

Publisher: Parliament
Type of act: the law
Type of text: full text
Entry into force of the revision: 01.07.2023
Expiry of revision: Currently valid
Disclosure notice: RT I, 21.09.2023, 3

Environmental Monitoring Act

Adopted on 04.05.2016
RT I, 18.05.2016, 1
entry into force on 01.01.2017

Amended by the following acts

Reception	Publication	Enforcement
10.05.2017	RT I, 25.05.2017, 1	04.06.2017
19.06.2017	RT I, 05.07.2017, 3	01.09.2017
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
05.12.2018	RT I, 22.12.2018, 1	01.01.2019
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
08.12.2021	RT I, 17.12.2021, 1	01.01.2022
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" has been replaced throughout the text with the word "Climate Ministry" in the corresponding case

Chapter 1 General settings

§ 1. Scope of regulation and application of the Act

(1) This Act stipulates the organization of national, local government and voluntary environmental monitoring, the implementation of the national environmental monitoring program and its sub-programmes, the establishment, use, protection and liquidation of national environmental monitoring stations and areas, the procedure for storing, using and publishing data obtained during environmental monitoring, and state supervision order and responsibility for failure to comply with the requirements of this Act.

(2) This Act does not apply to monitoring of the state of the environment, which is not environmental monitoring within the meaning of this Act.

(3) The environmental monitoring of the holder of the permit specified in the environmental permit and environmental complex permit shall be subject to the requirements established in the law governing the corresponding permit and based on it.

(4) § 13 of this Act shall apply to the storage, use, preservation and publication of the environmental monitoring data of the holder of the permit stipulated in the environmental permit, unless otherwise provided in the Act.

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

(5) The provisions of the Administrative Procedure Act shall apply to the administrative procedure provided for in this Act, taking into account the differences provided in this Act.

§ 2. Environmental monitoring

(1) Environmental monitoring is the continuous monitoring of the state of the environment and factors affecting it, which includes environmental observations, collection, processing and storage of observation data, analysis of observation results and forecasting of changes.

(2) Environmental monitoring is divided into national environmental monitoring, local government unit environmental monitoring and voluntary environmental monitoring.

Chapter 2 National environmental monitoring

§ 3. Purpose, financing and organization of national environmental monitoring

(1) The purpose of national environmental monitoring is to get an overview of the state of the country's environment and its long-term changes, to ensure the fulfillment of environmental monitoring obligations arising from international agreements and national legislation, and to assess the impact of the implementation of national action, development and management plans on the state of the environment and its changes.

(2) The data of national environmental monitoring is the basis for the preparation of operational, development and management plans and legislation and the assessment of their impact.

(3) National environmental monitoring is financed from the state budget or the budget of international programs.

(4) National environmental monitoring is organized and coordinated by the Ministry of Climate.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 4. National environmental monitoring program

(1) National environmental monitoring is carried out on the basis of a long-term national environmental monitoring program, which is drawn up in an open procedure in accordance with the Administrative Procedure Act.

(2) The national environmental monitoring program consists of sub-programmes in the fields.

(3) The requirements and procedures for the implementation of the national environmental monitoring program and sub-programmes shall be established by the minister responsible for the field in a regulation, in which he shall establish the national environmental monitoring:

- 1) general principles for the preparation of the program and the organization of its implementation;
- 2) the list of subprograms, their goals and tasks;
- 3) procedure for executing subprograms;
- 4) principles of selection of sub-program monitoring stations, areas or locations;
- 5) requirements for collection, processing, transmission and storage of monitoring data of the subprogram;
- 6) requirements for ensuring the quality of monitoring data of the subprogram.

(4) The national environmental monitoring program is approved by the minister responsible for the field with a directive.

(5) The budgets of the national environmental monitoring sub-programs, together with the list of relevant monitoring works, are approved by the minister responsible for the field in a directive.

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§ 4 . External paid services of the National Environmental Monitoring Program

(1) The environmental agency may provide paid environmental data analysis and forecasting services related to its core activities, if this does not prevent it from fulfilling its duties arising from the law and the statute.

(2) The minimum and maximum fees for paid services by type of service are as follows:

- 1) preparation of a special weather forecast – one hour 28–56 euros;
- 2) preparation of a special-purpose forecast model – one hour 32–64 euros;
- 3) paid forecasters' information phone - one minute 1.1-2.2 euros;
- 4) making a wind rose – 24–44 euros;
- 5) analysis of meteorological and hydrological data – one hour 28–56 euros;
- 6) hydrological engineering calculations – one hour 28–56 euros.

(3) Fees received for paid services may only be used to cover the costs of providing the services specified in subsection 2 of this section.

(4) The specified list of paid services and fee rates, based on labor, material, equipment and general costs necessary for the provision of the service and taking into account the provisions of subsection 2 of this section, shall be established by the minister responsible for the field by regulation.

[RT I, 17.12.2021, 1 - enters into force. 01.01.2022]

§ 5. Responsible executor of the national environmental monitoring subprogram

(1) The execution of the subprogram of the national environmental monitoring program is managed by the responsible executioner.

(2) The responsible executor is:

- 1) a government agency or a state agency managed by a government agency on the basis of its statute;
- 2) a person with whom a relevant contract has been concluded in accordance with the procedure provided for in the Public Procurement Act or

3) a state-owned company whose main activity is conducting environmental studies and with which the minister responsible for the field has concluded an administrative contract for this purpose in accordance with the procedure provided for in the Administrative Cooperation Act.

[RT I, 22.12.2018, 1 - enters into force. 01.01.2019]

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(2)) §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of the administrative contract specified in Clause 2, Clause 3 of this section.

[RT I, 22.12.2018, 1 - entry into force. 01.01.2019]

(3) The responsible executor performs and organizes environmental monitoring through persons with the required competence.

§ 6. Duties of the responsible executor

Responsible executor:

- 1) collects monitoring data;
- 2) gathers and processes the monitoring data collected during the execution of the subprogram, analyzes and generalizes the collected information and submits the monitoring data to the environmental monitoring database;

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

- 3) assesses the state of the environment and its changes;
- 4) makes proposals to change the environmental monitoring subprogram, including environmental monitoring stations used;
- 5) ensures the correctness and storage of the collected monitoring data;
- 6) enters into the agreements specified in § 9 subsection 4 and § 22 subsection 2 of this Act with the owner of the immovable property;
- 7) if necessary, maintains state environmental monitoring stations, areas and equipment to ensure their reliability and continuity of data receipt;
- 8) if necessary, informs the owner or occupier of the immovable property about the environmental monitoring before the monitoring works begin;

9) immediately informs the subprogram work orderer, if during the monitoring it becomes clear that the monitoring station or area is damaged or destroyed, or malfunctions of the monitoring equipment appear.

§ 7. Requirements, methods and methodologies established for national environmental monitoring

In the monitoring work of the sub-programme of the national environmental monitoring program, the requirements, methods and methodologies established in the relevant legal act or international program to which the monitoring data are transmitted are used, in the absence of these, standard methods and methodology, in the absence of the latter, methods and methodology generally recognized in the field.

§ 8. State environmental monitoring station, area and place

(1) A national environmental monitoring station is a place where sampling, observations and measurements determined by the environmental monitoring subprogram take place and where there are permanent or permanent and temporary environmental monitoring buildings equipped with equipment.

(2) The national environmental monitoring area is a land area where sampling, observations and measurements determined by the environmental monitoring subprogram take place and where there are no permanent environmental monitoring structures.

(3) A place of national environmental monitoring is a place marked as a point or line object, where sampling, observations and measurements determined by the national environmental monitoring subprogram take place and where there are no environmental monitoring buildings. The place of national environmental monitoring may be part of the station specified in subsection 1 of this section or the area specified in subsection 2.

(4) The list of national environmental monitoring stations, areas and places shall be established by the minister responsible for the field by means of a directive.

§ 9. Establishment and liquidation of the national environmental monitoring station and area

(1) The state environmental monitoring station is established with the consent of the owner of the immovable property and, if necessary, an agreement to this effect is concluded, which is entered in the land register.

(2) If the owner of the immovable object does not agree to the establishment or location of an environmental monitoring station on the immovable property, and there is no other representative place suitable for environmental monitoring and no technically or economically expedient possibility for the establishment of the station, compulsory possession of the immovable property shall be established in favor of the owner of the environmental monitoring station in accordance with the procedure provided for in the Act on Acquisition of Immovable Property in the Public Interest.

[RT I, 29.06.2018, 1 - enters into force. 01.07.2018]

(3) When establishing a national environmental monitoring area, the consent of the owners of the immovable property, within whose cadastral unit the temporary environmental monitoring building is to be built, is sought, and, if necessary, an agreement to that effect is concluded, which is entered in the land register.

(4) The agreement for the establishment of the national environmental monitoring station and area is concluded by the responsible executor with the owner of the real estate.

(5) If the owner of the immovable property specified in subsections 1 and 3 of this section is the state, a state environmental monitoring station or area is established with the consent of the manager of the state property.

(6) The station and area of the national environmental monitoring shall be liquidated by the directive of the minister responsible for the area on the basis of a justified request of the owner of the station or real estate.

§ 10. Designation and protection of the national environmental monitoring station and area

(1) The location of the national environmental monitoring station and area shall be marked if it is expedient or if the requirement for marking is a condition of the financier of the establishment or operation of the station or area.

(2) At the national environmental monitoring station, in its vicinity and in the national environmental monitoring area, activities that may damage the station or the area, hinder monitoring work or cause interruption of the national environmental monitoring program are prohibited.

(3) The specified requirements and procedure for the designation and protection of the national environmental monitoring station and area shall be established by a regulation of the minister responsible for the field .

Chapter 3

Local self-government unit environmental monitoring and voluntary environmental monitoring

§ 11. Environmental monitoring of the local self-government unit

(1) A local government unit organizes environmental monitoring in order to fulfill the tasks assigned to it by law or to organize its work.

(2) The procedure for the execution of the environmental monitoring program and the processing and storage of the environmental monitoring data collected on the basis of it shall be established by the local government unit, taking into account the requirements stipulated for national environmental monitoring.

(3) The data of the environmental monitoring carried out for the performance of the tasks assigned to the local self-government unit by law shall be forwarded to the responsible processor of the environmental monitoring database.

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

(4) The environmental monitoring of a local government unit is financed:

- 1) from the allocations provided for the local government unit from the state budget;
- 2) from the city or municipality budget.

(5) Environmental monitoring carried out by a local government unit and part of an international program or project is financed from the budget of this program or project.

§ 12. Voluntary environmental monitoring

(1) Voluntary environmental monitoring is carried out by a public or private legal entity or natural person at their own request and expense for their own use.

(2) If voluntary environmental monitoring has been carried out in accordance with the requirements, methods and methodologies specified in § 7 of this Act, the person may submit its data to the responsible processor of the environmental monitoring database.

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

(3) When submitting the data to the responsible processor of the environmental monitoring database, the person must determine whether and to what extent he agrees to the disclosure of the monitoring data. If the person has determined that the monitoring data provided by him may be disclosed, but has not specified to what extent, then it is assumed that he agrees to their disclosure in full.

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

Chapter 4

Storage, use, publication and preservation of environmental monitoring data

§ 13. Keeping, using, publishing and preserving environmental monitoring data

(1) Environmental monitoring data is stored and published in the environmental monitoring database and in other information systems of the Ministry of Climate's administrative area.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

1

(1) The environmental monitoring database is a database belonging to the state information system, the purpose of which is to capture, store and ensure the availability of environmental monitoring data collected on the basis of this Act.

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

2

(1) Environmental monitoring data within the meaning of this Act are:

1) data collected during environmental monitoring on the state of the environment;

2) environmental monitoring reports.

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

(2) The use of environmental monitoring data and data exchange with other information systems and databases of the country is carried out through systems that ensure the maintenance of databases, taking into account the limitations set forth in legislation.

(3) [Repealed - RT I, 05.07.2017, 3 - entered into force. 01.09.2017]

(4) When using and publishing national environmental monitoring data, it is mandatory to refer to the person in charge of monitoring and the subprogram on the basis of which the work was done, and in the case of using and publishing other environmental monitoring data, to the data provider.

(5) Environmental monitoring data shall be permanently stored.

(6) The environmental monitoring database is established and its statutes are established by a regulation of the minister responsible for the field .

[RT I, 05.07.2017, 3 - enters into force. 01.09.2017]

§ 14. Use of environmental monitoring data in the event of an environmental hazard or significant environmental disturbance

If the environmental monitoring data indicate the existence of an environmental hazard or a significant environmental disturbance, the monitor is obliged to immediately notify the Environmental Board and the local government unit of the location where the environmental hazard or significant environmental disturbance occurred, and in the case of an environmental hazard or significant environmental disturbance related to surface or ground water, ambient air or soil, also to the Health Board.

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

Chapter 5

Compensation for damage caused to the national environmental monitoring station and area

§ 15. Compensation for damage caused to the national environmental monitoring station and area

Damage caused to the owner or occupier of the real estate due to the construction or repair of the national environmental monitoring station or area and the environmental monitoring taking place at the station or area shall be compensated by the person who managed the national environmental monitoring station or area, regardless of his fault.

Chapter 6

State supervision

§ 16. Implementation of state supervision

State supervision over compliance with the prohibition provided for in subsection 2 of § 10 of this Act and the requirements stipulated in § 14 and the implementation of the procedure established on the basis of subsection 10 of § 3 is carried out by the Environmental Board.

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

§ 17. Special measures allowed for state supervision

The Environmental Board may apply the special measures of state supervision provided for in §§ 30–32 and 49–51 of the Law on Law and Order on the basis and according to the procedure provided for in the Law on Law and Order, in order to carry out the state supervision provided for in this Act.

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

§ 18. Use of direct coercion

When implementing the measures stipulated in §§ 32, 49 and 50 of the Law on Law Enforcement, the Environmental Board is allowed to apply physical force on the basis and according to the procedure provided for in the Law on Law and Order.

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

§ 19. 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 6,400 euros.

Chapter 7 Responsibility

§ 20. Failure to notify about environmental danger and significant environmental disturbance

(1) Failure to notify about an environmental hazard or significant environmental disturbance arising on the basis of environmental monitoring data -

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 32,000 euros.

§ 21. Procedure

The Environmental Board is the non-judicial investigator of the misdemeanor provided for in § 20 of this Act.

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

Chapter 8 Application settings

§ 22. Obligation to maintain environmental monitoring station and area

(1) The owner of an immovable property is obliged to tolerate an existing national environmental monitoring station or area on his immovable property, which was established before the land was first secured and whose removal would lead to the interruption of the national environmental monitoring or long-term data series or excessively large costs for the relocation of the station or area.

(2) The conditions of the maintenance obligation, including those related to the compensation of the maintenance obligation, shall be agreed upon in the agreement concluded between the responsible executor and the owner of the immovable property, if the owner of the immovable property so wishes.

§ 23. Transfer of environmental monitoring data to the environmental monitoring database

[RT I, 05.07.2017, 3 - entered into force. 01.09.2017]

(1) Until the environmental monitoring database is established, environmental monitoring data shall be kept in the environmental register or in another information system of the Ministry of Climate's administrative area.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(2) The data from the environmental register or other information system of the Ministry of Climate's administrative area may also be gradually transferred to the environmental monitoring database by sub-programme, depending on the achievement of information technology readiness. The deadlines for transferring data to the environmental monitoring database are stipulated in the statute of the database.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 24. Agreements concluded for the establishment and operation of an environmental monitoring station and area

Agreements concluded before the entry into force of this law for the construction or operation of an environmental monitoring station or area are valid until the end of their validity period.

§ 25. Amendment of the Act on Compulsory Expropriation of Immovable Property

[Omitted from this text.]

§ 26. Repeal of the Environmental Monitoring Act

[Omitted from this text.]

§ 27. Entry into force of the law

This law enters into force on January 1, 2017.