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Environmental Monitoring Act

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RT I 1999, 10, 154
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Amended by the following acts

Passed	Published	Entry into force
16.06.1999	RT I 1999, 54, 583	23.06.1999
15.11.2000	RT I 2000, 92, 597	01.01.2001
19.06.2002	RT I 2002, 63, 387	01.09.2002
05.05.2004	RT I 2004, 43, 298	30.09.2004
22.02.2005	RT I 2005, 15, 87	03.04.2005
04.05.2005	RT I 2005, 29, 214	05.06.2005
18.12.2008	RT I 2009, 3, 15	01.02.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 will enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Decision No 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act, as of the wording entered into force on 1 July 2014.
19.02.2015	RT I, 23.03.2015, 6	01.07.2015

§ 1. Scope of application of Act

This Act establishes the procedure for organisation of environmental monitoring, the processing and storage of the data obtained, and the relations of conductors of environmental monitoring and owners or possessors of immovable property.

§ 2. Environmental monitoring and the objectives thereof

(1) Environmental monitoring is the continuous observation of the state of the environment and the factors affecting thereof, involving observation and analyses of the environment as well as processing of the monitoring data.

(2) The objectives of environmental monitoring are:

- 1) evaluation and analysis of factors affecting the environment;
- 2) monitoring, evaluation and forecasting of meteorological and hydrological factors and the changes therein;
- 3) evaluation of the state of the environment and the changes therein;
- 4) determination of the state and quantity of renewable natural resources;

- 5) identification of environmental changes requiring implementation of measures or conduction of additional research;
 - 6) monitoring long-range transboundary pollution and conduction of comparative investigations on the basis of international agreements;
 - 7) development and supplementation of a system of indicators characterising the state of the environment;
 - 8) acquisition of primary data for making programmes, plans and development plans.
- [RT I 2005, 29, 214 – entry into force 05.06.2005]

§ 3. National environmental monitoring

- (1) National environmental monitoring is organised by the Ministry of the Environment.
- (2) National environmental monitoring is conducted on the basis of a programme approved by the minister responsible for the field. National environmental monitoring programme shall contain:
 - 1) names of sub-programmes;
 - 2) description of planned works;
 - 3) data on institutions or persons responsible for the sub-programme;
 - 4) funds prescribed for the completion of the programme.
- (3) National environmental monitoring programme is financed:
 - 1) out of the state budget;
 - 2) out of the budgets of international programmes;
 - 3) [Repealed]
- (4) Environmental monitoring conducted on the basis of international programmes may also constitute a component of national environmental monitoring. These works are financed on the basis of clause (3) 2) of this section.

§ 4. Local government environmental monitoring

- (1) A local government conducts environmental monitoring for the performance of its statutory functions or for the organisation of its work. Local government environmental monitoring is financed:
 - 1) out of allocations made from the state budget to the local government for a specific purpose;
 - 2) out of the budget of the city or local government.
 - 3) [Repealed - RT I 1999, 54, 583 – entry into force 23.06.1999]
- (2) Environmental monitoring which is conducted by a local government and which is a component of an international programme is financed out of the budget of that programme.
- (3) The basis of local government environmental monitoring is the environmental monitoring programme of the rural municipality or city. The procedure for the completion of an environmental monitoring programme and for the processing and storage of environmental monitoring data collected based on the programme is established by the local government.

§ 5. Environmental monitoring of an undertaking

- (1) An undertaking conducts environmental monitoring at its own expense in the area affected by its activities or by the pollutants discharged into the environment as a consequence of its activities:
 - 1) at the undertaking's own request for its own purposes;
 - 2) to the extent and pursuant to the procedure provided by an environmental permit issued to the undertaking on the basis of law and referred to in § 2 (2) 1) of the Environmental Register Act.

[RT I 2005, 29, 214 – entry into force 05.06.2005]
- (2) The area affected by the activities or by the pollutants discharged into the environment as a consequence of activities of an undertaking is established by natural resources exploitation permit or pollution permit.
- (3) The procedure for environmental monitoring conducted at an undertaking's own request for its own purposes is established by the undertaking, and the data of such environmental monitoring cannot be used against the undertaking for the purposes of proof of harming the state of the environment.
- (4) The data of environmental monitoring conducted on the basis of an environmental permit shall be submitted by the undertaking by the term specified in the said permit to the issuer of the permit as well as to the local government of the site of activities.

[RT I 2005, 29, 214 – entry into force 05.06.2005]
- (5) [Repealed - RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 6. Structure of national environmental monitoring

- (1) The completion of national environmental monitoring programme is organised by the general coordinator, the Monitoring Council and the institutions or persons responsible for the sub-programme.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

(2) The general coordinator of environmental monitoring is the Ministry of the Environment, which is responsible for the completion of the environmental monitoring programme and organises the work of national environmental monitoring sub-programmes.

(3) The minister responsible for the field forms the Monitoring Council comprising of representatives of governmental authorities and other qualified persons, involving representatives of national local government associations when necessary.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

(3¹) Duties of the Monitoring Council are:

- 1) consultation of the organisers of environmental monitoring;
- 2) organisation of the generalisation of environmental monitoring results, and making proposals for the amendment of environmental monitoring programmes;
- 3) approval of environmental monitoring programmes and sub-programmes;
- 4) approval of environmental monitoring reports and forwarding thereof to the environmental register.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

(4) Institution or person responsible for a sub-programme manages the work of the national environmental monitoring sub-programme. The minister responsible for the field appoints the institution or person responsible for a sub-programme. A contract is entered into with the institution or person responsible for a sub-programme and the completion of the monitoring programme is verified by a person authorised by the minister responsible for the field.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

(5) The procedure for completion of national environmental monitoring sub-programmes is established by the minister responsible for the field with a regulation, providing the environmental monitoring's:

- 1) objective;
- 2) methodology and procedure for conduction;
- 3) exact geographical coordinates of the station or area;
- 4) conditions for the collection, forwarding and storage of data;
- 5) requirements established to ensuring the quality of data.

(6) Institution or person responsible for a national environmental monitoring sub-programme:

- 1) informs the county governor and rural municipality government or city government at least 10 days prior to the commencement of environmental monitoring work on the environmental monitoring to be conducted in their area of administration;
- 2) provides an assessment of the state of the environment and changes therein within the scope of the sub-programme;
- 3) generalises the information, draws together and processes the sub-programme data and forwards thereof to the Monitoring Council.

(7) [Repealed - RT I 2005, 29, 214 – entry into force 05.06.2005]

§ 6¹. Methods of measurement used for monitoring the quality of ambient air

The quality of ambient air is monitored by means of standardised internationally recognised methods of measurement.

[RT I 2004, 43, 298 – entry into force 30.09.2004]

§ 7. Storage of environmental monitoring data

(1) Environmental monitoring data are stored in the environmental register.

(2) The use of the data of environmental monitoring conducted by the state, local governments and undertakings and the exchange thereof with other databases of the state occurs through the systems supporting the maintenance of the database, taking into account the restrictions prescribed by the Environmental Register Act.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

§ 8. Dissemination, use and release of environmental monitoring data

(1) Access to, release and dissemination of environmental monitoring data occurs pursuant to the procedure provided by the Environmental Register Act.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

(2) [Repealed - RT I 2005, 29, 214 – entry into force 05.06.2005]

(3) [Repealed - RT I 2005, 29, 214 – entry into force 05.06.2005]

(4) Upon use and dissemination of environmental monitoring data it is required to refer to the institution or person responsible for the monitoring, and to the sub-programme based on which the work was performed.

(5) [Repealed - RT I 2005, 29, 214 – entry into force 05.06.2005]

(6) [Repealed - RT I 2000, 92, 597 – entry into force 01.01.2001]

§ 9. Use of environmental monitoring data upon becoming evident of a dangerous state of the environment

If the data of an environmental monitoring station or environmental monitoring area indicate an imminent danger to the environment, the institution or person responsible for the environmental monitoring sub-programme is required to immediately report the situation to the Environmental Inspectorate, the Environmental Board and the local government of the endangered area; upon pollution of surface water and groundwater, or air and soil also to the Health Board.

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

§ 10. Ensurance of accuracy of environmental monitoring data

(1) Ensurance of the accuracy of environmental monitoring data is the responsibility of the institution or person responsible for the environmental monitoring sub-programme.

(2) For the purposes of national environmental monitoring samples may be analysed and measurements taken by laboratories accredited for the relevant analyses.

(3) The data of environmental monitoring of a local government or an undertaking shall be collected, processed and forwarded pursuant to the requirements established to the collection, processing and forwarding of national environmental monitoring data.

[RT I 2005, 29, 214 – entry into force 05.06.2005]

§ 11. Environmental monitoring station or environmental monitoring area

(1) Environmental monitoring station or environmental monitoring area is a location in a monitoring network where observations and measurements prescribed by an environmental monitoring sub-programme are conducted. Environmental monitoring station has permanent or permanent and temporary environmental monitoring buildings with equipment. Environmental monitoring area does not have environmental monitoring buildings.

(2) National environmental monitoring station or national environmental monitoring area is:

- 1) an environmental monitoring station or environmental monitoring area located in a national environmental monitoring reference area;
- 2) another national environmental monitoring station or environmental monitoring area.

(3) National environmental monitoring reference area is a territory prescribed for the integrated conduction of long-term national and international environmental monitoring. National environmental monitoring reference area is determined by the Government of the Republic based on proposal of the minister responsible for the field.

(4) In other national environmental monitoring stations or environmental monitoring areas, the conducted observations are not required to be long-term, and the integrated international environmental monitoring is not conducted. Other national environmental monitoring stations or areas are determined by the minister responsible for the field based on proposal of the Monitoring Council.

(5) Environmental monitoring may be interrupted or terminated in a national environmental monitoring reference area by the Government of the Republic pursuant to proposal of the minister responsible for the field. In other national environmental monitoring stations or national environmental monitoring areas, environmental monitoring is conducted or terminated pursuant to a resolution of the Monitoring Council.

§ 11¹. Installation of ambient air monitoring stations

Installation of national ambient air monitoring stations shall enable the receipt of comparable data on the ambient air pollution level from the entire territory of the country.

[RT I 2004, 43, 298 – entry into force 30.09.2004]

§ 12. Establishment of an environmental monitoring station or environmental monitoring area

(1) Establishment of a new environmental monitoring station or environmental monitoring area shall be based on this Act, the Law of Property Act, and the legislations arising from the Law of Property Act.

(2) Damages caused by the establishment or repair of an environmental monitoring station or environmental monitoring area, or by the monitoring conducted therein, shall be compensated for to the owner or possessor of land, unless otherwise is provided by contract. If the existence of an environmental monitoring station or environmental monitoring area hinders the purposeful use of immovable property, the owner of the immovable property becomes entitled to demand purchasing of the immovable property or a part thereof by the state.

(3) Upon transfer of land, the obligations relating to an environmental monitoring station or environmental monitoring area located thereon are carried over to the new owner of the land.

(4) The procedure for marking or designation of an environmental monitoring station or environmental monitoring area is approved by the minister responsible for the field by regulation.

§ 13. Protection of environmental monitoring station or environmental monitoring area

(1) The owner or possessor of immovable property is not allowed to restrict the access of the person carrying out the monitoring, an authorised person of the Ministry of the Environment or an institution or person responsible for the sub-programme to the environmental monitoring station or environmental monitoring area.

(2) Causing damage to an environmental monitoring station or environmental monitoring area or rendering it unserviceable is prohibited.

§ 13¹. Causing damage to an environmental monitoring station or environmental monitoring area

(1) Causing damage to an environmental monitoring station or environmental monitoring area is punishable by a fine of up to 100 fine units.
[RT I 2002, 63, 387 – entry into force 01.09.2002]

(2) Rendering an environmental monitoring station or environmental monitoring area unserviceable or causing damage thereto to the extent that causes an interruption of an environmental monitoring programme is punishable by fine of up to 200 fine units.
[RT I 2002, 63, 387 – entry into force 01.09.2002]

(3) The act provided for in subsections (1) or (2) of this section, if committed by a legal person is punishable by fine of up to 2,000 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 13². Procedure

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in section 131 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours prescribed in subsection 131 of this Act shall be conducted by the Environmental Inspectorate.
[RT I 2002, 63, 387 – entry into force 01.09.2002]

§ 14. Implementation of the Act

Until compilation of data concerning the area of environmental protection into a general national register, environmental monitoring data are stored in the Ministry of the Environment as a state institution database.