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1 of the General Part of the Environmental Code Act

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RT I, 28.02.2011, 1
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Amended by the following acts

Reception	Publication	Enforcement
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18.12.2014	RT I, 30.12.2014, 6	01.01.2015 - Chapter 5 enters into force with its implementing act.
11.02.2015	RT I, 04.03.2015, 1	14.03.2015
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11.05.2022	RT I, 27.05.2022, 1	06.06.2022
22.02.2023	RT I, 17.03.2023, 3	01.04.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" throughout the text is replaced by the word "Climate Ministry" in the corresponding case

Chapter 1 General settings

Section 1 Purpose and scope of the Act

§ 1. Purpose of the Act

The purpose of this law is to ensure:

- 1) reduction of environmental disturbances to the greatest extent possible in order to protect the environment, human health, well-being and property, and cultural heritage;
- 2) promotion of sustainable development in order to ensure an environment that meets the needs of health and well-being for the current generation and future generations;
- 3) preservation and protection of natural diversity;
- 4) good condition of the environment;
- 5) preventing damage to the environment and repairing the damage caused to the environment.

§ 2. Application of the Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to the administrative procedure provided for in this Act, taking into account the specifics of this Act.

Section 2 Concepts

§ 3. Environmental disturbance

(1) Environmental disturbance is a direct or indirect adverse effect on the environment caused by human activity, including an effect acting through the environment on human health, well-being or property or cultural heritage. Environmental disturbance is also such an adverse effect on the environment that does not exceed a numerical norm or is not regulated by a numerical norm.

(2) If the law does not provide otherwise, it is assumed that a significant environmental disturbance will occur:
1) when exceeding the limit value of the quality of the environment provided for in subsection 3 of § 7 of this law;
2) when causing the pollution provided for in subsection 5 of § 7 of this Act;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

3) when causing environmental damage;

4) when causing a significant environmental impact;

5) when causing a significant adverse impact on the area of the European Union's Natura 2000 (hereinafter *Natura*) network.

§ 4. Environmental risk

Environmental risk is the possibility of an environmental disturbance that needs to be reduced.

§ 5. Environmental hazard

An environmental hazard is a sufficient probability of the occurrence of a significant environmental disturbance.

§ 6. Facility and operator

(1) A facility is a fixed or mobile technical unit in which a production activity takes place or an activity equivalent to production, directly connected to production and having a technical connection with it, which is accompanied by pollution or pollution.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) The operator is a person who operates or owns the facility, controls its operation and is responsible for the technical functioning of the facility.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 7. Emissions, emission limit value, environmental quality limit value, pollution and contamination

[RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

(1) Emission is a substance, organism, energy, radiation, vibration, heat, light, smell or noise directly or indirectly discharged into the air, water or soil.

(2) The emission limit value is the mass, amount, concentration or level of the emission expressed in relation to the indicator characterizing the emission, which must not be exceeded or must remain within the specified time period or time periods.

(3) The environmental quality limit value is a limit value established for a chemical, physical or biological indicator of the environment, which must not be exceeded in the interest of protecting human health and the environment.

(4) Pollution is the discharge of emissions in such a way that it causes environmental danger or environmental risk.

(5) Pollution is a significant adverse change in the quality of air, water or soil caused by pollution.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

Chapter 2 Principles and basic obligations of environmental protection

Section 1 Principles of environmental protection

§ 8. The principle of high-level and comprehensive protection of the environment

Environmental protection measures must ensure a high level of protection, while comprehensive protection of the environment must be ensured and the possible transfer of environmental effects from one environmental element to another must be taken into account.

§ 9. Integration principle

Considerations that ensure a high level of environmental protection must be taken into account when guiding the development of all areas of life in order to ensure sustainable development.

§ 10. Avoidance principle

Environmental hazards must be avoided. An environmental hazard or significant environmental disturbance must be tolerated if the action is necessary due to an overriding interest, there is no reasonable alternative, and the necessary measures have been taken to reduce the environmental hazard or significant environmental disturbance.

§ 11. Precautionary principle

(1) The environmental risk must be reduced as much as possible by taking appropriate precautions.

(2) When making decisions regarding activities with an environmental risk, the impact of these activities on the environment is determined. An environmental impact assessment procedure must be carried out in the cases and according to the procedure provided by law.

§ 12. Bearing costs related to the use of the environment

(1) The costs related to the assessment, prevention, reduction or remediation of environmental disturbance, threat, risk or damage shall be borne by the person causing them, unless otherwise provided by law.

(2) Environmental use is subject to payment in the cases provided for by law. A fee is paid for the use of the environment as a national wealth, the amount of which is determined on the basis of the principles of environmental protection set forth in this section, and the purpose of which is to contribute to the achievement of the goals set forth in § 1 of this Act.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 13. Principle of economical use of natural resources

Renewable and non-renewable natural resources must be used sparingly, taking into account their natural replenishment and the continuation of stocks for as long as possible. In the case provided by law, the rates of use of renewable and non-renewable natural resources are established.

Section 2 Basic obligations of environmental protection

§ 14. Duty of care

Everyone must implement measures to reduce the environmental disturbance caused by their actions or inactions to the extent that it is reasonable to expect.

§ 15. Obligation to acquire knowledge to avoid environmental hazards

[RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

Before starting an activity that causes an environmental hazard, everyone must acquire a reasonable amount of knowledge that, taking into account the nature and scope of the activity, is necessary to avoid the environmental hazard.

Chapter 3 Obligations of the operator and legal entity representative

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

§ 16. Obligation to avoid environmental hazards and implement precautionary measures

(1) The operator is obliged to implement the necessary measures to avoid environmental hazards and appropriate precautionary measures to reduce environmental risks.

(2) Before starting an activity that involves an environmental hazard or an environmental risk, the operator must acquire the knowledge that, taking into account the nature and scope of the activity, is necessary to avoid the environmental hazard or to implement precautionary measures.

(3) The operator must avoid the use of substances, mixtures or organisms that involve an environmental risk, if it is possible to replace them with substances, mixtures or organisms that involve a lower environmental risk.

§ 17. Obligation to use raw materials, natural resources and energy economically

The operator must use raw materials, natural resources and energy sparingly and, if possible, prefer renewable energy sources.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 18. Choice of facility location

(1) A person who plans to erect a facility must, when choosing its location, proceed from the goal of reducing environmental disturbances to the greatest extent possible, especially taking into account the sensitivity of the area to the planned activity, the distance from the residential area, and the current and possible intended purpose.

(2) The criteria set forth in subsection 1 of this section are also taken into account when expanding the operation of the facility or transforming it in another way.

§ 19. Environmental protection training in the facility

The operator must, to a reasonable extent, ensure environmental protection training for the persons operating in the facility.

§ 20. Obligation to notify

(1) The operator shall immediately notify the Environmental Agency or, in the case provided for by law, another agency of any significant environmental disturbance arising from the installation.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) The operator must immediately notify the permit grantor of the planned change in the way the facility operates, the expansion of the facility or other activities that may lead to significant environmental disturbance or be the basis for changing the permit.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 21. Environmental protection requirements upon termination of facility operations

The operator must ensure that no significant environmental disturbances occur during and after the shutdown of the facility.

§ 22. Implementation of obligations

The operator's obligations set out in this chapter must be implemented to the extent that it can reasonably be expected.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

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§ 22 . Obligations of the body of a legal entity, its member, executive employee and competent representative

The body of a legal entity, its member, executive employee or competent representative is obliged to organize the representation of this Act, the Waste Act, the Water Act, the Atmospheric Air Protection Act, the Earth's Crust Act, the Radiation Act, the Nature Conservation Act, the Forest Act, the Fishing Act, the Hunting Act, the Industrial Emissions Act, the Environmental Charges Act and the Environmental Liability Act, and the laws regulated by these laws timely and complete fulfillment of financial and non-financial obligations arising from European Union regulations.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

Chapter 4 Environmental rights

Section 1

The right to an environment that meets health and well-being needs and environmental procedural rights

§ 23. The right to an environment that meets health and well-being needs

- (1) Everyone has the right to an environment that meets their health and well-being needs, with which they have significant contact.
- (2) A person who is often in an affected environment, often uses an affected natural resource, or has a special connection with the affected environment for other reasons has a significant impact.
- (3) For the purposes of subsection 2 of this section, the environment or natural resource that is likely to be affected is also considered to be an affected environment or natural resource.
- (4) When assessing the compliance of the environment with health and well-being needs, the rights of other persons, public interests and the specificities of the region are taken into account. Non-compliance of the environment with health and well-being needs is assumed if the limit value of the environmental quality has been exceeded.
- (5) In order to ensure the right specified in subsection 1 of this section, there is the right to require the administrative body to save the environment and take reasonable measures to ensure that the environment meets the needs of health and well-being.

§ 24. The right to request environmental information

- (1) Everyone has the right to request public information on the environment (hereinafter referred to as *environmental information*) by submitting a request for clarification on the basis of a memorandum and response to a request for clarification on the basis of the Act or a request for information on the basis of the Public Information Act or another law.
- (2) Environmental information is information in written, visible, audible, electronic or any other material form, which deals with:
 - 1) environmental elements such as air, atmosphere, water, soil, land, landscapes and natural areas, including wet, coastal and the state of marine areas, natural diversity and the state of nature's constituents, including genetically modified organisms, and their interactions;
 - 2) factors such as substances, energy, noise, flashing light, vibration, radiation or waste, including radioactive waste and emissions, which affect or are likely to affect the environmental elements specified in point 1 of this subsection;
 - 3) such measures, including administrative measures, such as legislation, plans, programs, plans, environmental agreements and activities, which affect or are likely to affect the environmental elements and factors specified in clauses 1 and 2 of this paragraph, as well as measures or activities designed to protect these environmental elements;
 - 4) reports on the implementation of environmental legislation;
 - 5) income and cost analyses, as well as other economic analyzes and forecasts, which are used in the framework of the measures and activities specified in point 3 of this paragraph;
 - 6) human health and safety, including contamination of drinking water and the food chain, as well as people's living conditions and the situation of cultural values and buildings to the extent that they are affected or may be affected by the condition of the environmental elements specified in point 1 of this subsection or any of the elements specified in points 2 and 3 of this subsection through these elements factors, actions or activities.
- (3) The requester of information does not have to disclose the purpose of requesting environmental information or justify the request for information in any other way.
- (4) At the request of the information requester, the holder of the information shall explain the methods of data collection and provide access to information on sampling and analysis methods.
- (5) The holder of the information has the right to recognize environmental information as information intended for internal use:
 - 1) if disclosure of the information may damage intellectual property rights;
 - 2) if the information has been provided to the administrative body voluntarily without any legal obligation, and the submitter of this information does not agree to the release of environmental information.[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
- (6) If the holder of the information has the right to refuse the release of environmental information based on the law, when deciding on the release of this information, he must consider each time whether the interest in refusing the release outweighs the public interest accompanying the release.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]
- (7) If a document containing environmental information is still being prepared, the information requester will be informed of the details of the person preparing the document and the expected time required for preparation.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 25. The right to receive environmental information in the event of an environmental hazard

- (1) In the event of the occurrence of an environmental threat, as well as the occurrence of a sufficient probability of the occurrence of a significant adverse impact on the environment caused by natural factors, everyone who may be affected by the significant adverse impact arising from the realization of the threat shall be notified without delay, providing information that enables measures to be taken to prevent or reduce the impact. Unless otherwise stipulated in the law, the Ministry of Climate has the obligation to inform.
[RT I, 30.06.2023, 1 - enters into force. 01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" replaced throughout the text with the word "Climate Ministry" in the corresponding case]
- (2) The information specified in subsection 1 of this section is transmitted via broadcasting, print media or the Internet or in another appropriate way that effectively ensures that the information reaches the hands of potentially affected persons and does not entail unreasonable costs.
- (3) [Repealed - RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

(4) If it turns out that the danger did not exist or has been eliminated, the administrative body that notified the danger is obliged to inform about the absence of the danger in the same form and volume as the threat notification, if it is requested by the person whose rights were harmed by the notification, or if there is a compelling public interest to do so.

§ 26. Collection, storage and disclosure of environmental information

(1) The administrative body collects and stores environmental information necessary for the performance of its tasks in a way that ensures its comprehensibility, accuracy, comparability and timeliness and enables its effective disclosure.

(2) Environmental information is disclosed on the Internet or in another appropriate way that ensures effective notification of the public.
[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(3) Environmental information to be made public includes at least the following information:

1) reports on the implementation of international agreements, European Union and national legislation related to the environment;
2) programs and plans related to the environment, including development plans and strategies of the field and reports on their implementation;

3) environmental monitoring data;

4) reports on the state of the environment;

5) environmental protection permits and other administrative acts that provide a basis for activities with a significant environmental impact, as well as environmental administrative agreements and free will agreements;

6) environmental impact assessment reports, strategic environmental impact assessment reports and environmental risk analyses.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014, point 6 entered into force. 01.08.2017]

(4) On the basis of subsection 3 of this section, information with restricted access shall not be disclosed.

§ 27. Disclosure of an overview of environmental information and access to information on the website

(1) The administrative body publishes on its website:

- 1) an explanatory summary of its environmental tasks;
- 2) an explanatory summary of the environmental information in its possession;
- 3) references to the websites of other relevant administrative bodies;
- 4) explanation of the right to request environmental information;
- 5) an explanation of how access to information is provided.

(2) If it ensures more effective access to environmental information for the public, the information specified in subsection 1 of this section may be published on another website or in a way, referring to the place on your website where the information is published.

(3) If the holder of the information is not obliged to maintain a website in accordance with the Public Information Act and does not have a website, the information specified in subsections 1 and 2 of this section shall be made public on the website of the administrative body with which the holder of the information is most connected on the basis of an administrative contract or for other reasons.

§ 28. The right to participate in making a decision with a significant environmental impact

(1) Everyone has the right to participate in the procedure for granting a permit for an activity with a significant environmental impact and in the planning of an activity with a significant environmental impact.

(2) The public is informed about the procedure for making a decision with a significant environmental impact with efficiency that does not lead to unreasonable costs, but which ensures that the information reaches the hands of those who have significant contact with the affected environment.

(3) The public is involved in decision-making with significant environmental impact effectively and at an early stage before final solutions are selected.

(4) When involving the public, the length of the procedural deadline must be such that, considering the size and complexity of the matter, it allows the public to participate effectively, including the procedural deadline must allow sufficient preparation time.

(5) Materials relevant to the case must be easily accessible to the public on the Internet or in other ways.

§ 29. The right to participate in the development of general acts of law that significantly affect the environment

(1) The State Chancellery and ministries publish relevant information on their website about which regulations and draft laws that have a significant impact on the environment they plan to draft, announcing the drafting intention, schedule, studies planned during drafting, responsible persons, opportunities to participate in the drafting, issues in which the public is expected views, and results of consultations.

(2) If it helps the public to monitor the development of drafts more effectively and to involve the public more effectively, the information specified in subsection 1 of this section may be published on another website or in a way, referring to the place on your website where the information is published.

§ 30. Access to legal protection in environmental matters

(1) A person whose right has been violated, including the right to an environment that meets the needs of health and well-being, may submit a complaint to an administrative body in accordance with the procedure provided for in the Administrative Procedure Act or appeal to an administrative court in accordance with the procedure provided for in the Code of Administrative Court Procedure.

(2) If an environmental organization contests an administrative act or a performed action in accordance with the procedure provided in the Code of Administrative Court Procedure or the Administrative Procedure Act, it is assumed that its interest is justified or that its rights have been violated, if the contested administrative act or action is related to the environmental protection goals of the organization or the field of environmental protection activities to date.

§ 31. Non-governmental environmental organization

(1) A non-governmental environmental organization (hereinafter referred to as an *environmental organization*) within the meaning of this Act is:

1) a non-profit organization and a foundation whose statutory purpose is environmental protection and which promotes environmental protection through its activities;

2) an association that is not a legal entity, which, based on the written agreement of the members, promotes environmental protection and represents the views of a significant part of local residents.

(2) The protection of environmental elements for the purpose of ensuring human health and well-being, as well as the study and presentation of nature and natural cultural heritage, are considered to be promotion of environmental protection in the sense of subsection 1 of this section.

(3) When evaluating the promotion of environmental protection, the ability of the association to realize its statutory goals must be taken into account, taking into account the association's current activities, and in the absence of this, the organizational structure, the number of members and the statutory prerequisites for becoming a member.

Section 2

The right to use someone else's plot of land and body of water

§ 32. Staying on a foreign plot of land

(1) You may stay on a plot of land owned by another person (hereinafter *alien plot*) only with the permission of the owner.

(2) Permission to stay on a stranger's plot of land, with the exception of outdoor land, is assumed if the owner has not limited or marked the plot of land in a way that shows the will to limit the stay of strangers on the plot of land, or if the will to limit the stay is not evident from other circumstances.

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(2) The presence of the permit specified in subsection 2 of this section is not assumed in the case of staying on a foreign plot of land with a motor or off-road vehicle.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

(3) When staying on a foreign plot of land, you must follow the restrictions set forth in the law and the legitimate requirements of the owner of the plot of land, and reduce the occurrence of environmental disturbances to the greatest extent possible.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(4) When staying on a foreign plot of land, the interests of the plot owner must be taken into account, especially to avoid damage to property and disturbance of domestic peace.

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(4) When moving with a dog on a foreign plot of land, the dog must be on a leash, unless otherwise agreed with the landowner. Service dogs do not have to be leashed when performing service tasks and hunting dogs during hunting.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(5) The state or a local government unit may limit the presence on a piece of land owned by it, if it is necessary for public interests or to protect the interests of third parties, including land users.

§ 33. Use of a road and track located on a foreign plot of land

(1) Public roads and private roads may be used by anyone to the extent provided by law.

[RT I, 23.03.2015, 3 - enters into force. 01.07.2015]

(2) Roads that are not facilities (hereinafter *trail*) may be used for movement on foot, by bicycle or in other similar ways, unless otherwise provided by law.

(3) The owner may not prohibit the use of a private road or path for movement on foot, by bicycle or in other similar ways, if the use is based on established practice and is not burdensome to him. The excessive burden of using a private road or track is assumed in the case of a private road or track located outside the country, unless otherwise provided by law.

§ 34. Picking berries, mushrooms, nuts, fallen branches and other similar natural products on someone else's land

Berries, mushrooms, nuts, fallen branches and other similar natural products that grow freely in nature can be picked on another's plot of land, unless the owner has determined otherwise.

§ 35. Short-term camping and other more permanent stay on a foreign plot of land

(1) You may camp or stay in other ways more permanently on another's plot of land only with the permission of the owner.

(2) A permit for camping or other more permanent stay is assumed to be outside a clearly demarcated compactly populated area, if the owner has not limited or marked the plot of land in a way that shows the will to limit camping or other more permanent stay, or if the will to limit the stay is not evident from other circumstances. The presence of a permit is not assumed for more than 24 hours.

(3) In case of camping and other more permanent stay in a place not prepared and marked for this purpose, you must stay outside the reasonable sight and hearing distance of the residential building. In open terrain, stay at least 150 meters away from the house.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 36. Prohibition of making a bonfire on another's plot of land

(1) A bonfire may be made on another's plot of land only with the permission of the owner.

(2) The owner's permission is assumed to be in the place prepared and marked by the owner for making a bonfire.

§ 37. Public use of water bodies

(1) The public use of a body of water is bathing, water sports, movement on water and ice, fishing, taking water and using the body of water in other ways, which according to the Water Act is not a special use of water.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(2) Driving a motor vehicle in water or on ice is not a public use of the water body.

(3) The public use of a body of water may be restricted in accordance with the law.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(4) The water body is designated for public use under the conditions and according to the procedure provided for in the Water Act.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(5) The riparian owner may not prevent the public use of the water body, including he may not close the water course to water traffic to an extent greater than one third of its width.

(6) On public and publicly used bodies of water, fish may be caught with a single hand line free of charge and without formalizing the fishing right, in compliance with the restrictions stipulated by the Fishing Act or based on it.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(7) A body of water that is not for public use may be used only with the permission of the owner. A permit for public use of a water body is assumed to exist if the water body is not limited or marked in a way that shows the will to limit the use of the water body, or if the will to limit the use of the water body is not evident from other circumstances.

(8) The state and a local government unit may limit the presence on a body of water owned by them, if it is necessary in the public interest or to protect the interests of third parties, including users of the body of water.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

§ 38. Kallasrada

(1) Shoreline is a strip of shore at the edge of a publicly used body of water for public use of the body of water and for being on its edge, including movement on its shore.

(2) The width of the quay is ten meters on navigable water bodies and four meters on other water bodies. The width of the embankment is calculated from the boundary of the body of water on the main map on a flat bank and from the upper edge of the bank slope on a high bank, considering the land strip between the boundary line of the water and the upper edge of the embankment slope in the latter case.

(3) If the coastal path is flooded, the coastal path is a two-meter wide coastal strip from the boundary line of the water level (hereinafter *temporary coastal path*).

(4) The shore owner must allow everyone to use the shore path.

(5) The owner or occupier of the bank may block the bank path with the written consent of the local government unit or the Agriculture and Food Board and in the case of a justified need, such as animal grazing or land drainage, but he must ensure a way over or through the barrier to move along the bank path.

[RT I, 01.07.2020, 1 - enters into force. 01.01.2021]

(6) If movement on the temporary shore path is obstructed, the shore owner must ensure passage from another part of his real estate, if it is not excessively burdensome for him.

(7) The local government unit must ensure public access to the coastal path with plans.

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(7) The owner or occupier of the shore must ensure access to the shore path under the conditions established by the plan.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(8) A pier, bridge or other structure located in or above the body of water is not a part of the shore path, and such a structure may only be used with the owner's permission. Permission to use is assumed if the owner has not restricted or marked the building in a way that shows the will to limit the use of the building by strangers, or if the will to limit use is not evident from other circumstances. The owner must allow the use of the structure if it is necessary to move along the shore path.

(9) If a person has blocked the shore path or access to it contrary to the provisions of this section, he does not have a legitimate expectation of the legality of the blocking according to the Administrative Procedure Act.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

§ 39. Closing the embankment lane and allowing it to be bypassed

(1) The Kallasraja may be closed if there is an overriding public interest.

(2) The embankment track may also be closed in the event of an overriding private interest in the immediate vicinity of a building erected on a legal basis, the construction of which is not covered by the construction ban in the construction ban zone according to the Nature Conservation Act, or for the construction of which the construction ban zone has been legally reduced.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(3) The closure of the embankment is decided by the general plan.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(4) In case of closure of the shore lane, the closed shore lane must be marked and allow bypassing of the closed shore lane.

(5) If a person has closed the embankment in violation of the provisions of this section, he does not have a legitimate expectation of the legality of the closure in accordance with the Administrative Procedure Act.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

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§ 39 . Lack of embankment

- (1) There is no shoreline on a publicly used body of water:
 - 1) in a port;
 - 2) drinking and production water intake in the smallest possible service area;
 - 3) before the entry into force of the Property Law Act, on a building legally built on the shore lane;
 - 4) on the building of the hydrographic service and monitoring station;
 - 5) on a fish farming building;
 - 6) in the smallest possible service area of the hydroelectric plant.
 - (2) The smallest necessary service area is determined by a detailed plan, which is coordinated with the Environmental Board.
- [RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

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4 . chapter

Collection and publication of environmental information

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

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§ 39 . Environmental portal

- (1) The environmental portal is a website that enables central access to environmental information stored in state databases in the Internet environment.
 - (2) The purpose of the environmental portal is to present environmental data stored in different data sets in a way that makes it possible to obtain a comprehensive, causally and spatially linked overview of the environment, its condition and quality, and the pressure factors exerted on it. Through the environmental portal, access to environmental information is ensured in a way that is technically possible and economically feasible.
 - (3) Data published through the Estonian geoportal may also be reflected in the environmental portal if it makes environmental information easier to understand and more accessible to the public.
 - (4) The administration and development of the environmental portal is ensured by the authority designated by the directive of the minister responsible for the field.
 - (5) The minister responsible for the field may, by regulation, establish requirements and procedures for managing, developing and using the environmental portal, making information available, and interfacing the database with the environmental portal.
- [RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

3

§ 39 . Disclosure of environmental status data

- (1) The authority appointed by the minister responsible for the field prepares and makes public at least once every four years a comprehensive overview of the state of the environment, including an overview of significant changes in the state of the environment.
 - (2) An overview of the state of the environment must include information on the quality of the environment and the pressure exerted on it.
- [RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

4

§ 39 . Access to environmental information held in databases

- Direct access to public environmental information entered in the national database, the main purpose of which is the collection of environmental data, must be ensured electronically without identifying the person.
- [RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

5

§ 39 . Estonian nature information system

- (1) The Estonian nature information system is a database belonging to the state information system, the purpose of which is to collect and disclose information about the following spatial objects related to the environment in a systematic manner:
 - 1) a protected natural object and Natura 2000 network area within the meaning of the Nature Conservation Act;
 - 2) spawning and habitat of salmon, river trout, sea trout and grayling within the meaning of the Nature Conservation Act;
 - 3) hunting area within the meaning of the Hunting Act;
 - 4) valuable habitat within the meaning of the Forest Act;
 - 5) nitrate-sensitive area, including important spring and karst areas, within the meaning of the Water Act;
- [RT I, 17.03.2023, 3 - enters into force. 01.04.2023]
- 6) groundwater within the meaning of the Water Act;
 - 7) important flood-related risk area within the meaning of the Water Act;
 - 8) a large flood area within the meaning of the Nature Conservation Act;
 - 9) area of release of genetically modified organism into the environment;
 - 10) a body of water within the meaning of the Water Act;
 - 11) environmental monitoring station, area and place within the meaning of the Environmental Monitoring Act;
 - 12) a facility specified with an environmental protection permit or a spatial object specified with another permit, if the legal act provides for the data entry of such spatial object in the Estonian nature information system, and the extent of the protection zone or special use requirements assigned to it by law or on the basis of the law.
- (2) Descriptive data, such as the special name or classification of the object, or other data related to the object may be added to the spatial object entered in the Estonian nature information system, if necessary or as a result of the legislation of the European Union or

international law.

(3) Data on spatial objects not mentioned in subsection 1 of this section and other data may be reflected in the Estonian nature information system, if such data is collected or has been collected in the performance of the state's environmental protection tasks.

(4) Regarding the spatial objects specified in subsection 1 of this section, the boundaries of which are established by legislation, the boundaries of the spatial object shall be submitted to the responsible or authorized processor of the Estonian nature information system by the authority that prepared the legislation. Regarding the spatial objects specified in subsection 1 of this section, which are determined with a permit, the location data of the spatial object shall be submitted to the responsible or authorized processor of the Estonian nature information system by the permit grantor.

(5) The responsible or authorized processor of the Estonian nature information system collects data on the spatial objects specified in subsection 1 of this section, the boundaries of which are not established.

(6) The data of the Estonian nature information system shall be made public through the environmental portal in accordance with the procedure provided for in this Act.

(7) The Spatial Data Act applies to the processing of spatial data provided in this chapter.

(8) Environmental information collected by the Estonian nature information system is stored indefinitely.

(9) The Estonian nature information system is established and its statutes are established by the minister responsible for the field by regulation.

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

Chapter 5 **Authorization procedure**

[RT I, 28.06.2016, 2 - enters into force. 01.11.2016]

§ 40. Environmental protection permits

(1) An environmental protection permit is:

1) an environmental permit;

2) environmental complex permit;

3) if the law does not stipulate the requirement for an environmental permit or an environmental complex permit, another permit, the requirement of which is prescribed by law for the purpose of reducing environmental risk, for operating in some field of activity.

(2) An environmental permit gives the right to at least one of the activities specified in § 41 subsection 1 of this Act. The procedure for granting an environmental permit is stipulated in this chapter and in the laws regulating the fields of activity of the permit.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) A complex environmental permit grants the right to operate in the field of activity or subfield determined by law in a way that ensures the reduction of environmental disturbances to the greatest extent possible.

(4) When granting a complex environmental permit, the effects of emissions arising from the planned activity on environmental elements are assessed in a complex manner. The requirements stipulated by the complex permit must ensure the protection of water, ambient air and soil, as well as the handling of waste generated in the facility in a way that prevents contamination from being transferred from one environmental element to another. Examples of environmental elements are water, outside air and soil.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(5) In cases provided by law, the procedure provided for in this chapter applies to the granting of an environmental protection permit.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

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§ 40 . Information system for environmental decisions

(1) The information system for environmental decisions is a database whose purpose is:

1) to simplify the application and processing of complex environmental permits, environmental permits, radiation activity permits, general geological research permits and geological survey permits, the fulfillment of permit-related monitoring, reporting and other obligations and the storage, use and availability;

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

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1) simplify the application and processing of registrations made on the basis of the Atmospheric Air Protection Act, the Waste Act, the Industrial Emissions Act and the Water Act, as well as the fulfillment of related reporting obligations and the storage, use and availability of collected data;

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

2) ensuring the safety and physical protection of radiation sources and nuclear material;

[RT I, 26.06.2018, 6 - enters into force. 01.07.2018]

3) to simplify the application and processing of permits for the consumption or transfer of an excavation and permits for the taking of mineral resources or rock and sediment not considered as mineral resources, as well as the storage, use and availability of permit-related data;

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

4) simplify the application and processing of permits for the right to use the hunting area and the fulfillment of other obligations related to the permits, as well as the storage, use and availability of collected data;

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

5) simplify the availability and use of environmental impact assessment and strategic environmental impact assessment documents and the storage of collected data;

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

6) to simplify the fulfillment of payment obligations and the storage, use and availability of collected data within the meaning of the Environmental Fees Act;

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

7) to simplify the application and processing of shipping documents for transport permits for hazardous waste and waste regulated by foreign agreements and for interstate transport of such waste for which a transport permit is not required, as well as the storage, use and availability of collected data.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(2) The information system for environmental decisions is established and its statutes are established by a regulation of the minister responsible for the field .

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

(3) Data on radiation sources and nuclear material are intended for internal use in the environmental decision information system.

[RT I, 26.06.2018, 6 - enters into force. 01.07.2018]

(4) The responsible processor of the information system for environmental decisions is the Environmental Board, and the authorized processor is determined in the statute of the database.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 41. Environmental permit

(1) An environmental permit entitles a person to perform one or more of the following activities simultaneously:

- 1) special use of water;
- 2) transfer of pollutants from a stationary emission source to the outside air;

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

- 3) waste management;
- 4) mining of mineral resources.

5) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(2) The existence of an environmental permit for the activities specified in subsection 1 of this section is necessary in the cases provided for by law.

(3) An environmental permit is not granted for an activity for which a comprehensive environmental permit is required.

(4) If the activities specified in subsection 1 of this section are spatially or technologically related, one environmental permit shall be issued for these activities.

(5) An environmental permit is issued by the Environmental Board (hereinafter *the permit grantor* or *environmental permit grantor*), unless the law provides otherwise.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 42. Application for an environmental permit

(1) The application for an environmental permit shall state:

- 1) the applicant's name and personal identification number or registry code;
- 2) address and contact details of the applicant and the contact person;
- 3) clearly formulated content of the request;
- 4) the requested period of validity of the permit;
- 5) purpose and rationale of the planned activity;
- 6) description of the planned activity;
- 7) data on the environmental disturbance that may occur and the area of its occurrence, including the exact location of the activity, with geographic coordinates if necessary, communications in the area, the landscape, the nearest buildings, the state of the environment;

8) data on the technology and equipment used;

9) planned investments for the introduction of the best possible technique, if the requirement of the best possible technique is stipulated by legislation;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

10) other circumstances that may affect the amount of environmental risk arising from the requested activity;

11) measures to reduce environmental risk;

12) environmental monitoring plan and data on equipment used for environmental monitoring;

13) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020] 14) date of submission of the application and signature of the applicant; 15) other data required by law or legislation established on the basis of subsection 7 of this section.

(2) The law may provide that the data specified in subsection 1 of this section need not be submitted when applying for an environmental permit for some activities.

(3) The following shall be added to the application for an environmental permit:

1) a plan of the location of the activity and a location plan of the installation;

2) documents proving the legal possession of the plot of land where the facility is located or other legal basis for operating at the location of the facility based on a permit, if the plot of land does not belong to the permit applicant;

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

3) other data required by law or by legislation established on the basis of subsection 7 of this section.

(4) If there is an obligation to pay a state fee, the applicant for an environmental permit must pay the state fee before submitting the application.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

(5) All desirable activities for which an environmental permit is required shall be noted in the application for an environmental permit.

(6) The application for an environmental permit is submitted together for activities performed in one facility or location.

(7) The detailed requirements and data composition of the application for an environmental permit, as well as the procedure for submitting the application, shall be established by a regulation of the minister responsible for the field .

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 43. Opinion of the local self-government unit

(1) The issuer of the environmental permit forwards the application for the environmental permit through the environmental decision information system immediately after receiving it for the information of the local government unit of the location of the planned activity.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(2) A local government unit may submit a written opinion on an application for an environmental permit within ten days of receiving the application.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

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(2) In the event of an open procedure, the local government unit has an additional opportunity to submit a written opinion on the application for an environmental permit within 30 days from the day the application is duly recognized.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

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(2) Submitting an opinion does not limit the right of the local government unit to submit additional positions during the further proceedings.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(3) If the environmental impact assessment procedure of the proposed activity is carried out in order to decide on the granting of an environmental permit, the local government unit shall issue an opinion within 21 days from the receipt of the notification pursuant to § 22 (7) of the Environmental Impact Assessment and Environmental Management System Act.

[RT I, 23.03.2015, 6 - enters into force. 01.11.2016 – entry into force stipulated in the Radiation Act (RT I, 28.06.2016, 2).]

§ 44. Open procedure

The application for an environmental permit is reviewed in an open procedure, except in the case provided by law.

§ 45. Involvement of the parties to the proceedings in case of non-application of the open procedure

If the open procedure is not carried out, the issuer of the environmental permit shall notify the person whose rights may be violated or whose obligations may be affected by the granting or refusal of the environmental permit after receiving the appropriate environmental permit application or starting the procedure for changing the environmental permit.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

§ 46. Notification of persons apparently affected by the environmental permit granting procedure in the event of an open procedure

(1) If the application for an environmental permit meets the requirements stipulated by legislation, in the case of an open procedure, the grantor of the permit shall immediately notify, in accordance with §§ 25–32 of the Administrative Procedure Act, of the submission of the application for an environmental permit, the person whose rights may be violated or whose obligations may be affected by granting or refusing to grant an environmental permit, including:

1) the owner of the immovable property bordering the immovable property of the location of the proposed activity;

2) a person whose immovable property in his possession is affected by the planned activity to a degree that significantly exceeds the usual impact.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

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(1) The issuer of the environmental permit may fail to notify the owner of the immovable property bordering the immovable property of the location of the planned activity in the manner referred to in subsection 1 of this section, if the planned activity has an insignificant impact.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

(2) With the exception of the issuance of the administrative act provided for in § 51 of this Act and the granting or refusal of a permit, including the partial establishment of an environmental permit in accordance with § 56 or 57 of this Act, persons shall be notified in the manner provided for in subsection 1 of this section only if they express their express desire to do so.

(3) When informing in the manner provided for in subsection 1 of this section, the information provided for in subsection 47 of this Act must be forwarded to the persons.

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(3) If the document is delivered by post, the document is sent to the party to the proceedings by simple letter.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

(4) This section does not apply if the number of persons specified in subsection 1 of this section is greater than 100.

§ 47. Informing the public about the procedure for granting an environmental permit in case of an open procedure

(1) If the application meets the requirements stipulated by the legislation, the issuer of the environmental permit, in the case of an open procedure, immediately publishes a notice on the submission of the application for an environmental permit, which states:

1) a brief description of the planned activity;

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

2) name of the permit applicant;

- 3) data on the location of the planned activity;
- 4) data on the planned period of validity of the environmental permit;
- 5) reference to the website where the environmental permit application is available;
- 6) everyone's right to participate in an open procedure;
- 7) the time and place of the presentation of the application for an environmental permit and the draft of the administrative act issued in this regard, if the environmental impact is not assessed for the decision to grant the permit and the draft of the administrative act has been completed by the time of publication of the notice or the time of its completion is known;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

- 8) deadline and addressee for submitting proposals and objections (hereinafter referred to as *position*) and questions, if information about the time and place of public display is published in the notice;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

- 9) if necessary, information on whether consultations are held with another country on the cross-border impact.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The notice specified in subsection 1 of this section is published in Ametlikud Teadaanded and in a local or county newspaper. The notice may not be published in the local or county newspaper if the environmental disturbance or environmental risk associated with the planned activity is so small that there is no sufficient public interest in it. The announcement is published in at least one newspaper with nationwide circulation, if the activity permitted by the environmental permit may be accompanied by a significant regional or nationwide environmental disturbance. If necessary, the notice may be published in a newspaper with national circulation in other cases as well.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

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- (2) The costs of publication in the newspaper shall be paid by the applicant for the environmental permit.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

- (3) [Repealed - RT I, 25.05.2017, 1 - entered into force. 04.06.2017]

(4) The municipality or city government shall publish an easily accessible notice on the municipality's or city government's website about the receipt of the application for an environmental permit within seven days after the permit grantor has recognized the application for an environmental permit, in which at least the data specified in clauses 1-3 and 5 of subsection 1 of this section are indicated. The notice must be available on the website until the request is resolved.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(5) A person who has expressed a desire to receive information about public exhibitions and discussions taking place during the environmental permit procedure shall be notified about them at the e-mail or postal address specified by him.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

(6) If the notice specified in subsection 1 of this section did not publish the time and place of the presentation of the application for an environmental permit and the draft administrative act to be issued in this regard, or the position and the deadline for submitting questions and the addressee, the notice with these data shall be published in accordance with the requirements set forth in subsections

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2 and 2 of this section without delay after the administrative act completion of the draft.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

§ 48. Public display of the application for an environmental permit and the draft administrative act on it in case of an open procedure

[RT I, 08.07.2014, 3 - entered into force. 01.08.2014]

(1) The application for an environmental permit and the draft of the administrative act issued on it shall be displayed by the permit grantor for public inspection in accordance with the procedure provided for in § 48 of the Administrative Procedures Act in at least one building or place of public use in the municipality, city or other settlement following the location of the planned activity, at the location of the environmental permit grantor or at the location of the planned activity. The permit grantor determines the location of the display, taking into account the potential scope and size of the environmental disturbance of the planned activity.

(2) The draft of the administrative act on the application for an environmental permit shall not be published for public inspection in accordance with the procedure specified in subsection 1 of this section, if the environmental disturbance or environmental risk associated with the planned activity is so small that there is no sufficient public interest.

(3) The documents specified in subsection 1 of this section must be available on the website of the environmental permit issuer during the period of public display until the application is resolved.

(4) Everyone has the right to submit opinions and questions to the issuer of the environmental permit regarding the application for an environmental permit or the draft of the administrative act issued for public inspection within the time limit set by the permit grantor. The deadline cannot be shorter than two weeks from the notification of the exhibition.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

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§ 48 . Public discussion and consideration of the results of the open procedure

(1) The issuer of the environmental permit decides to grant the permit after discussing the matter at a public hearing, during which everyone has the right to express an opinion orally about the draft environmental permit and the procedure for issuing it. The granting of an environmental permit may be decided without holding a discussion in the cases provided for in § 50 subsections 2 and 3 of the Administrative Procedure Act.

(2) If the time of the discussion has not been announced together with the announcement of the display, the environmental permit issuer shall inform the public of the discussion at least ten days before the discussion in accordance with the procedure provided for in § 47 of this Act.

(3) The discussion is recorded. The minutes must contain the positions and questions presented at the discussion and the answers given to them.

(4) Before deciding to issue a permit, the issuer of the environmental permit shall send the permit applicant the views and questions presented at the public exhibition and discussion, so that he can familiarize himself with them and express his opinion on them.

(5) If, after the public exhibition, the application for an environmental permit or the draft administrative act issued on it is significantly changed, the permit grantor may repeat the public exhibition, taking into account the expected impact of the change on the affected persons and the interests of the applicant for the environmental permit. If it is necessary for the correct decision of the matter, the issuer of the environmental permit may repeat the public discussion.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 49. Deadline for deciding on the granting of an environmental permit

(1) The granting of an environmental permit shall be decided within 90 days from the receipt of a proper application, unless otherwise provided by law.

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(1) The time for eliminating deficiencies in the application is not included in the deadline for granting an environmental permit.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) If the granting of an environmental permit is decided without an open procedure, the permit shall be granted or refused within 30 days from the receipt of a proper application, unless otherwise provided by law.

(3) In the cases provided for in clauses 1 and 2 of § 52 (1) of this Act, the refusal to issue an environmental permit shall be decided within 20 days from the receipt of a proper application.

(4) The deadline specified in subsection 1 of this section does not apply if the requested activity is not permissible without the establishment of a plan and the plan has not been established within 30 days from the submission of the application for an environmental permit. In this case, the decision to issue an environmental permit will be made within 60 days after the establishment of the plan.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(5) The issuer of the environmental permit may extend the deadline provided for in this section if circumstances arise that do not allow the decision to grant the permit within this deadline.

[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

§ 50. Joint review of environmental permit applications and granting of one environmental permit

[RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

(1) The issuer of an environmental permit may, at the request of the applicant for an environmental permit, issue a single environmental permit for the activities specified in § 41 subsection 1 of this Act taking place in different locations of the same person, or change the person's existing environmental permit to allow new activities, if this is justified by the principle of appropriateness of the procedure or is expedient from the point of view of supervision.

(2) When granting a single environmental permit for spatially or technologically related activities, in addition to the provisions of this Act, the requirements set forth in legislation regulating the field must be taken into account. In the event of a difference in requirements, the strictest legal rule applies if it is justified.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 51. Identification of a circumstance important for the issuance of an environmental permit before the issuance of the permit

(1) The grantor of an environmental permit may, at the request of the applicant for an environmental permit or on his own initiative, before granting or refusing to grant an environmental permit, bindingly determine a fact of importance in the final resolution of the matter, including the absence of a basis for refusing to grant an environmental permit provided for in clauses 1–4 or 8–10 of § 52 (1) of this Act .

(2) The issuance of the preliminary administrative act specified in subsection 1 of this section is decided in accordance with the provisions regarding the issuance of an environmental permit. Issuance of such a preliminary administrative act does not preclude the requirement to comply with the procedural deadlines provided for in § 49 of this Act when reviewing an application for an environmental permit.

§ 52. Refusal to issue an environmental permit

(1) The issuer of an environmental permit shall refuse to grant an environmental permit if:

1) the application for an environmental permit has not been submitted by a person who, as can be seen from the application, operates in the field of activity permitted by the permit;

2) the applicant for an environmental permit does not have the consent of the owner of the place of operation to use the immovable property owned by the latter or the consent of the owner of the immovable property located in the area of influence of the requested activity, if according to the law the consent of the owner of the immovable property located in the area of influence is required or the requested activity significantly damages the interests of the owner of the immovable property located in the area of influence;

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

3) the best possible technique is not applied in the requested activity, if the requirement for its application is stipulated by legislation;

4) the planned activity does not meet the requirements stipulated by legislation;

5) the application contains false information of significant importance, or the applicant for an environmental permit has been refused a permit for the same activity within the last four months due to the submission of false information;

6) the activity involves an environmental risk that cannot be avoided, unless the interest in granting an environmental permit is overwhelming and there is no reasonable alternative to the activity and measures to reduce the risk have been taken;

7) in the course of the activity planned on the basis of the permit, natural resources are apparently used inappropriately or a significant deterioration of the state of natural resources is caused, taking into account the principle of sustainable use of renewable and non-

renewable natural resources;

8) the limit value of the environmental quality would be exceeded if the emissions accompanying the planned activity were added on the basis of the environmental permit. As an exception, an environmental permit may be granted if the limit value of the environmental quality is exceeded, but only for up to six months, and the interest in granting the permit outweighs the environmental risk;

9) the environmental disturbance arising from the addition of emissions accompanying the activity planned on the basis of an environmental permit would lead to the need to refuse to issue an environmental permit to another person in order to comply with the limit value of environmental quality in the future, and the public interest in not granting the requested permit is more important than the interest in granting the requested environmental permit;

10) on other grounds provided by law.

(2) On the basis specified in point 8 of clause 1 of this section, the granting of an environmental permit may be refused if compliance with the limit value of environmental quality cannot be ensured when issuing the requested environmental permit by amending or revoking another environmental permit on the basis provided for in point 3 of § 59 (1) of this Act.

(3) If the granting of an environmental permit for some activity specified in the application may be refused, the applicant must, if he wishes, grant a permit for the activity specified in the application for which the granting of a permit is permissible.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

§ 53. Contents of the environmental permit

(1) The following shall be stated in the environmental permit:

1) name and personal identification number or registry code of the permit holder;

2) address and contact details of the permit holder;

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

3) the exact location of the place of business, with geographic coordinates if necessary;

4) permissible activity in accordance with the requirements set forth in the law;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

5) validity period of the permit;

6) in the case provided by law, the requirements that are submitted to ensure the expedient use of natural resources and to reduce the environmental disturbance resulting from the activity permitted by the environmental permit;

7) safety measures and measures to mitigate the consequences of an accident applied to the activity in cases provided by law;

8) health and environmental protection measures to be implemented when starting and ending activities in cases provided by law;

9) environmental monitoring requirements in cases provided by law;

10) in the case provided by law, the requirements for submitting information to the issuer of the environmental permit;

11) in the case provided by law, other additional conditions proposed for the environmental permit;

12) consideration and non-consideration of written proposals and positions submitted during the decision to issue an environmental permit;

13) other data provided by law.

(2) An environmental permit is granted without a time limit, unless at least one of the following grounds is present:

1) the permit is requested for a time limit;

2) a change in the activities of the holder of the environmental permit, including the technology used or the state of the environment, is foreseen;

3) there are circumstances justified from the point of view of environmental protection;

4) other cases are prescribed by law.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

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(2) An environmental permit may be granted for a fixed period if the granting of the permit is related to another fixed-term administrative act or usage agreement.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) The data composition and the procedure for issuing an environmental permit shall be established by a regulation of the minister responsible for the field .

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 54. Determination of emission quantity

The emission permitted by the environmental permit is determined in such a way as to ensure compliance with the limit value of the environmental quality.

§ 55. Issuance of an environmental permit in case of obligation of detailed planning

If it is necessary to establish a detailed plan for an activity permitted with an environmental permit or for the construction of a building for which a building permit is not granted before the issuance of an environmental permit, the environmental permit shall not be granted before such a detailed plan is established.

§ 56. Partial granting of an environmental permit

(1) The issuer of the environmental permit may grant an environmental permit for some of the activities specified in the application before the environmental permit application is resolved as a whole, if it is requested by the environmental permit applicant and there are no grounds for refusing permission for such an activity, or refuse to grant an environmental permit for some of the activities specified in the application, if the environmental permit for this activity must not be granted.

(2) The issuer of the environmental permit may, in justified cases, decide to issue a partial environmental permit also on his own initiative. In this case, the environmental permit applicant's position on the partial granting of the environmental permit must first be heard.

(3) When partially granting an environmental permit, the conditions specified in § 53 subsection 1 of this Act are determined to ensure the legality of the permitted activity.

(4) In the partial granting of an environmental permit, it may be stipulated that the conditions specified in clauses 5-11 of § 53 (1) of this Act, which are determined in the partial granting of the permit, will be changed during the review of the application. In such a case, the permit holder cannot rely on confidence that such ancillary conditions of the environmental permit will not be changed.

(5) The partial granting of an environmental permit is decided according to the provisions on the granting of an environmental permit. The partial granting of a permit does not exclude the requirement to comply with the procedural deadlines provided for in § 49 of this Act when reviewing the application for an environmental permit in another part.

§ 57. Issuance of an environmental permit before the final determination of permit conditions

(1) The issuer of the environmental permit may issue an environmental permit also in such a way that the conditions provided for in clauses 6 and 8-11 of § 53 (1) of this Act are decided later, if the preliminary assessment shows that there are no circumstances on the basis of which the permit was refused and the fulfillment of the possible conditions of the permit is not a permit so burdensome to the applicant in carrying out the planned activity that it would lead to the planned activity not being carried out. In such a case, the conditions of the environmental permit must be determined within the time limit provided in § 49 of this Act. The provisions of § 56 of this Act apply to the granting of an environmental permit in this way.

(2) When granting an environmental permit in accordance with the procedure provided for in subsection 1 of this section, the conditions provided for in clauses 6 and 8-11 of § 53 (1) of this Act may be determined temporarily during the granting of an environmental permit until the final determination of these conditions within the term provided for in § 49 of this Act. If the issuer of the environmental permit does not determine the final conditions of the environmental permit within this term, the temporary conditions of the environmental permit are considered the final conditions.

(3) In the procedure specified in subsections 1 and 2 of this section, an environmental permit shall not be granted before the publication of a notice in accordance with § 22 (7) of the Environmental Impact Assessment and Environmental Management System Act, if the environmental impact of the proposed activity is assessed when the environmental permit is granted.

[RT I, 23.03.2015, 6 - enters into force. 01.11.2016 – entry into force stipulated in the Radiation Act (RT I, 28.06.2016, 2).]

(4) An appeal against an environmental permit established in the manner specified in subsections 1 and 2 of this section may be submitted to the administrative court in accordance with the procedure provided for in the Code of Administrative Court Procedure within 30 days from the date of notification of the administrative act issued on the determination of the conditions of the environmental permit, or from the date of acquisition of the final binding nature of the conditions of the temporarily determined environmental permit.

§ 58. Notification of environmental permit

(1) An environmental permit or a decision to refuse to grant an environmental permit shall be delivered to the permit applicant and other persons whose rights are limited by the environmental permit or the decision to refuse to grant it, in accordance with §§ 25–30 and 32 of the Administrative Procedure Act, by mail, by the issuer of the environmental permit, or electronically.

(2) If the number of persons specified in subsection 1 of this section is greater than 100, the environmental permit or the decision to refuse to grant an environmental permit shall be delivered only to the applicant for the environmental permit.

(3) The environmental permit is announced by publishing a notice in *Ametlikud Teadaanded* and in a local or county newspaper. The notice may not be published in the local or county newspaper if the provisions of the open procedure were not applied to the environmental permit application procedure or the environmental disturbance or environmental risk associated with the planned activity is small and there is no sufficient public interest in it. The announcement is published in at least one newspaper with national circulation, if the activity permitted by the permit may cause a significant regional or national environmental disturbance. If necessary, the notice may be published in a newspaper with national circulation in other cases as well.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

1

(3) The costs of publication in the newspaper shall be paid by the environmental permit applicant.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

(4) The notice specified in subsection 3 of this section must contain at least the following information:

- 1) which activity specified in subsection 41 of this Act is planned;
- 2) the data specified in Clause 1, Clause 1 of § 42 of this Act;
- 3) data on the location of the planned activity;
- 4) a brief description of the activity and possible environmental disturbance associated with it;

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

5) information on where the decision on the environmental permit or its refusal and the data on which the decision was based can be consulted.

(5) An environmental permit or a decision to refuse to issue an environmental permit shall be made public in the environmental decision information system.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(6) The environmental permit is notified to the local government unit.

(7) The administrative acts specified in §§ 51, 56 and 57 of this Act are announced in accordance with the procedure prescribed for announcing the environmental permit.

§ 59. Change of environmental permit

(1) The issuer of the environmental permit changes the conditions of the environmental permit if:

- 1) the holder of the environmental permit requests to change the data specified in Clause 1 or 2 of § 53 (1) of this Act, including in the case of the transfer of a building used on the basis of an environmental permit or an operating facility;
- 2) as a result of monitoring or in some other way, it becomes clear that the activity permitted by the environmental permit involves an

environmental threat or a significant environmental disturbance, and the interest in not changing the environmental permit is not overwhelming;

3) the grantor of the environmental permit would have had the right not to issue the environmental permit due to later changed circumstances, including the development of the best possible technique, if its use is required by legislation, or due to a change in the size of the environmental risk, or on the basis of a later changed legal provision, and the change of the environmental permit is justified by the need for more extensive protection of the environment or other interest, which outweighs the person's confidence that the environmental permit will remain valid.

(2) The issuer of the environmental permit may change the conditions of the environmental permit if:

- 1) it appears that the permit was illegal at the time it was issued;
- 2) [invalidated - RT I, 23.03.2015, 6 - entered into force. 01.11.2016 - entry into force stipulated in the Radiation Act (RT I, 28.06.2016, 2).] 3) the legal provision that was the basis of the condition specified in clauses 5-11 of § 53 (1) of this Act has lost its validity; 4) the activities carried out on the basis of the permit holder's environmental permit, the technology used or the equipment changes.

(3) § 67 subsection 4 point 2 of the Administrative Procedure Act is not applicable when amending an environmental permit.

(4) The request for amendment of the environmental permit shall be reviewed by the issuer of the environmental permit according to the procedure provided for the issuance of the environmental permit. In the case provided for in point 1 of subsection 1 of this section, the environmental permit shall be changed within seven days from the date of receipt of the application.

1

(4) In case of amendment of an environmental permit, § 50 subsection 2 of this Act shall be applied, taking into account the requirements set forth in legislation regulating the area to be amended in addition to the provisions of this Act.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(5) The change of the environmental permit is decided without an open procedure:

- 1) if the change of the environmental permit does not affect the amount of environmental risk, there is no environmental impact assessment when the environmental permit is changed, and there is no other important public interest to conduct an open procedure;
- 2) if faster execution of the procedure is necessary to avoid an environmental hazard;

1

2) if faster execution of the procedure is necessary to prevent the risk of interruption of a vital service;
[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

3) in the case provided for in point 1 of subsection 1 of this section.

(6) Changes to the environmental permit shall be announced in accordance with the procedure prescribed for announcing the environmental permit.

§ 60. Transfer of environmental permit

[RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(1) During the validity of the permit, the holder of the environmental permit has the right to fully or partially assign the rights and obligations arising from the permit to another person.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) To change the permit holder's data in the environmental permit, the permit holder and the permit applicant submit a joint application to the environmental permit grantor. In the application, the due date when the data of the permit holder will be changed must be indicated. The request to change the data of the permit holder in the environmental permit must be submitted no later than ten days before the specified deadline.

(3) The issuer of the environmental permit shall refuse to change the permit holder's data in the environmental permit if the law has established requirements for the permit holder that the permit applicant does not meet.

(4) The issuer of the environmental permit may refuse to change the data of the holder of the permit in the environmental permit if there are circumstances justified from the point of view of environmental protection.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

§ 61. Suspension of validity of environmental permit

(1) On the grounds provided in subsection 59 (1) of this Act, the issuer of the environmental permit may suspend the validity of the environmental permit in whole or in part for up to three months.

(2) Suspension of the validity of the environmental permit is decided without an open procedure.

§ 62. Revocation of environmental permit

(1) The issuer of the environmental permit declares the environmental permit invalid:

- 1) at the request of the permit holder;
- 2) if the permit holder dies and the activity permitted by the permit is related to the person of the permit holder or the legal capacity of the permit holder ends without legal succession;
- 3) if the activity permitted on the basis of the permit is not started within two years from the date of issuance of the permit.
- 4) [invalid - RT I, 22.02.2019, 1 - entry into force. 01.10.2019]

(2) The issuer of the environmental permit may declare the environmental permit invalid:

- 1) on the grounds provided for in § 59 of this Act, if it is not possible to effectively protect the interest of the public or a third party by amending the permit;
- 2) if the permit holder does not comply with the requirements set forth in the permit or legislation and an important public interest requires the permit to be revoked, or the permit holder has been punished for such a violation;

3) if the permit holder has knowingly submitted false information that influenced the decision to issue an environmental permit.
[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(3) Clause 67 (4) point 2 of the Administrative Procedure Act is not applicable when the environmental permit is declared invalid.

(4) An environmental permit shall be revoked without an open procedure, if there is an environmental threat or a significant environmental disturbance during the validity of the permit, or if the administrative body does not consider it necessary to conduct an open procedure due to insignificant effects accompanying the invalidation of the environmental permit.
[RT I, 28.06.2016, 2 - enters into force. 01.11.2016]

1

5 . chapter

State and administrative supervision

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

1

§ 62 . Performer of state and administrative supervision

[RT I, 22.02.2019, 1 - entered into force. 01.10.2019]

(1) State and administrative supervision over the fulfillment of the requirements set forth in §§ 38 and 39 of this Act and on their basis is carried out by the Environmental Board.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) In addition to the Environmental Board, a local government unit performs state supervision over the fulfillment of the requirements set forth in §§ 38 and 39 of this Act, with the exception of § 38 subsection 7 and § 39 subsection 3.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

2

§ 62 . Special measures of state supervision

(1) The Environmental Board may apply the special measures of state supervision provided for in §§ 30, 31, 32, 46, 50 and 51 of the Law Enforcement Act in order to carry out the state supervision provided for in this Act, on the basis and according to the procedure provided for in the Law Enforcement Act.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(2) In order to carry out the state supervision provided for in this Act, a local government unit may apply the special measures of state supervision provided for in §§ 30, 31, 32, 50 and 51 of the Law Enforcement Act on the basis and in the manner provided for in the Law Enforcement Act.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

3

§ 62 . Peculiarities of state supervision

(1) The Environmental Board may enter the marked immovable property without the presence of the holder or other authorized person, if:

[RT I, 10.07.2020, 2 - entry into force. 01.01.2021]

1) it is necessary to identify or eliminate a significant threat, and the involvement of the mentioned persons would result in a delay, which would endanger the achievement of the purpose of applying the measure;

2) the purpose of entering the property is to ensure passage to another immovable property or body of water.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

(2) The possessor does not need to be informed of the entry into the possession on the basis provided in Clause 1, Clause 2 of this section, if no surveillance or offense procedure actions were performed in the possession after the entry.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

(3) The Environmental Board may demolish a building obstructing passage on the coastal path in accordance with the procedure provided for in the Replacement Filling and Extortion Act. In order to demolish the building during replacement filling, the Environmental Board must notify the relevant local government in advance.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(4) For the purpose of supervision, an official of the Environmental Board may stay and move with a vehicle, including an all-terrain vehicle and a floating device, in a land or water area where presence and movement are prohibited or restricted by legislation for the purpose of environmental protection.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

4

§ 62 . Use of immediate coercion

The Environmental Board is allowed to use physical force on the basis and according to the procedure provided in the Law on Law Enforcement.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

5

§ 62 . Extortion rate

In the case of failure to comply with the injunction, the maximum amount of the fine to be applied in accordance with the procedure laid down in the Substitute Enforcement and Fines Act is 32,000 euros.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

2
5 . chapter
Responsibility

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

6

§ 62 . Illegal closure and obstruction of the embankment

(1) For the illegal closing or blocking of an embankment or access to it - a fine of up to 300 fine units is imposed.

[RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 3,200 euros.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

7

§ 62 . Procedure

The non-judicial proceedings of the misdemeanor provided for in § 62⁶ of this Act are the Environmental Board and the municipality or city government.

[RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

8

§ 62 . Receipt of fine

If the out-of-court procedure that imposed the fine is a municipality or city government, the fine imposed for the misdemeanor provided⁶

for in § 62 of this Act is transferred to the budget of the local government that made the decision.

[RT I, 04.03.2015, 1 - enters into force. 14.03.2015]

Chapter 6
Application settings

9

§ 62 . Data transfer to the environmental decision information system

(1) Until the establishment of the information system for environmental decisions, data related to the fulfillment of obligations related to¹

permits and permits specified in § 40 subsection 1 of this Act shall be kept in the environmental register or in another information system of the Ministry of Climate's administrative area.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" replaced throughout the text with the word "Climate Ministry" in the corresponding case]

(2) The deadlines for transferring data to the information system for environmental decisions shall be stipulated in the statutes of the database.

[RT I, 25.05.2017, 1 - enters into force. 04.06.2017]

10

§ 62 . Formalization of previously valid permits as an environmental permit

(1) On January 1, 2020, if a person has a waste permit, hazardous waste management license, special water use permit, water permit, air pollution permit, or mining permit for spatially or technologically related activities, he may submit an application to the permit issuer for the issuance of one environmental permit for these activities.

(2) Within a reasonable time, the issuer of the waste permit, special water use permit, water permit, air pollution permit, and mining permit issued before January 1, 2020 shall formalize it into an environmental permit with the data structure established on the basis of § 53 (3) of this Act. In this case, the permit issuer decides to change the previously valid permit without an open procedure.

(3) The processing of the application specified in subsection 1 of this section and the performance of the action specified in subsection 2 are exempted from payment of the state fee if the purpose of the procedure is to merge the permits valid on January 1, 2020 or to formalize them into a permit with a new data structure, and no other changes are made to the terms of the permit than those resulting from the merging of permits changes.

[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

11

§ 62 . Processing of data collected on the basis of the Environmental Register Act

(1) On the basis of the Environmental Register Act, the data entered in the archive of the environmental register are transferred to the archive of the corresponding information system of the Ministry of Climate's administrative area and are stored indefinitely.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" replaced throughout the text with the word "Climate Ministry" in the corresponding case]

(2) The data of the list of medal-worthy hunting trophies collected on the basis of the Environmental Register Act shall be entered into the archive of the Estonian nature information system.

(3) Data collected on the basis of the Environmental Register Act, which will continue to be collected in the Estonian Nature Information System after the entry into force of this Act, shall be considered data of the Estonian Nature Information System.
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

§ 63. Entry into force of the law

This Act shall enter into force at the time and in the manner specified in the Act on the Implementation of the General Part of the Environmental Code.

[RT I, 08.07.2014, 3 - enters into force. 01.08.2014]

1

Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information and the repeal of Council Directive 90/313/EEC (OJ L 41, 14.02.2003, pp. 26–32);

Directive 2003/35/EC of the European Parliament and of the Council, which stipulates the involvement of the general public in the preparation of certain plans and programs related to the environment and amends the Council Directives 85/337/EEC and 96/61/EC in relation to the involvement of the general public and access to legal protection (OJ L 156, 25.06. 2003, pp. 17–25);

Directive 2011/92/EU of the European Parliament and of the Council on environmental impact assessment of certain public and private projects (codified text) (OJ L 26, 28.01.2012, pp. 1–21);

Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants released into the air from medium-capacity combustion equipment (OJ L 313, 28.11.2015, pp. 1–19).

[RT I, 03.07.2017, 5 - enters into force. 13.07.2017]