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Chemical Act¹

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21.11.2018	RT I, 12.12.2018, 3	01.01.2019, the law replaced the words "Technical Supervision Agency" throughout with the words "Consumer Protection and Technical Supervision Agency" in the corresponding case.
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Chapter 1 General settings

§ 1. Scope and purpose of the Act

This Act regulates the handling of chemicals and the restriction of economic activities related to the handling of chemicals with the aim of protecting human life and health, property and the environment and ensuring the free movement of goods.

§ 2. Scope of the Act

(1) This Act applies to the chemical and the product containing it and their handling to the extent that it is not regulated by another law, a foreign treaty ratified by the Riigikogu, or the law of the European Union.

(2) Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorization and Restriction of Chemicals (REACH) and which establishes the European Chemicals Agency applies to the production, marketing and use of a chemical both as a substance and as a component of a mixture or product. and Directive 1999/45/EC is amended and Council Regulation (EEC) No. 793/93, Commission Regulation (EC) No. 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1–850) (hereinafter the *REACH Regulation*).

(3) Regulation (EC) No. 1272/2008 of the European Parliament and of the Council applies to the classification, labeling and packaging of chemicals, which deals with the classification, labeling and packaging of substances and mixtures and which amends Directives 67/548/EEC and 1999/45/EC and recognizes they are repealed and Regulation (EC) No. 1907/2006 is amended (OJ L 353, 31.12.2008, p. 1–1355) (hereinafter the *CLP Regulation*).

(4) In this Act, terms are used in the sense of the relevant regulations of the European Union, unless otherwise stipulated in this Act.

(5) The legal acts applicable to the respective type of transport shall apply to the transport of chemicals by road, railway, waterway and air, taking into account the specifics of this Act.

(6) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

§ 3. Chemical, dangerous chemical and chemical handling

(1) A chemical within the meaning of this Act is a substance or mixture within the meaning of the REACH regulation.

(2) A hazardous chemical is a substance or mixture that meets the criteria for physical, health or environmental hazards set forth in Parts 2-5 of Annex I to the CLP Regulation.

(3) Handling of a chemical within the meaning of this Act is the manufacture, production, processing, packaging, storage, transportation, making available of a chemical and other activities related to the chemical.

Chapter 2 Chemical handling requirements

Section 1

Determining the hazard of a chemical

§ 4. Determining the dangerousness of a chemical

The intrinsic properties that determine the hazard of a chemical are identified in accordance with the requirements of Article 13 of the REACH Regulation and Commission Regulation (EC) No. 440/2008 establishing test methods in accordance with Regulation (EC) No. 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorization and restriction (REACH) (OJ L 142, 31.05.2008, p. 1–739), according to

§ 5. Good laboratory practice

(1) Good laboratory practice is applied in the non-clinical study of the health and environmental safety of chemicals, including medicine and veterinary medicine, cosmetic product, plant protection product, food additive and feed additive. The purpose of following good laboratory practice is to ensure reliability and comparability of data obtained in laboratories and mutual recognition.

(2) Good laboratory practice is a quality system that deals with the planning, execution, control, documentation, reporting and storage of documents and materials of non-clinical studies of health and environmental safety.

(3) A non-clinical study of health and environmental safety (hereinafter referred to as *study*) is an experiment or a series of experiments during which a substance is studied under laboratory conditions or in the environment in order to obtain data on the substance's physical and chemical properties and health and environmental hazards. The results of the study are intended to be submitted to the relevant authorities for the assessment and management of the risk arising from the chemical and for the establishment of legislation and the issuance of an administrative act.

(4) The laboratory conducting the study must meet the requirements of good laboratory practice and prove when presenting the results of the study that it followed good laboratory practice when conducting the study.

(5) The minister responsible for the field establishes the requirements and procedure of good laboratory practice by regulation.

§ 6. Good laboratory practice inspection body

(1) The minister responsible for the field authorizes an internationally recognized institution in the field of evaluation of quality management systems with a contract to act as an institution for assessing and certifying compliance with the requirements of good laboratory practice of research laboratories (hereinafter *good laboratory practice control institution*).

(2) The costs related to the performance of the tasks of the good laboratory practice inspection body are covered from the state budget through the Ministry of Social Affairs. The costs associated with the immediate assessment and verification of the compliance with the requirements of good laboratory practice of the laboratory performing the study shall be paid by the laboratory whose compliance with the requirements of the good laboratory practice is assessed and verified.

(3) If the contract specified in subsection 1 of this section is terminated unilaterally or if there is another reason that prevents the good laboratory practice inspection authority from continuing to fulfill the contract, the Ministry of Social Affairs authorizes another internationally recognized institution in the field of quality management system evaluation to act as the good laboratory practice inspection authority or organizes the tasks of the good laboratory practice inspection authority in another way further execution.

§ 7. Duties of the good laboratory practice inspection body

(1) The inspection body of good laboratory practice shall comply with the requirements and procedure for assessing and proving compliance with the requirements of good laboratory practice in its activities.

(2) The Good Laboratory Practice Inspection Authority performs the following duties and responsibilities:

1) prepares and submits to the Ministry of Social Affairs an action plan for assessing and checking compliance with the requirements of laboratories following good laboratory practice in Estonia;

2) evaluates the compliance of a laboratory following good laboratory practice with the requirements of good laboratory practice and proves compliance with good laboratory practice with a corresponding written certificate;

3) checks the laboratory's continued compliance with the requirements of good laboratory practice at least once in two calendar years from the day following the issuance of the certificate;

4) if necessary, performs an extraordinary inspection of a laboratory that follows good laboratory practice;

5) informs the Ministry of Social Affairs of the deficiencies discovered during the inspection;

6) suspends the validity of the certificate or invalidates the certificate if it has determined that the laboratory violates the requirements of good laboratory practice;

7) submits a report to the Ministry of Social Affairs on its previous year's activities in the field of good laboratory practice by the end of the second month of the current year;

8) ensures the preservation of documents related to the assessment and verification of compliance with the requirements of good laboratory practice in accordance with the requirements set forth in the Archives Act;

9) guarantees him the protection of the business secret that became known during the inspection.

(3) The minister responsible for the field establishes the requirements and procedures for assessing and proving compliance with the requirements of good laboratory practice by regulation.

Section 2

General requirements for chemical handling

§ 8. Conditions for chemical handling

(1) Chemicals must be handled in a manner that is safe for human life and health, as well as property and the environment.

(2) The chemical handler must have the necessary information about the chemical's physical and chemical properties, danger, safety requirements and disposal, as well as the knowledge and skills, experience and attitudes necessary for handling the chemical (hereinafter *competence*).

(3) The competence of a hazardous chemical handler includes:

- 1) knowing the properties of the chemical being handled according to the handling method;
- 2) the ability to assess hazards and risks related to chemical handling based on the safety data sheet, labeling and other information;
- 3) in the event of an accident, the skill of practical use of first aid and first aid and the provision of first aid;
- 4) knowledge of occupational safety, health and environmental protection techniques.

(4) A chemical handler shall remove from handling a chemical whose packaging or the information provided does not allow safe handling of the chemical. Chemicals that have been removed from treatment are further treated as hazardous waste in accordance with the Waste Act.

(5) The labeling of a chemical intended for marketing in Estonia must be in Estonian. As an exception, with the consent of the recipient, it is allowed to deliver a chemical for use in scientific research or development, the labeling of which is in another language that the recipient understands and meets the requirements of the CLP regulation.

(6) The minister responsible for the field may, by regulation, establish requirements for the handling of the chemical and the place of handling, including special requirements for the handling of ammonium nitrate and the means of transport.

§ 9. Obligation to keep records of dangerous chemicals

(1) A person handling a chemical within the scope of economic and professional activity shall keep records of the hazardous chemicals handled and shall keep the records for ten years. The accounting of hazardous chemicals must show the movement of the amount of each chemical in the company from its acquisition to processing, dispensing or disposal.

(2) The minister responsible for the field establishes the procedure for keeping records of hazardous chemicals by regulation.

§ 10. Notification of an accident that occurred during the handling of a chemical

The chemical handler immediately informs the Härekeskus about environmental pollution or other accidents caused by the handling of the chemical. The emergency center forwards the received information to the Environmental Board as soon as possible in the case of an environmental disturbance caused by an accident, and if the accident occurred in a dangerous company or a company with a risk of a major accident, to the Consumer Protection and Technical Supervision Board.

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§ 11. Putting detergent on the market

(1) Detergents placed on the market must meet the requirements set out in Regulation (EC) No. 648/2004 of the European Parliament and of the Council on detergents (OJ L 104, 08.04.2004, p. 1–35) (hereinafter the Detergent Regulation).

(2) A person applying for an exemption in order to place a detergent on the market in accordance with the Detergent Regulation must pay the state fee at the rate provided for in the State Fee Act before submitting the request.

§ 12. Submission of information about dangerous mixture and detergent

(1) Before placing the mixture on the market in Estonia, the importer and downstream user must submit information to the Health Board in accordance with Article 45 of the CLP Regulation, which is used for the purpose of developing and implementing measures to prevent and treat poisoning cases.

(2) The person responsible for placing the detergent on the market must submit to the Health Board the information specified in point 3 of Article 9 of the Detergent Regulation, which is used for the purpose specified in subsection 1 of this section.

§ 13. Safety advisor

(1) The safety advisor is appointed by an enterprise whose activities include the transport of dangerous goods by road, railway and inland waterways and the forwarding of transports, as well as the packaging, loading and unloading of dangerous goods related to transport.

(2) Transport of dangerous goods for the purposes of this section is transport of dangerous goods in accordance with international agreements.

(3) A safety advisor is a competent person acting on behalf of an entrepreneur, whose task is to ensure the safety and compliance with the requirements of the transport of dangerous goods. The safety advisor must have completed the safety advisor training course in the field of dangerous goods at an educational institution with experience in level or advanced training and passed an exam and received a certificate to that effect.

(4) The safety advisor's certificate is valid for five years. The validity period of the certificate is extended for the next five years, if the holder of the certificate has completed the relevant additional training and successfully passed the exam during the year before the expiry of the certificate's validity period.

(5) The safety advisor exam is organized and the safety advisor certificate is issued by the Transport Board, in the field of railways by the Consumer Protection and Technical Supervision Board. The safety advisor exam can also be organized by a training institution, if the competent authority has been informed about it and at least one representative of the competent authority takes part in the work of the examination committee.

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(6) A state fee is paid for taking the safety advisor exam and issuing the safety advisor certificate.

(7) The minister responsible for the field establishes by regulation the requirements for the competence and tasks of the safety advisor, the curriculum and the exam of the safety advisor, and the form of the certificate.

Section 3 Chemical handling restrictions and other special requirements

§ 14. Chemical prohibited to the general public

(1) Chemicals and products, the marketing or use of which is prohibited to the general public in accordance with Annex XVII of the REACH Regulation, may not be made available to the consumer within the meaning of the Consumer Protection Act.

(2) The chemical and product referred to in subsection 1 of this section may be made available only in wholesale trade and by cashless settlement.

(3) The chemical and product referred to in subsection 1 of this section may be acquired and kept only by a person who lawfully uses it in his economic or professional activity or in research and development.

§ 15. Restrictions related to explosive precursors

(1) Regulation (EU) 2019/1148 of the European Parliament and of the Council on the marketing and use of explosives precursors, which amends Regulation (EC) No. 1907/2006 and repeals Regulation (EU) No. 98/2013 (OJ L 186, 11.07.2019), pp. 1–20), the restrictions set forth in the said regulation are followed when making available, using, possessing and importing explosive precursors with restrictions.

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(2) Restricted explosive starting material may be made available only in wholesale and cashless settlement.

(3) An entrepreneur who makes a restricted explosive precursor available on the market through wholesale trade shall submit an economic activity notice in the wholesale trade area of activity in accordance with the General Part of the Code of Economic Activities.

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(4) In addition to the data provided in § 15 subsections 1 and 3 of the Act on the General Part of the Code of Economic Activities, the information on the explosive precursor material to be made available shall be indicated in the economic activity notification. The data on the substance specified in the economic activity notice are not disclosed.

(5) When transferring and transferring an explosive precursor regulated in Annexes I and II of Regulation (EU) 2019/1148 of the European Parliament and of the Council, or a mixture containing this substance, in order to verify the legality of the transaction, the recipient may require additional information about the intended use and user of the substance, mixture and restricted explosive precursor.

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(6) An entrepreneur who makes an explosive precursor regulated in Annex I or II of Regulation (EU) 2019/1148 of the European Parliament and of the Council available on the market shall ensure notification of the supply chain in accordance with Article 7 of the said regulation.

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§ 16. Notification of a suspicious transaction, loss and theft with an explosive precursor

The Police and Border Guard Board must be notified of a suspicious transaction, significant loss or theft of an explosive precursor or a mixture containing this substance regulated in Annexes I and II of Regulation (EU) 2019/1148 of the European Parliament and of the Council at the e-mail address or telephone number designated for this purpose. The Police and Border Guard Board may forward the received information to the supervisory authority and the Defense Police Board.

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§ 17. Requirement for the transit of ammonium nitrate with a high nitrogen content

(1) It is allowed to bring ammonium nitrate with a high nitrogen content into the customs territory of Estonia in transit only if it has passed the detonation resistance test in Regulation (EU) 2019/1009 of the European Parliament and of the Council, which establishes the requirements for making EU fertilizer products available on the market and amends Regulation (EC) No. 1069/2009 and (EC) No. 1107/2009, and Regulation (EC) No. 2003/2003 (OJ L 170, 25.06.2019, p. 1–114) is declared invalid, in accordance with the provisions.

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(2) High-nitrogen ammonium nitrate is solid ammonium nitrate both as a pure substance and in a mixture of substances containing more than 28 percent by weight of nitrogen based on ammonium nitrate.

(3) The requirements of this section do not apply to ammonium nitrate used as an explosive in accordance with the Explosives Act.

(4) The detonation resistance test is carried out and evaluated in accordance with the relevant provisions of Annex IV of Regulation (EU) 2019/1009 of the European Parliament and of the Council, and for such a test in a conformity assessment body that has the right to operate in accordance with the same regulation or an accredited body that has the relevant competence.

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(5) The validity of the detonation proof document is 90 calendar days from the day of the test.

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(6) The possessor of ammonium nitrate with a high nitrogen content submits a detonation proof document or a certified copy thereof together with the customs declaration to the Tax and Customs Board at the border point. Together with the document certifying detonation resistance, a document enabling the identification of the product batch must be submitted, in which the content of nitrogen based on ammonium nitrate in the product, the quantity of the product batch and the date of production, as well as other relevant data for identifying the product batch, must be submitted.

§ 18. Scenting of fuel gas

(1) After production, odorless heating gas may be placed on the market if a clearly perceptible odorant has been added to it in an amount that allows the presence of gas in the air to be perceived, if the gas is in the air to the extent of one fifth of its lower explosion limit.

(2) Fuel gas within the meaning of this Act is fuel that is in a gaseous state at a temperature of 15 °C and a pressure of 1 bar.

(3) Unscented heating gas may be brought to the market for sale to private consumers through a gas pipe with an operating pressure of over 5 bar for use in an industrial process, for further processing or for other special purposes, if the gas is not delivered to small

consumers from the gas distribution point through the gas pipe intended for these cases.

(4) In the case of unscented fuel gas, measures must be taken to detect its leakage.

§ 19. Reporting obligation of an entrepreneur engaged in offshore oil and gas extraction processes

(1) A company registered in Estonia, which itself or through a subsidiary company is responsible for offshore oil and gas extraction processes, must, upon request of the European Commission or the Government of the Republic or a competent authority designated by the latter, submit a report on each major accident in which it is involved. If the report was not submitted directly to the European Commission, this report will be submitted to the European Commission by the Government of the Republic or a competent authority designated by the latter.

(2) Oil and gas extraction processes include processes related to the entire facility or connected infrastructure, including design, planning, construction, operation and closure in connection with oil and gas exploration and production, but do not include transportation of oil and gas from one coast to another.

(3) A major accident within the meaning of this section is, in relation to a facility or connected infrastructure:

1) an incident involving an explosion, fire, loss of control over a well, or a leak of oil, gas or a dangerous substance that causes or is likely to cause death or serious injury;

2) an accident that results in significant damage to the facility or connected infrastructure and causes or is likely to cause death or serious injury;

3) another incident that leads to the death or serious injury of five or more people at the offshore facility from which the source of danger emanates, or if the same happens to participants in offshore oil and gas extraction processes related to the facility or connected infrastructure, or 4

) an environmental accident resulting from the cases mentioned in points 1–3.

(4) A facility within the meaning of this section is a fixed or mobile facility or a combined facility that is permanently connected to bridges or other structures and is used for or in connection with offshore oil and gas extraction processes. Facility includes mobile offshore drilling platforms only when installed offshore for drilling, production or other activities related to offshore oil and gas extraction processes.

Chapter 3

A dangerous company and a company with a risk of a major accident

§ 20. Scope of the chapter

(1) The requirements set forth in this chapter apply to a dangerous company handling a dangerous chemical and a company with a risk of a major accident.

(2) The requirements applicable to a dangerous company and a company with a risk of a major accident do not apply to:

1) a national defense installation;

2) to the facility, the danger arising from which is ionizing radiation;

3) transportation of dangerous chemicals outside the facility and directly related temporary storage by road, railway, sea, inland water body and air, including loading, unloading and transportation to and from another means of transport at the dock, wharf and sorting station;

4) to the transport of dangerous chemicals outside the facility by pipeline, including in the pumping station;

5) exploration, mining and processing of mineral resources in mines and quarries, including activities carried out through boreholes;

6) exploration and mining of mineral resources in the open sea;

7) landfill, including underground storage of waste;

8) to an underground gas storage site in the open sea, including a special storage facility and a place where mineral resources are explored and used.

(3) The exclusions provided in subsection 2 of this section do not apply to:

1) the underground storage of gas on land in a natural layer, an aquifer, a salt mine and a closed mine;

2) on chemical and thermal processing operations involving dangerous chemicals related to the production of mineral resources and on the storage accompanying these operations;

3) about a functioning enrichment waste disposal facility and its embankment pond and dam containing hazardous chemicals.

§ 21. Terms within the meaning of this chapter

(1) A facility is an area under the control of a person operating a hazardous company or a company with a risk of a major accident, where a dangerous chemical is handled in one or more buildings, including the infrastructures and processes belonging to it or related to it.

(2) A facility is a technical unit located on the ground or underground in a facility in which a hazardous chemical is handled and which includes all the equipment, supplies, pipes, machines, tools, facility rails, docks, unloading piers serving the facility, landing bridges, warehouses and other similar facilities necessary for the operation of the facility buildings, regardless of whether they have a floating structure or not.

(3) A hazardous company is a facility where a chemical is handled in an amount greater than the minimum level of danger and less than the threshold amount. A dangerous company is a category C company.

(4) An enterprise at risk of a major accident is a facility where chemicals are handled in quantities greater than the threshold amount. Companies at risk of a major accident are divided into B and A category companies at risk of a major accident based on the increase in danger.

(5) The minimum dangerousness level and threshold amount of a chemical is the limit amount of a chemical that designates a facility as a hazardous company or a company with a risk of a major accident.

(6) A major accident is a large-scale leak, fire or explosion of a dangerous chemical caused by the company's work going out of control, which immediately or in the future causes severe consequences for human life, health or the environment inside or outside the facility and which is related to one or more dangerous chemicals.

(7) A hazard is an inherent characteristic of a dangerous chemical or situation that can cause damage to human life, health or the environment.

(8) Risk is the probability of a consequence occurring within a certain period of time or under certain circumstances.

(9) Storage is the storage of a dangerous chemical as stock in a secure warehouse or warehouse.

(10) The domino effect is a possible higher risk of a major accident or its more severe consequences for a facility or groups of facilities due to the geographical location and mutual distance of the facilities and the stock of dangerous substances located in them.

§ 22. Obligations of the operator of a dangerous company and a company with a risk of a major accident

(1) The operator of hazardous chemicals determines the dangerousness of his company based on the maximum possible amount of chemicals handled.

(2) Based on the dangerousness of the company, the company operator prepares the following documents:

1) in the case of category C, i.e., dangerous company, an information sheet, risk analysis and the company's emergency resolution plan;

2) information sheet, risk analysis, description of the safety assurance system and the company's emergency response plan in the case of a company with a risk of a major accident of category B;

3) In the case of a company with a risk of a major accident of category A, an information sheet, a safety report, an emergency management plan of the company. The safety report also includes a description of the risk analysis and safety assurance system.

(3) When preventing an accident and in the event of an accident, the measures reflected in the risk analysis, the safety report, the company's emergency resolution plan and the description of the safety assurance system must be applied.

(4) If there is a probable domino effect in the case of a dangerous company and a company with a risk of a major accident, their operators shall exchange the necessary information with each other in order to implement appropriate measures, and shall cooperate in informing the public.

(5) In order to test the company's emergency response plan, the person running the company with the risk of a major accident organizes an exercise at least once every three years. The Rescue Board is notified of the drill at least 20 working days before it takes place.

(6) The operator of a dangerous company or a company with a risk of a major accident shall notify the Consumer Protection and Technical Supervision Board at least five working days before closing the company or ceasing operations in case of permanent closure or termination of operations.

(7) The minister responsible for the field establishes the procedure for determining the minimum level of chemical hazard and the threshold amount of a hazardous chemical and the hazard category of the company by regulation.

§ 23. Compilation, renewal and coordination of a mandatory document

(1) The documents specified in subsection 22 of § 22 of this Act (hereinafter *mandatory documents*) must be kept up-to-date, they must be reviewed and, if necessary, updated:

1) at least every five years, including the company's emergency response plan at least every three years;

2) if it is justified due to a change in contact information or other circumstances, including a change in the amount, nature, state or process of using a dangerous chemical, as well as changes in a facility or facility that may significantly affect the risk of an accident or the category of dangerousness of the company;

3) when new safety-related technical knowledge has emerged from the analysis of accidents or near-accident incidents and the development of knowledge about hazard assessment, or

4) after a major accident at the facility.

(2) Mandatory documents must be coordinated with the competent authority. The competent authority is:

1) in the case of the information sheet and the description of the safety assurance system, the Consumer Protection and Technical Supervision Agency;

2) in the case of the company's emergency resolution plan, the Rescue Board;

3) in case of risk analysis and safety report, the Consumer Protection and Technical Supervision Agency in cooperation with the Rescue Board.

(3) When preparing and updating a mandatory document, it must be submitted for approval within a reasonable period of time before starting the activity or making changes, but definitely before the deadline specified in clause 1, clause 1 of this section. Electronic submission of the document is to be preferred.

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(4) The Consumer Protection and Technical Supervision Agency and the Rescue Board are based on the deadlines provided for in § 27 subsection 5 of this Act when approving the document. The Consumer Protection and Technical Supervision Agency approves the information sheet within 14 working days of receiving the said document. If the document is not approved within the aforementioned deadline, including the extended deadline, it is not considered approved by default.

(5) In the course of coordination, the compliance of the submitted documents with the requirements stipulated in the legislation is checked, including checking whether:

1) the dangerousness of the company has been correctly determined;

2) adequate measures have been planned to prevent an accident and to reduce the consequences in the event of an accident;

3) when making such changes in a dangerous company or a company with a risk of a major accident, which involves the risk of a major accident or its increase, the risks to the surrounding area and the adequacy of the measures implemented to mitigate them have been taken into account, as well as their consistency with the plan;

4) it is necessary to change the operating license that is the basis of the company's operation, if the document is submitted for approval by an entrepreneur already operating on the basis of an operating license.

(6) When changes are made in a dangerous company or a company with a risk of a major accident, which involves the risk of a major accident or its increase, the Consumer Protection and Technical Supervision Agency shall forward the relevant information to the local government unit to assess the need to initiate a planning procedure. The local government unit assesses the need to initiate the planning procedure and informs the Consumer Protection and Technical Supervision Board of its opinion within 30 days of receiving the notification.

(7) Competent authorities cooperate in the performance of their duties, including exchanging information on mandatory documents and their coordination. The harmonized information sheet and summary of the risk analysis will be forwarded by the Consumer Protection and Technical Supervision Agency to the local government unit where the company is located.

(8) The minister responsible for the field shall establish by regulation the requirements for the mandatory documents of a dangerous company and a company with a risk of a major accident and their preparation.

§ 24. Informing the public

(1) The operator of a company with a risk of a major accident proactively informs the public and persons who may be in the area of the impact of an accident originating from the company about the risk of a major accident originating from the company, safety measures and recommended behavior guidelines in the event of an accident.

(2) In the event of an accident occurring in a dangerous company or a company with a risk of a major accident, the operator shall immediately inform the persons in the area affected by the accident about the accident.

(3) Upon request, the operator of a company with a risk of a major accident makes publicly available the list of hazardous chemicals handled in the company and a summary of the risk analysis, which includes at least information about the risk of a major accident, the possible consequences for human life, health and the environment, the size of the danger area, and mandatory behavior in the event of a major accident. The operator of the hazardous business shall make a summary of the risk analysis publicly available upon request. The summary of the risk analysis is also submitted to the Consumer Protection and Technical Supervision Agency.

(4) If the planned change in the handling of a hazardous chemical would involve the risk of a major accident or its significant increase, the public is guaranteed the opportunity to express an opinion on the change before its implementation in the planning procedure or in the environmental impact assessment procedure.

(5) The Rescue Board transmits information about the risk of a major accident with cross-border impact arising from a company with the risk of a category A major accident to the countries that may be affected by such an accident.

(6) The minister responsible for the field shall establish by regulation the requirements for the information to be transmitted to the public and notification of the accident.

§ 25. Liability insurance of the operator of a company with a risk of a major accident

(1) The operator of a company with a risk of a major accident must have liability insurance to compensate for non-contractual and illegal damage that may occur to a third party (hereinafter the *injured party*) from the handling of chemicals in this company.

(2) The liability insurance contract must meet the following conditions:

1) the insurance contract is concluded with an insurance provider that has the right to insure the insurance risk located in Estonia;

2) the insurance contract covers at least direct property damage and loss of income in case of damage to health, bodily injury and death, unless otherwise provided by law;

3) an insured event is an unexpected event related to the handling of a chemical occurring under the responsibility of the operator, which results from the properties of the chemical being handled and as a result of which the damage specified in point 2 of this subsection has been caused to the injured person.

(3) The operator must choose an insurance amount that is reasonable, taking into account the place of operation related to the operation of chemicals, the amount of chemicals and the manner of handling, the scope of the activity and the damage that may result from it, and other circumstances. The insurance amount must cover at least the requirements covered by point 2 of subsection 2 of this section and must not be less than 400,000 euros.

(4) The liability insurance contract concluded on the basis of this Act does not have to cover the loss caused by:

1) deterioration of the quality of the environment by the operator, with the exception of reasonable expenses related to primary rescue operations to eliminate the primary loss and to prevent the increase of the loss;

2) to the property in the possession of the operator;

3) due to a defective product in the possession of the injured person, in which case the provisions of § 1061 of the Law of Obligations Act apply;

4) as a result of an insured event, which the injured party intentionally caused.

(5) The insurer has the right to refuse to enter into a liability insurance contract if the operator refuses to submit a risk analysis and other evidence that the insurer deems necessary to assess the insurance risk.

§ 26. Loakohustus

(1) Käitises võib käidelda ohtlikku kemikaali ohtlikkuse alamäärast või künniskogusest suuremas koguses üksnes käitamisloa alusel.

(2) Käesoleva seaduse kohane luba ei ole nõutav, kui ohtlikku kemikaali käideldakse tööstusheite seaduse alusel antud keskkonnakompleksloa, lõhkematerjaliseaduse või relvaseaduse alusel antud loa alusel, mille menetluses on hõlmatud ka käesoleva seaduse kohase käitamisloa kontrolliesemes olevaid nõudeid. See ei välista käesolevast seadusest tulenevate muude kohustuste ja nõuete täitmist.

[RT I, 29.06.2018, 3 - jõust. 01.07.2018]

§ 27. Käitamisloa taotlemine

(1) In order to obtain an operating permit, an application must be submitted to the Consumer Protection and Technical Supervision Board. The mandatory documents required according to this law shall be submitted with the application.

(2) A state fee must be paid for the review of the application.

(3) The Consumer Protection and Technical Supervision Authority resolves the application by granting or refusing to grant an operating permit. The deadline for reviewing the application is 60 working days from the day of receipt of all required documents. The application review deadline can be extended once by up to 30 working days. If the need to organize an environmental impact assessment has been revealed during the review of the application, the deadline for reviewing the application may be extended until the decision is made to recognize the environmental impact assessment report as meeting the requirements. If the Consumer Protection and Technical Supervision Agency does not resolve the application within the above-mentioned deadline or an extended deadline, the operating permit is not deemed to have been granted by default.

(4) The Consumer Protection and Technical Supervision Agency notifies the local government unit of the location of the company about the application for an operating permit. The local government unit gives an opinion on the compatibility of the planned activity with the current plan within 30 working days of receiving the notification.

(5) The Consumer Protection and Technical Supervision Agency forwards the risk analysis and safety report and the company's emergency resolution plan to the Rescue Board for approval. The Rescue Board approves the submitted documents or reasonably fails to approve them within 30 working days from the date of receipt of said documents. This deadline can be extended once by up to 30 working days. If the need to organize an environmental impact assessment has become clear, the approval deadline can be extended until a decision is made to recognize the environmental impact assessment report as meeting the requirements. If the document is not approved within the aforementioned deadline or extended deadline, it is not considered approved by default.

(6) The requirements set forth in § 23 of this Act apply to the review and approval of mandatory documents.

(7) If the need to change the plan becomes apparent during the operation permit procedure and the corresponding plan change is initiated, the operation permit procedure may be suspended until the end of the planning procedure.

§ 28. Inspection object of operating permit

An operating permit is granted to a person if:

1) the operation of the installation is possible considering the surroundings of the installation, the danger and risk arising from the installation, including if, when building the installation or making such changes in the installation, which involve the risk of a major accident or its increase, the risks to the surrounding area have been taken into account, and these risks are mitigated adequate remedies implemented;

2) mandatory documents meet the requirements set forth in § 23 of this Act;

3) the facility is in accordance with the plan.

§ 29. Suspension and revocation of operating permit

(1) If grounds for invalidating the operating permit appear, the Consumer Protection and Technical Supervision Authority may, taking into account the seriousness of the circumstances, suspend the validity of the operating permit. The operating permit is suspended until the circumstance that was the basis for the suspension is eliminated or ceases.

(2) The Consumer Protection and Technical Supervision Agency may revoke the operating permit if:

1) the person has provided false information;

2) the person has repeatedly or significantly violated safety regulations and thereby created a risk of an accident;

3) the person's activity in the company no longer corresponds to what was described in the documents that were the basis of the operating permit, and the dangers have obviously increased with this activity, and the person has not notified about the changed activity in the prescribed time and manner;

4) the person has caused significant damage or danger to public order by the activity permitted by the operating permit, which did not exist or was not known at the time the operating permit was granted and which outweighs the interest of the person to continue the operation and which cannot be eliminated by changing the operating permit;

5) the person has not kept the mandatory documents up-to-date and has not followed the relevant prescription;

6) the person has stopped the activity that is the basis of the operating permit.

§ 30. Consequences of suspension and invalidation of the operating permit

(1) In case of suspension or invalidation of the operating permit, the operator must ensure the safety of the company. Handling of the chemical may be continued only to the extent necessary to ensure safety.

(2) If the circumstance that was the basis for the suspension of the operating license has not been eliminated or has ceased to exist within the term of the suspension of the operating license, the Consumer Protection and Technical Supervision Agency shall declare the operating license invalid.

(3) In order to fulfill the requirement set forth in subsection 1 of this section, the Consumer Protection and Technical Supervision Agency may apply substitutive enforcement in accordance with the procedure provided for in the Substitute Enforcement and Extortion Act.

§ 31. Notification of the operating permit and disclosure of the operating permit

(1) The Consumer Protection and Technical Supervision Board shall notify the Rescue Board, the Environmental Board and the local government unit where the company is located about the granting, suspension and invalidation of the operating permit.

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

(2) The Consumer Protection and Technical Supervision Agency makes the operating permit public through the technical supervision information system established on the basis of the Device Safety Act.

§ 32. Special requirements for land use planning and building design

(1) When planning land use and granting design conditions and construction permits, the circumstances arising from the facility must be taken into account. In doing so, it is necessary to:

- 1) identify facilities with a domino effect;
- 2) consider buildings located near the existing facility, such as traffic highways, crowded places and residential areas, if their location may increase the risk of a major accident or the severity of its consequences;
- 3) maintain the distance necessary to ensure safety between the facility and residential areas, buildings and areas in public use, recreation areas and, if possible, main transport lines;
- 4) to protect areas of special natural interest or particularly sensitive areas near the facility by ensuring a safe distance or taking other appropriate measures;
- 5) implement additional measures in the existing facility if necessary;
- 6) ensure that the public and persons who may be in the area affected by the accident emanating from the installation are notified when the risk of a major accident or the severity of its consequences increases.

(2) As part of the process of taking into account the circumstances specified in subsection 1 of this section, the operator of a dangerous company or a company with a risk of a major accident must provide sufficient information about the risks and dangers emanating from the company, if it is requested by the competent authority for drawing up a plan, design conditions or granting a building permit.

(3) If a strategic assessment of the environmental impact or an environmental impact assessment is organized in the planning and design phase, the risks and dangers related to the facility are assessed and the public is informed during this procedure.

(4) A *general, special or detailed plan (hereinafter the plan)* and a construction project must be submitted to the Rescue Board for approval :

- 1) when choosing the location of the new facility;
- 2) when expanding the activity of an existing facility or increasing production, if for such activity it is necessary to initiate a plan or change it or issue a building permit;
- 3) in the planning of the land area in the danger zone of a dangerous company and a company with a risk of a major accident, or when planning a building there.

(5) During coordination, the Rescue Board assesses whether:

- 1) the proposed plan or building increases the risk of a major accident or the severity of the consequences of an accident;
- 2) the measures planned to prevent the accident are sufficient;
- 3) before establishing the plan or issuing a building permit, the person operating the facility must submit additional information to the local government unit where the company is located and the Rescue Board.

(6) The rescue agency may withhold approval if the activity planned by the plan or construction project increases the risk of a major accident or the severity of the consequences of the accident and the measures planned to prevent the accident are not sufficient.

Chapter 4

Competent authorities and national supervision in the field of chemicals

Section 1

Competent authorities in the field of chemicals

§ 33. Competence of the Health Board

The Health Board is a competent authority whose tasks in the field of chemicals are:

- 1) to perform administrative tasks and perform administrative actions in accordance with Regulation (EU) No. 649/2012 of the European Parliament and of the Council on the export and import of hazardous chemicals on chemicals with prohibited and strictly limited handling (OJ L 201, 27.07. 2012, pp. 60–106) (hereinafter *PIC Regulation*) on the basis of;
- 2) to ensure the transmission of information on poisoning to the general public and medical personnel and perform tasks in accordance with Article 45 of the CLP Regulation;
- 3) perform administrative functions and perform administrative actions on the basis of the detergent regulation;
- 4) perform the tasks assigned to the competent authority of the Member State by the REACH Regulation in the area of substance evaluation, preparation of dossiers in accordance with Annex XV of the REACH Regulation and other relevant administrative tasks;
- 5) to contribute to the activities of the committees, forums and their working groups established in accordance with the REACH Regulation and to cooperate with the European Commission and the European Chemicals Agency;
- 6) perform the tasks of the national help desk in accordance with Article 124 of the REACH Regulation and advise manufacturers, importers, downstream users and all other interested parties on the fulfillment of the tasks and obligations arising from the regulation, especially in connection with the registration of substances;
- 7) perform the tasks assigned to the competent authority of the Member State by the CLP Regulation in making proposals for the harmonized classification and labeling of substances and in performing other relevant administrative tasks;
- 8) perform the duties of the national help desk in accordance with Article 44 of the CLP Regulation and advise interested parties on the performance of duties and obligations arising from the CLP Regulation;
- 9) submit a report to the European Chemicals Agency on official controls and other measures to ensure compliance with the requirements of the REACH Regulation and the CLP Regulation;
- 10) coordinate the supervision of the fulfillment of the requirements of the REACH Regulation and the CLP Regulation.

§ 34. Competence of the Rescue Board

The Rescue Board is a competent authority whose tasks in the field of chemicals are:

- 1) to participate in the procedure for the operating permit of a dangerous company and a company with a risk of a major accident and in the coordination of their mandatory documents, assessing, among other things, the description of the risk of a major accident, the severity and extent of the consequences, measures to mitigate the consequences, and emergency preparedness;
- 2) to find out the facilities or groups of facilities that may cause a domino effect based on the information received from dangerous companies and companies with a risk of a major accident, and inform the companies belonging to the corresponding group;

3) prepare an extra-company emergency resolution plan for a company with the risk of a category A major accident and ensure that the public is notified so that everyone has the opportunity to express their opinion in time regarding the preparation of the plan or making significant changes to it;

[RT I, 06.04.2021, 1 - enters into force. 16.04.2021]

4) participate in international cooperation and exchange information with the competent authorities of other countries and international organizations within the limits of their competence;

5) inform the European Commission about a major accident that occurred in a company with a risk of a major accident;

6) to give recommendations on emergency preparedness and future measures to mitigate the consequences of an accident.

§ 35. Competence of the Consumer Protection and Technical Supervision Board

The Consumer Protection and Technical Supervision Agency is the competent authority whose tasks in the field of chemicals are:

1) to issue operating permits for dangerous companies and companies with a risk of a major accident, including coordinating mandatory documents, assessing the determination of dangerousness, accident prevention measures and major accident prevention principles;

2) participate in international cooperation within the limits of their competence and exchange information with the competent authorities of other countries and international organizations;

3) notify the European Commission of the names and addresses of companies at risk of a major accident and their activities;

4) give recommendations on accident prevention measures.

§ 36. Competence of the Police and Border Guard Board

The Police and Border Guard Board is responsible for performing the tasks of the national contact point specified in Article 9, paragraph 3 of Regulation (EU) 2019/1148 of the European Parliament and of the Council.

[RT I, 06.04.2021, 1 - enters into force. 16.04.2021]

§ 37. Chemical Safety Commission

(1) The Chemical Safety Commission is an advisory body established under the Ministry of Social Affairs, the members of which are representatives of government agencies and other experts.

(2) The tasks of the Chemical Safety Commission are:

1) to analyze the current problems of chemical safety;

2) make assessments and express an opinion on chemical safety policies and strategies;

3) make proposals to government agencies for the development and implementation of chemical safety strategies;

4) to give assessments on chemical safety regulatory legislation and their drafts;

5) make proposals to the minister responsible for the field for chemical safety studies, publication of publications, organization of trainings and harmonization of terminology;

6) exchange information and make proposals for coordinating the activities of various institutions in the field of chemical safety.

Section 2 State supervision

§ 38. State supervision

(1) State supervision of the substance, mixture, product containing them and their handling over the fulfillment of the requirements of this Act and the legislation established on the basis thereof and the requirements of the relevant legislation of the European Union shall be carried out by the authorities specified in this section in accordance with their competence.

(2) Supervision is within the competence of the Environmental Board:

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

1) on the requirement for registration and authorization of substances established by the REACH Regulation, compliance with the safety data sheet of the chemical and the exposure scenarios presented therein, and compliance with the limitations presented from the point of view of environmental hazards;

2) on compliance with labeling and packaging requirements according to the CLP Regulation;

3) supervision of the fulfillment of other relevant requirements for the handling of environmentally hazardous chemicals at the objects of their field.

(3) The competence of the Rescue Board is to supervise the prevention of accidents and the mitigation of the consequences of possible accidents in a dangerous company and a company with a risk of a major accident, as well as informing the public.

(4) The competence of the Consumer Protection and Technical Supervision Board is to supervise:

[RT I, 12.12.2018, 3 - entry into force. 01.01.2019]

1) [invalid - RT I, 03.02.2023, 2 - entry into force. 01.06.2023] 2) on the fulfillment of the obligations of the product manufacturer and the requirements submitted to him, as well as the restrictions on the marketing and use of the product established by Annex XVII of the REACH Regulation; [RT I, 03.02.2023, 2 - enters into force. 01.06.2023] 3) [invalid - RT I, 03.02.2023, 2 - entry into force. 01.06.2023]

4) Pursuant to Regulation (EU) 2019/1148 of the European Parliament and of the Council on the fulfillment of the requirements for the distribution of restricted explosive precursors in retail sales; [

RT I, 06.04.2021, 1 - enters into force. 16.04.2021]

5) on compliance with the requirements and requirements for liability insurance included in the control object of the operating license of a dangerous company and a company with a risk of a major accident;

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

6) on the accounting of hazardous chemicals in a hazardous company and a company with a risk of a major accident;

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

7) on compliance with the requirements for placing heating gas on the market.

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

(5) [Repealed - RT I, 12.12.2018, 3 - entered into force. 01.01.2019]

(6) The competence of the Health Board is to supervise:

1) the fulfillment of the obligations of the manufacturer and importer of the substance and mixture established by the REACH and CLP regulations and the requirements submitted to them and the requirements submitted to the substance and mixture at their manufacturer and importer and in retail and wholesale;

[RT I, 03.02.2023, 2 - enters into force. 01.06.2023]

2) on compliance with the requirements for putting detergent on the market by the detergent regulation;

3) on fulfilling the obligations imposed on the exporter and importer by the PIC Regulation and on the category and field of use of the imported chemical;

4) on the accounting of dangerous chemicals.

(7) The competence of the Labor Inspectorate is to supervise:

1) the fulfillment of the requirements for the downstream user of the substance and mixture and the requirements for the substance, mixture and product at the downstream user;

2) compliance with occupational health and safety requirements in a company handling chemicals and keeping records of hazardous chemicals.

(8) The Tax and Customs Board participates in state supervision by checking:

1) compliance with the requirements set forth in Article 17 of the PIC Regulation for the export and import of the chemical specified in Annex I and the export of the chemical specified in Annex V of the same regulation;

2) a document certifying the detonation resistance of ammonium nitrate with a high nitrogen content in the event of the implementation of the customs procedure provided for in § 17 subsection 1 of this Act;

[RT I, 15.07.2022, 4 - enters into force. 16.07.2022]

3) upon entering the Community market of the chemical and the product containing it in accordance with Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and product conformity and which amends Directive 2004/42/EC and Regulations (EC) No. 765/2008 and (EU) No. 305/ 2011 (OJ L 169, 25.06.2019, pp. 1–44), existence of registration or authorization according to the REACH Regulation with the requirements of Chapter VII;

[RT I, 22.10.2021, 3 - enters into force. 01.11.2021]

4) Import of substances, mixtures and products prohibited or restricted from being placed on the market according to Annex XVII of the REACH Regulation and other legislation.

§ 39. Special measures of state supervision

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 31, 32, 44, 45, 49, 50, 51, 52 and 53 of the Law Enforcement Act on the basis and in the manner provided for in the Law Enforcement Act to perform the state supervision provided for in this Act.

§ 40. Peculiarities of state supervision

(1) The law enforcement body supervising the fulfillment of the requirements of the REACH and CLP Regulations shall, at its request, submit to the Health Board the data required in Article 127 for the preparation of the report prescribed in Article 117 of the REACH Regulation and the data for the preparation of the report required in Article 46 of the CLP Regulation.

(2) The Consumer Protection and Technical Supervision Agency and the Rescue Board take into account the risk of a major accident when supervising companies of the Directive 2012/18/EU of the European Parliament and of the Council on the control of the risk of a major accident related to dangerous substances and the amendment and later repeal of the Council Directive 96/82/EC (OJ L 197, 24.07.2012, p. 1–37) obligations arising from Article 20. At least the following data must be reflected in the risk forecast prepared for the purpose of national supervision:

1) general assessment of safety issues;

2) geographical area of installations covered by the hazard forecast;

3) a list of installations covered by the hazard forecast;

4) a list of those facilities where a domino effect may occur;

5) a list of installations where external hazards may increase the risk of a major accident or aggravate its consequences;

6) types of procedures used;

7) cooperation with other institutions.

(3) The representative of the employees of a dangerous company and a company with a risk of a major accident, the employees' confidant and the working environment commissioner have the right to be present at the inspection visits of the facility by the Consumer Protection and Technical Supervision Board and the Rescue Board, except if the supervising official does not consider it necessary.

§ 41. Use of direct 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]

§ 42. Rate of extortion money

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.

Chapter 5 Responsibility

§ 43. Violation of requirements for accounting for dangerous chemicals

(1) Failure to keep records of a dangerous chemical or the occurrence of significant deficiencies in record-keeping - shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 2,600 euros.

§ 44. Violation of chemical handling and safety requirements

(1) Violation of the chemical handling and safety requirements set forth in this Act and the legislation established on the basis thereof, the requirements for putting detergent and the surfactant used in it on the market, or the requirements for the export and import of hazardous chemicals set forth in the PIC Regulation shall be punished by a fine of up to 300 fine units

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

§ 45. Violation of the requirements for making available, bringing in, possessing and using a restricted explosive precursor

(1) Violation of the requirements for making available, importing, possessing or using restricted explosive precursors according to Regulation (EU) 2019/1148 of the European Parliament and of the Council - shall be punished with a fine of up to 300 fine units.

[RT I, 06.04.2021, 1 - enters into force. 16.04.2021]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

§ 46. Failure to report a suspicious transaction, loss or theft of an explosive precursor

(1) Failure to report a suspicious transaction, loss or theft of an explosive precursor regulated in Annexes I and II of Regulation (EU) 2019/1148 of the European Parliament and of the Council - shall be punished with a fine of up to 300 fine units

[RT I, 06.04.2021, 1 - enters into force. 16.04.2021]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 20,000 euros.

[RT I, 29.06.2018, 3 - enters into force. 01.07.2018]

§ 47. Violation of the requirements established by the REACH regulation

(1) Violation of the requirements established by the REACH Regulation - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 23,000 euros.

§ 48. Violation of the requirements established for the operation of a dangerous company and a company with a risk of a major accident

(1) For the handling of a dangerous chemical by a dangerous company or a company with a risk of a major accident, which was not presented on the information sheet, or for handling a larger amount of a dangerous chemical than was presented on the information sheet, as well as for violating other requirements established for the activities of a dangerous company or a company with a risk of a major accident, if this involved a risk to human life, health or the environment, - is punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 32,000 euros.

§ 49. Violation of chemical classification, labeling and packaging requirements

(1) Violation of the requirements for classification, labeling or packaging of chemicals resulting from the CLP Regulation - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 8,400 euros.

§ 50. Procedure

(1) Extrajudicial proceedings for misdemeanors provided for in §§ 43, 44, 47 and 49 of this Act are within the scope of their competence:

- 1) Labor Inspection;
- 2) Environmental Board;

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

- 3) Consumer Protection and Technical Supervision Agency;

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

- 4) Health Board.

(2) [Repealed - RT I, 12.12.2018, 3 - entered into force. 01.01.2019]

(3) The Tax and Customs Board is the extrajudicial investigator of the misdemeanor provided for in §§ 44 and 47 of this Act, within the limits of its competence.

(4) The non-judicial prosecutor of the misdemeanor provided for in §§ 45 and 46 of this law is the Police and Border Guard Board, and within the scope of § 45, the Consumer Protection and Technical Supervision Board, and the Tax and Customs Board in the case of importation from a third country.

[RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

(5) The out-of-court procedure for the misdemeanor provided for in § 48 of this Act is within the limits of its competence:

- 1) Rescue Board;
- 2) Consumer Protection and Technical Supervision Agency.

(6) Extrajudicial proceedings may confiscate a substance, mixture or product prohibited for marketing as a means or direct object of the commission of the misdemeanor provided for in this Act or restricted in accordance with other legislation.

Chapter 6 **Application settings**

1

§ 50 . Exception to the issuance of the safety advisor's certificate in the state of emergency announced by the Government of the Republic on March 12, 2020

(1) If, due to the special situation announced by the Government of the Republic on March 12, 2020, a person is unable to complete the additional training specified in subsection 13 (4) of this Act and take the exam, and the validity of his safety advisor's certificate expires in the period from March 1 to November 1, 2020, he may The relevant authority specified in subsection 5 of § 13 shall issue a new certificate valid until November 30, 2020.

(2) A person is exempt from paying the state fee for the operation provided for in subsection 1 of this section.

[RT I, 06.05.2020, 1 - enters into force. 07.05.2020]

§ 51. Transitional provisions

(1) The person specified in § 15 subsection 3 of this Act submits an economic activity notification in accordance with the Act on the General Part of the Code of Economic Activities in the field of wholesale trade by March 1, 2016 at the latest.

(2) A person who operates a dangerous company or a company with a risk of a major accident shall submit an updated information sheet based on the requirements of this Act and the legislation established on the basis of it by June 1, 2016 at the latest.

(3) A person who operates a company with a risk of a major accident shall, in accordance with the requirements of this Act and the legislation established on the basis thereof, submit an updated company emergency plan by June 1, 2016, if changes have been made to the company's risk analysis.

(4) A company operating before the entry into force of this Act, which was not a dangerous company or a company at risk of a major accident and which becomes a dangerous company or a company at risk of a major accident in connection with the entry into force of Directive 2012/18/EU of the European Parliament and of the Council, may operate without an operating permit in accordance with this Act until 2016. until June 1 of the year.

(5) A hazardous company that operated before the entry into force of this Act or a company with a risk of a major accident, whose hazard category changes due to the entry into force of Directive 2012/18/EU of the European Parliament and of the Council, shall make the necessary changes in its mandatory documentation and submit them for approval by June 1, 2016 at the latest.

(6) An act committed by a person before the entry into force of this Act, which is punishable as a misdemeanor also on the basis of this Act, is qualified according to the section providing for the composition of a misdemeanor in this Act.

§ 52. – § 58. [Omitted from this text.]

§ 59. Entry into force of the law

This law enters into force on December 1, 2015.

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Directive 2004/9/EC of the European Parliament and of the Council on inspection and control of good laboratory practices (OJ L 50, 20.02.2004, pp. 28–43), amended by Regulation (EC) No. 219/2009 (OJ L 87, 31.03.2009, pp. 109–154);

Directive 2004/10/EC of the European Parliament and of the Council concerning the harmonization of legal provisions concerning the application of the principles of good laboratory practice in experiments with chemical substances and the verification of their application (OJ L 50, 20.02.2004, pp. 44–59), amended by Regulation (EC) No. 219 /2009 (OJ L 87, 31.03.2009, pp. 109–154);

Directive 2012/18/EU of the European Parliament and of the Council on the control of the risk of a major accident related to hazardous substances and on the amendment and subsequent repeal of Council Directive 96/82/EC (OJ L 197, 24.07.2012, pp. 1–37);

Directive 2013/30/EU of the European Parliament and of the Council concerning the safety of offshore oil and gas extraction processes and amending Directive 2004/35/EC (OJ L 178, 28.06.2013, pp. 66–106).