

# Waste Act

Passed 28 January 2004 (RT<sup>1</sup> I 2004, 9, 52), entered into force 1 May 2004.

Amended by the following Acts:

08.02.2007 entered into force 12.02.2007 – RT I 2007, 19, 94 (**NB! Missing in that translation**);

31.05.2006 entered into force 30.06.2006 – RT I 2006, 28, 209;

16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288;

22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87;

14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208.

## Chapter 1

### General Provisions

#### Division 1

#### Scope of Application and Definitions

##### § 1. Scope of application of Act

- (1) This Act provides the general requirements for preventing waste generation and the health and environmental hazards arising there from, for organising waste management with the objective to reduce the harmfulness and quantity of waste, and liability for violation of the established requirements.
- (2) The following do not fall within the scope of application of this Act:
  - 1) Pollutants and effluents emitted into the ambient air;
  - 2) Waste water and waste subject to treatment or emitted into the environment together with waste water, except waste generated in waste water treatment;
  - 3) Radioactive waste;
  - 4) Waste consisting of residuals of explosive materials and waste containing explosive materials;
  - 5) Handling of animal waste, including animal carcasses;
  - 6) Manure recovered for soil improvement or other agricultural purposes and other natural biodegradable non-hazardous waste produced in agriculture or forestry and recovered for soil fertilisation;
  - 7) Waste produced as a result of prospecting, extraction, treatment and storage of mineral resources and earth material, and residues from the working of quarries, insofar as these are regulated by other Acts.
- (3) This Act regulates handling of packaging waste insofar as this is not regulated by the Packaging Act (RT I 1995, 47, 739; 1997, 53, 836; 2002, 53, 336; 61, 375; 63, 387; 2003, 88, 591; 2004, 2, 6).
- (4) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act. Provisions concerning open proceedings apply to proceedings regarding issue and amendment of activity licences specified in clauses 73 (2)

1)-3), 5) or 6) of this Act or hazardous waste handling licences or regarding preparation or amendment of waste management plans, taking account of the specifications provided for in this Act.

## **§ 2. Waste**

(1) “Waste” means any movable property or registered ship belonging to any of the waste categories listed in subsection (3) of this section which the holder discards, intends or is required to discard.

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

(3) Categories of waste are:

1) Q1 – production or consumption residues not otherwise specified below;

2) Q2 – off-specification products;

3) Q3 – products whose date for appropriate use has expired;

4) Q4 – materials spilled, lost or having undergone other mishap, including any materials, equipment or other objects contaminated as a result of the mishap;

5) Q5 – materials contaminated or soiled as a result of planned actions, e.g. residues from cleaning operations, packing materials, containers;

6) Q6 – unusable accessories, e.g. reject batteries, exhausted catalysts;

7) Q7 – substances which no longer perform satisfactorily, e.g. contaminated acids, solvents and exhausted tempering salts;

8) Q8 – residues of industrial processes, e.g. slag, still bottoms;

9) Q9 – residues from pollution abatement processes, e.g. scrubber sludge, bag house dusts, spent filters;

10) Q10 – machining and finishing residues, e.g. lathe turnings, mill scales;

11) Q11 – residues from raw materials extraction and processing, e.g. mining residues, oil field slops;

12) Q12 – adulterated materials, e.g. oils contaminated with PCBs;

13) Q13 – all materials, substances or products whose use is prohibited;

14) Q14 – products for which the holder has no further use, e.g. agricultural, household, office, commercial and shop discards;

15) Q15 – contaminated materials, substances or products resulting from remedial action with respect to land;

16) Q16 – any materials, substances or products which are not contained in the above categories.

(4) A list of the waste, including hazardous waste, belonging to the waste categories specified in subsection (3) of this section (hereinafter list of waste) shall be established by a regulation of the Government of the Republic.

## **§ 3. Non-hazardous waste**

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

#### **§ 4. Inert waste**

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

#### **§ 5. Biodegradable waste**

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

#### **§ 6. Hazardous waste**

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

(2) The procedure for classifying waste as hazardous waste shall be established by a regulation of the Government of the Republic on the basis of the origin and composition of the waste, its content of dangerous substances within the meaning of the Chemicals Act (RT I 1998, 47, 697; 1999, 45, 512; 2002, 53, 336; 61, 375; 63, 387; 2003, 23, 144; 51, 352; 75, 499; 88, 591) and the hazardous properties specified in § 8 of this Act.

#### **§ 7. Municipal waste**

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

#### **§ 8. Hazardous properties of waste**

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

1) H1 – explosive substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;

2) H2 – oxidising substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances;

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

- 4) H3-B – flammable liquid substances and preparations having a flash point equal to or greater than 21<sup>o</sup> C and less than or equal to 55<sup>o</sup> C;
- 5) H4 – irritant non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membranes, may cause inflammation;
- 6) H5 – harmful substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve health risks;
- 7) H6 – toxic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks or death;
- 8) H7 – carcinogenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence;
- 9) H8 – corrosive substances and preparations which may destroy living tissue on contact;
- 10) H9 – infectious substances containing micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms;
- 11) H10 – teratogenic substances and preparations and substances and preparations toxic for reproduction which, if inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence;
- 12) H11 – mutagenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence;
- 13) H12 – substances and preparations which release toxic or very toxic gases in contact with water, air or an acid;
- 14) H13 – substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the properties listed in clauses 1) -13) of this section;
- 15) H14 – substances and preparations which are ecotoxic or dangerous for the environment and present or may present immediate or delayed risks for one or more sectors of the environment.

## **§ 9. Waste holders**

“Waste holder” means the producer of the waste, any other person, or any other body founded pursuant to law who is in possession of the waste.

## **§ 10. Waste producer**

“Waste producer” means a person or any other body founded pursuant to law whose activities produce waste, or a person whose activities result in a change in the nature or composition of the waste.

## **§ 11. Waste management**

- (1) “Waste management” means waste handling, supervision over waste handling and aftercare of waste management facilities.
- (2) The costs of waste management, except supervision of waste handling, shall be borne by the waste holder or, in the cases prescribed by law, by the person who has been in possession of the waste to be handled.

## **§ 12. Development of waste management**

- (1) “Development of waste management” means dissemination of information relating to waste, consultation on issues concerning waste, waste management planning, or any other activities the aim of which is to prevent or reduce waste generation or improve the quality of waste management.
- (2) Local government bodies shall organise development of waste management within their administrative territories.
- (3) The state supports the development of waste management through state support programmes.

## **§ 13. Waste handling**

“Waste handling” means the collection, transport, recovery and disposal of waste.

## **§ 14. Waste collection**

“Waste collection” means the gathering, sorting and mixing of waste for the purposes of further transport or recovery or disposal of the waste at the site of generation.

## **§ 15. Waste recovery and methods of recovery**

- (1) “Waste recovery” means waste handling operations and relevant preparatory operations for waste handling operations by which waste or substances or material contained therein are brought into use in the manufacturing of goods, performance of work or production of energy.
- (2) “Waste reuse” means a method of waste recovery by which waste is used for its original purpose, i.e. for the same purpose as the products from which the waste originated.
- (3) “Waste recycling” means a method of waste recovery by which the waste materials are used in a production process for the original purpose or for other purposes including organic recycling but excluding energy recovery.
- (4) “Energy recovery of waste” means a method of waste recovery by which combustible waste is used as a means to generate energy through direct incineration with or without other waste or fuel but with the recovery of the heat.
- (5) “Organic recycling” means the degradation, under controlled conditions and using micro-organisms, of the biodegradable parts of waste, which produces stabilised organic residual materials or methane. Landfill shall not be deemed to be a form of organic recycling.
- (6) Methods of waste recovery may comprise one or several recovery operations.
- (7) A list of waste recovery operations shall be established by a regulation of the Government of the Republic.

## **§ 16. Treatment of waste**

- (1) “Treatment of waste” means having a mechanical, thermal, chemical or biological impact on waste, including sorting and packaging of waste, whereby the properties of the waste are changed with the aim to reduce the quantity or harmfulness of the waste, facilitate its handling or disposal or enhance the recovery of the waste. Compacting of waste in order to reduce the volume thereof, e.g. upon transportation or landfilling, is not deemed to be treatment of waste.
- (2) If necessary, a list of waste treatment operations shall be established by a regulation of the

Government of the Republic.

### **§ 17. Waste disposal**

- (1) “Waste disposal” means operations for releasing waste into the environment, and the relevant preparatory operations.
- (2) A list of waste disposal operations shall be established by a regulation of the Government of the Republic.

### **§ 18. Environmental nuisance**

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

### **§ 19. Waste management facilities**

- (1) “Waste management facility” means a structure equipped with appropriate technical installations for the collection, recovery or disposal of waste.
- (2) An area where waste recovery enables to improve soil fertility, the state of the environment in the area or the modes of use of the area is also deemed to be a waste management facility.
- (3) Waste bins or other containers designated for initial collection of municipal or non-hazardous waste from the waste producers, or other structures containing the abovementioned containers, or structures used for initial collection of packaging waste produced in households are not deemed to be waste management facilities.
- (4) If a waste permit or registration is necessary for waste handling, waste may be recovered or disposed of only at places specified by the waste permit or registration.
- (5) The location of a waste management facility, including that of a landfill, shall be determined pursuant to the procedure provided in the Planning Act (RT I 2002, 99, 579; 2004, 22, 148; 38, 258; 84, 572; 2005, 15, 87; 22, 150). [16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288]

### **§ 20. Aftercare of waste management facilities**

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

## **Division 2**

### **Prevention of Waste Generation and Reduction of Quantity and Harmfulness of Waste**

### **§ 21. General requirements for prevention of waste generation**

- (1) In any activity, all appropriate measures shall be applied to avoid waste generation and care shall be taken to prevent the waste generated from causing any excessive hazard to health, property or the environment.
- (2) In order to achieve the objectives specified in subsection (1) of this section, measures shall

be taken in any activity, as far as possible, to:

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

## **§ 22. Prevention of waste generation**

“Prevention of waste generation” means a set of measures aimed at reducing the quantity of waste and the substances and materials contained therein or the harmfulness of waste for the environment or health.

## **§ 23. Producer**

For the purposes of this Act, “producer” means a person who:

- 1) Manufactures and sells products under the person’s trade mark or trade name, regardless of the method of sale, including mail order sale and sale by electronic means;
- 2) Engages in the resale of products manufactured by others, regardless of the method of sale, including mail order sale and sale by electronic means;
- 3) Imports products into Estonia in order to market or resell them.

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

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

1) Limit the use of dangerous substances in order to prevent their release into the environment, facilitate recycling of the waste generated and avoid the need to dispose of the waste as hazardous waste;

2) Promote integration of secondary raw materials in products.

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

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

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

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

## **§ 25. Products of concern**

- (1) “Product of concern” means a product the waste resulting from which causes or may cause health or environmental hazards, environmental nuisances or excessive pollution of the environment.
- (2) Products of concern comprise:
  - 1) Batteries and accumulators;
  - 2) Equipment containing PCBs;
  - 3) Motor vehicles and parts thereof;
  - 4) Electrical and electronic equipment and parts thereof.
- (3) For the purposes of this Act:
  - 1) “Battery or accumulator” means a source of electrical energy generated by direct conversion of chemical energy and consisting of one or more non-rechargeable batteries or rechargeable cells;
  - 2) “PCBs” means polychlorinated biphenyls, polychlorinated terphenyls, monomethyl-tetrachlorodiphenyl methane, monomethyl-dichloro-diphenyl methane, monomethyl-dibromo-diphenyl methane or any other preparation or mixture containing any of the abovementioned substances in a total of more than 0.005% by weight;
  - 3) “Motor vehicle” means a four-wheeled power-driven vehicle as defined in the Traffic Act (RT I 2001, 3, 6; 2002, 92, 531; 90, 521; 105, 613; 110, 654 and 655; 2003, 26, 156; 32, correction notice; 78, 522) or a three-wheeled motor vehicle except a motor tricycle;
  - 4) “Electrical and electronic equipment” means equipment which is dependent on electric currents or electromagnetic fields in order to work properly and equipment for the generation, transfer and measurement of such currents and designed for use with a voltage rating not exceeding 1000 Volt for alternating current and 1500 Volt for direct current.
- (4) The Government of the Republic has the right to issue regulations establishing the methods and procedure for marking products of concern.

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

- (1) The producer is required to ensure the collection of waste resulting from products of concern manufactured, resold or imported thereby and the recovery or disposal of the waste and shall have a sufficient guarantee for the performance of such obligations.
- (2) A guarantee may take the form of participation by the producer in appropriate schemes for the financing of the management of waste arising from products of concern, a recycling insurance or a blocked bank account.
- (3) The Government of the Republic has the right to issue regulations releasing producers from obligations specified in subsection (1) of this section until a specified term as regards waste resulting from certain products of concern, including waste generated outside households, or reducing the percentage of the products of concern to be collected in the total number of the marketed products and determining the relevant target indicators and the terms for accomplishing them.
- (4) The costs of management of the waste specified in subsection (1) of this section shall be borne by the producer.
- (5) The obligations specified in subsections (1) and (4) of this section also apply to the waste of products of concern which is produced before the enforcement of these obligations (historical waste).
- (6) If the producer is dead or liquidated as a legal person or implementation of the obligations

specified in subsection (5) of this section is impossible for other reasons, the obligation to ensure the management of historical waste and the financing thereof shall transfer to the producer of a similar product replacing the product which has become waste or a product performing similar functions or to the producers' association.

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

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

### **§ 26<sup>1</sup>. Register of products of concern**

[16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288]

(1) The register of products of concern is a national register for the purposes of the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158; 2004, 30, 204), where the data of products of concern which are manufactured in, imported into and exported from Estonia and recovery of waste arising from products of concern is gathered and where such data is maintained and processed.

(2) The register of products of concern shall be established and its statutes shall be adopted by the Government of the Republic pursuant to the procedure provided in the Databases Act.

(3) The data entered in the register of products of concern, the procedure for submission thereof, the forms of the registry card and the procedure for forwarding data arising from international obligation shall be specified in the statutes of the register of products of concern.

### **§ 26<sup>2</sup>. Covering expenses arising upon collection and return to producers of waste electrical and electronic equipment**

[16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288]

(1) The expenses of collection and recovery or disposal of waste electrical and electronic household equipment supplied before 13 August 2005 shall be covered collectively by producers who supply the electrical and electronic household equipment of the respective type at the moment when such equipment becomes waste. The producers shall bear the expenses in proportion to their market share in the sale of the electrical and electronic equipment of the respective type.

(2) The expenses of collection, recovery or disposal of waste other than waste electrical and electronic equipment arising from electrical and electronic household equipment supplied before 13 August 2005, which has been replaced with new similar equipment or equipment performing the same function, shall be covered by the producer who sold the equipment which replaces the equipment which has turned into the waste electrical and electronic equipment.

### **§ 27. Prohibitions and restrictions on manufacturing, import, sale and use of products of concern**

(1) It is prohibited to manufacture, import, sell and use the following products of concern:

1) Products of concern, which contain banned industrial chemicals for the purposes of Regulation No. 304/2003/EC of the European Parliament and of the Council concerning the export

and import of dangerous chemicals (OJ L 063, 06.03.2003, pp. 1-26);

[31.05.2006 entered into force 30.06.2006 – RT I 2006, 28, 209]

- 2) Batteries and accumulators containing mercury, cadmium or lead;
  - 3) Motor vehicles and parts thereof which contain dangerous substances;
  - 4) Electrical and electronic equipment and parts thereof which contain dangerous substances.
- (2) A detailed list of dangerous substances which are prohibited in products of concern shall be established by a regulation of the Government of the Republic or a minister authorised thereby.
- (3) The products specified in clauses (1) 3) or 4) of this section may be manufactured, imported, sold or used if they do not contain dangerous substances specified in the regulation issued on the basis of subsection (2) of this section.
- (4) The Government of the Republic or a minister authorised thereby has the right to issue regulations establishing the following requirements for certain products of concern or parts thereof:
- 1) Maximum concentration values for dangerous substances up to which the content of dangerous substances is not subject to the prohibition specified in subsection (1) of this section;
  - 2) Areas of application, technical conditions or requirements upon application of which the prohibition specified in subsection (1) of this section does not apply;
  - 3) Terms for full or partial application of the prohibition specified in subsection (1) of this section.

### **Division 3**

#### **General Requirements for Waste Handling**

##### **§ 28. Certified waste handling**

- (1) A waste holder is required to handle the waste in the possession thereof according to the established requirements or transfer the waste for handling to a person holding the corresponding right.
- (2) A person transferring waste must, under the circumstances, be convinced that the transferee holds the waste permit granting the right to handle the waste transferred.
- (3) If waste is transferred for handling not requiring a waste permit, the person transferring the waste must, under the circumstances, be convinced that the transferee is competent to handle the waste and has the relevant technical and environmental protection equipment.

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

- (1) The processes or methods used in waste management shall not endanger health, property or the environment.
- (2) In waste management, environmental nuisances shall be avoided or, if this is not possible, reduced unless this involves excessive costs.
- (3) The best available techniques shall be used in waste management.
- (4) The Minister of the Environment has the right to issue regulations to implement the provisions of subsections (1)–(3) of this section and establish handling requirements for:
  - 1) Waste oil;

- 2) Waste containing polychlorinated biphenyls or polychlorinated terphenyls;
- 3) Waste containing asbestos;
- 4) Waste generated in the production of titanium oxide;
- 5) Biodegradable waste;
- 6) End-of life waste electrical and electronic equipment (end-of life electronics);
- 7) End-of-life vehicles;
- 8) Waste batteries and accumulators;
- 9) Construction and demolition waste;
- 10) End-of-life tyres;
- 11) Packaging waste;
- 12) Wastes from human or animal health care;
- 13) Municipal waste;
- 14) Metal waste;
- 15) Waste from thermal processing (including pyrolysis) of oil shale;
- 16) Sewage sludge.

(5) The Ministry of the Environment or the county environmental department has, as the person exercising supervision over environmental impact assessment, the right to determine environmental requirements for prevention of waste production resulting from the proposed activities and for the reduction of the harmfulness of waste.

[22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87]

### **§ 30. Principles of waste recovery**

- (1) Waste shall be recovered if this is technologically possible and does not involve excessive costs compared to other methods of waste handling.
- (2) Upon choosing methods of recovery specified in subsections 15 (2)-(4) of this Act, waste reuse shall be preferred. If this is not possible, recycling of waste as other material or raw material shall be preferred to its use as a source of energy.

### **§ 31. Sorting of waste**

Local government bodies shall organise sorting, including separate collection of waste in order to enable recovery of the waste to the highest possible extent.

### **§ 32. Principle of proximity in waste handling**

Waste shall be recovered or disposed of at a technologically suitable waste management facility which is as close as possible to the place where the waste was produced and meets the health protection and environmental requirements.

### **§ 33. Requirements for waste management facilities**

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

regulation of the Minister of the Environment:

- 1) Requirements for establishment, operation and closure of landfills;
  - 2) Requirements for establishment, operation and closure of incineration plants;
  - 3) Requirements for establishment, operation and closure of co-incineration plants.
- (2) In order to ensure the safety of waste management facilities, the Minister of the Environment has the right to establish, by a regulation specified in subsection (1) of this section:
- 1) Technical norms, values for technical parameters, and other requirements for operation;
  - 2) Emission limit values for effluents resulting from operation of the facilities;
  - 3) Requirements for measuring the technical parameters of emissions and the pollutants contained therein and for the frequency of measurements, and other measurement requirements;
  - 4) Requirements for environmental monitoring at waste management facilities and the surroundings thereof before commencement of operation, in the course thereof and after termination of operation of the facility;
  - 5) Duration of environmental monitoring during aftercare of waste management facilities.

#### **§ 34. Landfills**

- (1) “Landfill” means a waste management facility for the deposit of waste onto or into land, including waste management facilities where a waste producer deposits waste at its place of production (internal waste disposal sites) and waste management facilities which are permanently used for temporary storage of waste for at least one year.
- (2) The waste deposit sites specified in subsection (1) of this section are considered landfills until completion of their aftercare.
- (3) The following are not deemed to be landfills:
  - 1) Facilities where waste is unloaded in order to permit its preparation for further transport for treatment, recovery or disposal elsewhere;
  - 2) Facilities where waste is stored prior to treatment or recovery if all the waste stored at the facility is treated or recovered within three years after being stored;
  - 3) Facilities where waste is stored prior to disposal if all the waste stored at the facility is disposed of within one year after being stored.
- (4) Depending on the properties of the waste deposited, landfills are classified as:
  - 1) Landfills for hazardous waste;
  - 2) Landfills for non-hazardous waste;
  - 3) Landfills for inert waste.

#### **§ 35. Prohibition on deposit of untreated waste in landfills**

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

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

- (1) In order to allow the recovery of municipal waste to the highest possible extent, mixed municipal waste shall be sorted before it is deposited in landfills.
- (2) Deposit of mixed and unsorted waste in landfills is prohibited.
- (3) If necessary, waste collected separately shall be after sorted. In the course of sorting, recoverable waste and hazardous waste shall be separated from other waste if this is technically feasible and does not entail excessive costs.
- (4) If the additional treatment of waste to be deposited reduces the quantity of the waste or the hazard arising from the waste to human health or the environment or facilitates the handling thereof, sorted municipal waste shall be additionally treated before deposit.
- (5) The Minister of the Environment has the right, by a regulation, to establish a procedure for the sorting of waste, the percentage rates of and target indicators for recoverable waste separated from the total mass of waste and the bases of classification of sorted waste.

### **§ 37. Incineration plant and co-incineration plant**

- (1) “Incineration plant” means a waste management facility the main component of which is a stationary or mobile technical unit or equipment dedicated to the thermal treatment of waste with or without recovery of the combustion heat generated. The processes conducted in an incineration plant comprise direct incineration by oxidation of waste as well as other thermal processes such as pyrolysis, gasification or plasma processes in so far as the substances resulting from the thermal processes are subsequently incinerated.
- (2) “Co-incineration plant” means a waste management facility the main component of which is a stationary or mobile technical unit or equipment whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal.
- (3) If co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but only the thermal treatment of waste, the plant is deemed to be an incineration plant.
- (4) The definitions set out in subsections (1) and (2) of this section cover the site and the entire technical unit, including all incineration or co-incineration lines, waste acceptance, storage, on-site pre-treatment facilities, waste, fuel and air supply systems, facilities for the treatment of exhaust gases, on-site facilities for treatment or storage of residues and waste water, stack devices and systems for controlling incineration operations or recording and monitoring incineration conditions.

### **§ 38. General requirements for transport of waste**

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

## **Chapter 2**

### **Waste Management Planning**

#### **Division 1**

### **General Provisions for Waste Management Planning and Waste Management Plans**

### **§ 39. Waste management plans**

- (1) In order to develop waste management, national, county and local government waste management plans shall be prepared.
- (2) A waste management plan relates to the situation of waste management in the state, county or local government, objectives for organisation and enhancement of waste management, and measures taken to achieve the objectives.
- (3) A waste management plan sets out:
  - 1) A description of the current situation of waste management and the main types, origin and quantities of waste to be recovered or disposed of;
  - 2) Estimated volume of natural resources such as water, peat, clay or soil used for waste handling;
  - 3) Environmental impact of implementation of the waste management plan;
  - 4) Objectives to be achieved, such as prevention of waste generation, reduction of the quantity and harmfulness of waste, waste recovery, environmentally sound disposal of waste and optimisation of waste transport;
  - 5) Means and measures for achieving the objectives, such as selection of the waste handling operations, a network of waste management facilities, measures for handling hazardous waste and other main types of waste, the necessary administrative measures for implementing the waste management plan, the environmental and health protection measures and the technological means to ensure their application, and the estimated cost of application of the measures.

#### **§ 40. National waste management plan**

- (1) “National waste management plan” means a waste management development plan covering the whole territory of the state and dealing, in addition to that provided for in subsection 39 (3) of this Act, with international optimisation of waste handling and international co-operation in waste management.
- (2) The national waste management plan shall contain subdivisions on handling hazardous waste and packaging waste.
- (3) The subdivisions specified in subsection (2) of this section may be approved as separate development plans. The provisions concerning the proceedings relating to the national waste management plan apply to a separately approved development plan in so far as this is not contrary to the principles of the plan.

#### **§ 41. County waste management plan**

- (1) “County waste management plan” means a waste management development plan concerning one or more counties.
- (2) A county waste management plan shall be prepared on the basis of the national waste management plan within one year as of approval of the national waste management plan.

#### **§ 42. Local government waste management plan**

- (1) “Local government waste management plan” means a part of the local government development plan which is prepared on the basis of the county waste management plan and deals with the development of waste management in the rural municipality or city. Several local governments may prepare a joint waste management plan.
- (2) In addition to that provided for in subsection 39 (3) of this Act, a local government waste

management plan shall set out:

- 1) Development of waste transport organised by a local government body within the administrative territory thereof, including designation of the area or areas covered by the organised waste transport;
- 2) Development of separate collection and sorting of waste, and the corresponding time limits for specific types of waste;
- 3) Financing of waste management.

#### **§ 43. Updating of waste management plans**

- (1) “Updating of a waste management plan” means regular review and amendment of the waste management plan. The provisions concerning the proceedings relating to preparation of waste management plans apply to updating of waste management plans.
- (2) The national waste management plan and county waste management plans shall be updated every five years after their preparation or previous updating.
- (3) If amendments made in the course of updating the national waste management plan concern a county waste management plan, the county waste management plan shall be updated within one year after approval of the updated national waste management plan.
- (4) If amendments made in the course of updating a county waste management plan concern a local government waste management plan, the local government waste management plan shall be updated within one year after approval of the updated county waste management plan.

#### **§ 44. Rights and obligations of Minister of the Environment and local government bodies in waste management planning**

- (1) The Minister of the Environment shall co-ordinate the activities of the counties and local governments in preparation and implementation of waste management plans.
- (2) The Ministry of the Environment shall organise supervision over realisation of the national waste management plan and county waste management plans.
- (3) Undertakings within the meaning of the Commercial Code (RT I 1995, 26–28, 355; 1998, 91–93, 1500; 1999, 10, 155; 23, 355; 24, 360; 57, 596; 102, 907; 2000, 29, 172; 49, 303; 55, 365; 57, 373; 2001, 34, 185; 56, 332 and 336; 89, 532; 93, 565; 2002, 3, 6; 35, 214; 53, 336; 61, 375; 63, 387 and 388; 96, 564; 102, 600; 110, 657; 2003, 4, 19; 13, 64; 18, 100; 78, 523; 88, 591), non-profit associations, foundations and other bodies founded pursuant to law are required to submit information concerning their activities relating to waste management which is necessary for preparing or updating waste management plans to the Minister of the Environment or local government bodies free of charge.
- (4) A local government body may require that undertakings within the meaning of the Commercial Code, non-profit associations, foundations and other bodies founded pursuant to law which operate within the administrative territory of the body prepare waste management plans in accordance with subsection 39 (3) of this Act at their own expense and submit them to the body if this is necessary for preparing or updating the local government waste management plan.
- (5) The information collected in the course of preparation of waste management plans shall be preserved by the Minister of the Environment and the local government bodies pursuant to the procedure provided by law.

## **Division 2**

### **Preparation of National or County Waste Management Plan**

#### **§ 45. Initiation and giving notification of preparation of national or county waste management plan**

- (1) The Minister of the Environment initiates preparation of the national waste management plan and county waste management plans.
- (2) A notice concerning initiation of the national waste management plan shall be published in the official publication *Ametlikud Teadaanded*<sup>2</sup> and at least one national daily newspaper. A notice concerning initiation of a county waste management plan shall be published in the official publication *Ametlikud Teadaanded* and at least one daily county newspaper.
- (3) The notices specified in subsection (2) of this section shall set out a brief description of the intended content and objectives of the waste management plan.
- (4) The main positions of a draft national waste management plan shall be published on the web site of the Ministry of the Environment.
- (5) The main positions of a draft county waste management plan shall be published on the web site of the county or, in the absence thereof, on the web site of the Ministry of the Environment.

#### **§ 46. Preparation of draft national or county waste management plans**

- (1) The Minister of the Environment shall organise preparation of draft national or county waste management plans.
- (2) Representatives of relevant state authorities, local government bodies, non-governmental organisations, undertakings, non-profit associations and their alliances, and other interested persons shall be involved in preparation of draft national or county waste management plans.

#### **§ 47. Co-ordination of draft national or county waste management plans**

- (1) A draft national waste management plan shall be submitted to the ministries whose areas of government are concerned by the plan for co-ordination and to the county governments and the national local government association for comments.
- (2) A draft county waste management plan shall be submitted to the relevant county governors for co-ordination and to the local government body whose administrative territory the plan concerns for comments.

#### **§ 48. Public display of and public session concerning draft national or county waste management plans**

- (1) The Minister of the Environment shall organise public display of a draft national or county waste management plan and at least one public session for deliberations on the draft.
- (2) A notice of the time and place of public display of a draft national waste management plan shall be published in the official publication *Ametlikud Teadaanded* and at least one national daily newspaper and on the web site of the Ministry of the Environment at least two weeks before the public display. A draft national waste management plan shall be placed on public display for at least one month.
- (3) A notice of the time and place of public display of a draft county waste management plan

shall be published in the official publication *Ametlikud Teadaanded* and at least one daily county newspaper and on the web site of the Ministry of the Environment at least two weeks before the public display. A draft county waste management plan shall be placed on public display for at least two weeks.

(4) A notice of the time and place of a public session for deliberations on a draft national waste management plan shall be published in the official publication *Ametlikud Teadaanded* and at least one national daily newspaper and on the web site of the Ministry of the Environment at least two weeks before the public session.

(5) A notice of the time and place of a public session for deliberations on a draft county waste management plan shall be published in the official publication *Ametlikud Teadaanded* and at least one daily county newspaper and on the web site of the Ministry of the Environment at least two weeks before the public session.

#### **§ 49. Submission of proposals and objections**

Everyone has the right to submit proposals and objections concerning a draft national or county waste management plan during the public display of the draft.

#### **§ 50. Public session**

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

#### **§ 51. Consideration of proposals and objections submitted during public display of or public session concerning draft national or county waste management plan**

(1) The Minister of the Environment shall organise review of the proposals and objections submitted during the public display of or a public session concerning a draft waste management plan and, if necessary, amendment of the draft plan.

(2) The Minister of the Environment shall reply to the disregarded proposals and objections within two months after the end of the public display or public session.

#### **§ 52. Publication of results of public display of and public session concerning draft national or county waste management plan**

(1) The Minister of the Environment shall publish the results of the public display of a draft national waste management plan and the public session for deliberations on the draft in a national daily newspaper and on the web site of the Ministry of the Environment.

(2) The Minister of the Environment shall publish the results of the public display of a draft county waste management plan and the public session for deliberations on the draft in a daily county newspaper and on the web site of the Ministry of the Environment.

#### **§ 53. Approval of national or county waste management plan**

(1) The national waste management plan shall be approved by an order of the Government of the Republic.

(2) A county waste management plan shall be approved by a directive of the Minister of the Environment.

#### **§ 54. Publication of national or county waste management plan**

- (1) The national waste management plan shall be published in the *Riigi Teataja* and on the web-site of the Ministry of the Environment.
- (2) A county waste management plan shall be published on the web-site of the county environmental authority (hereinafter environmental authority) of the Ministry of the Environment.

### **Division 3**

#### **Preparation of Local Government Waste Management Plan**

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

A draft local government waste management plan shall be submitted to the environmental authority and the county governor for comments before adoption of the draft.

#### **§ 56. Public display of and public session concerning draft local government waste management plan**

- (1) A local government body shall organise public display of a draft local government waste management plan and at least one public session for deliberations on the draft.
- (2) A notice of the time and place of public display of a draft local government waste management plan shall be published in a local newspaper at least two weeks before the public display. A draft local government waste management plan shall be placed on public display for at least two weeks.
- (3) A notice of the time and place of a public session for deliberations on a draft local government waste management plan shall be published in a local newspaper at least two weeks before the public session.
- (4) A public session need not be held if no proposals or objections are submitted during the public display.

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

- (1) Everyone has the right to submit proposals and objections concerning a draft local government waste management plan during the public display of the draft.
- (2) Everyone has the right to submit his or her opinion on a draft waste management plan orally at the session for deliberations on the draft.
- (3) The rural municipality or city government shall review the proposals and objections submitted during the public display of or a public session concerning a draft waste management plan and, if necessary, decide on amendment of the draft plan according to the proposals and objections submitted.

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

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

### **§ 59. Adoption of local government waste management plan**

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

## **Chapter 3**

### **Special Conditions for Handling Hazardous Waste**

#### **§ 60. Prohibition on mixing hazardous waste**

- (1) Mixing of different categories of hazardous waste and mixing of hazardous waste with non-hazardous waste or any other substances shall be prevented, except in the case provided for in § 61 of this Act.
- (2) Waste which has already been mixed shall be separated if this is technically feasible and does not entail excessive costs or if this is necessary for the prevention of potential health or environmental hazards.

#### **§ 61. Mixing of hazardous waste**

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

#### **§ 62. Packaging of hazardous waste**

- (1) In the course of collection, temporary storage and transport of hazardous waste, the waste shall be packaged in order to prevent the health and the environmental hazards resulting from the waste and facilitate their recovery or disposal.
- (2) A waste holder is required to mark hazardous waste, except the hazardous waste produced by households, or their packaging before the waste is transferred to the waste handler.
- (3) The procedure for marking hazardous waste and packaging of hazardous waste shall be established by a regulation of the Minister of the Environment.

#### **§ 63. Transport of hazardous waste**

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

#### **§ 64. Consignment note for hazardous waste**

- (1) “Consignment note for hazardous waste” (hereinafter consignment note) means a document which contains information concerning the producer of the waste transferred to the waste handler, the person who transfers the waste for transportation, the waste transport operator, the consignee of the waste, and the type, composition, quantity and main properties of the hazardous waste.
- (2) A person transferring hazardous waste shall submit a consignment note to the carrier and the consignee together with the consignment of waste.
- (3) The provisions of subsections (1) and (2) of this section do not apply to natural persons or rescue service agencies upon transfer of hazardous waste produced in households or collected in the course of fire and rescue work to waste handlers.
- (4) A waste handler shall prepare a consignment note on paper and in the form of a digital document and sign the digital document pursuant to the procedure provided for in the Digital Signatures Act (RT I 2000, 26, 150; 92, 597; 2001, 56, 338; 2002, 53, 336; 61, 375; 2003, 88, 591 and 594). A digital document is required from persons who are certificate holders within the meaning of § 6 of the Digital Signatures Act.
- (5) The format of a consignment note for hazardous waste and the procedure for registration of consignment notes shall be established by a regulation of the Minister of the Environment.

#### **§ 65. Organisation of handling of hazardous waste**

- (1) Development of a network of hazardous waste management facilities shall be organised by the Minister of the Environment in accordance with the national waste management plan.
- (2) Local government bodies shall organise collection of hazardous waste produced by households within their administrative territories and transfer of the waste to waste handlers, except in the case specified in subsection 26 (1) of this Act.

### **Chapter 4**

#### **Waste Management Organised by Local Government Bodies**

#### **§ 66. Organised waste transport**

- (1) “Organised waste transport” means collection and transport of municipal waste from a designated area to a specific waste management facility or facilities by an undertaking chosen by way of a competition organised by the local government body.
- (2) Local government bodies shall organise collection and transport of municipal waste within their administrative territories. Organised waste transport may also comprise other waste if this is necessary due to a significant public interest.
- (3) A local government body may decide not to organise waste transport in low-density areas of its administrative territory where organised waste transport would be excessively costly due to the small number and disproportionate location of waste producers and the small quantities of waste, and organised waste transport is not necessary from the point of view health and environmental protection.
- (4) The types of waste subject to organised waste transport, the transport areas, the frequency and time of transport and the limits of waste transport fees shall be established by a regulation of the rural municipality or city council.
- (5) Waste transport fees shall be sufficient to cover the costs of establishment, operation, closure and aftercare of waste treatment facilities and the costs of waste transport.

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

### **§ 67. Choice of waste transport operator**

(1) A local government body shall individually or in cooperation with other local government bodies organise a competition for the purpose of granting the special or exclusive right to the transport of waste pursuant to the procedure established on the basis of the Competition Act. A local government council may authorise a non-profit association where the local government is a member and where according to the statutes only local governments or an association of local governments can be members to perform administrative duties pertaining to the waste transport competition organised pursuant to the procedure provided by the Administrative Cooperation Act (RT I 2003, 20, 117; 82, 552; 2004, 53, 367; 89, 603).

[16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288]

(2) The tender documents of a competition for organised waste transport shall set out at least the following conditions:

- 1) Transport area;
- 2) Types of waste to be transported;
- 3) Estimated quantities of waste;
- 4) Waste management facilities;
- 5) Term of validity of the special or exclusive right;
- 6) Transport conditions, such as frequency, time, technical conditions;
- 7) Limit of waste transport fees.

(3) The number of residents to be serviced in a transport area specified in clause (2) 1) of this section shall generally not exceed 10 000.

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

(5) In an administrative territory where waste transport is organised and where arising from subsections (3) and (4) of this section more than one transport areas are formed, the quantity of municipal waste transported by one waste transport operator shall not exceed 40 per cent of the quantity of municipal waste, except in the case provided for in subsection (6) of this section.

(6) With the consent of the local government council, the restriction provided for in subsection (5) of this section does not apply if grant of the number of special or exclusive rights necessary for application of the restriction is hindered by the lack of tenderers who apply for the special or exclusive rights and meet the requirements for obtaining waste permits.

(7) The term for submission of tenders for a competition for organised waste transport is at least three months after the declaration of the competition.

(8) The body organising a competition for organised waste transport shall publish the decision of the body in the official publication *Ametlikud Teadaanded* and in one local newspaper.

### **§ 68. Right to carry out waste transport**

(1) An undertaking which is selected as the successful tenderer at a competition for organised

waste transport obtains the special or exclusive right to carry out waste transport within the specified transport area for up to three years with respect to the types of waste specified by the local government body.

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

### **§ 69. Subscription to organised waste transport services**

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

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

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

(4) As an exception, a rural municipality or city government may consider a waste holder not to have subscribed to organised waste transport services for a certain period of time on the basis of a reasoned application of the waste holder if waste handling is organised by the waste holder.

(4<sup>1</sup>) Persons holding a waste permit or an integrated environmental permit issued on the basis of the Integrated Pollution Prevention and Control Act (RT I 2001, 85, 512; 2002, 61, 375; 2003, 73, 486; 2005, 15, 87) shall be released of the obligation to subscribe to organised waste transport services.

[16.06.2005 entered into force 10.07.2005 – RT I 2005, 37, 288]

(5) A waste holder specified in subsection (4) of this section shall submit a written explanation concerning the handling of the waste of the holder to the rural municipality or city government once a year by the date specified by the government.

(6) A local government has the right to receive, without charge, information relating to the data in the register specified in subsection (3) of this section from waste transport operators operating in the waste transport area.

### **§ 70. Recovery and disposal of waste**

Local government bodies shall organise recovery or disposal of the waste subject to organised waste transport. Local government bodies may organise also recovery or disposal of other waste.

### **§ 71. Local government waste management rules**

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

(2) Waste management rules shall set out:

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

- 2) The measures for preventing or, if this is not possible, reducing the health and environmental hazards resulting from waste, including regular removal of municipal waste from densely populated areas at least once a month;
  - 3) List of the waste transport areas within the territory of the local government where subscription to organised waste transport services is obligatory;
  - 4) Requirements for handling waste not covered by organised waste transport;
  - 5) The procedure for collecting hazardous waste produced by households from the residents and for transferring the waste to an undertaking holding a hazardous waste handling licence;
  - 6) The procedure for handling the waste produced by persons providing health care or veterinary services within the territory of the local government;
  - 7) Requirements for handling construction and demolition waste not subject to organised waste transport;
  - 8) Waste collection site or sites where waste collected by organised waste transport services shall be delivered for further transport;
  - 9) Organisation of supervision over waste handling in the territory of the local government;
  - 10) Requirements for aftercare of the waste management facilities in the territory of the local government.
- (3) Draft local government waste management rules shall be submitted to the county governor and environmental authority for an opinion, the waste handling procedure of a health care provider to the Health Protection Inspectorate for an opinion and the waste handling procedure of a provider of veterinary services to the veterinary centre of the county for an opinion, and proposals for amending the rules shall be submitted by the corresponding bodies within two weeks.

## **Chapter 5**

### **Financing of development of waste management**

#### **§ 72. Support of development of waste management**

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

## **Chapter 6**

### **Waste Permits**

#### **Division 1**

#### **General Provisions**

#### **§ 73. Waste permits**

- (1) A waste permit grants the right to carry out one or several of the waste handling operations specified in subsection (2) of this section or generate waste in the areas of activity specified in § 75 of this Act, and determines the requirements for exercising the right.
- (2) A waste permit is required for:
  - 1) Disposal of waste;

- 2) Recovery of waste;
  - 3) Collection or transport of hazardous waste;
  - 4) Collection or transport of metal waste produced or transferred by other persons, except collection or transport of metal packaging of beverages taxable on the basis of the Packaging Excise Duty Act (RT I 1997, 5/6, 31; 1999, 54, 583; 2000, 59, 381; 2001, 88, 531; 2003, 88, 591), for the purposes of further commercial distribution or recovery;
  - 5) Waste transport organised by a local government body;
  - 6) Transport of municipal waste if carried out as a business or professional activity.
- (3) Persons holding or required to hold an integrated environmental permit provided for in the Integrated Pollution Prevention and Control Act (RT I 2001, 85, 512; 2002, 61, 375; 2003, 73, 486) for operations specified in subsection (2) of this section or § 75 of this Act do not need a waste permit for installations covered by the integrated environmental permit.
- (4) A waste permit is not required from:
- 1) Natural persons who handle the waste produced by their households themselves in accordance with the requirements of this Act;
  - 2) Rescue service agencies upon collection and transport of waste in the course of fire and rescue work.
- (5) The Minister of the Environment has the right to establish, by a regulation, requirements for recovery, or disposal at the place of production, of certain types and quantities of non-hazardous waste upon compliance with which a waste permit is not required for handling the waste.

#### **§ 74. Registration of waste handlers**

- (1) Persons who on the basis of subsection 73 (5) of this Act have been released from the obligation to hold a waste permit and carriers transporting non-hazardous waste, except for persons transporting municipal waste in the course of their business or professional activities shall be registered with the environmental authority of their place of business. A person operating in several counties shall be registered only with the environmental authority of the seat of the person.
- (2) A person specified in subsection (1) of this section shall notify the environmental authority of the proposed activities by sending a notice containing the following information to the authority not later than two weeks before commencing the handling of the waste:
- 1) Business name and registry code, or the name and personal identification code;
  - 2) Seat or residence and address, e-mail address and telephone and fax number;
  - 3) Address, e-mail address and telephone and fax number of the permanent business establishment and of the waste management facility if the person has the facility;
  - 4) Area of activity;
  - 5) Proposed types and annual quantities of the waste to be handled;
  - 6) Description of the proposed waste handling operations;
  - 7) Proposed period of operation as a waste handler;
  - 8) Location of the waste management facility or the name of the waste handler whom the person intends to transfer the waste, including the name of the waste deposit site where the waste transferred is to be deposited.
- (3) An environmental authority shall, on the basis of the information received, verify within ten working days whether the activities notified require a waste permit, and if a permit is not necessary

shall assign a registration number and send a written registration certificate to the person within ten days, and the information specified in subsection (2) of this section shall be recorded in the registration journal or electronic data medium prescribed for that purpose.

(4) The format of the notice and registration certificate specified in subsections (2) and (3) of this section shall be established by a regulation of the Minister of the Environment.

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

### **§ 75. Waste permit for waste generation**

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

- 1) Production of electricity, heat, fuel or coke;
- 2) Refining of liquid or gaseous fuel, or pyrolysis of solid fuel;
- 3) Production or processing of metals;
- 4) Processing of mineral materials;
- 5) Chemical industry;
- 6) Pulp, paper or textile industry, or tanning of skins or hides;
- 7) Food industry;
- 8) Animal husbandry;
- 9) Surface treatment or finishing by using organic solvents;
- 10) Production of plywood or fibreboard;
- 11) Production of graphite (hard-burnt coal) or electro graphite by way of incineration or graphitisation;
- 12) Mining or enrichment of mineral resources;
- 13) Timber industry;
- 14) Storage of hazardous chemicals, including fuel.

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

## **Division 2**

### **Issue, Amendment, Suspension, Revocation and Content of Waste Permits**

#### **§ 76. Authorities issuing waste permits**

(1) A waste permit is issued by the environmental authority (hereinafter issuing authority) of the place of business of the applicant for the permit (hereinafter applicant).

(2) If an applicant does not have a permanent place of business, the permit shall be issued by the environmental authority of the seat of the applicant.

## **§ 77. Applying for waste permits**

- (1) An application for a waste permit shall be submitted to the issuing authority in three copies.
- (2) After verification of the conformity of an application for a waste permit with the requirements, the issuing authority shall submit one copy of the application to the city or rural municipality government of the place of business of the applicant or, if the applicant does not have a permanent place of business, to the city or rural municipality government of the seat of the applicant.
- (3) An application for a waste permit may be submitted as a digital document to be signed pursuant to the procedure provided for in the Digital Signatures Act.
- (4) A waste permit for waste handling is required for each waste management facility and a waste permit for waste generation is required for each installation and place of waste generation.
- (5) A waste permit for collection or transport of hazardous waste or for transport of municipal waste in the course of economic or professional activities is required for each county.

## **§ 78. Application for waste permit**

An application for a waste permit shall set out:

- 1) Information specified in subsection 14 (3) of the Administrative Procedure Act;
- 2) Information concerning the place of business and principal activity of the applicant;
- 3) Information concerning the types and quantities of waste and the proposed movement, collection, transport, deposit and direct release into the environment of the waste during a calendar year;
- 4) An explanation concerning the waste handling proposed by the applicant and a description of the technical equipment together with the necessary plans or drawings if the permit is applied for in order to carry out an activity specified in subsection 73 (2) of this Act;
- 5) An explanation of the production operations carried out by the applicant, a description of the raw material and technological processes involved in the production of waste, technologically and environmentally justified calculations for assessing the quantities of the waste produced and released into the environment and a description of the technical equipment together with the necessary plans or drawings if the permit is applied for in order to carry out an activity specified in § 75 of this Act;
- 6) A description of the composition of the waste and of the waste handling operations and technology;
- 7) A description of the waste management facilities;
- 8) Information concerning the persons whom the waste is intended to be transferred, including information concerning the persons depositing the waste;
- 9) A description of the safety measures and measures for mitigating the consequences of accidents which are applied when carrying out the activities;
- 10) Proposals concerning the self-monitoring of the waste management facility or place of generation of the waste;
- 11) The measures intended for prevention of waste production and reduction of the quantities of waste upon generation of waste;
- 12) The intended health and environmental protection measures to be applied upon commencement and termination of activities, including a plan for the aftercare of the waste management facilities;

13) A copy of the hazardous waste handling licence if the permit is applied for in order to handle hazardous waste in the course of the business or professional activities of the applicant.

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

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

### **§ 80. Issue and notification of waste permit**

(1) The decision concerning the issue of a waste permit shall be made taking into account the type of the activities and particularly the provisions of §§ 21 and 29 of this Act. The following shall be taken into consideration when making the decision:

- 1) Information, opinions and positions obtained by making the application available to the public;
- 2) Principles of the best available techniques;
- 3) Other important facts.

(2) The quantities of waste permitted to be generated or released into the environment shall be determined by the issuing authority on the basis of the technologically and environmentally justified calculations submitted by the applicant, taking into consideration the principles of the best environmental practices and the criteria for the best available technology.

(3) If an applicant carries out several of the activities specified in subsection 73 (2) or § 75 of this Act in the same place of business, the issuing authority may issue a single waste permit taking into account the specifications for each of the activities.

(4) An issuing authority may issue a single waste permit for activities in several waste management facilities or places of waste production within the territory of one county if this is expedient from the point of view of supervision.

(5) A waste permit shall be issued in two original copies, one of which remains with the issuing authority and the other is submitted to the applicant. The permit shall be issued to the applicant against signature after the applicant has been summoned to receive the permit.

(6) A waste permit may be issued as a digital document signed pursuant to the procedure provided for in the Digital Signatures Act.

(7) A notice concerning the issue of a waste permit shall be published in the official publication *Ametlikud Teadaanded*. A notice concerning the issue of a waste permit shall set out the following information:

- 1) Business name, registry code and seat or the name and address of the applicant;
- 2) Place of business;
- 3) Short description of the activities;
- 4) Information on where the waste permit is available for examination.

### **§ 81. Content of waste permit**

(1) A waste permit shall set out the following information:

- 1) The activity specified in subsection 73 (2) or § 75 of this Act for which the permit is issued;

- 2) The business name and registry code or the name and personal identification code of the holder of the permit;
  - 3) The precise location of the place or places of business, and the geographical co-ordinates thereof if necessary;
  - 4) The address and details of the holder of the permit and the contact person.
- (2) A waste permit determines:
- 1) The types and quantities of the waste generated or handled, including limit values for the quantities of waste permitted to be released into the environment;
  - 2) The permitted waste handling operations;
  - 3) The technical and environmental requirements for the activities;
  - 4) The health and environmental protection measures to be applied upon commencement and termination of activities, including aftercare of the waste management facilities;
  - 5) Environmental monitoring requirements;
  - 6) The safety measures and measures for mitigating the consequences of accidents which are applied when carrying out the activities;
  - 7) The waste disposal site or sites where waste is transported if the waste permit is issued for waste transport;
  - 8) The time of commencement and termination of the activities.

### **§ 82. Term of validity of waste permit**

- (1) A waste permit is issued for a period of up to five years. A waste permit enters into force on the date following the date of issue of the permit.
- (2) Upon transfer of the possession of a waste management facility or a place of waste generation which is not deemed to be a waste management facility, the possessor has the right to transfer the rights and obligations arising from the waste permit to the new possessor. Within six months after the transfer of the possession of the waste management facility or the place of waste generation which is not deemed to be a waste management facility, the new possessor is required to apply for amendment of the information specified in subsection 81 (1) of this Act entered in the permit.

### **§ 83. Refusal to issue waste permit**

Issue of a waste permit shall be refused if:

- 1) The applicant has submitted false information or falsified documents;
- 2) The applicant has been punished for unauthorised utilisation of natural resources, acting without a pollution permit, polluting the environment or violation of the requirements for handling hazardous chemicals or waste and a period shorter than the term established in subsection 25 (1) of the Punishment Register Act (RT I 1997, 87, 1467; 2002, 82, 477; 2003, 26, 156) has passed from the offence;
- 3) The information collected enables to conclude that compliance with the environmental norms is not possible in carrying out the activities or that the activities are dangerous for the environment, human health or property;
- 4) The activity is based on procedures or technological processes which produce large quantities of waste or utilise natural resources or other raw materials or substances in a wasteful

manner.

#### **§ 84. Amendment of waste permits**

- (1) A waste permit is amended if:
  - 1) The information specified in subsection 81 (1) of this Act has changed;
  - 2) The rules of law on which the requirements established by the waste permit were based have changed and public interest in amending the permit outweighs the certainty of the person that the rules of law remain in force;
  - 3) The pollution caused by the activities specified by the waste permit is of such significance that negative effects are caused to the environment at the place of business of the holder of the waste permit and therefore the requirements established by the waste permit need to be amended;
  - 4) Measures not specified in the waste permit need to be applied for accident prevention;
  - 5) The measures, including the best available techniques, applied in order to prevent waste generation have reduced the quantities of waste.
- (2) The provisions concerning open proceedings do not apply to proceedings initiated for amending a waste permit on the basis of clause (1) 1) of this section.

#### **§ 85. Revocation of waste permit**

The issuing authority shall revoke a waste permit and give prior notification thereof to the holder of the permit if:

- 1) Existence of the facts specified in § 83 of this Act is proved with regard to the activities of the holder of the permit;
- 2) The holder of the permit fails to commence the activities specified in the permit within twelve months after the date specified in the permit and fails to submit a request for amendment of the date of commencement of the activities;
- 3) The holder of the permit fails to commence the waste transport organised by the local government body within one week after the date specified in the permit and fails to submit a request for amendment of the date of commencement of the activity;
- 4) The holder of the permit who is a legal person is dissolved or the holder who is a natural person dies;
- 5) The possessor of the waste management facility or a place of waste generation which is not deemed to be a waste management facility fails to perform the obligation provided for in subsection 82 (2) of this Act.

#### **§ 86. Terms for proceedings for issue, amendment or revocation of waste permit, and format of waste permit and application for waste permit**

The terms for the procedural acts performed in the course of the proceedings for issue, amendment or revocation of a waste permit, a detailed list of the information necessary for applying for a waste permit, the format of an application for a waste permit and the format of a waste permit shall be established by a regulation of the Minister of the Environment.

#### **§ 87. State fee for application for or amendment of waste permit**

A state fee for application for or amendment of a waste permit shall be paid by the applicant pursuant to the procedure provided for in the State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 53, 310; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 18, 97; 23, 131; 24, 135; 27, 151 and 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377; 90, 519; 102, 599; 105, 610; 2003, 4, 20; 13, 68; 15, 84 and 85; 20, 118; 21, 128; 23, 146; 25, 153 and 154; 26, 156 and 160; 30, correction notice; 51, 352; 66, 449; 68, 461; 71, 471; 78, 527; 79, 530; 81, 545; 88, 589 and 591; 2004, 2, 7).

### **Division 3**

#### **Waste Permit for Collection and Transport of Metal Waste**

##### **§ 88. Additional information to be submitted when applying for waste permit for collection and transport of metal waste**

In addition to the information specified in § 78 of this Act, a person applying for a waste permit for collection and transport of metal waste (hereinafter metal waste permit) shall submit the following documents to the issuing authority:

- 1) The opinion of the police prefecture of the applicant's place of business concerning the activities specified in the metal waste permit;
- 2) An extract from the building register or land register certifying whether the structure where the waste management facility is situated is a movable or a registered immovable;
- 3) A document certifying the applicant's right to use the registered immovable or the premises specified in clause 2) of this section if the applicant is not the owner.

##### **§ 89. Refusal to issue metal waste permit if the applicant has criminal record**

The issuing authority is required to verify on the basis of an inquiry submitted to the punishment register whether a sole proprietor applying for a metal waste permit or a member of the management board or supervisory board of a company applying for a metal waste permit has committed a criminal offence. Issue of a metal waste permit shall be refused if a period shorter than the term specified in subsection 25 (1) of the Punishment Register Act has passed from the commission of the criminal offence.

##### **§ 90. Place of deposit of metal waste permit**

The original of a metal waste permit or a copy certified by the issuing authority shall be deposited at the place of business of the collector of metal waste and, at the request of a supervisory official or a person transferring metal waste, shall be submitted to the official or person.

### **Division 4**

#### **Waste Permit for Operation of Landfills**

##### **§ 91. Applying for waste permit for operation of landfills**

In addition to the information specified in § 78 of this Act, an applicant for a waste permit for operating a landfill (hereinafter landfill permit) shall submit the following information to the issuing authority:

- 1) Information concerning the quantities of waste to be deposited, broken down by waste codes and types of waste;
- 2) Information concerning the proposed capacity of the landfill;
- 3) A description of the site of the landfill, including its hydro geological and geological characteristics;
- 4) Written confirmation from the applicant that the applicant has the personnel with the skills necessary for operating in the area of activity indicated in the application and that the applicant's activities comply with the requirements established by legislation relating to environmental protection and occupational safety;
- 5) A written explanation from the applicant concerning the existence of an insurance contract or financial security to ensure that the operator is able to perform the duties thereof during operation, closure and aftercare of the landfill;
- 6) Documents proving the legal basis for the use of land by the applicant;
- 7) Information concerning the technical and professional training of the personnel;
- 8) Measures applied in organising the operation of the landfill to prevent accidents and limit their harmful consequences.

#### **§ 92. Verification of information submitted in application for landfill permit**

Before commencement of operation of a landfill, the issuing authority shall verify whether the landfill corresponds to the information submitted in the application for a landfill permit. The verification shall not reduce the responsibility of the operator.

#### **§ 93. Content of landfill permit**

In addition to the information provided for in subsection 81 (2) of this Act, a landfill permit shall set out:

- 1) The class of the landfill according to subsection 34 (4) of this Act;
- 2) The quantities of waste to be deposited in the landfill, broken down by categories and types of waste;
- 3) Requirements for operation of the landfill and for environmental monitoring and supervision;
- 4) The obligation of the applicant to report at least annually to the issuing authority on the types and quantities of waste accepted in the landfill and on the results of environmental monitoring, and the procedure for notifying the issuing authority.

#### **§ 94. Refusal to issue landfill permit**

In addition to the grounds provided for in § 83 of this Act, the issuing authority shall refuse to issue a landfill permit if:

- 1) The applicant does not have an insurance contract or financial security specified in clause 91 5) of this Act;
- 2) The applicant does not have the right to use the land;
- 3) The applicant is unable to comply with the requirements established on the basis of § 33 this Act.

**Division 5**  
**Waste Permit for Waste Incineration**

**§ 95. Applying for waste permit for waste incineration**

In addition to the information specified in § 78 of this Act, a person applying for a waste permit for waste incineration (hereinafter waste incineration permit) shall provide the issuing authority with a list and technical description of the measuring equipment which is necessary for compliance with the limit values for emissions to air or water and for regulating the incineration process and ensures the regularity and accuracy of measurements of technological parameters.

**§ 96. Content of waste incineration permit**

In addition to the information provided for in subsection 81 (2) of this Act, a waste incineration permit shall set out:

- 1) Total annual waste incineration capacity of the incineration or co-incineration plant;
- 2) Detailed sampling and measurement procedures for periodic measurements of the content of pollutants in ambient air, waste water and effluents;
- 3) Minimum and maximum mass flows in a specific period of time of the hazardous waste incinerated;
- 4) Minimum and maximum calorific value of hazardous waste;
- 5) Maximum permissible content of pollutants, e.g. polychlorinated biphenyls (PCB), pentachlorophenol (PCP), chlorine, fluorine, sulphur, heavy metals, in the waste.

**Division 6**  
**Waste Permit for Waste Transport Organised by Local Government Bodies**

**§ 97. Applying for waste permit for waste transport organised by local government bodies**

In addition to the materials specified in § 78 of this Act, a person applying for a waste permit for waste transport organised by a local government body (hereinafter organised waste transport permit) shall provide the issuing authority with a copy of the administrative act of the local government body certifying that the applicant was selected as the successful tenderer at the open competition specified in subsection 67 (1) of this Act.

**§ 98. Content of organised waste transport permit**

In addition to the information provided for in subsection 81 (2) of this Act, an organised waste transport permit shall set out:

- 1) The area from which the waste subject to the waste transport organised by the local government body is to be collected;
- 2) The waste management facilities and persons whom the waste is transferred, including landfills and their operators.

## **Chapter 7**

### **Hazardous waste handling licence**

#### **§ 99. Hazardous waste handling licence**

- (1) “Hazardous waste handling licence” means an operating licence which grants the right to handle, in the course of the economic or professional activities of the handler, hazardous waste produced and transferred by other persons and establishes the conditions for exercising the right.
- (2) Hazardous waste handling licences are issued by the Minister of the Environment.

#### **§ 100. Conditions for issuing hazardous waste handling licences**

- (1) The conditions for issuing a hazardous waste handling licence are:
  - 1) Compliance of the waste management facility, technology and equipment with environmental requirements;
  - 2) The required professional qualification of the personnel;
  - 3) Insurance against accidents.
- (2) The amount of the insured sum necessary for compensating for damage caused by a potential accident occurring in handling hazardous waste shall be calculated by the applicant for the hazardous waste handling licence according to the following formula:

$$M = T \times L / 52$$

Where:

M – The insured sum in kroons;

T – 4000 kroons per ton, i.e. twice the average calculated fee charged in 2000 for treating or depositing hazardous waste;

L – The total annual handling quantity of hazardous waste in tons, i.e. the total quantity indicated in the licence application form submitted by the applicant;

52 – The number of weeks per year.

- (3) If the amount of the financial security calculated according to the formula set out in subsection (2) of this section is less than 100 000 kroons, the value of the financial security shall be increased to 100 000 kroons.
- (4) If the amount of the financial security calculated according to the formula set out in subsection (2) of this section is more than 5 000 000 kroons, the value of the financial security shall be reduced to 5 000 000 kroons.

#### **§ 101. Refusal to issue hazardous waste handling licence**

Issue of a hazardous waste handling licence shall be refused if:

- 1) The waste management facility, technology or equipment is not in compliance with environmental requirements or is dangerous to health or property;
- 2) The applicant for the licence does not have sufficient knowledge of the technical, technological and environmental protection aspects of the waste handling subject to the application;
- 3) The applicant does not have an insurance contract against accidents.

## **§ 102. Suspension and revocation of hazardous waste handling licence**

The issuer of a hazardous waste handling licence suspends or revokes the licence and gives prior notification thereof to the holder of the licence if:

- 1) It becomes evident that false information was submitted upon application for the licence;
- 2) The circumstances specified in § 101 of this Act become evident in the activities of the holder of the licence;
- 3) The holder of the licence fails to comply with the requirements established upon the issue of the licence;
- 4) Other contravention of legislation becomes evident;
- 5) Within five months after the date of issue of the licence, handling of hazardous waste is not entered in the commercial register as an area of activity of the applicant.

## **§ 103. Terms for proceedings for issue, amendment, suspension or revocation of hazardous waste handling licences, and format of licence**

The terms for the procedural acts performed in the course of the proceedings for issue, amendment or revocation of a hazardous waste handling licence, a list of the information necessary for applying for the licence and the format of the licence shall be established by a regulation of the Government of the Republic.

## **Chapter 8**

### **Special Conditions for Collection of Metal Waste**

## **§ 104. Metal Waste**

Metal waste means the waste mainly consisting of pure ferrous or non-ferrous metals or alloys thereof. A detailed list of metal waste shall be established by a regulation of the Minister of the Environment in accordance with the list of waste prepared on the basis of subsection 2 (4) of this Act.

## **§ 105. Restriction on buying up metal waste**

- (1) It is prohibited to buy up metal objects as waste if the objects are of obvious artistic or historical value.
- (2) Electrical wires and cable may be bought up as waste only from network operators holding legal market licences, telecommunications network operators holding activity licences or undertakings holding waste permits whose lawful activities produced the waste.
- (3) Traffic signs and road signs, metal covers of underground utilities and railroad rails may be bought up as waste only from undertakings holding activity licences for road management work, railway infrastructure managers or undertakings holding waste permits whose lawful activities result in the production of such waste.
- (4) Motor vehicles or essential parts thereof may be bought up from persons as waste only on the basis of a certificate concerning the deletion of the vehicle from the register issued by the Estonian Motor Vehicle Registration Centre or a person authorised thereby or from undertakings holding waste permits whose activities result in the production of such waste.
- (5) The restrictions provided for in subsections (2)-(4) of this section do not apply to the sale of

metal waste acquired in the course of supervision by the supervision authority or local government.

#### **§ 106. Documentation concerning buying up of metal waste**

(1) A person who for the purpose of further commercial distribution and recovery collects and transports metal waste produced and transferred by other persons (hereinafter collector of metal waste) and the person transferring the metal waste shall prepare a document concerning the buying up of the metal waste which shall be signed by both parties and, in addition to other requisite information provided by legislation, shall set out:

1) The registry code or personal identification code and residence or seat of the person transferring the metal waste;

2) A brief description of the metal waste, the type and amount thereof and, in the case of a motor vehicle, also the type, mark, chassis number and colour thereof;

3) The registration number of the vehicle used for delivering the metal waste;

4) The value of the metal waste.

(2) At least one signed original of a document specified in subsection (1) of this section remains with the collector of metal waste.

(3) A collector of metal waste shall preserve a document specified in subsection (1) of this section for at least five years and ensure protection of the personal data.

#### **§ 107. Settlement upon buying up metal waste**

Upon the buying-up of metal waste and commercial distribution of bought-up metal waste, the metal waste shall be paid for by way of a non-cash settlement in the form of a transfer from the bank account of the buyer to the bank account of the seller. Cash settlement upon the buying-up and further distribution of metal waste is prohibited.

### **Chapter 9**

#### **Transboundary movement of waste**

#### **§ 108. Transboundary movement of waste**

(1) Transboundary movement of waste shall be in accordance with an international agreement of the Republic of Estonia which has entered into force and pursuant to the procedure provided for in Council Regulation 259/93/EEC on the supervision and control of shipments of waste within, into and out of the European Community (Official journal L 030, 06.02.1993, p. 1-28).

(2) Hazardous waste and waste regulated by international agreements may be imported into and exported from the Republic of Estonia and passed in transit through the territory of the Republic of Estonia on the basis of a permit for transboundary movement of waste (hereinafter transport permit) issued pursuant to the procedure provided for in Council Regulation 259/93/EEC.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 109. Transboundary movement of non-hazardous waste**

(1) In the event of import, export or transit of non-hazardous waste not regulated by an international agreement or Council Regulation 259/93/EEC, the shipment shall be accompanied by

a consignment note signed by the waste holder and setting out the name and address of the waste holder, the quantity, type and description of the waste and the name and address of the consignee.

(2) A waste handler specified in a consignment note must hold a waste permit for handling the waste indicated in the note.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 110. Transport permit for hazardous waste and for waste regulated by international agreements**

(1) “Transport permit” means a document granting the right to import into or export from the Republic of Estonia hazardous waste or waste regulated by an international agreement or specified in Council Regulation 259/93/EEC or pass such waste in transit through the territory of the Republic of Estonia.

(2) For the purposes of Council Regulation 259/93/EEC, the Ministry of Environment shall be the competent authority.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 111. State fee payable upon application for transport permit**

The state fee for proceedings relating to an application for a transport permit shall be paid by the applicant pursuant to the procedure provided for in the State Fees Act.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 112. Internal information**

The issuer of transport permits shall classify the documentation specified in Articles 3(4)-(6), 6(4)-(6), 11(1) and 15(1)-(4) of Council Regulation 259/93/EEC as information intended for internal use pursuant to the procedure provided for in Public Information Act (RT I 2000, 92, 597; 2002, 61, 375; 63, 387; 2003, 25, 153; 26, 158; 32, correction notice) .

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 113. Verification of transport permit**

(1) A shipment of hazardous waste or waste regulated by an international agreement shall upon import, export or transit be accompanied by a copy of the transport permit and the consignment note.

(2) If an official of the Tax and Customs Board has reasonable doubts as to whether the information specified in the consignment note or transport permit corresponds to the waste shipment subject to customs examination, the official shall seize the shipment and notify the Environmental Inspectorate of the circumstances relating to the seizure.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

#### **§ 114. Maintenance of records on issue of hazardous waste transport permits**

The Ministry of the Environment shall maintain records on the issue of hazardous waste transport permits and shall preserve a copy of each hazardous waste transport permit issued, a copy of the corresponding application and the documents on the basis of which the permit was issued or refused

to be issued for five years.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

### **§ 115. Procedure for import, export and transit of waste**

- (1) The format of the documentation necessary for the import, export and transit of waste is provided for in the Commission Decision 94/774/EC concerning the standard consignment note referred to in Council Regulation (EEC) No 259/93 on the supervision and control of shipments of waste within, into and out of the European Community (Official Journal L 310 , 03.12.94 p. 70-76).
- (2) The codes of the waste, the transboundary movement of which takes place on the basis of a transport permit, in the Combined Nomenclature shall be established by a regulation of the Minister of the Environment.

[14.04.04 entered into force 01.05.04 - RT I 2004, 30, 208]

## **Chapter 10**

### **Maintenance of Records and Reporting**

#### **§ 116. Maintenance of records on waste**

- (1) Waste holders must have adequate information concerning the types, quantities and origin of the waste in their possession, concerning its properties relevant in terms of waste handling and concerning the hazards resulting from the waste to health, the environment or property.
- (2) Persons holding a waste permit or an integrated environmental permit provided for in § 6 of the Integrated Pollution Prevention and Control Act, persons registered pursuant to § 74 of this Act and producers of hazardous waste, except households, are required to keep regular records of the type, quantity, properties and origin of the waste generated, collected, stored or temporarily stored, transported, treated, recovered or disposed of in the course of their activities. If waste is transferred to other waste handlers, records shall also be kept of the destination, frequency of collection, modes of transport of and recovery and disposal operations regarding the waste.
- (3) The source documents for the records specified in subsection (2) of this section and the consolidated data produced on the basis thereof shall be stored for at least five years.
- (4) Authorities issuing waste permits, environmental supervision agencies and the chief processor and authorised processor of the environmental register have the right to have access to source documents for records and to consolidated data.

#### **§ 117. Reporting on waste**

- (1) Persons specified in subsection 116 (2) of this Act, except producers of hazardous waste, whose activities do not require a waste permit or integrated environmental permit shall provide the environmental authority which issued a waste permit to or registered the person with reports concerning their activities related to waste at least once a year for entry into the environmental register. The format of the report, the scope of the data to be submitted and the procedure for submitting the reports shall be established by a regulation of the Minister of the Environment.
- (2) In addition to the persons specified in subsection (1) of this section, environmental authorities have the right to require submission of a report on waste also from waste producers whose activities do not require a waste permit or integrated environmental permit but who produce more than 10 tons of non-hazardous waste per year or more than 100 kilograms of hazardous waste

per year.

(3) The Ministry of the Environment and environmental supervision agencies have the right to obtain information concerning products produced in or imported into Estonia, the substances used in manufacturing the products, the waste resulting from the products and concerning the handling of the waste from the producers and importers of the products and from governmental authorities and rural municipality and city governments.

(4) Statistical surveys relating to waste shall be organised pursuant to the procedure provided for in the Official Statistics Act (RT I 1997, 51, 822; 2000, 47, 289; 2002, 63, 387).

### **§ 118. Data processing**

(1) Data collected from reports on waste shall be preserved in and processed by the environmental register.

(2) The composition of the data on waste in the environmental register and the procedure for maintaining the register shall be provided by the Environmental Register Act (RT I 2002, 58, 361).

## **Chapter 11 Supervision**

### **§ 119. Supervision**

(1) Supervision over compliance with the requirements of this Act shall be exercised pursuant to the procedure provided by the Environmental Supervision Act (RT I 2001, 56, 337; 2002, 61, 375; 99, 579; 110, 653; 2003, 88, 591).

(2) Supervision over the waste-related activities of registered waste handlers and producers of hazardous waste shall be exercised as necessary. Production of hazardous waste by households is not subject to supervision.

## **Chapter 12 Liability**

### **§ 120. Violation of requirements for prevention of waste generation or for waste management**

(1) Violation of the requirements for the prevention of waste generation or for waste management or deposit of waste outside of waste management facilities is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 121. Violation of procedure for establishment, utilisation or closure of waste management facilities**

(1) Violation of the procedure for establishment, utilisation or closure of waste management facilities 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 50 000 kroons.

### **§ 122. Manufacture, import, export or sale of prohibited products**

- (1) Manufacture, import, export or sale of prohibited products is punishable by a fine of up to 100 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 123. Transboundary movement of hazardous waste or other waste subject to international control without corresponding permit**

- (1) Transboundary movement of hazardous waste or other waste subject to international control without the corresponding permit when such permit is required is punishable by a fine of up to 300 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 124. Violation of obligation to collect waste resulting from products of concern**

- (1) Violation of the obligation of producers and distributors to collect the waste resulting from their products pursuant to the established procedure is punishable by a fine of up to 250 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 125. Transfer of waste for handling to person without waste permit**

- (1) Transfer of waste for handling to a person who does not hold a waste permit when such permit is required is punishable by a fine of up to 250 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 126. Deposit of untreated waste**

- (1) Acceptance of untreated waste, including mixed municipal waste which has not been sorted in compliance with the requirements of this Act in a landfill and deposit of such waste is punishable by a fine of up to 300 fine units.
- (2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

### **§ 127. Proceedings**

- (1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22) and the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590) apply to proceedings concerning the misdemeanours specified in §§ 120-126 of this Act.
- (2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 120-126 of this Act shall be conducted by:
  - 1) The Environmental Inspectorate;

- 2) Police prefectures;
- 3) Local government environmental protection inspectors.
- (3) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 122 and 123 of this Act shall be conducted by the Tax and Customs Board.

### **§ 128. Remedy of effects of environmental pollution caused by waste**

- (1) A person who unlawfully releases waste into the environment (hereinafter polluter) shall remove the waste and organise the remedy of the effects of the environmental pollution caused thereby at the expense of the person on the basis of a precept issued by an environmental supervision agency.
- (2) Polluters shall compensate fully for the damage caused by the pollution.
- (3) If a polluter fails to perform the obligation specified in subsection (1) of this section, the owner of the polluted immovable shall organise removal of the waste and remedy of the effects of the pollution resulting from the waste at the polluter's expense.
- (4) If it is not possible to identify a polluter, the owner of the polluted immovable shall organise remedy of the effects of the pollution at the expense of the owner.
- (5) If the owner of a polluted immovable fails to perform the obligation specified in subsection (4) of this section, removal of the waste and remedy of the effects of the pollution resulting from the waste shall be organised by the local government body at the expense of the owner of the polluted immovable pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).
- (6) If a local government body fails to arrange for organised waste transport within the administrative territory of the body although it had the corresponding obligation, and environmental pollution results from such failure, the local government body shall bear one-half of the costs of removal of the waste and remedy of the effects of the pollution resulting from the waste.

### **§ 129. Failure to perform act essential for environmental safety**

- (1) If an obligated person fails to perform an act essential for environmental safety, an environmental supervision agency shall issue a precept to the person and upon failure to comply with the precept, the agency shall apply a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.
- (2) For the purposes of this Act, an act essential for environmental safety means:
  - 1) Aftercare of waste management facilities;
  - 2) Gathering, recovery or disposal of waste resulting from products of concern;
  - 3) Sorting of mixed municipal waste before its deposit in a landfill;
  - 4) Closure of a landfill which fails to comply with the requirements.
- (3) If, in the cases specified in subsection (2) of this section, an environmental supervision agency imposes penalty payment, the amount thereof is up to 50 000 kroons.

## **Chapter 13**

### **Implementing Provisions**

### **§ 130. Amendment of Pollution Charge Act**

The Pollution Charge Act (RT I 1999, 24, 361; 54, 583; 95, 843; 2001, 102, 667; 2002, 61, 375; 2003, 25, 153) is amended as follows:

(1) Section 7 is amended and worded as follows:

«§ 7. Use of pollution charge

(1) The pollution charge shall be paid into the state budget, except in the case provided for in subsection (2) of this section. The pollution charge shall be used for the specific purposes and pursuant to the procedure provided by law.

(2) 75 per cent of the pollution charge for the release of municipal waste specified in clause 10 (1) 2) of this Act into the environment shall be paid into the budget of the local government of the place of origin of waste and 25 per cent of the charge shall be paid into the state budget.”

(2) Section 10:

1) Clause (1) 1) is amended and worded as follows:

«1) non-hazardous waste, except waste specified in clause 3) of this subsection – 4.0 kroons as of 1 January 2004 and 30.0 kroons as of 1 January 2005;”;

2) Clause (2) 1) is amended and worded as follows:

«1) waste specified in clauses 3)-7) and 9) – 6 times as of 1 January 2002 and 8 times as of 1 January 2005;”;

3) Subsection (2) is amended by adding clause 1<sup>1</sup>) worded as follows:

«1<sup>1</sup>) Waste specified in clauses 1) and 2) – 6 times as of 1 January 2002 and 4 times as of 1 January 2005;”.

### **§ 131. Terms for bringing existing lawful landfills into compliance with requirements**

(1) Landfills shall meet the established requirements by 16 July 2009 or shall be closed for waste deposit by the same time.

(2) Landfills closed for waste deposit by 16 July 2009 shall be conditioned in accordance with the requirements not later than by 16 July 2013.

### **§ 132. Application of requirement of sorting of municipal waste**

(1) Taking account of the principle of proximity, the prohibition provided for in § 35 of this Act on acceptance and deposit of unsorted municipal waste in landfills until 1 January 2008 only applies to these landfills which are located in a county where a waste management facility for the treatment of municipal waste has been established.

(2) The authority issuing waste permits has the right to release a landfill from compliance with the prohibition on acceptance and deposit of unsorted municipal waste by a waste permit until 16 July 2004 in exceptional circumstances on the basis of a reasoned application of the landfill.

(3) As of 1 January 2008, the prohibition on acceptance and deposit of unsorted municipal waste applies to all landfills.

### **§ 133. Depositing of used tyres**

(1) Whole used tyres shall not be accepted in landfills.

- (2) Shredded used tyres shall not be accepted in landfills as of 16 July 2006.
- (3) The prohibition provided for in subsection (1) of this section does not apply to tyres used as building material in landfills.
- (4) The prohibition provided for in subsection (1) or (2) of this section does not apply to bicycle tyres and tyres with an outside diameter above 1 400 mm.

### **§ 134. Prohibition concerning percentage of biodegradable waste deposited**

The percentage of biodegradable waste in the total amount by weight of municipal waste deposited in a landfill shall be reduced to:

- 1) 45 by 16 July 2010;
- 2) 30 by 16 July 2013;
- 3) 20 by 16 July 2020.

### **§ 135. Arranging for organised waste transport**

- (1) Organised waste transport shall be arranged for as of 1 January 2005.
- (2) The obligation to arrange for organised waste transport within the meaning of §§ 66-69 of this Act does not apply to a local government if fewer than 1500 persons live in its administrative territory.
- (3) For the purposes of §§ 66-69 of this Act, owners of summer houses, structures used as dwellings or business premises, or apartments, which are movables are also deemed to be waste holders.

### **§ 136. Validity of waste permits**

- (1) Waste permits issued before the entry into force of this Act are valid in so far as they are not in conflict with this Act. The administrative authority which has issued a waste permit before the entry into force of this Act may revoke the permit if the administrative authority would have had the right not to issue the administrative act due to subsequently changed factual circumstances or on the basis of a subsequently amended rule of law, and public interest outweighs the certainty of the person that the administrative act remains in force.
- (2) A waste permit for waste transport issued before the entry into force of this Act remains valid in such parts of the administrative territory of a local government which is not covered by organised waste transport within the meaning of §§ 66-69 of this Act.

### **§ 137. Amendment of State Fees Act**

The State Fees Act (RT I 1997, 80, 1344; 2001, 53, 310; 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 18, 97; 23, 131; 24, 135; 27, 151 and 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377; 90, 519; 102, 599; 105, 610; 2003, 4, 20; 13, 68; 15, 84 and 85; 20, 118; 21, 128; 23, 146; 25, 153 and 154; 26, 156 and 160; 30, correction notice; 51, 352; 66, 449; 68, 461; 71, 471; 78, 527; 79, 530; 81, 545; 88, 589 and 591; 2004, 2, 7) is amended as follows:

- 1) This Act is amended by adding § 28<sup>8</sup> worded as follows:

«§ 29<sup>8</sup>. Exemption from payment of state fee for amendment of waste permit

If a waste permit is amended on the basis of a notice from the holder of the permit concerning changes in the information specified in clauses 81 (1) 2) or 4) of the Waste Act or if the waste permit is amended due to reasons independent of the holder of the permit, the holder is exempted from payment of the state fee.”;

2) Section 183 is amended by adding subsection (3<sup>22</sup>) worded as follows:

«(3<sup>22</sup>) A state fee of 4000 kroons shall be paid for the issue or amendment of a waste permit.”;

3) Section 183<sup>1</sup> is amended and worded as follows:

«§ 183<sup>1</sup>. Application for waste permit for collection and transport of metal waste produced or transferred by other persons for purposes of further commercial distribution or recovery

A state fee of 20 000 kroons shall be paid for application for a waste permit for collection or transport of metal waste produced or transferred by other persons, except collection or transport of metal packaging of beverages taxable on the basis of the Packaging Excise Duty (RT I 1997, 5/6, 31; 1999, 54, 583; 2000, 59, 381; 2001, 88, 531; 2003, 88, 591), for the purposes of further commercial distribution or recovery.”

### **§ 138. Amendment of Waste Act**

The Waste Act (RT I 1998, 57, 861; 88, correction notice; 1999, 10, 155; 23, 353; 95, 843; 2001, 16, 72; 43, 239; 50, 283; 56, 340; 93, 565; 2002, 61, 375; 63, 387; 2003, 88, 591 and 594) is amended as follows:

1) Section 43<sup>1</sup> is amended and worded as follows:

«§ 43<sup>1</sup>. Restriction on buying up metal waste

(1) It is prohibited to buy up metal objects as waste if the objects are of obvious artistic or historical value.

(2) Electrical wires and cable may be bought up as waste only from network operators holding legal market licences, telecommunications network operators holding activity licences or undertakings holding waste permits whose lawful activities produced the waste.

(3) Traffic signs and road signs, metal covers of underground utilities and railroad rails may be bought up as waste only from undertakings holding activity licences for road management work, railway infrastructure managers or undertakings holding waste permits whose lawful activities result in the production of such waste.

(4) Motor vehicles or essential parts thereof may be bought up as waste only on the basis of a certificate concerning the deletion of the motor vehicle from the register issued by the Estonian Motor Vehicle Registration Centre or a person authorised thereby or from undertakings holding waste permits whose lawful activities result in the production of such waste.

(5) The restrictions provided for in subsections (2)-(4) of this section do not apply to the sale of metal waste acquired in the course of supervision by the supervision authority or local government.”;

2) Clause 43<sup>2</sup> (1) 2) is amended and worded as follows:

«2) A brief description of the metal waste, the type and amount thereof and, in the case of a motor vehicle, also the type, mark, chassis number and colour thereof;”.

### **§ 139. Repeal of Waste Act**

The Waste Act (RT I 1998, 57, 861; 88, correction notice; 1999, 10, 155; 23, 353; 95, 843; 2001, 16, 72; 43, 239; 50, 283; 56, 340; 93, 565; 2002, 61, 375; 63, 387; 2003, 88, 591 and 594) is repealed.

#### **§ 140. Entry into force of Act**

This Act enters into force on 1 May 2004, except for § 138 of this Act which enters into force on the day following publication of the Waste Act in the *Riigi Teataja*.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*

<sup>2</sup> *Ametlikud Teadaanded* = *Official Notices*