

# Environmental Impact Assessment and Environmental Auditing Act

Passed 14 June 2000

(RT<sup>1</sup> I 2000, 54, 348),

entered into force 1 January 2001,

amended by the following Acts:

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;

19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375.

## Chapter 1

### General Provisions

#### § 1. Scope of application of Act

(1) This Act provides the legal bases for and the procedure for the conduct of assessments of likely environmental impact and environmental audits, in order to prevent environmental damage.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336) apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act. Provisions concerning open proceedings apply to environmental impact assessment procedures, taking account of the specifications provided for in this Act.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

#### § 2. Environmental impact assessment

The purpose of environmental impact assessment is to identify, assess and describe the likely impact of proposed activities on the environment, analyse the possibilities for the prevention and mitigation of such impact and make proposals regarding the choice of the most suitable solution.

#### § 3. Environmental auditing

The purpose of environmental auditing is to assess periodically the compliance of completed or on-going activities with the requirements of legislation, measures proposed in environmental policies, environmental management systems and environmental schemes or the provisions of standards and agreements, on the basis of the criteria determined by the audit client.

## Chapter 2

## Environmental impact assessment

### § 4. Scope of environmental impact assessment

(1) Environmental impact shall be assessed if construction works, use of a structure or changes in the use of an existing structure are intended which would result in a significant environmental impact and require an application to be made for the right to exploit natural resources or for a permit for release of pollutants or waste into the environment, or amendment of an existing permit.

(2) The environmental impact of activities proposed on the basis of a plan, national development plan or programme shall be assessed in the course of preparation or subsequent amendment of the plan, national development plan or programme.

(3) Environmental impact shall be assessed additionally if:

- 1) it is necessary to amend the activities described in an environmental memorandum;
- 2) new circumstances become evident which were not previously taken into consideration;
- 3) so required in other cases provided by law.

### § 5. Environmental impact

Environmental impact means any change in the status of the environment resulting from activities or any direct or indirect effect of such changes on human health or property.

### § 6. Significant environmental impact

(1) Environmental impact is significant if it may exceed the environmental capacity of a site, cause irreversible changes to the environment, endanger human health or property, or results from activities or combinations of activities specified in subsection (2) of this section.

(2) Activities with significant environmental impact are:

- 1) activities which are likely to have a transboundary environmental impact;
- 2) crude oil processing, excluding the manufacture of only lubricants from crude oil, and gasification and liquefaction of coal or bituminous shale, if the amount of raw material used per day is 500 tonnes or more;
- 3) construction of thermal power stations or other combustion installations with a heat output of 150 MW or more, and construction, dismantling or decommissioning of nuclear power stations and other nuclear reactors;
- 4) reprocessing of irradiated nuclear fuel;
- 5) production or enrichment of nuclear fuel or processing of radioactive waste;

- 6) construction, reconstruction or removal of installations for temporary storage or final disposal of radioactive waste;
- 7) activities relating to the smelting of cast-iron or the production of steel, if annual production exceeds 5000 tonnes;
- 8) production of non-ferrous metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
- 9) production of asbestos and processing or transformation of asbestos or products containing asbestos: for asbestos-cement products, with annual production of more than 20 000 tonnes of finished products, for friction material, with annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilisation of more than 200 tonnes per year;
- 10) use of installations for the manufacture on an industrial scale of chemical substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and produce:
  - basic organic chemicals;
  - basic inorganic chemicals;
  - phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);
  - biocides;
  - pharmaceutical products using a chemical or biological process;
  - explosives;
  - solvents or other chemical products the production of which requires the use of more than 1000 tonnes of substances containing solvents per year;
- 11) construction of main roads, motorways, railways and of airports with a basic runway length of 2100 m or more;
- 12) construction of waterways and ports for inland waterway traffic with a fairway of more than 4 m in depth which permit the passage of vessels with a displacement of more than 1350 tonnes;
- 13) construction of seaports or piers for loading and unloading connected to land, with a fairway of more than 8 m in depth;
- 14) dredging of water bodies and dumping into water bodies;
- 15) incineration, chemical treatment or landfill of hazardous waste;
- 16) incineration or chemical treatment of more than 100 tonnes of municipal waste per day, or construction of municipal waste landfills with a capacity of more than 25 000 tonnes of waste;

- 17) construction of waste water treatment plants with a capacity exceeding 150 000 population equivalent;
- 18) groundwater abstraction exceeding 10 million cubic metres of water per year;
- 19) construction of works for the transfer of water resources where the average amount of water transferred exceeds 100 million cubic metres per year, or construction of works for the transfer of water resources where the average flow of the basin of abstraction exceeds 2000 million cubic metres per year and where the amount of water transferred through such works exceeds 5% of the average annual flow;
- 20) construction of dams and reservoirs for the holding back of more than 10 million cubic metres of water;
- 21) altering the coastline of a water body;
- 22) construction of high-pressure pipelines for the transportation of natural gas, or main pipelines for the transport of petroleum or chemical products or other liquids;
- 23) extraction of more than 500 tonnes of petroleum or more than 500 000 cubic metres of natural gas from the seabed or land per day;
- 24) construction of public water supply and sewerage systems where more than 500 cubic metres of water is extracted or more than 500 cubic metres of waste water is led off per day;
- 25) construction of installations for the rearing of poultry or pigs with more than:
  - 85 000 places for broilers or 60 000 places for hens;
  - 3000 places for fattening pigs with a calculated weight of over 30 kg each;
  - 900 places for sows;
- 26) quarrying and open-cast mining where the surface of the site exceeds 25 ha, or peat extraction where the surface of the site exceeds 150 ha;
- 27) construction of overhead electrical power lines with a voltage of more than 220kV and a length of more than 15 km;
- 28) manufacture of man-made fibre and mineral wool;
- 29) manufacture of cellulose, paper or cardboard;
- 30) construction of petroleum product terminals with a total capacity of more than 5000 cubic metres;
- 31) construction of chemical product terminals with a total capacity of more than 5000 cubic metres of category D or C chemicals, or more than 500 cubic metres of category B chemicals, or more than 50 cubic metres of category A chemicals;

32) irreversible conversion of forest land or wetlands with a total area of more than 100 ha by draining, deforestation, etc;

33) release of genetically modified organisms into the environment.

(3) In addition to the provisions of subsection (2) of this section, the decision-maker is required to analyse the environmental impact in each specific case and, if necessary, declare the impact significant on the basis of the following characteristics of the activity:

- 1) the extent of the likely environmental impact;
- 2) the site and its environmental conditions;
- 3) the technological level, volume of waste and energy demand;
- 4) the probability, duration, frequency, irreversibility and effect of the likely environmental impact;
- 5) the extent of the possible risk.

#### § 7. Developer

(1) A developer is a person who proposes an activity and intends to carry it out.

(2) A developer shall organise environmental impact assessment and cover the expenses related thereto.

#### § 8. Authorisation

For the purposes of this Act, authorisation is:

- 1) the design criteria or building permit;
- 2) the extraction permit, permit for special use of water, ambient air pollution permit, waste permit, or permit for release of genetically modified organisms into the environment;
- 3) other documents not specified in this section permitting commencement of activities with significant environmental impact.

#### § 9. Decision-maker

The decision-maker is the issuer of authorisation.

#### § 10. Environmental memorandum

(1) A developer shall annex an environmental memorandum to an application for authorisation.

(2) An environmental memorandum shall contain a description of activities, including:

- 1) the extent, site and purpose of the activities;

- 2) information necessary for the assessment of the environmental impact involved;
- 3) alternative solutions, and reasons for the choice made;
- 4) measures envisaged in order to prevent any adverse impact on the environment and to remedy any possible damage.

(3) Detailed requirements for environmental memoranda shall be established by a regulation of the Minister of the Environment pursuant to the provisions of subsection (2) of this section.

(4) The decision-maker shall review the environmental memorandum and make a decision concerning the necessity of environmental impact assessment within one month as of the receipt of the environmental memorandum.

#### § 11. Initiation of environmental impact assessment

- (1) An environmental impact assessment shall be initiated by a decision-maker.
- (2) In the case of activities specified in subsection 6 (2) of this Act, the environmental impact shall be assessed without providing the reasons therefor.
- (3) If a decision to initiate an environmental impact assessment results from circumstances specified in subsection 6 (3) of this Act, the decision-maker shall annex the reasons for the initiation decision to the decision.

#### § 12. Environmental impact assessment programme

(1) A developer shall prepare an environmental impact assessment programme and submit the programme to the environmental authority of the site for approval. An environmental impact assessment programme shall contain a plan for the conduct and public disclosure of the assessment. At the request of a developer, the environmental authority shall prepare prior written recommendations concerning the environmental impact assessment programme.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

- (2) An environmental authority shall approve an environmental impact assessment programme within two weeks after public consultation, except in the cases provided for in subsection (3) of this section.
- (3) If the environmental impact may extend to another county, a transboundary water body or the sea or become transboundary, the environmental authority shall forward the environmental impact assessment programme together with an opinion to the Ministry of the Environment within two weeks and shall inform the developer thereof. The Minister of the Environment shall approve such environmental impact assessment programme within two weeks after public consultation.
- (4) If a developer fails to submit an environmental impact assessment statement to the decision-maker within two years after approval of the environmental impact assessment

programme, the programme expires and a new environmental impact assessment programme shall be prepared in order to assess the environmental impact.

#### § 13. Environmental impact assessment statement

(1) A developer shall organise an environmental impact assessment pursuant to the approved environmental impact assessment programme. Environmental impact shall be assessed by an expert holding an appropriate activity licence issued pursuant to the procedure established by this Act. Environmental impact may be assessed also by a legal person through an employee holding an appropriate activity licence.

(2) An expert shall prepare an environmental impact assessment statement which:

- 1) describes the activity, its purpose, scope and site, the status of the environment at the site, and the potential consequences of the activities, e.g. water, soil and air pollution, noise, vibration, light, heat and radiation;
- 2) describes alternative sites and designs, and indicates the reasons for the choice made, taking into account the potential environmental impact;
- 3) determines the scope of the potential environmental impact on the status of the environment, human health, property, flora, fauna, soil, the landscape, climate, protected natural objects and objects protected under heritage conservation;
- 4) assesses the effects of the likely environmental impact of the activities and describes the measures envisaged in order to avoid or mitigate the potential danger;
- 5) assesses the efficiency of the use of natural resources;
- 6) makes proposals for the conduct of environmental monitoring and environmental auditing;
- 7) contains an environmental impact assessment programme;
- 8) contains proposals from third parties and the reasons why they were taken into account or disregarded;
- 9) contains a short summary of the assessment results.

(3) Detailed requirements for environmental impact assessment statements shall be established by a regulation of the Minister of the Environment.

#### § 14. Activity licence for environmental impact assessment

(1) An activity licence for environmental impact assessment (hereinafter activity licence) grants the right to assess environmental impact.

(2) The Minister of the Environment grants an activity licence on the basis of an application by an applicant for a licence.

(3) A natural person has the right to apply for an activity licence if he or she:

1) is an Estonian citizen and has acquired higher education in an institution of higher education which holds an education licence granted by the Ministry of Education or which grants documents attesting education which are recognised in Estonia;

2) has at least two years' professional experience in fields related to environmental protection;

3) is knowledgeable of the procedure for environmental impact assessment and of environmental legislation.

(4) Activity licences are granted for a period of five years.

(5) The issue of an activity licence shall be refused if:

1) the applicant does not have the required qualifications;

2) the applicant has by his or her earlier economic activities violated the requirements established by legislation;

3) the activity licence held by the applicant has been revoked.

(6) In the following cases, the Minister of the Environment has the right to suspend the validity of an activity licence or revoke a licence, giving prior written notice thereof to the holder of the licence:

1) the applicant for the activity licence has submitted inaccurate information;

2) the person to whom the activity licence has been granted fails to comply with the requirements for environmental impact assessment;

3) facts specified in subsection (5) of this section become evident.

(7) The format of activity licences and applications therefor and the procedure for the grant, suspension and revocation of activity licences shall be established by a regulation of the Minister of the Environment.

#### § 15. Access to environmental information

(1) Persons or agencies holding environmental information concerning the likely environmental impact of an activity or the status of the environment at a site shall make such information available without charge to the developer, decision-maker, expert and person exercising supervision.

(2) Everyone has the right to obtain information concerning the likely environmental impact of an activity from the decision-maker, submit written and oral questions or make proposals and obtain responses thereto.

#### § 16. Notification of environmental impact assessment

(1) A decision-maker shall give notice, in writing, of the initiation of an environmental impact assessment and of completion of an environmental impact assessment statement



within ten days as of the making of the initiation decision or the receipt of the assessment, as follows:

- 1) to the county governments and local governments into whose boundaries the environmental impact of the activities may extend;
- 2) to the Environmental Inspectorate;
- 3) to land owners whose interests may be directly affected by the activities.

(2) A decision-maker shall give notice of the initiation of an environmental impact assessment and of completion of an environmental impact assessment statement within ten days as of the making of the initiation decision or the receipt of the assessment and pursuant to the state procedure for the publication of official notices.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

#### § 17. Public consultation

(1) After completion of an environmental impact assessment programme and statement, the developer shall organise public consultation in order to inform the public of the activities proposed by the developer.

(2) If necessary, a developer shall amend the environmental impact assessment programme on the basis of the proposals made. Proposals made with regard to an environmental impact assessment statement shall be annexed to the statement. If a developer disregards the proposals, the developer shall annex the reasons therefor to the statement.

#### § 18. Supervision of environmental impact assessment

(1) Supervision shall be exercised over environmental impact assessment by the Minister of the Environment under the circumstances specified in subsection 12 (3) of this Act and by an environmental authority in other cases.

(2) Persons exercising supervision are competent to:

- 1) verify compliance of environmental memoranda and environmental impact assessment programmes with the requirements of legislation;
- 2) approve environmental impact assessment programmes;
- 3) verify the conformity of the conduct of an environmental impact assessment to regulations;
- 4) assess the compliance of an environmental impact assessment statement with the programme, approve the statement and set environmental requirements on the basis thereof;
- 5) settle disputes concerning environmental impact assessment.

## § 19. Environmental requirements

(1) A developer shall submit an environmental impact assessment statement to the decision-maker who:

1) shall give notice thereof pursuant to § 16 of this Act;

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

2) after annexing the proposals made in the course of public consultation, shall forward the statement for approval to the person exercising supervision.

(2) The person exercising supervision shall inform the decision-maker and the developer of a decision on approval of the statement and determination of environmental requirements and return the statement together with annexed environmental requirements within one month as of the receipt of the statement.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(3) If a developer fails to commence activities within two years as of notification of the decision to grant authorisation, the environmental requirements expire and a new environmental impact assessment statement shall be submitted to the person exercising supervision in order to obtain new requirements.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

## § 20. Grant of authorisation

(1) Activities shall not be commenced before the time specified in the authorisation.

(2) In granting authorisation, the decision-maker shall take into account the results of the environmental impact assessment and the environmental requirements annexed to the statement.

(3) Authorisation shall not be granted if environmental requirements cannot be complied with in the manner envisaged by the developer.

(4) A decision-maker shall give notice of a decision to grant or refusal to grant authorisation within ten days as of making the corresponding decision and pursuant to the state procedure for the publication of official notices.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(5) A notice shall set out the time and place for accessing materials concerning the activities.

## § 21. Specifications to assessment of environmental impact relating to use of earth's crust

(1) In addition to the provisions of § 4 of this Act, activities relating to the use of the earth's crust are:

- 1) general geological surveys and geological explorations;
- 2) the termination of mining operations.

(2) The environmental impact of a general geological survey, a geological exploration or the termination of mining operations shall be assessed in the course of preparation of the project of the general geological survey, geological exploration or termination of mining operations.

(3) An environmental impact assessment statement constitutes a separate part of the project of a general geological survey, a geological exploration report or the termination of mining operations.

#### § 22. Strategic environmental assessment

(1) Strategic environmental assessment is assessment of the potential environmental impact resulting from activities proposed by a plan, national development plan or programme.

(2) The potential environmental impact resulting from activities proposed by a plan shall be assessed in the course of drafting the plan and the assessment shall be published together with the plan pursuant to the requirements of the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953; 1999, 27, 380; 29, 398; 399; 95, 843; 2000, 54, 348; 2001, 42, 234; 50, 283; 65, 377; 2002, 47, 297; 53, 336; 63, 387).

(3) The potential environmental impact resulting from activities proposed by a national development plan or programme shall be assessed in the course of drafting the plan or programme.

(4) A strategic environmental assessment statement constitutes a separate part of a plan, national development plan or programme.

#### § 23. Assessment of transboundary environmental impact

(1) If environmental impact may extend to the territory of another state, the Minister of the Environment shall inform the state thereof concurrently with the public disclosure of the environmental impact in Estonia.

(2) The Republic of Estonia participates in the assessment of transboundary environmental impacts originating in the territory of other states pursuant to the procedure provided for in international agreements.

(3) Assessment of transboundary environmental impact originating in the territory of the Republic of Estonia shall be organised pursuant to the procedure provided for in international agreements.

(4) The Ministry of the Environment shall co-ordinate foreign relations relating to assessment of transboundary environmental impact pursuant to the procedure provided for in the Foreign Relations Act (RT I 1993, 72/73, 1020; 1996, 49, 953; 1997, 73, 1200).

## Chapter 3

### Environmental auditing

#### § 24. Auditing of environmental management systems

(1) If the activities of an organisation give rise to a high environmental risk, the organisation shall permit auditing of its environmental management system at least once every three years.

(2) A high environmental risk is the possible occurrence of an environmental impact which exceeds the environmental capacity of the site, causes irreversible changes to the environment or endangers human health or property.

(3) Taking into account the provisions of subsection (4) of this section, activities with high environmental risk are:

- 1) production of electricity or thermal energy;
- 2) production or processing of metals;
- 3) production of minerals;
- 4) manufacture of substances using chemical processes;
- 5) processing of crude oil and oil shale;
- 6) exploitation of waste water treatment plants;
- 7) waste management;
- 8) radioactive substances and waste management;
- 9) storage of petroleum products or liquid chemicals;
- 10) extraction of mineral resources;
- 11) processing of agricultural products;
- 12) rearing of domestic animals and poultry.

(4) The Minister of the Environment shall establish a detailed list of activities with high environmental risk and the scope of activities at which high environmental risk is likely to arise.

(5) For the purposes of this Act, an organisation is a company, state agency or other person with independent duties and management, or a combination of such companies, agencies or persons.

(6) An environmental management system is that part of the management of an organisation which ensures the drafting, implementation and efficiency of its environmental policy.

## § 25. Environmental auditing relating to transactions with immovables

(1) If the state acquires or transfers an immovable where activities with high environmental risk have been or are being carried out, the owner or possessor of the immovable shall arrange for environmental auditing in order to ascertain the environmental status of the immovable or to verify compliance of the activities carried out on the immovable with environmental requirements.

(2) Upon the transfer, commercial lease or pledging of an immovable not specified in subsection (1) of this section, the transferee, lessee or pledgee has the right to demand submission of the conclusions of the environmental audit from the other party before concluding the transaction.

(3) In the case of the commercial lease of an immovable, the commercial lessor has the right to request the lessee to organise environmental auditing at least once every three years if the conditions of the lease allow continuation or commencement of activities with high environmental risk on the immovable.

## § 26. Conduct of environmental audits

(1) An environmental audit shall be conducted pursuant to the requirements of legislation and harmonised standards and generally recognised methodological principles.

(2) The costs of environmental auditing shall be covered by the audit client.

(3) The findings of an environmental audit shall be submitted to the audit client in writing in the form of a report and a conclusion. In the case of a mandatory environmental audit, the audit client shall submit the conclusion of the report to the local government and the environmental authority of the location of the organisation or immovable being audited. The report and conclusion shall be signed by the lead auditor.

## § 27. Confidentiality

(1) Without the consent of the audit client, an environmental auditor shall not disclose information obtained in the course of environmental auditing to third parties or use such information against the audit client, unless otherwise provided by law.

(2) If circumstances dangerous to human health or the environment become evident in the course of environmental auditing, the audit client or a person authorised thereby is required to implement measures for the elimination of the danger and notify the environmental authority thereof.

## § 28. Restriction on activities

(1) An environmental auditor shall not engage in activities besides environmental auditing which affect or may affect his or her impartiality.

(2) An assessment concerning activities which affect or may affect the impartiality of an environmental auditor shall be provided by the committee for registration of environmental auditors on the basis of an application by the environmental auditor.

(3) The decision of the committee is binding on the environmental auditor and remains in force until the circumstances on which the decision was based change or cease to exist.

#### § 29. Right of environmental auditing

(1) A natural person holding an appropriate certificate may operate as an environmental auditor if he or she is registered as an undertaking or is employed by a legal person which has registered environmental auditing as one of its areas of activity.

(2) In order to conduct an environmental audit, a lead auditor has the right to form an audit team composed of environmental auditors and experts. An environmental audit shall be conducted by a lead auditor, or an audit team under the supervision of the lead auditor.

#### § 30. Committee for registration of environmental auditors

(1) Environmental auditors shall be registered by a committee formed by a regulation of the Minister of the Environment.

(2) The tasks of the committee for registration of environmental auditors are to:

1) verify whether persons applying for the title of an environmental auditor meet the qualification requirements;

2) issue environmental auditor's certificates to persons who meet the qualification requirements for environmental auditors;

3) maintain records of environmental auditor's certificates;

4) exercise supervision.

#### § 31. Registration of environmental auditors

(1) A person who wishes to be registered as an environmental auditor shall prove to the committee for registration of environmental auditors that he or she meets the qualification requirements.

(2) Qualification requirements for environmental auditors and lead auditors shall be provided by EVS-EN ISO 14012 "Guidelines for environmental audits. Qualification criteria for environmental auditors", declared to be a harmonised standard by a regulation of the Minister of the Environment.

(3) A natural person with active legal capacity is registered as an environmental auditor if he or she has acquired higher education in an institution of higher education which holds an education licence granted by the Ministry of Education or which grants documents attesting education which are recognised in Estonia.

(4) A person shall not be registered as an environmental auditor if:

1) he or she does not meet the requirements of this Act and requirements established or enforced on the basis thereof;

2) his or her registration as an environmental auditor has been revoked;

3) he or she has been punished for a criminal offence committed by him or her.

(5) After the committee for registration of environmental auditors has registered a person who meets the qualification requirements and requirements provided for in subsection (3) of this section as an environmental auditor, the committee shall issue an environmental auditor's certificate to the person.

(6) In the following cases, the committee for registration of environmental auditors has the right to suspend the validity of an environmental auditor's certificate or revoke his or her registration:

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

1) inaccurate information has been submitted to the committee;

2) facts specified in subsection (4) of this section become evident;

3) the environmental auditor fails to submit an activity report;

4) the environmental auditor engages in activities which affect or may affect his or her impartiality.

(7) The format of environmental auditor's certificates and the procedure for verification of compliance with qualification requirements, issue of certificates, suspension of validity of certificates and revocation of registrations shall be established by a regulation of the Minister of the Environment.

#### § 32. Supervision of activities of environmental auditors

(1) Supervision shall be exercised over the activities of environmental auditors by the registrar pursuant to the procedure established by the Minister of the Environment.

(2) An environmental auditor shall submit an activity report once every five years at the time and in the extent determined by the registrar.

(3) The registrar has the right to verify the reports and conclusions prepared by an environmental auditor. The confidentiality requirement provided for in § 27 of this Act extends to the registrar.

#### Chapter 4

#### Liability

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 32<sup>1</sup>. Violation of requirements for environmental impact assessment or environmental auditing

(1) Violation of the requirements for environmental impact assessment or environmental auditing is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 32<sup>2</sup>. Failure to give notice of danger or to implement measures for elimination of danger

Failure to notify the Ministry of the Environment of any situation which endangers human health or the environment and which is discovered in the course of environmental auditing or to implement measures for the elimination of danger by a legal person is punishable by a fine of up to 50 000 kroons.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 32<sup>3</sup>. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in §§ 32<sup>1</sup> and 32<sup>2</sup> of this Act.

(2) The Environmental Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 32<sup>1</sup> and 32<sup>2</sup> of this Act.

(19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 33. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 34. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 35. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

§ 36. (Repealed - 19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387)

## Chapter 5

### Implementing Provisions

§ 37. Registration of operating environmental auditors

Before the entry into force of this Act, persons entered in the list of persons who have completed the courses of environmental auditors shall be registered as environmental auditors by the Minister of the Environment without additional examination.

§ 38. Amendment of Planning and Building Act

The following amendments are made to the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953; 1999, 27, 380; 29, 398; 399; 95, 843; 2000, 54, 348; 2001, 42, 234; 50, 283; 65, 377; 2002, 47, 297; 53, 336; 63, 387):



1) clause 11) is added to subsection 6 (2) worded as follows:

”11) assess environmental impact.”;

2) clause 14) is added to subsection 7 (4) worded as follows:

”14) assess environmental impact.”;

3) clause 15) is added to subsection 8 (4) worded as follows:

”15) assess environmental impact.”;

4) subsection 9 (10) is amended and worded as follows:

”(10) In the preparation of detailed plans, Acts in force concerning health protection, environmental protection, national defence and fire safety, other Acts and norms, and the results of environmental impact assessments shall be taken into account.”;

5) subsection 22 (4) is amended and worded as follows:

”(4) Supervisory authorities may request that an additional environmental impact assessment be conducted with regard to a plan. The costs relating to the assessment shall be covered by the person who initiated the plan.”;

6) subsection 55 (1) is amended and worded as follows:

”(1) Building design documentation is subjected to civil engineering expert assessments, if necessary.”;

7) clause 55 (2) 1) is repealed;

8) subsection 55 (3) is amended and worded as follows:

”(3) The procedure for performance of expert assessments shall be determined pursuant to the procedure established by the Government of the Republic.”

#### § 39. Amendment of Fishing Act

Section 23 of the Fishing Act (RT I 1995, 80, 1384; 1996, 27, 567; 1998, 108/109, 1784; 1999, 10, 152; 54, 583; 95, 843; 2000, 13, 92; 54, 348; 81, 514; 2001, 18, 88; 2002, 41, 250; 61, 375; 63, 387) is amended and worded as follows:

”§ 23. Environmental impact assessment

In order to erect buildings or constructions or perform other works which may damage fishery resources, an environmental impact assessment shall be conducted pursuant to the procedure provided for in the Environmental Impact Assessment and Environmental Auditing Act.”

#### § 40. Amendment of Earth's Crust Act

Section 81 of the Earth's Crust Act (RT I 1994, 86/87, 1488; 1995, 75, 1321; 1996, 49, 953; 1997, 52, 833; 86, 1461; 93, 1562; 1998, 64/65, 1005; 71, 1201; 1999, 10, 155; 54, 583; 95, 843; 2000, 54, 348; 102, 670; 2001, 24, 133; 52, 303; 2002, 53, 336; 61, 375; 63, 387) is repealed.

#### § 41. Amendment of Sustainable Development Act

Section 8 of the Sustainable Development Act (RT I 1995, 31, 384; 1997, 48, 772; 1999, 29, 398; 2000, 54, 348) is amended and worded as follows:

##### ”§ 8. Environmental impact assessment and environmental auditing

(1) The purpose of environmental impact assessment is to identify, assess and describe the likely impact of proposed activities on the environment, analyse the possibilities for the prevention and mitigation of such impact and make proposals regarding the choice of the most suitable solution.

(2) The purpose of environmental auditing is to assess periodically the compliance of completed or on-going activities with the requirements of legislation, measures proposed in environmental policies, environmental management systems and environmental schemes or the provisions of standards and agreements, on the basis of the criteria determined by the audit client.

(3) The procedure for environmental impact assessment and environmental auditing shall be provided by law.”

#### § 42. Amendment of Code of Administrative Offences

The Code of Administrative Offences is amended as follows:

1) section 61<sup>1</sup> is added to the Code worded as follows:

”§ 61<sup>1</sup>. Violation of requirements for environmental impact assessment or environmental auditing

A fine of up to 200 days' wages shall be imposed for violation of the requirements for environmental impact assessment or environmental auditing, and for knowingly submitting false information in an environmental impact assessment report or the conclusion of an environmental audit.”;

2) the list in subsection 186 (1) is amended by adding the number “61<sup>1</sup>,” after the number “51”;

3) the list in clause 228 (1) 4) is amended by adding the number “61<sup>1</sup>,” after the number “51”.

#### § 43. Entry into force of Act

This Act enters into force on 1 January 2001.

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

