gases must be proved in accordance with EVS-EN ISO 14064-3 standard;
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
4) the agency which certifies greenhouse gas emissions must be accredited in accordance with EVS-EN ISO 14065 standard.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(6) The specific requirements for the composition of the information of reports on volume of greenhouse gases, method of calculation of greenhouse gas intensity from the life cycle greenhouse gas emissions of fuels and energy supplied, fuel baseline standard, calculation of greenhouse gas emissions intensity reduction, and the procedure for submission of report shall be established by a regulation of a minister in charge of the policy sector.

(7) Suppliers who have an agreement pursuant to subsection 2 of § $123^2$of this Act shall distinguish, in the report on volume of greenhouse gases, the amount of statistical transfer which was released for consumption for performance of obligations of other suppliers or received from other suppliers for performance of own obligations. The business name and registry code; of other suppliers shall be added to the information.

(8) The Environment Agency is competent to process and aggregate reports on volume of greenhouse gases.

(9) The Environmental Board shall confirm a proper report on volume of greenhouse gases within 30 days from receipt thereof.
[RT I, 03.07.2017, 4 – entry into force 13.07.2017]

§ 123^4. Organisation of trade in greenhouse gas emissions statistics

(1) A supplier may partially or fully perform the obligation specified in subsection 1 of § $123^1$of this Act with the greenhouse gas emissions statistics acquired via the digital environment specified in subsection 2 of § $2^6$of the Liquid Fuel Act.

(2) Trade in greenhouse gas emissions statistics is arranged by the system operator specified in § 15 of the Natural Gas Act.

(3) The procedure for trading in greenhouse gas emissions statistics shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 18.05.2022, 1 – entry into force 28.05.2022]

Chapter 6
Submission of Annual Reports and Consolidated Data on Monitoring of Air Quality, Holder of Environmental Permit and Activities of Installation subject to Registration and Mobile Emission Sources

§ 124. National monitoring of air quality

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

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

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

(2) A report on the results of the measurement of the content of sulphur dioxide, nitrogen dioxide and nitrogen oxides, fine particulate matter and very fine particulate matter and lead must contain the following data:
1) the number and description of exceeding the hourly average limit value and 24-hour average limit value of air quality established for the protection of human health, and of exceeding the average critical level of air quality established for the protection of vegetation for the calendar year and winter season from 1 October to 31 March for sulphur dioxide;
2) the number and description of exceeding the hourly average limit value and the average limit value of a calendar year for the protection of human health, and the average critical level of air quality established for a calendar year for the protection of vegetation for nitrogen dioxide and nitrogen oxides;
3) the number and description of exceeding the 24-hour average limit value of air quality and the average limit value for a calendar year established for the protection of human health for fine particulate matters;
4) the number and description of exceeding the average target value of air quality for a calendar year and of the average limit value for a calendar year established for the protection of human health for very fine particulate matter, and of the average limit value for a calendar year and the total number and description of the rate of such exceeding;
5) the number and description of exceeding average limit value of air quality for a calendar year established for lead for the protection of human health;
6) the number and description of exceeding the air quality alert threshold established for sulphur dioxide and nitrogen dioxide.

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

(4) A report on measurement results of benzene and carbon oxide content must include the following data:
1) the number and description of exceeding the average limit value of air quality for a calendar year established for the protection of human health for benzene;
2) the number and description of exceeding average limit value of air quality for a calendar year established for the protection of human health for carbon oxide.

(5) A report on the measurement results of ozone content must include the following data:
1) the number and description of exceeding the eight-hour average target value of air quality established for the protection of human health, and of hourly average target value of air quality established for the protection of vegetation for ozone;
2) the number and description of exceeding the air quality eight-hour average target established for the protection of human health and of the air quality hourly average long-term target established for the protection of vegetation;
3) the number and description of exceeding the air quality hourly average information threshold;
4) the number and description of exceeding the air quality hourly average alert threshold;
5) the date of exceeding the air quality information or alert threshold, the total number of exceeded hours, the highest hourly values of ozone content;
6) the annual average content of volatile organic compounds specified in subsection 2 of § 50 of this Act in ambient air.

(6) A report on measurement results of arsenic, cadmium, nickel, benzo(a)pyrene content must include the following data:
1) number and description of exceeding the average target values of air quality established for these pollutants for a calendar year;
2) mercury content values;
3) polycyclic aromatic hydrocarbons content values in ambient air;
4) total deposition of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons.

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

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

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

(1) Monitoring of air quality by a holder of an air pollution permit or integrated environmental permit or verification of compliance with the emission limit value for a pollutant includes verification of compliance of each pollutant emitted from any emission source of an installation with the emission allowances provided for in the air pollution permit or integrated environmental permit and, where necessary, of the limit values of pollutant emissions established on the basis of the Industrial Emissions Act or subsection 3 of § 105 of this Act, or monitoring of compliance with air quality limit or target values of pollutants in the ambient air outside the production territory of the installation by means of fixed or indicative measurements or calculation.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

(1) A holder of an air pollution permit or integrated environmental permit submits to the authority provided by the regulation issued on the basis of subsection 2 of this section through the environmental decisions information system an annual report relating to ambient air pollution, which must include:
[RT I, 17.03.2023, 3 – entry into force 01.04.2023]
1) information on fuel and energy consumption and in the case an integrated environmental permit is required, even information on raw materials consumption and production quantity by areas of activity determined in the report;
2) information on the total emission allowances of each pollutant per calendar year and actual emissions released by all the sources of pollution located on the production territory of the installation, including accidental and technological emissions;
3) information on actual emissions of pollutants emitted from each individual emission source or from similar emission sources with similar parameters and related to the same activity in the same territory counted as a single emission source, broken down by technology processes;
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
4) information on the content of pollutants in the gases released from emission sources;
5) in the case of any activity specified in Annex I to the Regulation No 166/2006 of the European Parliament and of the Council, information on the duration of sudden technological emissions in hours;
6) emission limit values of pollutants established on the basis of the Industrial Emissions Act or subsection 3 of § 105 of this Act;
7) information on measures taken to reduce emissions of pollutants.

(2) The data included in an annual report of a holder of an air pollution permit or integrated environmental permit and the procedure for submission thereof is established by a regulation of the minister in charge of the policy sector.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

(4) A holder of an air pollution permit or integrated environmental permit or, as appropriate, an operator not required to hold a permit shall submit data on ambient air pollution associated with the activities thereof on the bases of a survey organised by the Ministry of Climate for preparation of reports on air pollution of the state.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

(1) An operation required to register submits to the authority specified in the regulation issued on the basis of subsection 2 of this section through the environmental decisions information system an annual report relating to ambient air pollution, which must include:
[RT I, 08.07.2025, 55 – entry into force 01.09.2025]
1) information of fuel consumption in the case of a combustion plant, information on petroleum products loading quantities in the case of a filling station;
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
2) information on actual emissions of pollutants released into the ambient air by an emission source.

(2) The data included in an annual report of an operator subject to registration and procedure for submission thereof is established by a regulation of the minister in charge of the policy sector.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

§ 129. Submission of consolidated data on mobile emission sources

(1) Persons who keep records of mobile emission sources shall submit to the Ministry of Climate the following consolidated data for calculation of emissions of pollutants released into the ambient by mobile emission sources on the territory of the state air by counties:
1) the types and number of motor vehicles and the run of each type of vehicle;

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

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

Chapter 7
Climate Change Mitigation and Ozone Layer Protection

Subchapter 1
Greenhouse Gas Emission Allowance Trading

Division 1
General Provisions

§ 130. Greenhouse gases

For the purposes of this Chapter, a greenhouse gas emission is a greenhouse gas emissions from the areas of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 131. Greenhouse gas emission

For the purposes of this Chapter, a greenhouse gas emission is a greenhouse gas emissions from the areas of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 132. Monitoring year
[Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

§ 133. Carbon dioxide equivalent

Carbon dioxide equivalent is the unit which expresses the quantity of greenhouse gases converted to carbon dioxide using the global warming potential provided in the Annex to Commission Delegated Regulation (EU) 2020/1044 supplementing Regulation (EU) 2018/1999 of the European Parliament and of the Council with regard to values for global warming potentials and the inventory guidelines and with regard to the Union inventory system and repealing Commission Delegated Regulation (EU) No 666/2014 (OJ L 230, 17.07.2020, pp 1–6).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 134. Global warming potential

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

§ 135. Greenhouse gas emission allowances trading system for stationary emission source operator, aircraft operator and shipping company

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
The greenhouse gas emission allowances trading system for a stationary emission source operator, aircraft operator and shipping company (hereinafter *first trading system*) is a system created for reduction of greenhouse gas emissions in an effective and economically efficient manner in the European Union by Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp 32–46).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) Greenhouse gas emissions trading registry (hereinafter *trading registry*) is an electronic database where the data of the holding accounts of the Republic of Estonia and operators of stationary emission sources and aircraft operators and shipping companies participating in the first trading system, emission allowances allocated free of charge to stationary installations and aircraft operators and transactions conducted with them, transactions conducted with emission allowances of stationary emission sources and aircraft operators and shipping companies, verified emissions and surrendered emission allowances, and the compliance status of stationary installations, aircraft operators and shipping companies are stored.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2) A holding account for the purposes of this Act is a holding account of a stationary emission source operator, aircraft operator and shipping company participating in the first trading system through which transactions can be conducted in a trading registry in accordance with Article 55 of Commission Delegated Regulation (EU) 2019/1122 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the functioning of the Union Registry (OJ L 177, 02.07.2019, pp 3–62).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) For the purposes of this Act, a trading account is a trading account of a legal or natural person through which transactions can be conducted in a trading registry pursuant to Commission Delegated Regulation (EU) 2019/1122.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

§ 137. Greenhouse gas emission allowance and assigned amount unit

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

(2) An emission allowance is a right transferable in the first trading system to release one tonne of carbon dioxide equivalent into the atmosphere during a trading system period.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 138. First trading system period and the allocation period

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The fist trading system period (hereinafter *trading period*) is a period of time during which trading with emission allowances is permitted.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1^1) The trading period from 2013-2020 is the time period from 1 January 2013 until 31 December 2020.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2) The trading period of 2021-2030 is the time period from 1 January 2021 until 31 December 2030.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(3) Starting from the trading period specified to in subsection 2 of this section, the trading period consists of two five-year allowance allocation periods.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 139. Kyoto trading period

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

§ 140. Additional measures by operators of emission source

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

§ 141. Aircraft operator and its administration

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

(2) Estonia is the state which administers an aircraft operator if the aircraft operator has the operating licence of an air carrier issued in Estonia pursuant to Regulation (EC) No 1008/2008 of the European Parliament and of the

Council on common rules for the operation of air services in the Community (OJ L 293, 31.10.2008, pp. 3-20) or if Estonia has been attributed the biggest quantity of emissions from the flights carried out by the aircraft operator during the reference year.

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

(4) In respect of an aircraft operator's emissions which have been generated before 31 December 2030 and which arise from flights between an airport located in an outermost region of a Member State of the European Union referred to in Article 349 of the Treaty on the Functioning of the European Union and an airport located outside that region in the same Member State, including another airport located in the same outermost region and another outermost region of the same Member State, the requirements provided in § 166 and subsection 1 of § 168 of this Act are deemed to be met and the measure specified in § subsection 1 of § 169 does not apply to the aircraft operator.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(5) For the purposes of this Act, the climate impact of non-carbon dioxide emissions from aviation is the impact resulting from the release of nitrogen oxides (NOx), soot particulates and oxidised sulphur compounds from the combustion of fuel, as well as from the release of water vapour, including condensation trails, from aircraft performing the activities specified in the Regulation established on the basis of subsection 1 of § 155 of this Act.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 141[1]. Shipping company

(1) For the purposes of this Chapter, a shipping company is the owner or operator of a ship for the purposes of the Maritime Safety Act.

(2) Where a vessel is operated by a person not specified in subsection 1 of this section who, in agreement with the shipping company, has final responsibility for the purchase of marine fuel or the operation of the vessel, or both, that person is obligated to reimburse the shipping company for all costs arising from the surrender of emission allowances.

(3) For the purposes of this Chapter, the operation of a ship is the control of the cargo carried, the route and speed of the vessel.

(4) The Environmental Board is the administering authority designated in accordance with Article 3gf of Directive 2003/87/EC of the European Parliament and of the Council and remains so regardless of any subsequent changes in the activity or registration of the shipping company until such changes are reflected in the updated list.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 142. Entrant into first trading system

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) For the purposes of this Act, an entrant in the first trading system is an operator who operates in one or more areas of the activity specified in the Regulation established on the basis of subsection 1 of § 155 of this Act who has obtained an environmental permit or an integrated environmental permit to participate in the first trading system for the first time in the period beginning three months before the date of submission of the list specified in subsection 7 of § 155 and ending three months before the next date of submission of the list specified in subsection 7 of § 155.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2) An operator operating in one or more areas of activity specified in the regulation established in accordance with subsection 1 of § 155 of this Act whose installation has been expanded to a significant extent during the period specified in subsection 1 of this section is deemed to be an entrant into the first trading system only with regard to the expansion of the installation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 143. Organisation of activities to reduce climate change

Activities to reduce climate change shall be arranged by the Ministry of Climate on the basis of the requirements for limitation of greenhouse gas emissions arising from the Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and the European Union legislation. In order to perform this duty, the Ministry of Climate may enter into an administrative contract pursuant to the procedure provided for in the Administrative Co-operation Act with a company in state ownership whose main activity is the

environmental research. §§ 6 and 14 of the Administrative Co-operation Act shall not apply to entry into such administrative contract.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

Division 2
Issue of first trading system permit, suspension and renewal of permit and contents of first trading system permit

[RT I, 02.10.2025, 1 - entry into force 12.10.2025]

§ 144. First trading system permit

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The Environmental Board gives an operator of a stationary emission source the right to release greenhouse gases into the atmosphere from an installation or any part thereof as a part of the environmental permit or integrated environmental permit specified in subsection 1 of § 40 of the General Part of the Environmental Code Act (hereinafter *first trading system permit*).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2) Operators of stationary emission sources which operate in the areas of activity listed in the regulation established on the basis of subsection 1 of § 155 of this Act are required to hold a first trading system permit.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2[1]) The provisions of subsection (2) of this section relating to an operator of a stationary emission source also apply to an operator engaged in the capture, transport and geological storage of carbon dioxide.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(4) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(5) [Repealed – RT I, 05.11.2019, 2 – entry into force 15.11.2019]

§ 145. Application for emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 145[1]. Applications for first trading system permit and decision on issue of permit

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The following is stated in an application for a first trading system permit in addition to that provided in subsections 1 and 2 of § 91 of this Act:
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1) the area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act;
2) the monitoring plan prepared according to Commission Implementing Regulation (EU) 2018/2066.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2) The Environmental Board refuses to issue a first trading system permit where:
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1) the operator is not operating in any area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act or the installation thereof does not exceed the threshold value established for this area of activity;
2) the grounds provided for in subsection 1 of § 52 of the General Part of the Environmental Code Act exist.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 145[2]. Contents of first trading system permit and suspension and renewal of permit

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The following is indicated in a first trading system permit:
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1) description of the areas of activity causing the formations of the greenhouse gases of the installation;
2) monitoring requirements;
3) reporting requirements;
4) obligation to transfer to a competent authority a quantity of emission allowances equal to the certified total actual emissions of the installation per each calendar year after the end of the relevant calendar year.

(2) Upon suspension of the activities of an installation for a term of more than six months, the operator informs the Environmental Board thereof in writing at least 30 days prior to the suspension of the activities of the installation. The Environmental Board suspends the validity of the first trading system permit as of the suspension of the activities of the installation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) The Environmental Board suspends the allocation of free emission allowances to such installation of an operator which first trading system permit is suspended. Free emission allowances are allocated as soon as possible after renewal of the validity of the first trading system permit.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4) An operator informs the Environmental Board of recommencement of the activities of an installation in writing at least 30 days prior to the commencement of the activities of the installation. The Environmental Board renews the validity of a first trading system permit as of the day of commencement of the activities of the installation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 146. Decision on issue of emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 147. Refusal to issue emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 148. Contents of emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 149. Obligation of holder of first trading system permit to notify of changes in functioning of installation

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2) A holder of a first trading system permit must immediately inform the Environmental Board of all proposed changes in the functioning of the installation, expansion of the installation and significant reduction of its production capacity which may constitute a basis for the amendment of the first trading system permit.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(4) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 150. Suspension and restoration of validity of emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 151. Revocation of emission permit

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 152. Application for exclusion from trading system

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 154. Exclusion from trading system

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

Division 3

Arrangements for Trading in Emission Allowances and Allocation of Emission Allowances

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

(1) The list of areas of activity of operators of stationary emission sources and aircraft and shipping companies included in the first trading system, the thresholds applicable to the areas of activity and, where relevant, the bases for calculating the thresholds and the list of greenhouse gases included in the emissions of the activities are be established by the Government of the Republic by a regulation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025].

(2) The procedure for greenhouse gas emissions trading shall be established by a regulation of the minister in charge of the policy sector.

(3) The following shall be established by the regulation specified in subsection 2 of this section:
1) the procedure for applying for and allocation of emission allowances free of charge;
2) the procedure for reporting on greenhouse gas emissions;
3) procedure for certification of greenhouse gas emissions;
4) procedure for surrender of emission allowances;
5) specifying procedure for exclusion from trading system.

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

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

(6) [Repealed – RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7) The Environmental Board shall publish on its website and submit to the European Commission by 30 September 2019 and as of this date every five years a list of operators of stationary emission sources operating in Estonia in the areas of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(8) Where the capacity of a stationary installation belonging to the first trading system is reduced in such a manner that the installation no longer falls within the scope of the regulation established on the basis of subsection 1 of this section, the installation is excluded from the trading system.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(9) An installation specified in subsection 8 of this section may remain in the first trading system until the end of the current and subsequent five-year period for the allocation of allowances, where the operator notifies the Environmental Board thereof.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

(1) Greenhouse gas emission allowances for operators of stationary emission sources for a trading period are applied for and allocated according to Commission Delegated Regulation (EU) 2019/331 determining transitional Union-wide rules for harmonised free allocation of emission allowances pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 59, 27/02/2019, pp. 8-69).
[RT I, 05.11.2019, 2 – entry into force 01.01.2021]

(2) [Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

(3) [Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

(4) [Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

(5) [Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]
1) the total quantity of emission allowances for the respective trading period which is calculated by multiplying the benchmark indicated in the decision of the European Commission by the number of tonne-kilometres stated in the application;
2) the quantity of emission allowances allocated to each aircraft operator for each year which is calculated by dividing the total quantity of emission allowances allocated for the whole trading period by the number of years in the trading period.

(5[1]) From 1 January 2021, the quantity of emission allowances allocated to aircraft operators for each year shall be reduced with respect to the quantity of emission allowances allocated in the previous calendar year according to the linear reduction factor provided for in Article 9 of Directive 2003/87/EC of the European Parliament and of the Council.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(5[2]) [Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

(6) The Environmental Board shall allocate emission allowances free of charge for the current calendar year subject to the approval of the Commission to operators of stationary emission sources by 30 June each year.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7) Where an installation is subject to an obligation to undertake an energy audit in accordance with § 28 of the Energy Sector Organisation Act and where the recommendations of the energy or certified energy or environmental management system report in accordance with subsection 2 of the same section are not implemented, the quantity of allowable emission units to be allocated free of charge is reduced by 20 per cent, except in the case the payback period for the investments concerned exceeds three years or where the costs of those investments are disproportionately high, or where the operator demonstrates that the operator has implemented measures that contribute to a reduction of greenhouse gas emissions from the installation equivalent to those recommended in the energy audit report or certified energy or environmental management system report for that installation, or where the operator benefits from a derogation in accordance with Article 22a of Commission Delegated Regulation (EU) No 2019/331.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(8) The quantity of emission allowances to be allocated free of charge is reduced by at least 20 per cent where the achievement of the interim targets of the climate-neutrality plan has not been demonstrated by 31 December 2025 and thereafter by 31 December of every fifth year in accordance with § 167 of this Act.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(9) The quantity of emission allowances to be allocated free of charge to the operator of a stationary emission source is reduced from 2026 onwards for the account of the production of the goods specified in Annex I to Regulation (EU) No 2023/956 of the European Parliament and of the Council establishing a carbon border adjustment mechanism (OJ L 130, 16.05.2023, pp 52–104) compared to the quantity of emission allowances allocated free of charge in 2025 as follows:
1) in 2026, 97.5 percent is allocated;
2) in 2027, 95 percent is allocated;
3) in 2028, 90 percent is allocated;
4) in 2029, 77.5 percent is allocated;
5) in 2030, 51.5 percent is allocated;
6) in 2031, 39 percent is allocated;
7) in 2032, 26.5 percent is allocated;
8) in 2033, 14 percent is allocated.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(10) No emission allowances are allocated free of charge to an installation that has ceased its operation. An installation for which the first trading system permit has expired or which first trading system permit was withdrawn and an installation for which it is technically not possible to operate or to resume operations is considered to have ceased its operation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 156[1]. Emission allowances allocated free of charge to offset use of sustainable aviation fuel

(1) The Environmental Board allocates free of charge emission allowances to partially or fully cover the price difference between the use of fossil aviation fuel and sustainable aviation fuel specified in Article 3(7) of Regulation (EU) 2023/2405 of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport (OJ L, 2023/2405, 31.10.2023) for the areas of activity applicable to the aircraft operator specified in the regulation established on the basis of subsection 1 of § 155 of this Act.

(2) Where the use of sustainable aviation fuel cannot be directly attributed to a specific flight at an airport, the emission allowances specified in subsection 1 of this section are allocated to sustainable aviation fuel tanked at that airport in proportion to the emissions from flights departing from that airport by the aircraft operator for which emission allowances are to be surrendered in accordance with subsection 1 of § 168 of this Act.

(3) Emission allowances allocated on the basis of subsection 1 of this section offset:
1) 70 per cent of the price difference between the use of fossil aviation fuel and hydrogen produced from renewable energy sources, and advanced biofuels specified in clause 17 of subsection 1 of § 2 of the Liquid Fuel Act, which have an emission factor equal to zero;

2) 95 per cent of the price difference between the use of aviation fossil fuels and non-biological renewable fuels with an emission factor equal to zero, in accordance with Article 25 of Directive (EU) 2018/2001 of the European Parliament and of the Council on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82–209);
3) 100 per cent of the price differential between the use of fossil aviation fuel and any sustainable aviation fuel not obtained from airports situated on an island of less than 10,000 square kilometres and not connected by road or rail to the mainland, and airports which are not large enough to be defined as European Union airports and airports situated in the outermost regions specified in Article 349 of the Treaty on the Functioning of the European Union;
4) in the other cases, 50 per cent of the price differential between the use of fossil aviation fuel and sustainable aviation fuel.

(4) The minister in charge of the policy sector may establish by a regulation more detailed rules for allocation of allowances free of charge to offset the use of sustainable aviation fuel provided in this section.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 157. Transfer of emission allowances allocated free of charge

An operator operating in any area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act shall be transferred emission allowances allocated free of charge in the trading registry according to Commission Delegated Regulation (EU) 2019/1122.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

§ 158. Special reserve for aircraft operators
[Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

§ 159. Application for allocation of emission allowances free of charge from special reserve
[Repealed - RT I, 02.10.2025, 1 - entry into force 01.01.2026]

§ 160. Auctioning of emission allowances

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The State auctions all emission allowances of operators of stationary emission sources and shipping companies that are not allocated free of charge in accordance with Commission Delegated Regulation (EU) 2019/331, transferred to the Modernisation Fund specified in § 165[1]of this Act, cancelled in accordance with section subsection 6 of § 168 and added to the Market Stability Reserve in accordance with Decision (EU) 2015/1814 of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system and amending Directive 2003/87/EC (OJ L 264, 09.10.2015, pp 1–5).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

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

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

§ 161. Use of revenues from auctioning

(1) The revenues generated from the auctioning shall be transferred to the state budget and used in line with the state budget strategy. The annual budget records the volume of the revenue and expenditure incurred from it to the auctioning in that year. The state budget strategy shall indicate the intended distribution of the use of the revenues generated from the auctioning, determine the intended purpose of the measures relating to climate policy and the ministers in charge of the use of the revenues. The revenues generated from the auctioning shall cover the administrative expenses of the auctioning of the trading system related to Estonia.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2) The general terms and conditions for the use of and reporting on the revenue from auctioning shall be established by a regulation of the Government of the Republic.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2[1]) The minister in charge of the state budget establishes by a directive the criteria for distribution of auctioning revenues.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2^{2}) For the purpose of monitoring the use of auctioning revenues, the minister in charge of climate affairs establishes a committee for monitoring the use of allowance auctioning revenues which is composed of representatives of ministries.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2^{3}) The minister in charge of climate affairs changes, in consultation with the committee specified in subsection (2^{2}), submits a proposal for the establishment of criteria on the basis of subsection (2^{1}) of this section to the minister in charge of the state budget by 1 November each year.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2^{4}) The minister in charge of the state budget, in cooperation with the minister in charge of climate affairs, submits a proposal to the Government of the Republic on allocation of auctioning revenues in the state budget strategy, taking into account the time limit provided in § $34^{1}$of the State Budget Act and the criteria established on the basis of subsection $2^{1}$of this section.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2^{5}) The proposal of the minister in charge of the state budget on allocation of auctioning revenues in the state budget strategy is presented to the committee specified in subsection $2^{2}$of this section before it is submitted to the Government of the Republic.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) In order to implement the measures determined in the state budget strategy pursuant to subsection 1 of this section, the minister in charge of the revenue use policy sector may establish by a regulation the requirements and procedure for the use of the revenues generated from the auctioning.
[RT I, 23.12.2016, 1 – entry into force 01.01.2017]

(4) The revenue specified in subsection (1) of this section and generated from the auctioning, including the total revenue received from the emission allowances allocated to Estonia for the purpose of solidarity and economic growth or the amount equivalent to such revenue, is used for financing the targets limiting the generation of greenhouse gases. These objectives are:
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1) [repealed – RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1^{1}) implementation of measures to support the shift to low and zero emission transport modes and public transport, more energy efficient infrastructure and sustainable alternative fuels, including development of climate-friendly passenger and freight rail transport and bus services and technology, reduction of carbon emissions from the maritime sector and support for zero emission propulsion systems, and implementation of measures to support reduction of carbon emissions from airports;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
2) [repealed – RT I, 02.10.2025, 1 – entry into force 12.10.2025]
2^{1}) development of renewable energy sources and electricity grids to meet the interconnection targets set in the Estonia's National Energy and Climate Plan up to 2030, as well as the development of other technologies that contribute to the transition to a safe and sustainable low carbon economy, contributing to improvement of energy efficiency and achievement of the European Union target, including electricity production for consumers of renewable energy and renewable energy communities for their own use;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
3) financing of energy efficiency and clean technologies in research and development in the sectors that are covered by Directive 2003/87/EC of the European Parliament and of the Council;
4) supporting low and middle income households in tackling social problems arising from energy consumption, including through targeted reductions in tariffs of electricity from renewable energy sources;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
4^{1}) renovation of buildings in accordance with the energy performance requirements of the Building Code, giving priority to buildings with the lowest energy performance, energy efficiency improvements, better insulation, development of district heating systems and development of heating and cooling systems based on renewable sources;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
5) financing of greenhouse gas emission reduction and climate change adaptation research, development and demonstration projects;
6) contributing to the Global Energy Efficiency and Renewable Energy Fund and the Adaptation Fund;
7) adaptation to the impact of climate change and mitigation of the impact of climate change;
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]
8) participation in the initiatives of the Estonian and the European Strategic Energy Technology Plan and the European Technology Platforms as well as in planning of the climate change mitigation policy and energy policy and monitoring of the performance of these policies;
9) implementation of measures to support prevention of deforestation and protection and restoration of peatlands, forests and other terrestrial or marine ecosystems, including implementing measures to contribute

to the protection, restoration and improved management of these ecosystems, in particular in marine protected areas, and to enhance afforestation and reforestation for biodiversity, including in developing countries that have ratified the Paris Agreement, and to facilitate adaptation to the adverse effects of climate change and technology transfer in these countries;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
10) sequestration of carbon dioxide in forestry and soil;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
11) covering of the costs of implementing the trading system;
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]
12) funding of climate measures, including funding of adaptation to impacts of climate change in third countries vulnerable to impacts of climate change;
[RT I, 05.11.2019, 2 – entry into force 01.01.2021]
13) promoting of skills acquisition and labour reallocation to contribute to an equitable transition to a climate-neutral economy, giving priority to regions most affected by the transition, and supporting of up-skilling and retraining of workforce in sectors potentially affected by the transition to a climate-neutral economy, including the maritime sector;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
14) supporting of environmentally safe capture and geological storage of carbon dioxide, in particular from fossil solid fuel power plants and from various industrial sectors and their sub-sectors, including in third countries, and development of innovative carbon capture technologies, for example direct atmospheric capture and storage of carbon;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
15) financing of national climate dividend plans corresponding to the annual report specified in Article 19(2) of Regulation (EU) No 2018/1999 of the European Parliament and of the Council on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, pp 1–77);
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
16) supporting of decarbonisation and transition to a climate-neutral economy of the goods listed in Annex I to Regulation (EU) 2023/956 of the European Parliament and of the Council, in order to mitigate the potential risk of carbon dioxide emission associated with these goods, subject to the relevant State aid rules.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4^1) The use of the auctioning revenues will be designed taking into account the need to continue to increase international funding relating to climate change in vulnerable third countries.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4^2) The auctioning revenues are used to support the development and deployment of green innovation and green technologies in the private sector, in line with the state budget strategy and measures envisaged therein.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4^3) The auctioning revenues may be used to support industrial sectors or their subsectors that are at risk of carbon leakage due to high indirect costs due to costs caused by the transfer to the electricity price of costs of surrendering emission allowances.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4^5) Not later than 31 March of each year, the ministry in charge of the measure specified in subsection $4^3$of this section, in accordance with the state budget strategy, publishes on their website information on the total amount of support paid in the previous year by sectors and subsectors.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4^6) Where the volume of the support specified in subsection $4^3$of this section exceeds 25 per cent of the annual revenue from the auction specified in subsection 1, the ministry in charge of the measure prepares a report in accordance with the state budget strategy, which includes the following:
1) reasons why the amount of the support exceeds 25 per cent of the auctioning revenues;
2) electricity prices for large industrial customers benefiting from the support of the measure, taking into account the rules on disclosure of information;
3) information on other measures to sustainably reduce indirect costs relating to carbon dioxide emissions in the medium and long term.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(5) The support granted for the purpose of achievement of the objectives specified in clauses $2^1$and $4^1$of subsection 4 of this section includes granting of support for taking renewable energy into use and upgrading heating systems in small houses.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(6) [Repealed – RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7) In order to use the funds received from trading in emission allowances, the user of the funds may enter into a contract under public law with a legal person governed by private law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsection 2 of § 6 of the specified Act. The duty of granting support and the right to perform all the acts required for the performance of this duty may be *inter alia*transferred to persons by a contract under public law.
[RT I, 23.12.2016, 1 – entry into force 01.01.2017]

(7[1]) The conditions and rules of use of revenues from auctioning specified in subsection 3 of this section may prescribe that the local government performs the tasks related to the procedure for applying for grants and organizing the awarding of grants and the revenue received may be used to cover the costs of these administrative tasks.
[RT I, 14.12.2021, 1 – entry into force 15.12.2021]

(8) Supervision over compliance with contracts under public law specified in subsection 7 of this section shall be exercised by the user of the funds who entered into a contract under public law.
[RT I, 23.12.2016, 1 – entry into force 01.01.2017]

(9) If a contract under public law is terminated unilaterally or any other circumstances arise which prevent the person specified in subsection 7 of this section to whom the performance of the administrative duty was assigned from further performance of the administrative duty, the user of the funds who entered into the relevant contract under public law shall organise further performance of the administrative duty.
[RT I, 23.12.2016, 1 – entry into force 01.01.2017]

(10) When using the auctioning revenues specified in subsection 1 of this section and covering the difference between the prices of aviation fuels provided in § 156[1]of this Act, visibility of a reference to the source of financing must be ensured.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(11) The Government of the Republic establishes by a regulation detailed conditions for submission of information on the use of the auctioning revenues specified in subsection 1 of this section.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

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

(2) An investment firm or a credit institution which holds a valid activity licence and is registered in Estonia shall apply to the Financial Supervision Authority for an authorisation to submit direct bids at auctions on behalf of themselves or their customers for auction products which are not financial instruments.
[RT I, 30.12.2017, 3 – entry into force 03.01.2018]

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

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

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

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

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

(5) The Financial Supervision Authority shall have all the rights arising from the Financial Supervision Authority Act and provided for in subsections 1 and 5 of § 230, §§ 230[3]and 233, clauses 1 and 3 of subsection 1 of § 234, §§ 234[1]and clauses 1 and 5 of § 235 of the Securities Market Act with respect to the applicant for authorisation specified in subsections 1 and 2 of § 162 of this Act or the person to whom the specified authorisation is issued upon verification of compliance with the requirements and issue of precepts specified in Article 59(2), (3) and (5) of the European Commission Regulation (EU) No 1031/2010.

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

[Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

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

([Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

§ 165[1]. Modernisation Fund

(1) For the purposes of this Act, the Modernisation Fund is a fund established under Article 10d of Directive 2003/87/EC of the European Parliament and of the Council through which projects for modernising of the energy systems and improvement of energy efficiency are funded.

(2) An energy system for the purpose of this Act is a complete set, as regards uninterrupted power generation and distribution, of power stations, transmission lines, substations and heat networks operating in a single mode as well as energy consumers.

(3) At least 90 per cent of the funds of the Modernisation Fund must be used to support such projects which meet one or more of the following objectives:
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
1) production and use of electricity from renewable energy sources, including hydrogen from renewable energy sources;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
2) reducing of overall energy use by improving energy efficiency, including in industry, transport, buildings, agriculture and waste management;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
3) energy storage and modernisation of energy networks, including demand management, district heating networks, electric power transmission networks, addition of interconnections between European Union Member States, and zero-emission mobility infrastructure;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
4) fair transition in regions with a high carbon economy, to support workers' relocation, retraining, education and job search initiatives and start-ups in dialogue with civil society and social partners in a manner consistent with the Just Transition Plan for Estonia;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
5) [repealed – RT I, 02.10.2025, 1 – entry into force 12.10.2025]
6) developing of district heating and cooling based on renewable energy sources;
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]
7) supporting of low-income households to alleviate energy poverty and upgrade heating systems.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4) The Modernisation Fund does not support energy production units using fossil fuels.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(5) The use of the funds and reporting of the Modernisation Fund shall be established by a regulation of the Government of the Republic.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(5[1]) Distribution of the use of the funds of the Modernisation Fund and the ministers in charge of the use of the funds shall be determined in the state budget strategy.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(5[2]) In order to implement the measures determined in the state budget strategy, the minister in charge of the use of the funds may establish the terms and conditions of and the procedure for implementation of the respective measure by a regulation.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(6) [Repealed – RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(7) The Ministry of Climate shall submit the allocation of the funds of the Modernisation Fund determined subsection pursuant to subsection 51 of this section for assessment and approval to the European Investment Bank and the Investment Committee according to Commission Implementing Regulation (EU) 2020/1001 laying down detailed rules for the application of Directive 2003/87/EC of the European Parliament and of the

Council as regards the operation of the Modernisation Fund supporting investments to modernise the energy systems and to improve energy efficiency of certain Member States (OJ L 221, 10.07.2020, pp. 107-221).
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(8) For the purposes of this Act, an investment committee is a committee established under Article 10d(5) of Directive 2003/87/EC of the European Parliament and of the Council.

(9) The Ministry of Climate shall publish annually on its website a report on the projects funded in Estonia from the Modernisation Fund which contains information on implemented projects and an assessment of the energy efficiency achieved through the projects and the added value of the modernization of the energy system.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(10) In order to use the funds received from the Modernisation Fund, the user of the funds may enter into a contract under public law with a legal person governed by private law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act, without applying subsection 2 of § 6 of the specified Act. The duty of granting support and the right to perform all the acts required for the performance of this duty may be *inter alia*transferred to persons by a contract under public law.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(11) The use of the modernisation fund is decided on the basis of the criteria of the 'do no significant harm' principle set out in Article 17 of Regulation (EU) 2020/852 of the European Parliament and of the Council on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088 (OJ L 198, 22.06.2020, pp 13–43), where technical screening criteria have been established for the economic activities supported in accordance with Article 10(3)(b) of that Regulation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

Division 4 Monitoring of Emissions, Reporting and Surrender of Emission Allowances

§ 166. Monitoring and reporting emissions from first trading system

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2) Where an aircraft operator commences activities in the area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act, the operator submits to the Environmental Board a monitoring plan in accordance with Commission Implementing Regulation (EU) 2018/2066. Monitoring of emissions from aircraft operators is carried out in accordance with Annex IV to Directive 2003/87/EC.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(3) An operator of a stationary emission source or aircraft operator shall check on regular basis whether the monitoring methods used by the operator can be improved and submit a relevant report to the Environmental Board for approval pursuant to Article 69 of Commission Implementing Regulation (EU) 2018/2066.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(4) An operator of a stationary emission source or aircraft operator shall submit to the Environmental Board an updated monitoring plan before any significant changes in the monitoring methods used.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(5) An aircraft operator shall review the monitoring plan before the beginning of each trading period and as appropriate submit to the Environmental Board an updated monitoring plan.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(6) The Environmental Board shall approve the monitoring plan submitted by an operator of a stationary emission source or aircraft operator within 30 days as of the submission of a monitoring plan in compliance with the requirements of Commission Implementing Regulation (EU) 2018/2066 and once again after any significant changes in the monitoring methods used by the operator.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(6^1) Preparation and monitoring of the monitoring plan of a shipping company is carried out in accordance with Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.05.2015, p. 55-76).

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(6[2]) The monitoring plan specified in subsection 6[1] of this section is submitted by the shipping company to the Environmental Board.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7) An operator of a stationary emission source or aircraft submits to the Environmental Board by 25 March each year a verified report on greenhouse gas emissions (hereinafter *emission report*) for the preceding calendar year and organises verification of the emissions for the preceding calendar year in the trading registry.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7[1]) By 31 March each year, a shipping company submits to the Environmental Board an emission report for the preceding calendar year that complies with the requirements of Regulation (EU) 2015/757 of the European Parliament and of the Council and enters the emissions for the preceding calendar year into the emissions trading registry.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(8) Where the operator of a stationary emission source or aircraft failed to organize verification of the emissions of the preceding calendar year in the trading registry in accordance with subsection 7 of this section or where a shipping company failed to enter the emissions for the preceding calendar year in the trading registry in accordance with subsection 7[1], the Environmental Board prepares a conservative estimate of the greenhouse gas emissions of the operator of the stationary emission source or aircraft or shipping company for the activities of the preceding calendar year and enters the greenhouse gas emissions calculated on that basis in the emissions trading registry.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(9) Together with the emission report, an aircraft operator also submits to the Environmental Board a report on the impact of non-carbon dioxide emissions from aviation in accordance with the implementing legislation specified in Article 14(1) of Directive 2003/87/EC of the European Parliament and of the Council.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(10) An aircraft operator which flight operations take place between restricted airports or countries subject to offsetting requirements or between countries not subject to offsetting requirements may, in order to protect its commercial interests, submit a request to the Environmental Board that the Board does not publish the data specified in Article 14(6)(a) and (b) of Directive 2003/87/EC of the European Parliament and of the Council with the accuracy of the aircraft operator. On the basis of the specified request, the Environmental Board may request the European Commission to publish these data in aggregated form.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 167. Verification

(1) In the case of an operator of a stationary emission source and an aircraft operator belonging to the first trading system, verification denotes the assessment of the credibility and accuracy of the data presented in the emission report which is made by an accredited verifier in accordance with Commission Implementing Regulation (EU) 2018/2067 and Articles 15 and 30f of and Annex V to Directive 2003/87/EC of the European Parliament and of the Council.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

(3) In the case of a shipping company belonging to the first trading system, verification is the assessment of the reliability and accuracy of the data stated in the emission report in accordance with the verification and accreditation requirements provided in Chapter III of Regulation (EU) 2015/757 of the European Parliament and of the Council.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 168. Surrender, cancellation and replacement of emission allowances in first trading system

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) An operator of a stationary emission source, aircraft operator and shipping company belonging to the first trading system surrender in the trading registry by 30 September each year the quantity of emission allowances corresponding to the emission report for the preceding calendar year, which are generated in the areas of activity of the first trading system specified in the regulation established in accordance with subsection 1 of § 155 of this Act and which have been verified in accordance with subsections 1 and 3 of § 167.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(2^{1}) The obligation to surrender emission allowances does not apply to emissions of greenhouse gas emissions which are deemed to have been collected and used in such a manner that they are permanently and chemically bound in the product and do not enter the atmosphere during normal use and disposal in accordance with Commission Delegated Regulation (EU) 2024/2620 supplementing Directive 2003/87/EC of the European Parliament and of the Council as regards the requirements for considering that greenhouse gases have become permanently chemically bound in a product (OJ L, 2024/2620, 04.10.2024).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

(4) An operator of a stationary emission source, aircraft operator and shipping company may use, upon performance of the obligation specified in subsection 1 of this section, the emission allowances allocated by another Member State of the European Union, except in the case the emission allowances have been issued by a Member State with respect to which the obligations of an operator of a stationary emission source, aircraft operator and shipping company become invalid.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

(6) Based on a written request of the person, the Environmental Board shall cancel the emission allowances held by the person within the days as of the receipt of the request.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(7) Emission allowances allocated from 1 January 2013 shall remain valid indefinitely.
[RT I, 05.11.2019, 2 – entry into force 15.11.2019]

(8) Emission allowances allocated from 1 January 2021 shall be marked in the trading registry shows to indicate the ten-year period from 1 January 2021 during which they were issued and they shall be valid for the emissions created starting from the first year of the specified period.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(4) An operator of a stationary emission source, aircraft operator and shipping company may use, upon performance of the obligation specified in subsection 1 of this section, the emission allowances allocated by another Member State of the European Union, except in the case the emission allowances have been issued by a Member State with respect to which the obligations of an operator of a stationary emission source, aircraft operator and shipping company become invalid.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 168^{2}. Special rules for surrender of emission allowances by shipping company in first trading system

(1) The obligation to surrender emission allowances provided in subsection 1 of § 168 of this Act, to the extent of 50 per cent, applies to voyages of a shipping company departing from a port outside the European Union and arriving in a port in the European Union or departing from a port in the European Union and arriving in a port outside the European Union.

(2) A shipping company may surrender 5 per cent less allowances than the verified emissions from vessels of class IA or IA Super or equivalent ice class until 31 December 2030.

(3) The requirement to surrender emission allowances provided in subsection 1 of § 168 of this Act does not apply to greenhouse gas emissions of a shipping company, where:

(1) the voyage is undertaken by a passenger ship, other than a cruise ship, or a passenger ferry between a port included in the list of islands and ports specified in an implementing legislation established on the basis of Article 12(3)(d) of Directive 2003/87/EC of the European Parliament and of the Council and a port under the jurisdiction of the same Member State as that port, and where the emissions result from the activities of the specified vessels in the port during such voyages;
2) emissions from voyages of passenger ships or ferries between two Member States within the framework of an international public service contract or an international public service obligation, and from the activities of such vessels at berth on such voyages, where the European Commission has adopted an implementing

legislation for such exemptions on the basis of Article 12(3)(c) of Directive 2003/87/EC of the European Parliament and of the Council;

(3) emissions from voyages between a port situated in an outermost region of the European Union, as specified in Article 349 of the Treaty on the Functioning of the European Union, and a port situated in the same Member State, including voyages between ports within an outermost region of the same Member State and voyages between ports in the outermost regions of the same Member State, and from the activities of ships engaged in such voyages at berth during such voyages.

(4) For the purposes of this section, a voyage is a voyage as defined in Article 3(c) of Regulation (EU) 2015/757 of the European Parliament and of the Council.

(5) For the purposes of this section, a cruise ship is a passenger vessel without a cargo deck and exclusively intended for the carriage of passengers for commercial purposes and providing overnight accommodation during a voyage.

(6) For the purposes of this section, a port is a port where a vessel calls for the purpose of loading or unloading cargo or picking up or discharging passengers, or a port where an offshore vessel calls for a change of crew.

(7) The calls specified in subsection 6 of this section do not include:

(1) calls made solely for the purpose of refuelling, replenishment, replacement of the crew of a vessel other than an offshore vessel, drydocking or repair of the vessel, its equipment or both;
2) calls in a port by a vessel in need of assistance or in distress;
3) transfer of passengers or cargo between vessels outside a port;
4) calls in a port solely for the purpose of shelter from adverse weather conditions or for necessary search and rescue operations;

(5) calls of container vessels at a neighbouring port engaged in transhipment of containers which complies with the implementing legislation established on the basis of Article 3(2) of Directive 2003/87/EC of the European Parliament and of the Council.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025, subsections 2 and 3 apply until 31 December 2030.]

§ 169. Measures in case of failure to surrender emission allowances by deadline

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) An operator of a stationary emission source, aircraft operator and shipping company operating in the area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act who has failed to comply in time with the requirement established in subsection 1 of § 168 of this Act to surrender the emission allowances is required to pay, for the emission allowances not surrendered, an indemnity for emission allowances in the amount of 100 euros per each tonne of excessively emitted carbon dioxide equivalent in the case of which the emission allowances are not surrendered. Payment of the specified amount of money does not release the operator of a stationary emission source, aircraft operator and shipping company from their obligation to surrender the emission allowances corresponding to excess emissions no later than upon surrender of the emission allowances relating to the following calendar year. Indemnify for allowances is increased in line with the European Consumer Price Index from the due date of surrender.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

(3) Where a shipping company has failed to comply with the obligation to surrender emission allowances for at least two consecutive reporting periods, the Environmental Board informs the Transport Administration thereof.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(4) In the case provided in subsection 3 of this section, where the obligation to surrender emission allowances cannot be ensured by other measures, the Transport Administration may issue an expulsion order to the vessel of that shipping company that has entered an Estonian port. The Transport Administration informs the European Commission, the European Maritime Safety Agency, other Member States of the European Union and the flag state of the vessel of the expulsion order.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(5) A vessel that does not fly the Estonian flag and for which an expulsion order has been issued on the basis of subsection 4 of this section, or for which an expulsion order or a ban on leaving the port of the flag state has been issued by a Member State of the European Union due to non-compliance with the obligation to surrender emission allowances, is prohibited from entering ports in the Estonian territory until the shipping company has fulfilled its obligations to surrender emission allowances and the expulsion order is revoked.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(6) Where a vessel flying the Estonian flag has been issued an expulsion order for failure to surrender emission allowances in a Member State of the European Union and the vessel enters or is found in an Estonian port, the Transport Administration prohibits such vessel from leaving the port until the expulsion order is revoked.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(7) In the case provided in subsection (3) of this section, where the obligation to surrender emission allowances cannot be ensured by other measures, and if where the vessel belonging to the shipping company flies the Estonian flag and is in a port located in the territory of Estonia, the Transport Administration may prohibit such vessel from leaving the port.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(8) Where the shipping company complies with the obligation to surrender the emission allowances, the Environmental Board informs the Transport Administration thereof, whereupon the Transport Administration revokes the expulsion order issued on the basis of subsection 4 of this section or the prohibition to leave the port imposed on the basis of subsections 6 and 7.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(9) Before issuing an expulsion order as provided in subsection 4 of this section and before imposing a prohibition on leaving the port as provided in subsections 6 and 7, the Transport Administration gives the shipping company an opportunity to submit a written explanation.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(10) An expulsion order provided in subsection 4 of this section and a prohibition of entry into port provided in subsection 5 are without prejudice to the application of the international maritime law applicable to vessels in distress.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 170. Disclosure of information

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) The Environmental Board discloses on its website the information concerning free emission allowances allocation plans and annual greenhouse gas emissions from stationary sources and aircraft of operators and shipping companies in the first trading system.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2) The Environmental Board discloses on its website the names of the operators and shipping companies that violate the requirement to surrender emission allowances.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

Subchapter 2
Joint Implementation and Clean Development Mechanism

§ 171. Joint Implementation

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

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

§ 172. Clean Development Mechanism

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

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

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

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

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

(1) If an operator operating in the area of activity specified in the regulation established on the basis of subsection 1 of § 155 of this Act has failed to exercise the right granted to it for the trading period from 2008–2012 to use the certified emission reduction units and the emission reduction units pursuant to subsections 2 and 3 of this section, the operator may submit an application to the Ministry of Climate for exchange of the following units for emission allowances in force as of 2013:
1) the certified emission reduction units and the emission reduction units which have been allocated for reduction of emissions up to 31 December 2012 in the course of the Clean Development Mechanism or the Joint Implementation projects which implementation was permitted in the trading system during the trading period from 2008-2012;
2) the certified emission reduction units and the emission reduction units of the Clean Development Mechanism or Joint Implementation projects registered before 2013 which were allocated for the reduction of emissions since 2013;
3) the certified emission reduction units of the new Clean Development Mechanism projects commenced in the least developed countries since 2013 which were allocated for the reduction of emissions since 2013.

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

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

(4) The units specified in subsection 1 of this section may be used pursuant to the Framework Convention on Climate Change and the Kyoto Protocol and the decisions adopted on the basis thereof, with the exception of:
1) project activities relating to nuclear facilities;
2) project activities relating to land use, modification of land use and forestry.

(5) [Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

(6) [Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

(7) [Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

(8) The Ministry of Climate shall approve only the project activities in the case of which the registered offices of all the parties to the projects are in the country which concluded the international agreement covering such projects, or in the country or in the state or district level administrative unit which trading system is connected with the trading system of the European Union.

Subchapter 3
Green Investment Scheme

§ 175. Green Investment Scheme

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

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

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

§ 176. Avoidance of double counting

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

§ 177. Implementation of Green Investment Scheme

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

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

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

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

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

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

(1) The regulation specified in subsection 2 of § 177 of this Act provides the following for the grant of support from the funds received from trading with assigned amount units:
1) objective of granting the support and measures supported;
2) eligible and non-eligible expenditure;
3) maximum rate of support and in the case self-financing is required, the minimum rate thereof;
4) requirements set for applicants;
5) requirements set for applications for support;
6) evaluation criteria and procedure for evaluation of applications for support;
7) conditions of and procedure for approval or refusal of applications for support.

(2) Pursuant to clause 4 of subsection 1 of this section, the following requirements may be established for applicants for support:
1) the applicant is solvent;
2) the applicant has not received money earlier as compensation for the same expense from the state budget, European Union funds or funds of foreign aid;
3) the applicant complies with the other requirements set out in the eligibility criteria for the use of the funds.

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

Subchapter 4

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

§ 179. Limitation of greenhouse gas emissions and emissions trading

[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(1) Limitation of greenhouse gas emissions in non-trading sectors (transport, agriculture, waste management, operation of combustion plants with a rated thermal input of up to 20 megawatts and use of solvent and other products) is governed by Decision 406/2009/EC of the European Parliament and of the Council on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 05.06.2009, pp. 136-148), and Regulation (EU) 2018/842 of the European Parliament and of the Council on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement and amending Regulation (EU) No 525/2013.(OJ L 156, 19.06.2018, pp. 26/42).
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2) If the actual greenhouse gas emissions of the state on a given year are below the greenhouse gas emission limit determined for the state for that year by the European Commission and the state decides to enter into a sales contract pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842, the proceeds of the sales contract shall be paid into the state budget.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(3) If the actual greenhouse gas emissions of the state on a given year are more the greenhouse gas emission limit determined for the state for that year by the European Commission and the state decides to enter into a purchase contract pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842, the costs associated with the purchase contract shall be paid from the state budget.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(4) The action plan for trading pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

§ 180. Sales contracts pursuant to Decision 406/2009/EC of the European Parliament and of the Commission and Council Regulation (EU) 2018/842

[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(1) The Government of the Republic shall appoint by an order an appropriate minister as the user of the funds received on the basis of each sales contract pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842 (hereinafter *user of funds*) and, as appropriate, the general conditions for the use of the funds.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2) In order to comply with the order specified in subsection 1 of this section, the user of funds may establish by a regulation the terms and conditions of and the procedure for use of the funds received from trading pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(3) In order to use the funds received on the basis of sales contracts pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842 and to channel the funds into environmentally sustainable projects and programmes, the user of funds may enter into a contract under public law under the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act without applying subsection 2 of § 6 of the specified Act. The contract under public law may be used to transfer, inter alia, the duty of granting support to persons and the right to perform the acts required for the performance of this duty.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

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

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

(6) Any funds received from sales contracts pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842 shall be channelled into projects or

programmes which reduce or limit greenhouse gas emissions in the sectors which are not included in the trading system.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

§ 181. Terms and conditions of and procedure for use of funds received from trading pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842, and obligations of applicants

[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(1) The regulation specified in subsection 2 of § 180 of this Act provides the following data for grant of support from funds received from trading pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842:
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]
1) objective of granting the support and measures supported;
2) eligible and non-eligible expenditure;
3) maximum rate of support and in the case self-financing is required, the minimum rate thereof;
4) requirements set for applicants;
5) requirements set for applications for support;
6) evaluation criteria and procedure for evaluation of applications for support;
7) conditions of and procedure for approval or refusal of applications for support.

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

§ 182. Purchase contracts pursuant to Decision 406/2009/EC of the European Parliament and of the Commission and Council Regulation (EU) 2018/842

[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(1) The Government of the Republic shall authorise, by an order, the minister in charge of the policy sector to sign any purchase contracts pursuant to the Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842 and determine the procedure for reporting on execution of purchase contracts.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

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

Subchapter 4[1]
Recovery of Support granted under Trading Schemes

[RT I, 03.07.2017, 5 - entry into force 13.07.2017]

§ 182[1]. Recovery of support granted under trading schemes created for mitigation of climate changes

(1) The grantor of support shall recover the support if it becomes evident after payment of support granted under trading schemes created for mitigation of climate changes that the beneficiary:
1) has knowingly submitted false information;
2) has not fulfilled the requirements which constitute the basis for payment of the support;
3) has failed to use the support for the intended purpose;
4) does not fulfil the obligations of the beneficiary.

(2) A decision to recover the support may be made within ten years after the day of making the decision to grant support.

(3) A decision to recover the support granted from the funds received from trading with emission allowances of the state, auctioning of the emission allowances or the funds received from trading pursuant to he Decision 406/2009/EC of the European Parliament and of the Commission and the Council Regulation (EU) 2018/842 is an enforcement document for the purposes of clause 21 of subsection 1 of § 2 of the Code of Enforcement Procedure.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(4) If a beneficiary fails to return the amount of support in due time, the beneficiary is required to pay interest on any overdue amount at the rate of 0.1 per cent per each calendar day of delay in repayment of the support but

in total not more than the amount of the support reclaimed. The payments made to repay the support shall first cover the interest, thereafter the support subject to refunding.

(5) The specific conditions of and the procedure for recovery and repayment of support granted for mitigation of climate changes under trading schemes shall be established by a regulation of the minister in charge of the policy sector.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

Subchapter 5
Regulation of Use of Substances that Deplete Ozone Layer

§ 183. Substances that deplete ozone layer

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

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

(1) The Ministry of Climate shall organise the protection of the ozone layer and the activities relating to handling of substances that deplete the ozone layer pursuant to the requirements of the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer and the legislation of the European Union concerning substances that deplete the ozone layer. In order to perform this duty, the Ministry of Climate may enter into an administrative contract pursuant to the procedure provided for in the Administrative Co-operation Act with a company in state ownership whose main activity is the environmental research. §§ 6 and 14 of the Administrative Co-operation Act shall not apply to entry into such administrative contract.
[RT I, 22.12.2018, 1 – entry into force 01.01.2019]

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

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

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

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

§ 186. Requirements for competence

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

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

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

§ 187. Labelling of products, equipment and containers

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

§ 188. Reporting on substances that deplete ozone layer

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

Subchapter 6
Fluorinated Greenhouse Gases and Handling Thereof and Registry of Products, Equipment, Systems and Containers containing Fluorinated Greenhouse Gases and Substances that deplete Ozone Layer and of their Handling Operations

§ 189. Fluorinated greenhouse gases

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

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

The Ministry of Climate shall organise the implementation of legislation concerning fluorinated greenhouse gases and state reporting on the basis of the requirements of the Framework Convention on Climate Change, the Kyoto Protocol and the European Union legislation concerning fluorinated greenhouse gases. In order to perform this duty, the Ministry of Climate may enter into an administrative contract pursuant to the procedure provided for in the Administrative Co-operation Act with a company in state ownership whose main activity is the environmental research. §§ 6 and 14 of the Administrative Co-operation Act shall not apply to entry into such administrative contract.
[RT I, 22.12.2018, 1 – entry into force 01.01.2019]

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

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

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

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

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

§ 191[1]. Transfer, brokering, acquisition and possession of non-refillable containers of fluorinated greenhouse gases

(1) Transfer, brokering, acquisition and possession of non-refillable containers of fluorinated greenhouse gases which are used for the maintenance and servicing of refrigeration and air-conditioning equipment and heat pumps, fire systems and electrical switchgear and for filling of such equipment or systems is prohibited.

(2) For the purposes of this Act, transfer of non-refillable containers of fluorinated greenhouse gases is considered to include, among other things, an offer for sale and a sale by means of a website and other means of communication.

(3) Non-refillable containers of fluorinated greenhouse gases may be transferred for destruction to a person who has a respective environmental protection permit and a permit for the handling of products, equipment and systems containing fluorinated greenhouse gases.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

(1) The register of the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer and of their handling operations FOKA (hereinafter *FOKA register*) is a database in the State Information Systems containing:
1) data on the scope of use of all the products, devices or systems, quantity, type of substances and handling operations containing five or more tonnes of carbon dioxide equivalents of fluorinated greenhouse gases specified in Articles 4(1) and (2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council, with the exception of the hermetically sealed apparatus and electric switchyards specified in subsection (1), and the equipment specified in clauses (2) e) and g);
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]
2) data on the equipment containing solvents based on five or more tonnes of carbon dioxide equivalents of fluorinated greenhouse gases, the quantity, type of the substances contained therein and the handling operations;
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]
3) data on the scope of use of any stationary products, equipment, systems or containers containing three or more kilograms substances that deplete the ozone layer, the type of the substance and handling operations;
4) reports prepared on products, equipment and systems containing fluorinated greenhouse gases.

(1^1) The purpose of the FOKA registry is to manage in the digital environment the data collected pursuant to this Act about the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer, and about their handling operations. The broader goal of the data collection is to ensure reduction of emissions to the atmosphere of fluorinated greenhouse gases and substances that deplete ozone layer.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The FOKA registry and the registry statutes shall be established by a regulation of the minister in charge of the policy sector.

(3) [Repealed – RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

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

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

(3) If the products, equipment, systems or containers containing five or more tonnes of carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer are already entered in the FOKA registry, the operator thereof shall register the transfer, transfer of a usufruct or disposal from use and transfer to waste operators of such product, equipment, system or container or storage of the receptacle in the FOKA registry within two weeks after the relevant operation.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(4) The competent person that performs the handling operation shall register the handling operations with a product, equipment, system or container containing five or more tons of carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer in the FOKA registry within five working days after the operation.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(5) If a product, equipment or system containing five or more tons of carbon dioxide equivalents of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer is changed in the course of reconstruction, the operator shall complement the composition of the FOKA registry by the data of the new product, equipment or system within two weeks after the completion of the reconstruction.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(6) The procedure for submission to the FOKA register of data concerning the products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer and of their handling operations and the data included therein is established by a regulation of the minister in charge of the policy sector.
[RT I, 27.05.2022, 1 – entry into force 06.06.2022]

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

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

(2) Professional certificates and partial professional certificates certify the competence of an employee to perform handling operations which are specified in:
1) Article 2(1) of Commission Regulation (EC) No 304/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of companies and personnel as regards stationary fire protection systems and fire extinguishers containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, pp. 12-16);
2) Article 1 of Commission Regulation (EC) No 306/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of personnel recovering certain fluorinated greenhouse gas-based solvents from equipment (OJ L 92, 03.04.2008, pp. 21-24);
3) Article 1 of Commission Regulation (EC) No 307/2008 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, minimum requirements for training programmes and the conditions for mutual recognition of training attestations for personnel as regards air-conditioning systems in certain motor vehicles containing certain fluorinated greenhouse gases (OJ L 92, 03.04.2008, pp. 25-27);
4) Article 1 of Commission Implementing Regulation (EU) 2015/2066 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons carrying out installation, servicing, maintenance, repair or decommissioning of electrical switchgear containing fluorinated greenhouse gases or recovery of fluorinated greenhouse gases from stationary electrical switchgear (OJ L 301, 18.11.2015, pp. 22-27);
5) Article 2(1) of Commission Implementing Regulation (EU) 2015/2067 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, minimum requirements and the conditions for mutual recognition for the certification of natural persons as regards stationary refrigeration, air conditioning and heat pump equipment, and refrigeration units of refrigerated trucks and trailers, containing fluorinated greenhouse gases and for the certification of companies as regards stationary refrigeration, air conditioning and heat pump equipment, containing fluorinated greenhouse gases (OJ L 301, 18.11.2015, pp. 28-38).

§ 195. Issue of professional certificates and partial professional certificates

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

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

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

§ 196. Mutual recognition

(1) The right of a person of another Member State of the European Union to operate in the Republic of Estonia in the areas of activity regulated by the European Commission Regulation specified in subsection 2 § 194 of this Act is certified by a personnel certificate or company certificate issued in the relevant Member State in compliance with the above-mentioned Regulation.

(2) The Environmental Board has the right to demand translation of the certificate specified in subsection 1 of this section into Estonian where the content and details thereof remain incomprehensible to it when assessing compliance. The translation shall be made by a sworn translator or certified by a notary.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

(1) Holding a permit for handling products, equipment and systems containing fluorinated greenhouse gases (hereinafter *handling permit*) shall be mandatory, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, for sole proprietors and legal persons acting in the following areas of activity:
1) handling of stationary refrigeration, air conditioning and heat pump equipment containing or potentially containing fluorinated greenhouse gases;
2) handling of stationary firefighting equipment containing or potentially containing fluorinated greenhouse gases.

(2) The operations specified in Articles 2(2) and 2(1)(a) and (b) of Commission Implementing Regulation (EU) No 2015/2067 and Articles 2(2) and 2(1)(a) and (b) of Commission Regulation (EC) No 304/2008 are

the handling operations that require a handling permit in the areas of activity specified in subsection 1 of this section.

§ 198. Object of control of handling permit

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

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

§ 199. Application for handling permit

(1) In addition to the provisions of subsection 2 of § 19 of the General Part of the Economic Activities Code Act, the person applying for a handling permit shall submit to the issuer of permit a written application containing the following data:
1) data handling operations for which the handling permit is applied;
2) data on the work volumes indicating that the applicant has a sufficient number of personnel certified in compliance with the European Commission Regulations specified in subsection 2 of § 194 of this Act in order to perform the handling operations requiring the handling permit in the described work volume;
3) list of tools at the disposal of the applicant;
4) descriptions of the work methods of the applicant;
5) date of submission of the application.

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

§ 200. Information and conditions set out in handling permit

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

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

§ 201. Decision on issue of handling permit

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

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

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

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

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

§ 203. Public list of holders of handling permit

The list of holders of handling permits and information about handling areas and handling operations permitted by handling permits are available to the public on the website of the register of economic activities.
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

§ 204. Ensuring access to products, equipment and systems containing fluorinated greenhouse gases

[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(1) [Repealed – RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

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

(1) Labelling of products, equipment and systems containing fluorinated greenhouse gases shall be based on Article 12 of Regulation (EU) No 517/2014 of the European Parliament and of the Council.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

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

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

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

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

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

(4) A shipowner for the purposes of the Maritime Safety Act, in whose possession the vessel which flies the flag of the Republic of Estonia contained fluorinated greenhouse gases, submits a report to the Ministry of Climate by 20 June each year on the quantities and types of fluorinated greenhouse gases contained in the refrigerating units, air-conditioning appliances or firefighting equipment containing fluorinated greenhouse gases and used by the vessel which flies the flag of the Republic of Estonia, and is in the shipowner's possession, and on the fluorinated greenhouse gases added in the course of maintenance during the reporting year.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(5) A rail transport undertaking for the purposes of the Railways Act, the rail vehicles in whose possession contained fluorinated greenhouse gases, submits a report to the Ministry of Climate by 20 June each year on the rail vehicles that were in the possession of the undertaking in the previous calendar year, which are registered in the state railway traffic register and are used in Estonia. The report indicates the number of the railcars and locomotives equipped with refrigerating units, air-conditioning appliances or firefighting equipment containing fluorinated greenhouse gases, the quantities and types of fluorinated greenhouse gases contained therein and on the fluorinated greenhouse gases added in the course of maintenance during the reporting year.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

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

§ 206[1]. Reporting on illegal trade in hydrofluorocarbons

The Tax and Customs Board submits to the Ministry of Climate by 30 April each year information on illegal trade of hydrofluorocarbons and forbidden non-refillable containers detected during the preceding calendar year.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

Subchapter 7

Capture, Transportation and Geological Storage of Carbon Dioxide

§ 207. Geological storage of carbon dioxide

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

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

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

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

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

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

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

§ 210. Requirements for transportation pipelines

(1) The requirements for planning and construction of construction works apply to the planning and construction of transportation pipelines.

(2) Pressure equipment safety requirements apply to the installation, putting into service, use, reconstruction and repair of transportation pipelines.

§ 211. Connection to transportation pipelines

(1) Connection to transportation pipelines denotes the connection of an installation or transportation pipelines to the transportation pipelines belonging to another person.

(2) The owner of transportation pipelines shall allow connection to the transportation pipelines belonging to the owner within the technical limits thereof, unless this would endanger the existing transport performance. Refusal to allow connection to transportation pipelines shall be substantiated in writing.

(3) The owner of transportation pipelines who has refused connection due to absence of technical capability shall make the changes necessary for allowing connection, as far as it is economic to do so or when a potential connected party is willing to pay for them, provided this would not have an adverse impact on the environmental security on transportation of carbon dioxide.

(4) The owner of transportation pipelines shall develop the conditions for connection to transportation pipelines (hereinafter *connection conditions*).

(5) The connection conditions shall:
1) be transparent and unambiguous;
2) comply with the principle of equal treatment of similar connected parties;
3) consider the technical capability of transportation pipelines;
4) consider the duly substantiated reasonable needs of the owner or operator of the transport network;
5) consider the interests of all other users of the transport network and the users of processing or handling facilities connected to the transport network, which may be affected by the transport network;
6) consider Estonia's obligation to reduce carbon dioxide arising from the international law or the European Union law, even if Estonia has decided to comply with the specified obligation by capture of carbon dioxide.

(6) The owner of transportation pipelines shall publish on its website:
1) the technical data regarding the transportation pipelines and data on the transport performance achieved;
2) connection conditions;
3) data regarding the principles of the formation of transportation pipelines connection fees;
4) data regarding the storage sites and storage capacities of carbon dioxide transported by transportation pipelines.

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

(1) Carbon dioxide captured for geological storage shall not contain additives, excluding substances originating from the source upon capture of carbon dioxide or incidental associated substances from the capture or injection process and detection agents required for monitoring of migration of carbon dioxide.

(2) An operator who engages in capture of carbon dioxide shall analyse at least once per calendar month the composition of other substances in the carbon dioxide captured for geological storages, and determine the content of substances classified as corrosive pursuant to the Chemicals Act, Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 136, 29.05.2007, pp. 3-280) and Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, pp. 1-1355).

(3) Concentrations of all incidental and added substances shall be below levels that would adversely affect the integrity of the storage site and relevant transport infrastructure and pose a significant risk to the environment or human health.

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

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

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

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

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

(1) An operator of large combustion plants with the rated electrical output of the combustion plants planned at 300 megawatts or more shall submit, prior to obtaining a building permit for the large combustion plant, an assessment to the Ministry of Climate of whether:
1) sites suitable for geological storage of carbon dioxide are available;
2) transportation of carbon dioxide is technically and economically feasible;
3) it is technically and economically feasible to retrofit for carbon dioxide capture system.

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

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

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

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

§ 216. Surrender of emission allowances

The requirement to surrender emission allowances established on the basis of subsection 1 of § 168 of this Act shall not be applied to such emissions which have been certified pursuant to the procedure established on the basis of subsection 3 of § 155 of this Act and transported for geological storage to an installation which holds a valid permit for this purpose pursuant to the Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC and

Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, pp. 114-135).

Subchapter 8
Designation of competent authority and single point of contact

[RT I, 02.10.2025, 1 - entry into force 12.10.2025]

§ 216[1]. Competent authority for implementation of carbon border adjustment mechanism

The competent authority specified in Article 11(1) of Regulation (EU) 2023/956 of the European Parliament and of the Council is the Environmental Board.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 216[2]. Single point of contact for zero-net-emission technology projects

(1) The tasks of the single point of contact for net-zero technology projects specified in Article 6 of Regulation (EU) 2024/1735 of the European Parliament and of the Council on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.06.2024) are carried out by the Ministry of Economic Affairs and Communications or by a legal entity with which the minister in charge of the policy sector has entered into an administrative contract for the performance of the tasks of the single point of contact on the conditions and in accordance with the rules provided in the Administrative Cooperation Act.

(2) The Ministry of Economic Affairs and Communications exercises supervision over the performance of administrative contracts specified in subsection 1 of this section.

(3) Where a administrative contract is terminated unilaterally or any other reason exists that prevents the person to whom an administrative duty was assigned under a public law contract specified in subsection 1 of this section from continuing further performance of the administrative duty, the Ministry of Economic Affairs and Communications organises further performance of the administrative duty.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

Chapter 8
State Supervision

§ 217. Exercise of state supervision

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

§ 218. State supervision over environmental noise

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

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

The state supervision over compliance with the requirements for paints and other coating materials and finishing products for vehicles containing volatile organic compounds shall be exercised by:
1) the Environmental Board – over compliance with the requirements for use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
2) [repealed – RT I, 03.02.2023, 2 – entry into force 01.06.2023]
3) the Tax and Customs Board – over compliance with the requirements for import of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
4) the Health Board – over compliance with the requirements for conformity of labelling of paints and other coating materials and finishing products for vehicles containing volatile organic compounds.
[RT I, 03.02.2023, 2 – entry into force 01.06.2023]

§ 220. State supervision over greenhouse gas emissions trading registry

[RT I, 05.11.2019, 2 – entry into force 01.01.2021]

(1) The Environmental Board shall exercise the state supervision over greenhouse gas emissions trading in the trading registry in accordance with Commission Delegated Regulation (EU) 2019/1122.
[RT I, 25.06.2021, 2 – entry into force 05.07.2021]

(2) [Repealed – RT I, 05.11.2019, 2 – entry into force 01.01.2021]

§ 220[1]. Regulatory enforcement of implementation of carbon border adjustment mechanism

Regulatory enforcement of the implementation of the carbon border adjustment mechanism in accordance with Regulation (EU) 2023/956 of the European Parliament and of the Council is performed by the Environmental Board.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

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

The state supervision over compliance with requirements for handling substances that deplete the ozone layer shall be exercised by:
1) the Environmental Board – handling of substances that deplete the ozone layer;
2) the Tax and Customs Board – import and export of substances that deplete the ozone layer, products or equipment containing such substances or relying on such substances;
3) the State Agency of Medicines – metered dose inhalers that function on the basis of substances that deplete the ozone layer.

§ 222. State supervision over compliance with requirements for handling fluorinated greenhouse gases

The state supervision over compliance with the requirements for handling fluorinated greenhouse gases shall be exercised by:
1) the Environmental Board – over compliance of an operator and the operations thereof with the requirements for handling fluorinated greenhouse gases specified in this Act, the legislation established on the basis thereof and Regulation (EU) No 517/2014 of the European Parliament and of the Council and its implementing regulations;
2) the Tax and Customs Board – over compliance with the requirements for import of the products, equipment and systems containing fluorinated greenhouse gases, including the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases;
3) professional institutions specified in § 6 of the Professions Act – over the requirements for awarding of professional qualifications pursuant to the Professions Act to the personnel specified in Regulation (EU) No 517/2014 of the European Parliament and of the Council and the European Commission Regulations specified in subsection 2 of § 194 of this Act.

§ 222[1]. State supervision over internal combustion engines for non-road mobile machinery

The Consumer Protection and Technical Regulatory Authority shall perform market supervision pursuant to the Product Conformity Act over the requirements established for internal combustion engines for mobile machinery in the scope of application of Regulation (EU) 2016/1628 of the European Parliament and of the Council.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

§ 223. Specific state supervision measures

(1) In order to exercise supervision provided for in this Act, a law enforcement authority may apply the special state supervision measures provided for in §§ 30-32 and 49-53 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

(2) A law enforcement authority is entitled to use results of measurements or technical equipment for recording noise.

§ 223[1]. Transaction for monitoring compliance

(1) Where supervision over fulfilment of the requirements provided for in § 191[1]by means of the general measures of state supervision provided for in the Law Enforcement Act or the special measures of state supervision referred to in § 223 of this Act is impossible or significantly difficult, but it is required in order to determine a significant or increased immediate threat or violation, the Environmental Board and the Tax and Customs Board may, as a special measure of state supervision, carry out a transaction for the purpose of monitoring compliance. The transaction for the purpose of monitoring compliance is decided by the head of the law enforcement agency referred to in this subsection or by an official authorised by them.

(2) 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 which is to monitor compliance with the requirements established by the legislation. In order to verify availability of the goods prohibited from being placed on the market, the verification is also carried out on a website or using other means of communication.

(3) When carrying out 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, and it is also prohibited, for ensuring the carrying out of a transaction for the purpose of monitoring compliance, to simulate a legal person or use covert measures for the purposes of §§ 7[54]and 7[55]of the Police and Border Guard Act.

(4) An official making a transaction for the purpose of monitoring compliance need not introduce themselves upon making the transaction and need not wear a uniform; the official is under no obligation to present their professional certificate prior to achievement of the purpose of making the transaction for the purpose of monitoring compliance.

(5) An official acts as an average consumer upon carrying out a transaction for the purpose of monitoring compliance. Where, due to the nature of the transaction for the purpose of monitoring compliance, the purpose of the transaction for the purpose of monitoring compliance in this way cannot be achieved, an official may use an invented name, where necessary, or involve in the carrying out of the transaction a person who is not responsible for the public order with the consent of the person.

(6) The law enforcement body specified in subsection 1 of this section informs the person in respect of whom the transaction for the purpose of monitoring compliance was carried out immediately after the purpose of the transaction for the purpose of monitoring compliance has been achieved that a transaction for the purpose of monitoring compliance was carried out in respect of them. In doing so, the law enforcement body explains why it was impossible or significantly difficult to carry out supervision by means of the special state supervision measures provided for in § 223 of this Act. The law enforcement authority may, by a written reasoned decision, postpone the notification of the person, where this is indispensable for continuation of supervision related to the activities of the same person or for monitoring compliance of other persons upon carrying out of such transactions. Notification of the person in respect of whom the transaction for the purpose of monitoring compliance was carried out may be postponed for up to three months starting from the day of carrying out the transaction.

(7) An official or recruited person carrying out the transaction for the purpose of monitoring compliance may hide the purpose of the transaction from the person in respect of whom the transaction for the purpose of monitoring compliance is carried out and from other persons.

(8) A transaction for the purpose of monitoring compliance is recorded in the minutes in accordance with the rules provided for in § 12 of the Law Enforcement Act.

(9) The minutes set out:
1) a reference to the decision serving as a basis for the transaction for the purpose of monitoring compliance;
2) the names of the officials who 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 carried out as well as other participants in the proceedings and persons involved;
3) the statements of the officials about the circumstances and results;
4) the description of delivered or received items and documents;
5) the statements, explanations and opinions of other participants in the proceedings and persons involved in the proceedings.

(10) Where notification of the transaction for the purpose of monitoring compliance is postponed, the decision to postpone is referred to in the minutes for the transaction for the purpose of monitoring compliance. The minutes are served on the person in respect of whom the transaction for the purpose of monitoring compliance was carried out.

(11) The law enforcement agency specified in subsection 1 of this section has the right, where necessary, to investigate any movable property acquired in the course of a transaction for the purpose of monitoring compliance and to expropriate a non-compliant item. Costs related to carrying out the transaction for the purpose of monitoring compliance are covered and compensated for in accordance with the rules provided for in subsections 2 and 3 of § 83 of the Law Enforcement Act.

(12) A transaction carried out in the course of a transaction for the purpose of monitoring compliance is void.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 224. Use of direct coercion

The Environmental Board is permitted to use physical force on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

§ 225. Making measurements, taking of samples and traffic management restriction

(1) A law enforcement authority may, to ensure compliance with the requirements of this Act and the legislation established on the basis thereof, make measurements and take free of charge samples.

(2) An accredited laboratory authorised by the Ministry of Climate is also entitled to take fuel samples.

(3) In order to prevent the exceeding of the standard levels of environmental noise, a local authority has the right to restrict, through traffic management, the movement of motor vehicles within its territory.

§ 226. Non-compliance levy rate

Upon failure to comply with a precept, the upper limit of non-compliance levy pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act is 32,000 euros.

Chapter 9
Liability

§ 227. Failure to prepare or violation of requirements for preparation and implementation of plan for reducing presence of odoriferous substances or action plan for reducing emissions of pollutants

(1) Failure to prepare or violation of the requirements for preparation and implementation of an action plan for reducing the presence of odoriferous substances in the ambient air or an action plan for reducing the emissions of pollutants
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 228. Activities without air pollution permit or registration or violation of requirements of air pollution permit

(1) Release of pollutants from stationary emission sources into the ambient air without an air pollution permit or registration, if the permit or registration is required, or in violation of the requirements of the permit or registration
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 229. Failure to perform obligations of holder of air pollution permit, holder of integrated environmental permit or operator subject to registration

(1) Failure to perform the obligations of the holder of an air pollution permit, the holder of an integrated environmental permit or an operator subject to registration
is punishable by a fine of up to 200 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 230. Operation without abatement equipment or with defective abatement equipment of pollutants

(1) Operation without abatement equipment or with defective abatement equipment of pollutants, if abatement of pollutants is prescribed by the air pollution permit or if abatement is planned by the building design documentation,
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 231. Exceeding emission limit values of stationary emission source

(1) Exceeding the emission limit values of a stationary emission source
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 232. Violations of requirements established for mobile emission source

(1) Production, import into Estonia, passage through the territory of Estonia of vehicles with running engines or non-road use of a mobile emission source which does not conform to the requirements provided for in this Act
is punishable by a fine of up to 200 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 100,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 233. Marketing and use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds, which volatile organic compound content does not comply with maximum levels, without permit or in violation of requirements of permit

(1) Marketing and use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds, which volatile organic compound content does not comply with maximum levels, without a permit or in violation of the requirements of a permit
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 234. Violation of requirements for transport of petrol and storage thereof in terminals and service stations

[RT I, 03.07.2017, 4 – entry into force 13.07.2017]

(1) Violation of the requirements for transport of petrol and storage thereof in terminals and service stations
is punishable by a fine of up to 300 fine units.
[RT I, 03.07.2017, 4 – entry into force 13.07.2017]

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 235. Violation of requirements established for fuels

(1) Violation of environmental requirements established for liquid fuels and biofuels
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 235[1]. Failure to comply with rate of reduction of life cycle greenhouse gas emissions from fuel

(1) Failure to comply with the rate of reduction of life cycle greenhouse gas emissions from fuel provided for in § 123[1] of this Act
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 10,000,000 euros.
[RT I, 03.06.2020, 1 – entry into force 13.06.2020]

§ 236. Illegal handling of substances prohibited in order to protect ozone layer and of products, equipment or containers containing or relying on such substances

(1) Illegal recovery, recycling and reclamation of substances prohibited in order to protect the ozone layer, and illegal installation, maintenance, servicing, leakage control or labelling of products, equipment and containers containing or relying on such substances
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 237. Violation of requirements for first trading system

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) Violation of the requirements for the first trading system,

is punishable by a fine of up to 300 fine units.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 237[1]. Non-compliance with monitoring and reporting requirements for greenhouse gas emissions from maritime transport not in first trading system

[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(1) Non-compliance with monitoring and reporting requirements for greenhouse gas emissions from maritime transport not in the first trading system, as provided in Regulation (EU) 2015/757 of the European Parliament and of the Council,
is punishable by a fine of up to 300 fine units.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 237[2]. Violation of requirements of Regulation (EU) 2023/1805 of the European Parliament and of the Council

(1) Violation of the requirements established in Regulation (EU) 2023/1805 of the European Parliament and of the Council
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal person, –
is punishable by a fine of up to 200,000 euros.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 238. Violation of requirements for use of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the requirements for use of fluorinated greenhouse gases pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 239. Violation of requirements for restriction of leakage, performance of leakage control and restriction of leakage of products, equipment and systems containing fluorinated greenhouse gases

[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(1) Violation of requirements for restriction of leakage, performance of leakage control and restriction of leakage of products, equipment and systems containing fluorinated greenhouse gases established by Regulation (EU) No 517/2014 of the European Parliament and of the Council, Commission Regulation (EC) No 1497/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary fire protection systems containing certain fluorinated greenhouse gases (OJ L 333, 19.12.2007, pp. 4-5) and Commission Regulation (EC) No 1516/2007 establishing, pursuant to Regulation (EC) No 842/2006 of the European Parliament and of the Council, standard leakage checking requirements for stationary refrigeration, air conditioning and heat pump equipment containing certain fluorinated greenhouse gases (OJ L 335, 20.12.2007, pp. 10-12)
is punishable by a fine of up to 300 fine units.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 240. Failure to comply with requirements for recovery of fluorinated greenhouse gases from products, equipment and systems

(1) Emission, upon the handling of the products, equipment and systems containing fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council, of the substance contained therein instead of immediate recovery thereof and violation of the requirements for proper

recovery of the residual gases contained in refillable or non-refillable containers when they reach the end of their life
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 241. Violation of requirement for destruction of fluorinated greenhouse gases

(1) Violation of the requirements for destruction of fluorinated greenhouse gases pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 242. Violation of requirements for labelling of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases, including violation of the requirements for labelling the fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council and Commission Implementing Regulation (EU) No 2015/2068
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 243. Violation of requirements for reporting on fluorinated greenhouse gases

(1) Violation of the requirements for reporting on fluorinated greenhouse gases laid down in Regulation (EU) No 517/2014 of the European Parliament and of the Council and Commission Implementing Regulation (EU) No 1191/2014 determining the format and means for submitting the report referred to in Article 19 of Regulation (EU) No 517/2014 of the European Parliament and of the Council on fluorinated greenhouse gases (OJ L 318, 05.11.2014, pp. 5-20)
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 244. Illegal marketing of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of restrictions for placing on the market of products, equipment and systems containing fluorinated greenhouse gases established by Regulation (EU) No 517/2014 of the European Parliament and of the Council and Commission Implementing Regulation (EU) No 2016/879 establishing, pursuant to Regulation (EU) No 517/2014 of the European Parliament and of the Council, detailed arrangements relating to the declaration of conformity when placing refrigeration, air conditioning and heat pump equipment charged with hydrofluorocarbons on the market and its verification by an independent auditor (OJ L 146, 03.06.2016, pp. 1-5)
is punishable by a fine of up to 300 fine units.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 244[1]. Violation of prohibition on transfer, brokering, acquisition and holding of non-refillable containers of fluorinated greenhouse gases

(1) Violation of the prohibition on transfer, brokering, acquisition or possession of non-refillable containers of fluorinated greenhouse gases provided for in § 191[1] of this Act
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.

(3) Attempted misdemeanours provided for in this section are punishable.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 245. Handling of products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel or operators

(1) Handling of the products, equipment and systems containing fluorinated greenhouse gases by non-certified personnel
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 246. Violation of requirements for capture and transportation of geologically stored carbon dioxide

(1) Violation of the requirements for capture and transportation of geologically stored carbon dioxide
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 247. Violation of requirements for entry of data relating to substances that deplete ozone layer or fluorinated greenhouse gases in FOKA registry

(1) Violation of the requirements for entry of the data relating to substances that deplete the ozone layer or fluorinated greenhouse gases in FOKA registry
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 50,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 247^{1}. Violation of requirements for storage of data of refrigerating units of refrigerated trucks and trailers, containing fluorinated greenhouse gases

(1) Violation of requirements for storage of data of refrigerating units of refrigerated trucks and trailers, containing fluorinated greenhouse gases specified in Article 6 of Regulation (EU) No 517/2014 of the European Parliament and of the Council
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 50,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 247^{2}. Violation of requirements for collection and storage of data on sales of fluorinated greenhouse gases

(1) Violation of the requirements for collection and storage of the sales data of fluorinated greenhouse gases specified in Article 6(3)t of Regulation (EU) No 517/2014 of the European Parliament and of the Council
is punishable by a fine of up to 300 fine units.

(2) The same act, where committed by a legal entity,
is punishable by a fine of up to 50,000 euros.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 248. Exceeding standard levels of noise

(1) Exceeding the standard levels of noise
is punishable by a fine of up to 300 fine units.

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

§ 249. Proceedings

(1) Extra-judicial proceedings concerning misdemeanours provided for in §§ 227–232, 234, 235, 235^{1}, 237, 237^{1}and 245–247^{2}of this Act are conducted by the Environmental Board.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(2) Extra-judicial proceedings concerning the misdemeanour provided for in § 233 of this Act shall be conducted by:
1) the Environmental Board – in case of violation of the requirements for use of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
2) [repealed – RT I, 03.02.2023, 2 – entry into force 01.06.2023]
3) the Tax and Customs Board – in case of violation of the requirements for import of paints and other coating materials and finishing products for vehicles containing volatile organic compounds;
4) the Health Board – in case of violation of the requirements for paints and other coating materials and finishing products for vehicles containing volatile organic compounds.
[RT I, 03.02.2023, 2 – entry into force 01.06.2023]

(3) Extra-judicial proceedings concerning the misdemeanour provided for in § 236 of this Act shall be conducted by:
1) the Environmental Board – in case of violation of the requirements for handling of substances that deplete the ozone layer;
2) the Tax and Customs Board – in case of violation of the requirements for import and export of substances that deplete the ozone layer, products or equipment containing such substances or relying on such substances;
3) the State Agency of Medicines – in case of violation of the requirements for metered dose inhalers that function on the basis of substances that deplete the ozone layer.

(4) Extra-judicial proceedings concerning any misdemeanour provided for in §§ 238–244^{1}of this Act are conducted by:
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]
1) the Environmental Board – in case of violation caused by an operator and the operations thereof of the requirements for handling of fluorinated greenhouse gases specified in this Act, legislation established on the basis thereof and the European Union regulations specified in subsection 2 of § 191 of this Act;
2) the Tax and Customs Board – in case of violation of the requirements for import and export of products, equipment and systems containing fluorinated greenhouse gases, including the requirements for labelling of the products, equipment and systems containing fluorinated greenhouse gases.

(5) The Health Board shall conduct extra-judicial proceedings in the misdemeanours provided for in § 248 of this Act.

(6) The Environmental Board, the Tax and Customs Board and the court may, in accordance with § 83 of the Penal Code, confiscate the means of committing the misdemeanours provided for in §§ § 233, 236, 244 and 244^{1}of this Act and the object that was the direct object of the misdemeanour.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

(7) A confiscated item belonging to any means of committing the misdemeanour provided for in § 244^{1}of this Act or an object that was the direct object of the misdemeanour is handed over for destruction to a person who has a respective environmental permit and a permit for handling a product, equipment and system containing fluorinated greenhouse gases in accordance with the rules provided for in § 206 of the Code of Misdemeanour Procedure.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

Chapter 10
Implementing Provisions

Subchapter 1
Implementation of Act

§ 250. Noise mapping and preparation of action plan for reduction of noise

(1) Local authorities shall prepare the environmental noise map specified in subsection 1 of § 63 of this Act no later than by 30 June 2019 and an action plan for reduction of noise specified in subsection 5 of § 63 by 30 June 2020.

(2) The compiler of the strategic noise map prepares and makes public and submits to the Health Board and the Ministry of Climate the noise reduction action plan specified in subsection 1 of § 64 of this Act by 18 July 2024 at the latest.
[RT I, 25.10.2022, 1 – entry into force 04.11.2022]

§ 251. Non-compliance with requirement for assessment of presence of odoriferous substances in outlet of sewerage construction works

An assessment of the presence of odoriferous substances pursuant to a regulation to be established on the basis of subsection 1 of § 68 of this Act shall not be carried out in an outlet of sewerage construction works.

§ 252. Implementation of Act with regard to installations required to hold registration

The requirements provided for in Division 1 of Subchapter 1 of Chapter 4 of this Act shall apply with regard to installation as of 1 January 2018.

§ 253. Transmission of data of continuous monitoring to database of air quality assessment in real time

The requirement for transmission of the data of continuous monitoring to the database of air quality assessment in real time provided for in subsection 5 of § 102 of this Act shall be implemented no later than as of 1 July 2018.

§ 253^1. Submission of national programme for reduction of air pollutants to the European Commission

The Ministry of the Environment shall submit the first programme for reduction of air pollutants to the European Commission by 1 April 2019.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

§ 253^2. Implementation of § 108^1 of this Act

In order to determine whether the relevant terms and conditions provided for in Part 4 of Annex IV to the Directive (EU) 2016/2284 of the European Parliament and of the Council are complied with it shall be deemed that the commitments for reduction of emissions of air pollutants for the years 2020-2029 were established on 4 May 2012.
[RT I, 26.06.2018, 7 – entry into force 01.07.2018]

§ 254. Application of Ambient Air Protection Act

(1) The regulations established on the basis of subsection 2 of § 120^7 of the Ambient Air Protection Act shall remain in force until the end of using the funds received from trading with assigned amount units.

(2) The permits issued on the basis of the Ambient Air Protection Act prior to entry into force of this Act shall remain in force until the expiry of the validity or term, their amendment or revocation.

(3) The contracts under public law entered into on the basis of the Ambient Air Protection Act prior to entry into force of this Act shall remain in force until the expiry of the term, performance of the obligation or termination of the contract.

(4) Proceedings of application for air pollution permits that are pending upon the entry into force of this Act shall be finalised pursuant to the provisions of the Ambient Air Protection Act. Other proceedings of application for contracts under public law that are pending upon the entry into force of this Act, which have been initiated on the basis of the Ambient Air Protection Act, shall be finalised pursuant to the provisions of this Act.

(5) Annual emission allowances of volatile organic compounds specified in air pollution permits and integrated environmental permits issued before the entry into force of this Act shall be aggregated unless these compounds are in the scope of regulation of the regulation established pursuant to subsections 1 and 2 of § 47 of this act.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

§ 254^1. Recovery of support granted under trading schemes created for mitigation of climate changes under Ambient Air Protection Act

Upon recovery of support granted under the Ambient Air Protection Act, which was in force until 31 December 2016, from the funds received from trading with state assigned amount units, from the auctioning of the emission allowances or from the funds received from trading pursuant to the Effort Sharing Decision, the provisions established in subsections 1–3 of § 182^1 of this Act and terms and conditions and the procedure established on the basis of subsection 5 of § 182^1 apply.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

§ 254^2. Earlier support recovery decisions as execution documents

(1) Decisions to recover support made with regard to supports which were granted up to three years before the entry into force of this Act shall also be regarded as execution documents specified for in subsection 3 of § 182^1 and § 254^1 of this Act.

(2) A valid decision on recovery of support provided for in § 254^1 of this Act and subsection 1 of this section may be submitted for compulsory execution if the administrative authority which made the decision has granted

30 days to the obligated person for voluntarily compliance with the decision and the person has failed to comply with the decision within this term.
[RT I, 03.07.2017, 5 – entry into force 13.07.2017]

§ 254[3]. Revocation of trading system emission permits

The trading system emission permits issued before 1 January 2020 on the basis of § 144 of this Act shall remain in force until the expiry of the term of validity indicated therein or until revocation thereof. The permits are revoked by the issuer of the permit and the data indicated in the permit shall be entered in the integrated environmental permit or environmental permit of the operator of a stationary emission source.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 254[4]. Application of subsection 1 of § 168 of this Act

(1) A shipping company is subject to the obligation provided in subsection 1 of § 168 of this Act to the extent of 40 per cent of its greenhouse gas emissions in 2024 and 70 per cent of its greenhouse gas emissions in 2025.

(2) A shipping company surrenders greenhouse gas emissions allowances generated in 2024 within three months after the entry into force of this section.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 254[5]. Application of subsections 4 and 5 o of § 168[1]of this Act

(1) Cancellation of allowances in accordance with subsection 4 of § 168[1]of this Act takes place within three months after the entry into force of this section in the case of emissions in 2021-2023 and by 31 January 2028 at the latest in the case of emissions in 2024–2026.

(2) Subsection 5 of § 168[1]of this Act applies until 31 December 2026.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

§ 254[6]. Application of subsections 2 and 3 of § 168[2]of this Act

Subsections 2 and 3 of § 168[2]of this Act apply until 31 December 2030.
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]

Subchapter 2
Amendment and Repeal of Acts

§ 255.–§ 268.[Omitted from this text.]

Subchapter 3
Entry into Force of Act

§ 269. Entry into Force of Act

This Act enters into force on 1 January 2017.

[1]Directive 94/63/EC of the European Parliament and of the Council on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 31.12.1994, pp. 24-33); Directive 1998/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, pp. 58-68); Council Directive 99/32/EC relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC (OJ L 121, 11.05.1999, pp. 13-18), amended by Directive 2005/33/EC (OJ L 191, 22.07.2005, pp. 59-69), amended by Directive 2009/30/EC (OJ L 140, 05.06.2009, pp. 88-113); Directive 99/94/EC of the European Parliament and of the Council, relating to the availability of consumer information on fuel economy and CO2 emissions in respect of the marketing of new passenger cars (OJ L 12, 18.01.2000, pp. 16-23); Directive 2001/80/EC of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 309, 27.11.2001, pp. 1-21); Directive 2002/49/EC of the European Parliament and of the Council, relating to the assessment and management of environmental noise (OJ L 189, 18.07.2002, pp. 12-25); Directive 2003/17/EC of the European Parliament and of the Council amending Directive 1998/70/EC on the quality of petrol and diesel fuels (OJ L 76, 22.03.2003, pp. 10-19); Directive 2003/30/EC of the European Parliament and of the Council on the promotion of the use of biofuels or other renewable fuels for transport (OJ L 123, 17.05.2003, pp. 42-46); Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp. 32-46); Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic

compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 99/13/EC (OJ L 143, 30.04.2004, pp. 87-96); Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in respect of the Kyoto Protocol's project mechanisms (OJ L 338, 13.11.2004, pp. 18-23); Directive 2004/107/EC of the European Parliament and of the Council relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.01.2005, pp. 3-16); Directive 2005/55/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to the measures to be taken against the emission of gaseous and particulate pollutants from compression-ignition engines for use in vehicles, and the emission of gaseous pollutants from positive-ignition engines fuelled with natural gas or liquefied petroleum gas for use in vehicles (OJ L 275, 20.10.2005, pp. 1-163), amended by Directive 2006/51/EC (OJ L 152, 07.06.2006, pp. 11-21); Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (OJ L 152, 11.06.2008, pp. 1-44); Directive 2008/101/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to include aviation activities in the scheme for greenhouse gas emission allowance trading within the Community (OJ L 8, 13.01.2009, pp. 3-21); Directive 2009/29/EC of the European Parliament and of the Council amending Council Directive 2003/87/EEC so as to improve and extend the greenhouse gas emission allowance trading system of the Community (OJ L 140, 05.06.2009, pp. 63-87); Directive 2009/31/EC of the European Parliament and of the Council on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 05.06.2009, pp. 114-135); Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, pp. 17-119); Directive 2009/30/EC of the European Parliament and of the Council amending Directive 98/70/EC as regards the specification of petrol, diesel and gas-oil and introducing a mechanism to monitor and reduce greenhouse gas emissions and amending Council Directive 1999/32/EC as regards the specification of fuel used by inland waterway vessels and repealing Directive 93/12/EEC (OJ L 140, 05.06.2009, pp. 88-113); Council Directive 2015/652 laying down calculation methods and reporting requirements pursuant to Directive 98/70/EC of the European Parliament and of the Council relating to the quality of petrol and diesel fuels (OJ L 107, 25.04.2015, pp. 26-67); Directive 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from large combustion plants (OJ L 313, 28.11.2015, pp. 1-19); Directive (EU) (EL) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text with EEA relevance) (OJ L 344, 17.12.2016, pp. 1-31); Directive (EU) 2018/410 of the European Parliament and of the Council amending Directive 2003/87/EC to enhance cost-effective emission reductions and low-carbon investments, and Decision (EU) 2015/1814, and Decision (EU) 2015/1814 (OJ L 76, 19.03.2018, p. 3-27); Directive (EU) of the European Parliament and of the Council 2018/2001 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82-209). [RT I, 03.06.2020, 1 – entry into force 01.07.2021] Directive (EU) 2023/958 of the European Parliament and of the Council amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and the appropriate implementation of a global market-based measure (OJ L 130, 16.05.2023, p. 115–133); Directive (EU) 2023/959 of the European Parliament and of the Council amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union and Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading system (OJ L 130, 16.05.2023, p. 134–202).
[RT I, 02.10.2025, 1 – entry into force 12.10.2025]