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Atmospheric Air Protection Act¹

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RT I, 05.07.2016, 1
entry into force 01.01.2017

Chapter 1 Outdoor air protection

Section 1 General settings

§ 1. Scope of regulation

This Act stipulates:

- 1) requirements for chemical and physical impact of the ambient air;
- 2) measures to maintain and improve ambient air quality;
- 3) requirements for protecting the ozone layer;
- 4) measures to mitigate climate change and reduce greenhouse gas emissions;
- 5) organization of state supervision over the fulfillment of the requirements provided for in this Act;
- 6) responsibility for non-fulfillment of the requirements set forth in this Act.

§ 2. Application of the Administrative Procedures Act, the General Part of the Environmental Code Act and the Product Conformity Act

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

(1) The Administrative Procedure Act applies to the administrative procedure provided for in this Act, taking into account the differences provided for in this Act.

(2) Chapter 5 of the Act on the General Part of the Environmental Code applies to the procedure for an environmental permit for the discharge of pollutants from a stationary emission source into the outside air (hereinafter referred to as *an air pollution permit*) provided for in this Act, taking into account the specifics provided in this Act.

(3) The provisions of the Product Conformity Act shall apply to the provisions of this Act, taking into account the differences arising from this Act.

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

§ 3. Atmospheric air and outdoor air

(1) Atmospheric air consists of the troposphere, stratosphere and mesosphere air layer, which extends up to 100 kilometers above the ground.

(2) Outside air is tropospheric air outside the building, excluding air in the working environment.

§ 4. Pollutant

For the purposes of this Act, a pollutant is any substance or mixture of substances in the ambient air that may have an adverse effect on human health or the environment.

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§ 4 . Special emission

In the sense of this law, specific emission is the emission of a pollutant emitted into the outside air per unit of raw material or production.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

§ 5. Chemical influence of the outside air

Chemically influencing the ambient air is changing the composition of the ambient air by releasing a pollutant into the air.

§ 6. Physical influence of the outside air

Physical influence of the outdoor air is the influence of the outdoor air with noise, infra and ultrasound.

§ 7. Air pollution

Air pollution is the chemical or physical influence of the ambient air in such a way that it causes an environmental hazard or environmental risk.

§ 8. Adverse weather conditions

Adverse weather conditions are such meteorological conditions that, in a short-term interaction with each other, can cause a deterioration of the air quality of a certain region in the near-surface air layer.

§ 9. Air quality level and pollutant deposition level

(1) The level of air quality is the amount of pollutant in a unit volume of ambient air during a certain period of time at a temperature of 293.15 kelvin (K) and an atmospheric pressure of 101.3 kilopascals (kPa) and fine particles (PM₁₀) and especially fine particles (PM_{2.5}) and the substance contained in them quantity under the conditions existing on the date of the measurements.

(2) The level of pollutant deposition is the amount of pollutant deposited on a surface unit from the outside air over a certain period of time, which characterizes the level of air quality.

§ 10. Limit value of air quality

(1) The limit value of air quality is the permissible quantity of a pollutant in a volume unit of ambient air or the permissible quantity of a pollutant deposited on a unit of surface, which has been established on the basis of scientific data and which, if the specified quantity is exceeded, must be achieved within a specified period of time and which may not be exceeded in the future. The purpose of establishing a limit value is to avoid, prevent or reduce the adverse effect of a pollutant on human health or the environment.

(2) If, on the basis of subsections 1 and 2 of § 47 of this Act, in addition to the limit value of air quality, the rate of permitted exceeding of the limit value or the permitted number of times of exceeding the limit value is established for the pollutant in a calendar year, it is deemed that the limit value has not been exceeded if they are adhered to.

(3) If the limit value of air quality is exceeded, it is assumed that a significant environmental disturbance will occur.

§ 11. Degree of permissible exceeding of air quality limit value

The rate of permissible exceeding of the air quality limit value is expressed as a percentage of the part of the air quality limit value by which, under the conditions stipulated in this law, the established limit value may be temporarily exceeded.

§ 12. Air quality target value

(1) The air quality target value is the amount of a pollutant in a volume unit of ambient air or the amount of a pollutant deposited on a surface unit, which must be achieved by appropriate measures that do not lead to disproportionately high costs, either within a specified time or as soon as possible, and whose purpose is to improve air quality and avoid or reduce adverse effects on human health and the environment.

(2) If, in addition to the air quality target value, the pollutant is allowed to exceed the target value established on the basis of § 47 (1) of this Act in a calendar year, it is deemed that the target value has not been exceeded if this is adhered to.

§ 13. Critical level of air quality

The critical level of air quality is the amount of a pollutant in a unit volume of ambient air or the amount of a pollutant deposited on a unit surface, which has been established on the basis of scientific data and, if exceeded, is likely to have an immediate significant adverse effect on the ecosystem or its part, except for humans.

§ 14. The air quality notification level and the longer-term goal of air quality

(1) The notification level of air quality is the level of air quality above which short-term exposure to polluted air poses a threat to human health, in particular to the health of representatives of sensitive groups of the population such as children, the sick, the elderly and pregnant women, and from which immediate relevant information is required for the implementation of protective measures.

(2) The further objective of air quality is the level of air quality that is established for the effective protection of human health and the environment, and which must be achieved over a long period of time, unless its achievement is not possible with proportionate measures.

§ 15. Alarm level of air quality

The air quality alarm level is the amount of pollutant in a volume unit of ambient air above the limit value of air quality or the amount of pollutant deposited on a unit of surface, exceeding which short-term exposure to polluted air poses a risk to human health and in the event of exceeding which protective measures must be taken immediately.

§ 16. Indicator of average exposure and the goal of its reduction

(1) The average exposure indicator is the average level determined on the basis of measurements made in the background areas of the urban environment and characterizing the exposure of the population to extremely fine particles (PM_{2.5}), on the basis of which the goal of reducing the average exposure indicator to extremely fine particles for the country and the mandatorily achievable air quality level are calculated.

(2) The purpose of reducing the average exposure indicator to particularly fine particles is the percentage reduction of the average exposure indicator established on the basis of § 47 (1) of this Act in relation to the base year in order to reduce a significant adverse effect on human health, which must be achieved, if possible, by the time established on the basis of the same provision, and to achieve which appropriate measures are provided measures that do not lead to disproportionate costs.

§ 17. Compulsorily achievable air quality level

Mandatorily achievable air quality level is the amount of pollutant determined on the basis of the average exposure indicator in a volume unit of ambient air, the purpose of which is to reduce the adverse effect of the pollutant on human health.

§ 18. Background area of the urban environment

The background area of the urban environment is such an area in the urban area, the level of air quality of which characterizes the general indicator of exposure to pollutants of the urban population.

§ 19. Emission source

- (1) An emission source is an object that emits pollutants, noise, infrared or ultrasound into the outside air.
- (2) Emission sources are classified into point, line, surface and spatial emission sources based on the geometry of the emission source.
- (3) Emission sources are classified as stationary and mobile based on the mobility of the emission source:
 - 1) a stationary emission source is an emission source with a permanent location, including an emission source that can be moved after a certain period of time, or a group of emission sources located in one production territory;
 - 2) a mobile emission source is an emission source that emits pollutants into the outside air during movement.
- (4) When classifying emission sources, the standard EVS 892 or another equivalent standard of an international or European standardization organization must be used as a starting point.

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§ 19 . A low-impact activity

For the purposes of this Act, the operation of a facility causes an insignificant impact if the content of all pollutants discharged from all its emission sources remains below 50 percent of the air quality limit or target value established for the pollutant on the basis of subsection 1 or 2 of § 47 of this Act at every point outside the production territory.

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

§ 20. Sudden emission

- (1) Technological sudden emission is an emission released into the outside air during the technologically justified start-up or shutdown of a facility or device.
- (2) Accidental sudden emission is an emission released into the outside air in the event of an accident, technical failure, leakage or unplanned shutdown.

§ 21. Production territory

For the purposes of this Act, the production territory is the area of land necessary for the operation of the installation, which consists of one or more land units where emission sources are located and which is operated by one or more operators.

§ 22. Air layer close to the ground surface

The near-surface layer of air extends up to a height of four meters above the ground or to a height to which the public has regular access or where there is a permanent population for air quality assessment.

§ 23. Air quality area

An air quality area is an area formed considering the spatial extent of the population and ecosystems exposed to air pollution, where air quality management and assessment is organized.

Section 2

Principles and basic obligations of outdoor air protection

§ 24. Principle of air quality level maintenance

In air quality areas, where the level of air quality is lower than the air quality limit or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act, the best possible outdoor air quality, which is in line with sustainable development, must be maintained.

§ 25. Principle of implementation of measures in case of exceeding air quality limit and target values

In the case of exceeding the air quality limit or target values established for a pollutant on the basis of § 47 subsections 1 and 2 of this Act, measures must be taken to bring the air quality level into compliance with the air quality limit or target values.

§ 26. Restrictions on the planning of such activities, which can probably cause the air quality limit or target value to be exceeded

When planning such an activity, which is likely to cause the air quality limit or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act to be exceeded in the air layer close to the ground, when choosing the location of the emission sources, areas where, in case of unfavorable weather conditions, the dispersion of the pollutant released into the outdoor air is due to natural or artificial conditions must be avoided prevented for reasons.

§ 27. Prohibition of discharge height of pollutants

It is prohibited to build local emission sources from which pollutants are released into the outside air at a height higher than 250 meters above the ground.

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In the event of an activity that can probably cause the air quality limit or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act to be exceeded in the air layer close to the ground, the owner of the emission source is obliged to implement additional measures to reduce the emission of the pollutant into the outside air.

§ 29. Obligations of the operator of a local emission source

(1) The operator of a local emission source must use the best possible technique, energy-saving technology and capture devices to reduce pollutant emissions to the extent that it can reasonably be expected considering the costs incurred and the adverse effects that may arise from pollution.

(2) If the air pollution permit or environmental complex permit requires the capture of pollutants or it is planned in the construction project, the operation of a stationary emission source without a capture device or with a faulty capture device is prohibited, except under the conditions provided for in this Act or the Industrial Emissions Act and the legislation issued on the basis thereof.

Chapter 2

Air quality management and public information about air quality

Section 1

Air quality assessment and management

§ 30. Air quality management and assessment

(1) Air quality management is the planning and implementation of measures to improve air quality on the basis of air quality assessment. In order to improve air quality, limiting emissions, improving pollutant dispersion conditions, preventing pollutant spread or other appropriate measures are implemented.

(2) Air quality management, including air quality assessment, is organized by the Ministry of the Environment.

(3) Air quality assessment is the measurement of the air quality level, including monitoring, computational assessment, estimation and forecasting.

(4) The air quality is not assessed in the air quality area where the public has no access and where there is no permanent population, and in the work environment where occupational health and safety requirements apply.

(5) The Ministry of the Environment appoints a reference laboratory for the assessment of air quality provided for in this Act at the national level, and may conclude an administrative contract with a state-owned company whose main activity is environmental research in accordance with the procedure provided for in the Administrative Cooperation Act. §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of such an administrative agreement.

[RT I, 25.10.2022, 1 - entry into force. 04.11.2022]

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(5) The tasks of the reference laboratory specified in subsection 5 of this section are:

- 1) assessment of ambient air quality at the national level;
- 2) analyzing the appropriateness of various measurement systems, including methods, devices, networks, laboratories and their measurement accuracy, ensuring measurement accuracy and analyzing assessment methods;
- 3) coordination of air quality assessment quality assurance programs organized by the European Commission in Estonia and cooperation with other European Union member states and the European Commission;
- 4) participation in comparison tests of air quality assessment quality assurance programs organized by the European Commission;
- 5) ensuring the quality of air quality data collection and submission and proper implementation of the quality control system;
- 6) informing the public about the level of air quality;
- 7) operatively informing the relevant institutions in the event of damage to the environment and dangerous situations.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(6) The following are used to assess air quality:

- 1) data on emission sources and emissions related to ambient air pollution;
- 2) air quality data obtained during ambient air monitoring and computational assessment.

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

§ 31. Air quality assessment database

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

§ 32. Indicators used in air quality assessment

When assessing air quality, the following indicators are taken into account:

- 1) the possibility of an adverse effect of the pollutant, the dangerousness of the pollutant within the meaning of the Chemicals Act, the frequency of pollutants in the ambient air and especially the effect of those pollutants that have an irreversible effect on human health and the environment as a whole;
- 2) air quality level;
- 3) changes in the environment accompanied by changes in the air quality level, which may lead to the formation of more dangerous pollutants;
- 4) persistence of the pollutant in the environment, if the pollutant is not biodegradable and can accumulate in the human body or the environment.

§ 33. Pollutants to be considered in air quality management and assessment

(1) Air quality is managed and assessed for the following pollutants:

- 1) all sulfur compounds expressed as sulfur dioxide (SO_2), including sulfur trioxide (SO_3), sulfuric acid (H_2SO_4) and reduced sulfur compounds such as hydrogen sulfide (H_2S), mercaptans and dimethyl sulphides;

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

- 2) nitrogen dioxide (NO_2) and nitrogen oxides (NO_x), which is the sum of nitrogen oxide and nitrogen dioxide content ($\text{NO} + \text{NO}_2$) converted into nitrogen dioxide;

- 3) fine particles (PM₁₀);
- 4) extra fine particles (PM_{2.5});
- 5) lead (Pb);
- 6) ozone (O₃);
- 7) benzene (C₆H₆);
- 8) carbon monoxide (CO);
- 9) benzo(a)pyrene (B(a)P) as an indicator of polycyclic aromatic hydrocarbons (PAH);
- 10) cadmium (Cd);
- 11) arsenic (As);
- 12) nickel (Ni);
- 13) mercury (Hg).

(2) Fine particles (PM₁₀) within the meaning of this law are particles that pass through a size-selective opening with an aerodynamic diameter of ten micrometers in 50 percent of the cases when sampling and measuring in accordance with the standard EVS-EN 12341 or another equivalent international or European standard organization standard.

(3) For the purposes of this Act, particularly fine particles (PM_{2.5}) are particles that pass through a size-selective aperture with an aerodynamic diameter of 2.5 micrometers in 50 percent of the cases when sampling and measuring in accordance with the standard EVS-EN 12341 or another equivalent standard of an international or European standards organization

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

(4) Polycyclic aromatic hydrocarbons within the meaning of paragraph 1, item 9 of this section are organic compounds that consist of at least two conjugated aromatic nuclei containing only carbon and hydrogen.

(5) When assessing and managing air quality, the pollutant not mentioned in subsection 1 of this section must be taken into account, the content of which may probably exceed the air quality limit value established for the pollutant on the basis of subsection 47 (2) of this Act.

Section 1 Air quality level assessment

§ 34. Measurement of air quality level

(1) Measuring the air quality level is taking a sample from the outside air and analyzing it, which is done by a competent meter within the meaning of the Measurement Act.

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

(2) Measurement of the air quality level is carried out by local or indicator measurements.

§ 35. Local measurements

On-site measurements are carried out at a specified location either continuously or by means of random sampling in order to determine the level of air quality in accordance with the relevant requirements established on the basis of § 43 (1) of this Act.

§ 36. Indicator measurements

Indicator measurements are irregular one-time measurements that meet less stringent requirements than stationary measurements.

§ 37. Continuous monitoring

Continuous monitoring is carried out with a system of local measuring devices to determine the content of pollutants in the gases leaving the emission source or in the ambient air. Continuous monitoring measurement results are recorded automatically in real time.

§ 38. Computational assessment and estimated determination of the air quality level

(1) Computational assessment of the air quality level is the determination of the pollutant content in the air layer close to the ground based on the parameters of the emission sources and meteorological data, using the computational assessment methods and calculation models established on the basis of § 43 (1) of this Act.

(2) The estimated determination of the air quality level is an assessment of the content of pollutants in the air layer close to the ground, taking into account all relevant air quality data and factors that may have an impact on air quality.

(3) The calculated evaluation and estimated determination of the air quality level is carried out on the basis of information characterizing the emission sources located in the air quality area, the raw materials and technology used, the gases emitted into the outside air, the pollutants contained in them and their emissions.

§ 39. Disclosure of original data

[RT I, 25.10.2022, 1 - entered into force. 04.11.2022]

When applying for an environmental protection permit, the Environmental Board makes the basic data necessary for the calculation and assessment of air quality available on its website.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 40. Prediction of air quality level

The calculation model established on the basis of § 43 (1) of this Act is used to forecast the air quality level, where the meteorological data are forecasted meteorological data.

§ 41. Air quality assessment limits

(1) The level of air quality is assessed taking into account the upper and lower assessment limits of air quality established for the pollutant on the basis of § 47 (1) of this Act, which are expressed as a percentage of the limit or target value of air quality.

(2) If the air quality level exceeds the upper air quality assessment limit established for the pollutant, on-site measurements must be used to assess the air quality. In order to obtain sufficient information about the spatial distribution of the air quality level, on-site measurements can be supplemented with computational evaluation methods or indicator measurements.

(3) If the air quality level is lower than the upper assessment limit of air quality established for the pollutant and higher than the lower assessment limit, local measurements may be combined with calculated assessment methods or indicator measurements or indicator measurements may be combined with calculated assessment methods for air quality assessment.

(4) If the air quality level is lower than the lower air quality assessment limit established for the pollutant, calculated assessment or estimated determination or both may be used for air quality assessment.

§ 42. Determination of exceeding the upper and lower assessment limits of air quality

(1) If there is sufficient air quality measurement data for the pollutant specified in § 33 (1) of this Act, which has been obtained in accordance with the requirements established on the basis of § 43 (1) of this Act, the exceeding of the upper and lower assessment limits of the air quality established for the pollutant shall be determined based on the pollutant measured in the previous five years based on content. The assessment limit is considered exceeded if it has been exceeded in at least three different years during the previous five years.

(2) If air quality level measurement data is available for a shorter period of time than the five years preceding the assessment, in order to determine whether the upper and lower air quality assessment limits established for the pollutant have been exceeded, the results obtained from the indicator measurements of the same year at the places characterized by the presumably highest air quality level and from the national emission inventory may be combined and computational evaluations.

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

§ 43. Air quality assessment procedure

(1) The procedure for assessing air quality is established by a regulation of the minister responsible for the field .

(2) The regulation specified in subsection 1 of this section stipulates:

1) a list of measurement methods used to determine the content of pollutants in ambient air, including sampling and measurement methods and pollutant analysis methods by pollutant;

2) requirements for sampling and analysis of ambient air;

3) criteria for location of sampling points for stationary measurements, type of measurements, parameters to be determined, minimum number of sampling points in the air quality area or agglomeration and frequency of sampling;

4) a list of computational assessment methods and computational models used for computational assessment of the air quality level.

(3) The type of emission source in the air quality area is taken into account when determining the sampling locations specified in Clause 2, Clause 3 of this section.

(4) Adverse weather conditions are determined for an emission source or a group of emission sources using computational assessment methods.

Section 2

Air quality management in air quality areas and agglomerations

§ 44. Air quality management in air quality areas and agglomerations

(1) The country's territory is divided into air quality regions and agglomerations according to the level of air quality.

(2) Air quality is managed and assessed in all air quality regions and agglomerations with respect to all pollutants specified in § 33 subsection 1 of this Act and, if necessary, also with respect to other pollutants.

(3) For the purposes of this Act, an urban area is an area with a population of more than 250,000, or an area with a population of 250,000 or less, taking into account the population density per square kilometer.

(4) The division of the country's territory into air quality areas and agglomerations according to the air quality level and the population density per square kilometer necessary to define agglomerations shall be established by a regulation of the minister responsible for the area .

(5) The distribution of air quality regions, based on air quality assessment limits, is updated as needed, but not less often than every five years.

§ 45. Exceeding the limit value of air quality related to the control of winter slippery roads

When dividing the country's territory into air quality areas, the minister responsible for the area may designate areas where the air quality limit value established for fine particles on the basis of § 47 (1) of this Act may be exceeded due to fine particles emitted into the outside air after winter road de-skid control, if appropriate measures have been taken to improve air quality.

§ 46. Exceeding the limit value of air quality related to pollutants originating from natural sources

Pollutants originating from natural sources are pollutants whose release into the outside air is not directly or indirectly caused by human activity, but they originate from natural processes such as volcanic eruptions, seismic and geothermal phenomena, fires in natural landscapes, strong winds, seawater splashes or natural particles that have entered and been transmitted from dry areas into the outside air.

§ 47. Establishment of air quality limit and target values, other air quality limit values and air quality assessment limits

(1) Considering the impact of the pollutants specified in subsection 33 (1) of this Act on the population and the environment, the minister responsible for the field establishes by regulation:

- 1) air quality limit values;
- 2) the rate of exceeding the air quality limit value;
- 3) air quality target values;
- 4) the number of permitted times of exceeding the air quality limit and target value per calendar year;
- 5) critical level of air quality;
- 6) alarm level of air quality;

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- 6) exceptions to the application of air quality limit values, target values, critical level and alarm level;

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- 7) air quality notification level and further goal;
- 8) air quality assessment limits;
- 9) in relation to the base year of the target of reducing the average exposure indicator and the deadline for its achievement;
- 10) mandatory air quality level.

(2) The minister responsible for the field may, if necessary, establish air quality limit values and the number of times they are exceeded in a calendar year with respect to pollutants not mentioned in § 33 subsection 1 of this Act.

§ 48. Consideration of the specific formation mechanism of tropospheric ozone

(1) Taking into account the specific formation mechanism of tropospheric ozone, the minister responsible for the field shall establish the air quality notification level and further goal regarding ozone by regulation.

(2) On the basis of § 47 (1) of this Act, in order to achieve the target values and further goals established for ozone content, appropriate measures are provided that do not lead to disproportionately large expenses.

(3) In air quality areas and agglomerations, where the ozone level exceeds the target, it shall be kept below the limit values established on the basis of § 47 (1) of this Act by means of proportional measures in order to maintain the best air quality, which is in line with sustainable development and a high level of environmental and human health protection, insofar as factors such as the transboundary nature of ozone pollution and weather conditions permit.

§ 49. Stricter limit and target values of air quality to protect the health of sensitive groups of the population

The minister responsible for the field may, at the proposal of the Board of Health, establish stricter limit or target values of air quality for the pollutants specified in subsection 1 of § 33 of this Act in order to protect the health of sensitive groups of the population in the territory of the following institutions: 1)

- healthcare institution;
- 2) welfare institution;
- 3) educational institution.

§ 50. Determination of the content of nitrogen oxides and volatile organic compounds

(1) When measuring the content of ozone precursors in the outdoor air, during the monitoring carried out at the national level, the content of nitrogen oxides (NO and NO₂) and relevant volatile organic compounds must be measured in at least one sampling location with the aim of analyzing the development trends of the content of ozone precursors, checking the effectiveness of emission reduction strategies and the consistency of the data with the national emissions inventory, and helping determine emission sources according to the measured content of pollutants, understand the processes of ozone formation and the spread of ozone precursors and the occurrence of photochemical reactions.

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

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(1) Prerequisite substances for ozone in the sense of this law are nitrogen oxides, non-methane volatile organic compounds, methane and carbon monoxide.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

(2) The volatile organic compounds specified in subsection 1 of this section, whose measurement is recommended, are I-butene, isoprene, ethylbenzene, ethane, trans-2-butene, n-hexane, the sum of m- and p-xylene, ethylene, *cis* - 2-butene, isohexane, o-xylene, acetylene, 1,3-butadiene, n-heptane, 1,2,4-trimethylbenzene, propane, n-pentane, n-octane, 1,2,3-trimethylbenzene, propene, isopentane, isooctane, 1,3,5-trimethylbenzene, n-butane, I-pentene, benzene, formaldehyde, isobutane, 2-pentene, toluene and the sum of non-methane volatile organic compounds.

(3) Volatile organic compounds within the meaning of this Act are all man-made and biogenic organic compounds that can produce photochemical oxidants by reacting with nitrogen oxides under the influence of solar radiation, with the exception of methane.

(4) Measurements of the content of ozone precursors specified in subsection 2 of this section must be made primarily at sampling points in urban or suburban areas, which have been established in accordance with the requirements established on the basis of subsection 43 (1) of this Act and which are considered suitable for fulfilling the objectives specified in subsection 1 of this section.

§ 51. Interaction of pollutants

(1) The combined effect of pollutants is the effect that several pollutants may have on human health, which may be greater than the effect of each such pollutant individually.

(2) The procedure for determining the combined effect of pollutants shall be established by a regulation of the minister responsible for the field, if necessary .

(3) In order to reduce the combined effect of pollutants, the minister responsible for the field may, at the proposal of the Health Board, establish stricter limit values for air quality by regulation.

Section 2 **Informing the public about air quality**

§ 52. Disclosure of the results of local continuous measurements

(1) Through its website, the Ministry of the Environment provides regularly updated, sufficient and timely information to the public about the presence of pollutants in the ambient air, exceeding the limit values of air quality and the deposition of pollutants on the ground, as specified in subsection 1 of § 33 of this Act.

(2) The information provided on the deposition of pollutants on the ground must cover the following pollutants:

- 1) arsenic;
- 2) cadmium;
- 3) mercury;
- 4) nickel;
- 5) benzo(a)pyrene as an indicator of polycyclic aromatic hydrocarbons.

(3) Information on the content of pollutants in the ambient air is presented as average values.

(4) The Ministry of the Environment publishes a brief assessment on the achievement of air quality goals and information on the impact of pollutants on human health through its website.

(5) If necessary, information on the impact of pollutants on vegetation shall be provided to the public.

§ 53. Frequency of updating information on the results of local continuous measurements

(1) Information on the content of sulfur dioxide, nitrogen dioxide, fine particles, ozone and carbon oxide in the ambient air is updated at least daily and, if possible, every hour.

(2) Information on the content of lead and benzene in the ambient air, which is presented as a 12-month average value, is updated once every three months and, if possible, every month.

(3) Information on the content of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons in the ambient air and deposition on the ground is updated at least once a year.

(4) If the upper assessment limit of air quality is exceeded, the information on the content of the pollutant is updated at least once a day.

§ 54. Informing the public in the event of air quality alarm and notification levels being exceeded and the content of the information to be published

(1) The Ministry of the Environment shall immediately inform the public of the actual and predicted exceedance of the air quality alarm and notification level established on the basis of § 47 (1) of this Act for a pollutant through broadcasting, print media or the Internet or in another appropriate way, which effectively ensures that the information reaches the potentially affected persons and does not lead to unreasonable expenses.

(2) In the case of exceeding the air quality alarm or notification level detected by measurement, at least the following data shall be provided:

- 1) the place or area of the exceedance;
- 2) type of exceeded level (notification or alarm level);
- 3) the start time and duration of the crossing;
- 4) in the case of ozone, the highest one-hour content and the highest eight-hour average content in ambient air.

(3) At least the following data shall be submitted regarding the predicted exceedance of the notification or alarm level:

- 1) the place or area of the exceedance;
- 2) the trend of air quality level change and the reasons for the change.

(4) At least the following data shall be submitted regarding population groups that may be affected by exceeding the notification or alert level:

- 1) affected sensitive groups of the population;
- 2) description of probable symptoms;
- 3) recommended precautions to be taken by affected residents;
- 4) places to obtain additional information.

(5) Through its website, the Ministry of the Environment publishes information on pollution reduction and prevention measures and emission sources that cause the notification or alarm level to be exceeded.

(6) The Ministry of Environment coordinates the information specified in subsections 4 and 5 of this section with the Health Board before publication.

Section 3 **Airborne noise**

Section 1 **Ambient noise level**

§ 55. Noise spreading in the outside air

(1) Unreasonable generation of noise in the outdoor air is prohibited.

(2) Airborne noise within the meaning of this Act is caused by human activity and unwanted or harmful sound emitted by stationary or moving sources (hereinafter *noise sources*).

(3) Noise spreading in the outdoor air does not include:

- 1) household noise;
- 2) noise from entertainment events;
- 3) noise of the working environment;
- 4) noise caused by national defense activities.

§ 56. Standard levels of ambient noise

(1) The standard level of ambient noise is a numerical value that is used in the assessment of different noise situations in the area belonging to the noise category specified in § 57 of this Act.

(2) The standard levels of noise spread in the outdoor air are:

1) noise limit value - the highest permitted noise level, the exceeding of which causes significant environmental disturbance and upon exceeding which noise reduction measures must be implemented;

2) noise target value - the highest permitted noise level in areas with new master plans.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(3) The person interested in planning shall ensure that the noise target value is not exceeded.

(4) Normative levels of ambient noise and noise measurement methods shall be established by a regulation of the minister responsible for the field .

§ 57. Noise categories

The noise categories are determined according to the main purpose of land use in the general plan as follows:

- 1) Category I - land areas of the recreation facility;
- 2) Category II – land areas, green areas of educational institutions, health care and social welfare institutions, and residential buildings;
- 3) Category III – land areas of the center;
- 4) Category IV – land areas of public buildings;
- 5) Category V – production land areas;
- 6) Category VI - traffic areas.

§ 58. Requirements for plans for the purpose of noise limitation

(1) When preparing new plans, it must be ensured that the standard noise level established for the region on the basis of § 56 (4) of this Act is not exceeded during the implementation of the plan.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(2) The minister responsible for the field shall establish the requirements for the preparation of the plan for the purpose of limiting the noise spread in the outdoor air by regulation.

§ 59. Avoidance of exceeding the standard level of noise

The owner of the noise source ensures that noise exceeding the standard level does not spread from the territory of the noise source.

§ 60. Noise control indicator

(1) The noise control indicator is an indicator describing the harmful effects of noise on the strategic noise map.

(2) The noise control indicators are:

1) day-evening-night noise indicator, or L_{den} – the long-term average sound pressure level determined on the basis of the numerical values of all day, evening and night time sound pressure levels of the year, which is an indicator of the general annoyance of noise;

2) daily noise indicator, or L_{day} – long-term average sound pressure level determined on the basis of all times of the year, which characterizes the disturbing effect of noise during the day from 7:00 a.m. to 7:00 p.m.;

3) evening noise indicator or $L_{evening}$ – long-term average sound pressure level determined on the basis of all evening times of the year, which characterizes the disturbing effect of noise in the evening between 19:00 and 23:00;

4) night noise indicator or L_{night} – the long-term average sound pressure level determined on the basis of all night times of the year, which is an indicator of noise disturbing the peace of sleep and characterizes the disturbance of sleep at night between 11:00 p.m. and 7:00 a.m.

§ 61. Methods of noise level measurement, determination and assessment

(1) The methods of measuring, determining and evaluating the noise level shall be established by a regulation of the minister responsible for the field .

(2) When measuring the noise level, the measurement results must be demonstrably traceable within the meaning of the Measurement Act.

(3) The measurement of ambient noise is carried out by a competent meter within the meaning of the Measurement Act.

Section 2

Mapping of ambient noise and action plan for reduction of ambient noise

§ 62. Mapping of ambient noise

(1) Mapping of ambient noise is the description of the actual noise situation or the presentation of data on existing and predictable noise situations and their comparison with the standard noise levels established on the basis of § 56 (4) of this Act.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(2) The mapping of ambient noise is carried out by the person specified in § 61 subsection 3 of this Act.

§ 63. Outdoor noise map and the noise reduction action plan drawn up on its basis

(1) The outdoor air noise map is prepared for noise sources that cause significant noise disturbance and the noise that spreads from them to the surrounding area.

(2) The basis for drawing up the outdoor air noise map is the exceeding of the standard noise level or the measurements taken in case of justified complaints by residents, which confirm a significant noise disturbance.

(3) The following shall be noted on the outdoor air noise map:

- 1) the management purpose of land use determined by the general plan;
- 2) noise sources that cause or may cause the relevant noise standard level to be exceeded, including the combined effect of several noise sources;
- 3) the noise level from the noise source as noise contours in five decibel increments;
- 4) other important information.

(4) The local government unit, in cooperation with the owner of the noise source, organizes the preparation of an ambient air noise map for its administrative territory, taking into account the tasks set forth in § 75 subsection 1 of the Planning Act to prevent the spread of noise.

(5) On the basis of the ambient air noise map, the local government unit agrees with the owner of the noise source on noise reduction measures and the deadlines for their implementation. On the basis of the agreement, the local government unit prepares a noise reduction action plan.

(6) The noise reduction objectives and priority activities given in the noise reduction action plan are part of the development plan of the local government.

(7) The local government unit submits the noise map and noise reduction action plan to the Health Board.

(8) The provisions of the Administrative Procedure Act on open procedure shall apply to the procedure for drawing up an outdoor noise map and noise reduction action plan.

(9) In order to ensure the standard levels established on the basis of subsection 56 (3) of this Act, the local government unit shall use the data of the noise map as a basis when drawing up plans and setting design conditions.

(10) The technical requirements for the content of the outdoor air noise map and the noise reduction action plan and the preparation procedure shall be established by a regulation of the minister responsible for the field .

§ 64. The strategic outdoor noise map and the noise reduction action plan drawn up on its basis

(1) A strategic outdoor noise map is a map that is used to provide a general assessment of the noise levels generated by a densely populated area, including ports located there and industrial equipment regulated by the Industrial Emissions Act or main highways, main railways and the main airport, using the calculated noise control indicators specified in subsection 60 (2) of this Act, or a general forecast of the noise levels in this area is given about. The strategic outdoor noise map is the basis of the noise reduction action plan.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(2) The local government unit of a densely populated area prepares a strategic noise map of the ambient air in a densely populated area and submits it to the Board of Health and the Ministry of the Environment for information.

(3) When preparing a strategic noise map, a densely populated area is considered to be an area where more than 100,000 inhabitants live and which is defined as a densely populated area in the general plan.

(4) When preparing the strategic outdoor air noise map, the following are considered:

- 1) a regional, national or international highway used by more than three million vehicles annually;
- 2) main railways are railways used by more than 30,000 rolling stock per year;
- 3) the main airport is a civil airport with more than 50,000 take-offs or landings per year, excluding the use of light aircraft only for training purposes.

(5) With regard to the noise spreading outside the densely populated area, prepare a strategic outdoor noise map and noise reduction action plan and submit it to the Health Board and the Ministry of the Environment for information:

- 1) the owner of the main highway;
- 2) owner of the main railway;
- 3) owner of the main airport.

(6) The following shall be entered on the strategic outdoor air noise map:

- 1) the limits of noise propagation in the control indicators provided for in § 60 subsection 2 of this Act;
- 2) noise sources causing noise propagation;
- 3) extent of existing or predicted noise propagation;
- 4) location and number of residents and buildings, characteristics of buildings;
- 5) other important information.

(7) The strategic outdoor noise map may contain the information specified in § 63 subsection 3 of this Act.

(8) On the basis of the strategic ambient air noise map, the local government unit agrees with the owner of the noise source on noise reduction measures and the deadlines for their implementation. On the basis of the agreement, the local government unit prepares an action plan for noise reduction, which is submitted to the Health Board and the Ministry of the Environment for information.

(9) The noise reduction objectives and priority activities given in the noise reduction action plan are part of the development plan of the local government.

(10) The technical requirements for the contents of the strategic outdoor air noise map and the noise reduction action plan and the procedure for preparation shall be established by a regulation of the minister responsible for the field .

§ 65. Disclosure of outdoor noise map, strategic noise map and noise reduction action plans

(1) The outdoor noise map, the noise reduction action plan drawn up on the basis of it and the performance data of its implementation are made public on the website of the local government unit.

(2) The strategic noise map of the outdoor air, the noise reduction action plan drawn up on its basis and the data on the effectiveness of its implementation shall be made public on the website of the local government unit and on the state geoportal.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 66. Review of outdoor noise map, strategic noise map and noise reduction action plans

(1) The local government unit organizes the update of the noise map and the noise reduction action plan drawn up based on it, in case of the addition of new significant noise sources or other significant changes in the noise situation, no later than three years after the significant change.

(2) The drafter of the strategic noise map organizes the review, if necessary, amendment of the strategic outdoor noise map and the noise reduction action plan prepared on the basis of it, and its submission to the Health Board and the Ministry of the Environment at least every five years.

Section 4

A substance with an unpleasant or irritating smell

§ 67. Substance with an unpleasant or irritating smell

For the purposes of this Act, a substance with an unpleasant or irritating odor (hereinafter referred to as *an odorant*) *is a substance or a mixture of substances emitted into the outside air that may cause an unwanted odor perception.*

§ 68. Assessment of presence of odorant in ambient air

(1) The procedure for assessing the presence of odorous substances, the requirements for the assessment and the disturbance levels of the presence of odorous substances shall be established by a regulation of the minister responsible for the field .

(2) The regulation specified in subsection 1 of this section stipulates:

- 1) a list of measurements and calculation methods used to assess the presence of odorant;
- 2) the procedure for assessing the presence of odorant;
- 3) requirements for the assessment of the presence of odorant;
- 4) nuisance levels of the presence of odorant corresponding to the evaluation methods and the procedure for their application.

§ 69. Odor produced by the combined effect of several facilities

The combined effect of the installations is taken into account in such a way that when pollutant discharges from the emission sources of several installations do not exceed the nuisance level of the odorous substance.

§ 70. Plan to reduce the presence of odorous substances and its preparation

(1) If the Environmental Board detects that the disturbance level of the occurrence of odorous substances established on the basis of § 68 (1) of this Act has been exceeded, it shall set a deadline for the operator of the emission source that caused the exceedance to draw up a plan to reduce the presence of odorous substances.

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

(2) If exceeding the disturbance level of the presence of an odorous substance identified by the Environmental Board is caused by the combined effect of several facilities, the implementation of measures to reduce the presence of an odorous substance and the preparation of a plan to reduce the presence of an odorous substance may be required from each operator separately or jointly from the operators.

(3) If, in the case specified in subsection 2 of this section, each operator is required to draw up a plan to reduce the presence of an odorous substance separately, the Environmental Board sets a deadline for all operators to draw up common plans.

(4) The plan for reducing the presence of odorous substances must include:

- 1) a description of the areas of activity and emission sources that cause the release of odorous substances;
- 2) data on the population density of the area surrounding the facility and the distance of the population from the production territory of the facility;
- 3) a list of the measures to reduce the occurrence of the odorous substance and planned additional measures implemented in the facility before the plan was drawn up, including an assessment of the compliance of the facility with the best possible technique or the possibility of implementing additional measures resulting from the development of the best possible technique;
- 4) the calculation of the reduction of the emission of the odorant that can be achieved after the implementation of the measures by emission sources in odor units and the calculation result of the reduction of the presence of the odorant in the ambient air;
- 5) the cost of measures;
- 6) data on the implementers of the measures;
- 7) deadlines for implementing measures and deadlines for checking the effectiveness of implemented measures;
- 8) deadlines for submitting the plan implementation report or reports to the Environmental Board.

(5) The measures implemented by the plan must be effective and ensure that the nuisance levels of the presence of the odorant are not exceeded when the odorous substance is discharged.

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

§ 71. Approval, reporting and control of the plan to reduce the presence of odorous substances

(1) The operator submits a plan for reducing the presence of odorous substances to the Environmental Board for approval within ten days from the deadline set for drawing up the plan.

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

(2) The Environmental Board forwards the operator's odor reduction plan to the local government unit for opinion.

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

(3) When approving a plan to reduce the presence of an odorous substance, the Environmental Board may impose additional conditions on the operator for the implementation of measures to reduce the presence of an odorous substance, or temporarily assign conditions to the operator that are different from the air pollution permit or the environmental complex permit.

(4) If, in the case specified in subsection 70 (2) of this Act, each operator is required to draw up a plan to reduce the presence of an odorous substance separately, the Environmental Board shall assess the overall effect and adequacy of the submitted plans. The Environmental Board requires supplementing the plans with additional measures in the event that the measures provided in the plans submitted by the operators are insufficient to ensure that the emission of pollutants does not cause the disturbance level of the presence of odorous substances to be exceeded outside the production territories of these facilities.

(5) When requesting additional measures in accordance with subsection 4 of this section, the Environmental Board takes the following criteria as a basis:

- 1) implementation of the best possible technique in the facility;
- 2) facility capacity, production volume;
- 3) total fragrance emission and fragrance emission per production unit;
- 4) technical and economic feasibility.

(6) The operator submits to the Environmental Board a report on the implementation of the plan for reducing the presence of odorous substances according to the deadline specified in the plan at least once a year.

(7) The Environmental Board controls the implementation of the plan for reducing the presence of odorous substances.

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

§ 72. Changing the plan to reduce the presence of odorous substances

(1) The operator may update the measures prescribed in the plan to reduce the presence of odorous substances with the consent of the Environmental Board. Changing the measures must not result in an increase in the emission of the odorous substance compared to that presented in the original approved plan.

(2) If, after the implementation of the measures to reduce the occurrence of odorous substances in accordance with the deadlines set out in the plan, it is detected that the nuisance level of the presence of odorous substances has been exceeded, the Environmental Board has the right to assess the plan for reducing the occurrence of odorous substances as insufficient.

(3) If the plan for reducing the presence of odorous substance is assessed as insufficient, the Environmental Board shall set a deadline for the operator to amend and supplement the plan with more effective measures.

(4) The plan for reducing the occurrence of the modified odorant shall be approved in accordance with the procedure provided for in § 71 of this Act.

Chapter 3 Air quality improvement plan

§ 73. Air quality improvement plan

(1) An air quality improvement plan is a plan for improving the air quality of an air quality area, agglomeration or part of them located in the territory of a local government unit. The provisions of the Administrative Procedure Act on open procedure apply to the procedure for drawing up the plan.

(2) A local government unit prepares an air quality improvement plan for an air quality area or an agglomeration or a part thereof in the event that the air quality level of the corresponding area or agglomeration or their part exceeds or is likely to exceed the air quality limit or the target value or the number of times they are allowed to be exceeded in a calendar year or the rate of the limit value being exceeded. If an ambient air quality plan is to be prepared and implemented for several pollutants, a single air quality improvement plan covering all relevant pollutants shall be prepared and implemented whenever possible.

(3) When drawing up the air quality improvement plan, the local government unit shall agree with the operators of the emission sources on the air quality improvement measures and the deadlines for their implementation, taking into account the provisions of the pollutant emission reduction action plans drawn up by the operators of the emission sources in accordance with § 103 (1) of this Act.

(4) The targets and priority activities for reducing pollutant emissions in the air quality improvement plan are part of the development plan of the local government.

(5) The Ministry of the Environment shall notify the local government unit if, in the course of the air quality assessment, it is detected that the air quality limit or target value established on the basis of § 47 (1) of this Act has been exceeded for the pollutant.

(6) The air quality improvement plan shall be updated as necessary, but not less often than every five years from the date of its preparation or updating.

(7) In regions where the ozone target value has been exceeded, the national program for reducing the emissions of certain air pollutants drawn up in accordance with § 108 (2) of this Act is implemented.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

(8) The air quality improvement plan or the program specified in § 108 subsection 2 of this Act shall be implemented if the target value established for ozone can be achieved with measures that do not cause disproportionate costs.

(9) For air quality areas and agglomerations where the ozone content in the ambient air is higher than the long-term goal, but lower than or equal to the established target value, economically effective measures will be developed and implemented to achieve the long-term goal. These measures must be in accordance with at least the air quality improvement plan and the program specified in § 108 subsection 2 of this Act.

(10) The Ministry of the Environment submits the air quality improvement plan to the European Commission no later than two years after the end of the year in which the exceedance specified in subsection 2 of this section was first observed.

(11) An air quality improvement plan does not need to be drawn up if:

- 1) the reason for exceeding the limit value of air quality established for fine particles is winter road slip prevention;
- 2) the reason for exceeding the limit value of air quality is pollutants from natural sources.

§ 74. Content of the air quality improvement plan

(1) The air quality improvement plan contains the following data and documents:

- 1) names, positions and contact details of the persons responsible for the preparation and implementation of the air quality improvement plan;
- 2) a map of the air quality area or agglomeration and the geographic coordinates and location map of the local measuring station;
- 3) general information about the air quality area or agglomeration (area type: city, industrial or rural area), where the air quality level exceeds or is likely to exceed the air quality limit or target value established on the basis of § 47 (1) of this Act for one or more pollutants;
- 4) the extent of the contaminated area in square kilometers and the estimated number of inhabitants exposed to the pollution;
- 5) relevant weather information;
- 6) relevant topographic data;
- 7) data on objects requiring protection in the air quality area;
- 8) the state of the ambient air, the results of the air quality assessment obtained during the five years preceding the preparation of the action plan, the content of the pollutant measured during the preparation of the action plan and data on the determination methods used;
- 9) data on the origin of pollution, including a list of the main emission sources causing air pollution in the air quality area or agglomeration with the location map and geographic coordinates of the emission sources, aggregate data on emissions and dispersion calculations of pollutants released into the outside air from fixed emission sources in the air quality area or agglomeration, data on pollution originating from other air quality areas or agglomerations;
- 10) situation analysis data, factors causing excessive air pollution, including details of the spread and formation of pollutants;
- 11) a detailed description of air quality improvement measures implemented in the air quality area or agglomeration, including local, regional, national and international measures, and the impact of these measures;
- 12) aggregate data on measures to reduce emissions of pollutants released into the outside air from stationary emission sources in the air quality area or agglomeration and the schedule for the implementation of the measures;
- 13) data on measures implemented and planned by the local government unit to reduce air pollution caused by traffic;
- 14) other possible long-term measures, projects or related studies to improve the air quality of the air quality area or agglomeration and their detailed description;
- 15) data on the measured concentration of pollutants before the implementation of corrective measures and after the start of the project;
- 16) forecast of the time needed to improve the air quality and fulfill the goals;
- 17) data on the auxiliary materials used in the preparation of the action plan.

(2) If the air quality limit or target value established on the basis of § 47 (1) of this Act has been exceeded for the pollutant, the deadline for achieving which has already passed, the air quality improvement plan must contain appropriate measures so that the period of non-attainment is as short as possible.

(3) The air quality improvement plan may include the measures specified in subsections 1–4 of § 78 of this Act.

(4) The air quality improvement plan must, as far as possible, comply with the national program for reducing emissions of certain air pollutants specified in subsection 108 (2) of this Act and the action plan for reducing ambient noise specified in subsection 63 (5) of this Act.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

§ 75. Initiator of preparation of air quality improvement plan

The preparation of the air quality improvement plan is initiated by the local government unit after receiving the written notification specified in § 73 subsection 5 of this Act.

§ 76. Disclosure of information during preparation of the air quality improvement plan

(1) When preparing the air quality improvement plan, the relevant information is published on the website of the local government unit and in the newspaper.

(2) The newspaper specified in subsection 1 of this section is a municipality or city newspaper published at least once a month, and in cities with districts, a district newspaper published regularly, as well as a county newspaper or daily newspaper with nationwide distribution, which the local government has designated as the place of publication of official notices of the municipality or city.

(3) If it ensures better information to the public, the information specified in subsection 1 of this section may be published on another website or in another way.

§ 77. Coordination of the air quality improvement plan and publication of the plan

(1) The air quality improvement plan is submitted to the Ministry of the Environment for approval before its approval.

(2) The Ministry of the Environment approves or makes a decision on failure to approve the air quality improvement plan within 45 days after receiving the draft.

(3) The air quality improvement plan is published on the website of the local government unit within seven working days from the date of approval of the plan.

§ 78. Short-term air quality improvement plan, joint plans and cooperation with other countries

(1) If there is a risk that the concentration of pollutants in a certain air quality area or agglomeration will exceed the air quality alarm level established for one or more pollutants on the basis of § 47 (1) of this Act, the local government unit shall define specific measures in the short-term air quality improvement plan to reduce the risk of such exceeding and to shorten its duration .

(2) A local government unit may provide for measures in the short-term air quality improvement plan even if there is a risk that the concentration of pollutants in a certain area will exceed the air quality limit or target value established on the basis of § 47 (1) of this Act for one or more pollutants.

(3) If there is a risk that the ozone content in the ambient air will exceed the air quality alarm level established on the basis of § 47 (1) of this Act in a certain area, the local government unit shall define measures in the short-term air quality improvement plan based on geographical, weather and economic conditions, if there is a significant possibility of such exceeding in order to reduce the resulting danger, its duration or severity, taking into account Commission Decision 2004/279/EC concerning guidelines for the implementation of Directive 2002/3/EC of the European Parliament and of the Council on the ozone content of ambient air (OJ L 87, 25.03.2004, pp. 50-59).

(4) The measures prescribed in the short-term air quality improvement plan may include the restriction and suspension of activities that caused the air quality level to exceed the limit or target value or the alarm level, such as motor vehicle traffic, industrial equipment or products, and the use of household heating devices, and measures to protect sensitive groups of the population, including children.

(5) In the event of the danger specified in subsection 1 of this section, the council of the local government unit shall each time decide to implement the necessary measures specified in subsection 4 of this section with a deadline.

(6) The data and studies that were the basis for the planning of the measures defined in the short-term air quality improvement plan specified in subsections 1–3 of this section, as well as information related to implementation, shall be published by the local government unit on its website.

(7) If the limit established on the basis of § 47 (1) of this Act is exceeded due to a significant cross-border spread of a pollutant or its precursors, the Ministry of the Environment shall, if necessary, cooperate with other member states of the European Union in preparing a joint or jointly coordinated air quality improvement plan containing appropriate and proportionate measures to eliminate the exceedance of the limit the provisions of § 73 of this Act.

(8) If necessary, the Ministry of the Environment prepares and implements a joint short-term air quality improvement plan covering neighboring areas of other European Union member states. The Ministry of the Environment ensures that neighboring areas of other European Union member states, for which short-term plans have been developed, receive all relevant information.

(9) If the air quality notification or alarm level is exceeded in an air quality area or agglomeration near the state border, the Ministry of the Environment will immediately inform the public and the competent authorities of the relevant neighboring member states of the European Union.

(10) When preparing the plans specified in subsections 7 and 8 of this section and informing the public specified in subsection 9, the Ministry of the Environment shall cooperate with third countries if necessary.

Chapter 4 Regulation of pollutant emissions from stationary emission sources

Section 1 General settings

§ 79. Air pollution permit

(1) An air pollution permit grants the right to discharge pollutants from a local emission source into the outside air and determines the conditions for the realization of this right.

(2) The requirements set forth in this Act, with the exception of the requirement set forth in subsection 6 of this section, also apply to a facility subject to an environmental complex permit, if the facility's activity is related to the discharge of pollutants into the outside air.

(3) Taking into account the specific nature of the areas of economic activity and the environmental disturbances that may arise from them, the minister responsible for the area establishes by regulation the threshold capacities of the facility's activity and the threshold amounts of pollutant emissions, from which an air pollution permit is required for the facility's operation.

(4) An air pollution permit is required regardless of the threshold quantities or threshold capacities established on the basis of subsection 3 of this section, if it has been established during the determination of the air quality level that the emission of a pollutant discharged from the facility's emission sources causes the pollutant to exceed the limit or target value of air quality established on the basis of § 47 subsections 1 and 2 of this Act outside the facility's production territory.

(5) An air pollution permit is not required from a person to whom the right to relevant activities has been granted by an environmental complex permit.

(6) The operator of a stationary emission source with the obligation of an air pollution permit must have an air pollution permit before applying for a construction permit for the corresponding emission source.

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(7) If the operation of the facility causes an insignificant impact within the meaning of § 19 of this Act , the application for an air pollution permit submitted for the facility shall not be reviewed in an open procedure.

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

§ 80. Registration of the operator of a local emission source

(1) The activity of an operator of a stationary emission source who is not required to have an air pollution permit on the basis of § 79 (3) of this Act, but whose activity corresponds to the threshold capacity established on the basis of subsection (2) of this section, shall be registered in the Environmental Board.

(2) Taking into account the specific characteristics of the fields of economic activity, the minister responsible for the field establishes by regulation the threshold capacities of the activity, from which it is necessary to register the activity of the operator of a stationary emission source with the Environmental Board.

Section 1

Registration of the local emission source operator

§ 81. Registration of the operator of a local emission source

(1) The Environmental Board shall register the activities of the local emission source operator.

(2) [Repealed - RT I, 27.05.2022, 1 - entry into force. 06.06.2022]

(3) The rights and obligations provided for in §§ 100 and 102 of this Act extend to the operator of a facility registered with the Environmental Board.

§ 82. Application for registration

(1) The operator of a local emission source submits a registration request to the Environmental Agency via the environmental decision information system with the following data at least one month before starting operations:

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

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

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

2) the address and contact details of the applicant and the name and contact details of the contact person;

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

3) the address of the location of the facility;

4) description of the facility and production territory;

5) field of activity;

6) technology equipment and pollutant capture equipment;

7) the names and emissions of discharged pollutants in tons per year and grams per second, if the pollutant emission is at least one kilogram per year and if the legislation does not provide otherwise.

(2) The Environment Board has the right to demand, in addition to the data specified in subsection 1 of this section, the calculation of the dispersion of each pollutant in the air layer close to the ground, if there is a limit or target air quality value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act. The provisions of § 92 of this Act apply to the dispersion calculation.

(3) The data composition of the registration application and certificate shall be established by a regulation of the minister responsible for the field .

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

§ 83. Registration of activity and issuance of certificate

(1) On the basis of the registration application, the Environmental Board shall check the necessity of having an air pollution permit and the compliance of the submitted application with the requirements within ten working days from the date of receipt of the application. If the activity covered in the application does not require registration, the Environmental Board will inform the applicant for registration within 15 working days.

(2) The Environmental Board decides on the registration of the activity or its refusal within 30 days from the receipt of the application for registration that meets the requirements. If the registration request is not reviewed within the deadline, the person's activities will not be considered registered by default due to the expiration of the deadline.

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

(3) In the case of a demand for the dispersion calculation specified in § 82 subsection 2 of this Act, the term specified in subsection 2 of this section begins to run from the registration of the dispersion calculations with the Environmental Board.

(4) The operation of the facility is registered in the environmental decision information system, and a registration certificate is issued to the applicant for registration through the environmental decision information system.

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

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(4) The registration specified in subsection 2 of this section may be made and the corresponding certificate issued automatically through the environmental decision information system, if automatic checking of the prerequisites for making the registration is ensured.

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

(5) [Repealed - RT I, 27.05.2022, 1 - entered into force. 06.06.2022]

(6) The certificate of registration does not replace an air pollution permit or an environmental complex permit.

§ 84. Validity of registration

The activities of the person specified in subsection 1 of § 80 of this Act are registered for an indefinite period, unless the registration is requested for a limited time.

§ 85. Obligation of the person who registered the activity to report changes to the data submitted in the registration application

(1) The person who has registered the activity is obliged to immediately notify the Environmental Board of changes in the business name, registration code, name, personal identification number or contact data, as well as changes or termination of the facility or

activity, and other circumstances that may affect the activity permitted on the basis of the registration, and request a change of registration or a new registration.

(2) If an air pollution permit or complex environmental permit is necessary for the operation of the facility due to a change in the facility or activity, the operator is obliged to submit an appropriate application to the Environmental Board to obtain the said permit.

§ 86. Change of registration

(1) The Environmental Board changes the registration:

- 1) based on the application of the registered person;
- 2) on other grounds provided by law.

(2) If the person who registered the activity initiates the change of registration, he submits a request for change of registration to the Environmental Board through the information system for environmental decisions together with the data required for the change specified in § 82 subsection 1 of this Act.

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

(3) If the Environmental Board initiates a change in registration, it shall inform the person who registered the activity through the environmental decision information system of the reason for the change in registration and set a deadline for submitting the data and documents necessary for the change.

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

§ 87. Revocation of registration

(1) The Environmental Board declares the registration invalid:

- 1) when the grounds provided for in § 88 of this Act appear;
- 2) if the registered person has submitted a corresponding request.

(2) If the revocation of the registration is initiated by the person who registered the activity, he submits a request for revocation of the registration to the Environmental Board through the information system for environmental decisions.

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

(3) If the Environmental Board initiates the invalidation of the registration, it informs the person who registered the activity of the reason for the invalidation of the registration through the environmental decision information system.

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

§ 88. Refusal of registration

The Environmental Board refuses to register the activity of the operator of a stationary emission source if:

- 1) the emission of a pollutant discharged from the emission source causes the limit or target value of air quality to be exceeded;

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

- 2) the application for registration contains false information as important data.

Section 2

Issuance, amendment, revocation of an air pollution permit and content of an air pollution permit

§ 89. Issuer of air pollution permit

The air pollution permit is issued by the Environmental Board (hereinafter *the permit issuer*).

§ 90. Air pollution permit validity period

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

§ 91. Air pollution permit application and permitted emissions project

(1) The application for an air pollution permit contains the data and appendices provided for in § 42 subsections 1 and 3 of the Act on the General Part of the Environmental Code.

(2) An integral part of the application for an air pollution permit is, in addition to what is stipulated in subsection 1 of this section, the permitted emissions project, which must contain the following data:

- 1) description of the activity, including the place and method of discharge of pollutants into the outside air, data on the technology and equipment used;
- 2) data on planned technological outages and their duration in hours, including the number of hours of starting and stopping equipment;
- 3) names of discharged pollutants and data on pollutant emissions, if pollutant emissions are at least one kilogram per year and legislation does not provide otherwise;
- 4) data on pollutant emissions from each individual emission source by technology process;
- 5) data on compliance of emissions with limit values of emissions of pollutants established on the basis of the Industrial Emissions Act or § 105 (3) of this Act;
- 6) dispersion calculation of each pollutant in the air layer close to the ground, if there is a limit or target air quality value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act;
- 7) [invalid - RT I, 25.10.2022, 1 - entry into force. 04.11.2022] 8) data on the need to measure air quality levels or pollutant emissions;
- 9) if necessary, the conditions for the preparation and implementation of an action plan for the reduction of pollutant emissions;
- 10) assessment of the possible occurrence of odor disturbance;
- 11) assessment of the possible occurrence of noise;

- 12) data on other possible environmental disturbances.

(3) The data specified in point 2 of subsection 2 of this section on the duration of sudden discharges are submitted in the case of activities specified in Regulation (EC) No. 166/2006 of the European Parliament and of the Council, which deals with the creation of the European Pollutant Release and Transfer Register and which amends Council Directives 91/ 689/EEC and 96/61/EC (OJ L 33, 04.02.2006, pages 1–17), Annex I.

(4) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

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

§ 92. Computational assessment of pollutant dispersion

(1) The results of the calculated assessment of the dispersion of pollutants specified in § 91 (2) clause 6 and § 82 (2) of this Act must be submitted for each pollutant discharged from the installation and each emission source.

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(1) In the case of the calculated assessment of the dispersion of pollutants specified in subsection 1 of this section, emission sources with similar parameters related to one activity in one production territory are allowed to be considered as one emission source if this is unlikely to cause the limit or target value of air quality to be exceeded.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(2) Dispersion of pollutants is determined by calculating the air quality level in accordance with the provisions of § 38 subsection 1 of this Act.

(3) All emission sources located in the production territory of the installation and all emission sources with an air pollution permit, environmental complex permit or registration, which are within the evaluation area of the calculation program used for the calculation evaluation of pollutant dispersion, are taken into account in the calculation evaluation of the dispersion of each pollutant.

(4) In the calculation estimates of the dispersion of pollutants with a common air quality limit or target value, in the case of time-overlapping emission sources, the instantaneous emissions of pollutants discharged from them are added.

(5) In the event of the activity specified in Annex I of Regulation (EC) No. 166/2006 of the European Parliament and of the Council, the issuer of the air pollution permit or the environmental complex permit requires the operator of the emission source to perform an additional dispersion calculation of the pollutant emitted into the outside air, which takes into account the planned technological sudden emissions of this pollutant and the total emissions of other emission sources with normal operation in the production territory . Possible emergency releases are not taken into account in the pollutant dispersion calculation.

(6) When determining the intensity of technological sudden emissions, the averaged period of one hour is taken into account even if the duration of the actual emission is shorter than one hour.

§ 93. Issuance of an air pollution permit based on the production territory or for several installations

If the air pollution permit is granted on the basis of the production territory, or if the air pollution permit covers two or more facilities or two or more parts of one facility, the air pollution permit contains requirements that separately and together ensure compliance of the operations of all facilities with the requirements of this Act and legislation issued on the basis of it.

§ 94. Evaluation of the calculation result of pollutant and odorant dispersion

(1) The calculation results of pollutant dispersion are compared with the one-hour average, eight-hour average, 24-hour average and annual average limit value and target value of air quality established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act.

(2) The maximum instantaneous emission of each pollutant emitted into the outside air from all emission sources located in the production territory of the facility may not exceed the total value, which may cause the limit value of air quality specified in subsection 1 of this section to be exceeded outside the production territory of the facility.

(3) If necessary, the issuer of an air pollution permit or environmental complex permit requires the operators of emission sources to take into account the results of continuous air monitoring outside the production territory of the facility or the background concentration of the pollutant obtained in the evaluation of the combined effect of similar emission sources when calculating the air quality level.

§ 95. Calculation of the total limit quantity of pollutant emissions

When registering the activity of a facility and issuing an air pollution permit or an environmental complex permit, the issuer of the permit or certificate of registration shall, if necessary, take into account the total limit of pollutant emissions established on the basis of § 108 (1) of this Act in the territory of Estonia and the economic zone.

§ 96. Preferential right to discharge a pollutant into the outside air

(1) If the air quality level of an air quality area or an agglomeration or the total pollutant emission limit established on the basis of § 108 (1) of this Act does not allow to satisfy all applications for an air pollution permit or an environmental complex permit, the person who produces energy for domestic or social needs has the preferential right to obtain an air pollution permit or an environmental complex permit.

(2) If all persons applying for an air pollution permit or complex environmental permit produce energy for domestic or social needs, or if no person applying for an air pollution permit or complex environmental permit produces energy for domestic or social needs, the person with the lowest emission of pollutants per unit of similar production has the preferential right to obtain an air pollution permit or complex environmental permit .

(3) On the proposal of the Environmental Board, the minister responsible for the field makes a decision on the granting of a priority right by means of a directive.

§ 97. Refusal to issue an air pollution permit

The issuer of an air pollution permit shall refuse to grant an air pollution permit in the cases provided for in § 52 of the General Part of the Environmental Code Act or if the emission of a pollutant discharged from the emission source causes the total emission limit of the pollutant established on the basis of § 108 (1) of this Act to be exceeded in the territory of Estonia and in the economic zone.

§ 98. Content of air pollution permit

(1) The air pollution permit contains, in addition to the provisions of § 53 subsection 1 of the General Part of the Environmental Code Act, the following information:

- 1) place and method of discharge of pollutants from emission sources into the outside air;
- 2) data on the duration of permitted technological outages in hours, including the number of hours of equipment startup and shutdown;
- 3) the name of each pollutant emitted from all emission sources located on the production territory of the facility and data on the total permitted emission in tons per calendar year or, if necessary, in a shorter time unit, if the pollutant emission is at least one kilogram per year and the legislation does not provide otherwise, including data on permitted technological sudden emissions;
- 4) data on the permitted maximum instantaneous emission of each emitted pollutant from each individual emission source in grams per second and, if necessary, data on the pollutant emission limit value established on the basis of the Industrial Emissions Act or § 105 (3) of this Act;
- 5) [invalid - RT I, 25.10.2022, 1 - entry into force. 04.11.2022] 6) data on the need for air quality level or pollutant emission monitoring;
- 7) conditions for preparation and implementation of the action plan for reduction of pollutant emissions.

(2) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(3) An air pollution permit may contain requirements not mentioned in this section, but provided for in this Act or in legislation established on the basis thereof, or requirements established in the Industrial Emissions Act or on the basis thereof.

(4) When determining the air quality monitoring conditions for the operator of the emission source, the air pollution permit or environmental complex permit issuer shall take into account the assessment results of the air quality level of the air quality area or agglomeration.

(5) If an air quality improvement plan in accordance with § 73 (2) of this Act has been drawn up for an air quality area or agglomeration, the issuer of an air pollution permit or environmental complex permit shall take into account the requirements of this plan when assigning monitoring conditions to the operator of the emission source.

(6) An integral part of the air pollution permit is the permitted emissions project. The project of permitted emissions is disclosed by the air pollution permit or environmental complex permit issuer in the environmental decision information system.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(7) In the event of a risk of exceeding the air quality limit or target value established on the basis of subsections 1 and 2 of § 47 of this Act, the air pollution permit or environmental complex permit issuer may stipulate additional requirements for continuous or spot monitoring of the pollutant.

§ 99. Change and revocation of air pollution permit

(1) The issuer of an air pollution permit or environmental complex permit changes the conditions of the permit in addition to the provisions of § 59 subsection 1 of the General Part of the Environmental Code Act, if: 1) the air quality limit or target value established for the pollutant on the basis of § 47 subsections 1 and 2 of this Act, which was the basis of the air pollution permit, has changed;

2) the emission limit value established on the basis of the Industrial Emissions Act or § 105 (3) of this Act for the pollutant discharged from the emission source that was the basis of the air pollution permit has changed;

3) the method of pollutant emission measurement or calculation established on the basis of subsection 107 (1) of this Act has changed;

4) the total limit quantity of pollutant emissions established on the basis of subsection 108 (1) of this Act has changed.

(2) If the permit issuer initiates the amendment of the air pollution permit, he shall inform the operator of the emission source in writing of the reason for the amendment of the conditions of the air pollution permit, request the submission of the data necessary for the amendment of the air pollution permit and set the deadline for the submission of the data.

(3) An operator whose permit is changed in accordance with the requirement set out in point 3 of subsection 1 of this section does not have to submit the calculation results of pollutant dispersion for each stationary emission source and the combined effect of emission sources located in one production territory and for air quality monitoring in the event that all of the following conditions are met: 1

) pollutant the estimated emission does not exceed the provisions of the valid permit;

2) the emission of the pollutant that was the basis of the air pollution permit has not caused the air quality limit or target value established for the pollutant to be exceeded on the basis of subsections 1 and 2 of § 47 of this Act outside the facility's territory;

3) no new emission sources have been added to the area surrounding the facility, the emissions of which have not been taken into account when issuing the valid environmental complex permit or air pollution permit.

(4) The air pollution permit is declared invalid on the grounds and in the manner provided for in § 62 of the Act on the General Part of the Environmental Code.

Section 2

Rights and obligations of the holder of an air pollution permit or environmental complex permit

§ 100. The holder of an air pollution permit or environmental complex permit and his right to receive data

(1) The holder of an air pollution permit or environmental complex permit is a person to whom an air pollution permit has been granted or for whose activities an air pollution permit is required on the basis of § 79 (3) of this Act or an environmental complex permit is required on the basis of § 19 (3) of the Industrial Emissions Act.

(2) The holder of an air pollution permit or environmental complex permit has the right to receive from the permit grantor data on the measurement results of the air quality level determined at the level of the state or local government unit or the facility operator located in the region, and data on the technology used by facilities located in the region and pollutant emissions from emission sources, as well as other necessary data that may be useful when planning measures to reduce pollutant emissions or improve the air quality of the area, if this data is not confidential.

§ 101. Obligations of the holder of an air pollution permit or environmental complex permit

(1) The holder of an air pollution permit or an environmental complex permit must:

1) ensure that the emission of a pollutant discharged into the outside air from an emission source in his operation does not exceed the provisions of the air pollution permit or the environmental complex permit, or the emission limit value of the pollutant established on the basis of this Act or on the basis of the Industrial Emissions Act, and does not cause the pollutant to be subject to § 47 subsections 1 of this Act and exceeding the limit or target value of air quality established on the basis of 2 outside the facility's production territory;

2) plan measures to limit momentary emissions of pollutants emitted into the outdoor air, including reducing the load on technological equipment in order to improve air quality in adverse weather conditions;

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2) when operating the combustion device, keep the start-up and shutdown periods of the combustion device as short as possible;
[RT I, 03.07.2017, 5 - enters into force. 13.07.2017]

3) notify in advance the air pollution permit or environmental complex permit grantor and the local government unit of all planned changes in the parameters of production technology or emission sources, which may increase the amount of pollutant emissions beyond what is stipulated in the air pollution permit or environmental complex permit or significantly worsen the conditions for the dispersion of pollutants in the outdoor air;

4) use the devices installed to catch pollutants, periodically check their working condition and keep documented records of the checks;
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

5) check the composition of the gases coming out of the emission source and the amount of pollutant emissions and their compliance with the provisions of the air pollution permit or environmental complex permit and the limit values established on the basis of § 105 (3) of this Act or § 73, 76 or § 79 (3) of the Industrial Emissions Act;

6) assess at least once a year, unless otherwise stipulated in the air pollution permit or environmental complex permit, the compliance of the air quality for the pollutant with the air quality limit or target value established on the basis of subsections 1 and 2 of § 47 of this Act outside the production territory of the installation, if the emission of the pollutant discharged from the emission source is likely to cause an air quality problem in the area or exceeding the upper air quality assessment limit of the agglomeration established on the basis of § 47 (1) of this Act;

7) to inform the air pollution permit or environmental complex permit issuer of a significant environmental disturbance that accompanies the operator's activities, regardless of whether the requirements stipulated in the air pollution permit or environmental complex permit have been met;

8) to provide comprehensive assistance to the Environmental Board in assessing compliance with the requirements set forth in this paragraph, enabling the inspection to take samples or collect other relevant information.

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

(2) The frequency and more precise procedure for checking the operating condition of the pollutant capture device, the composition of the gases coming out of the emission source, and the amount of pollutant emissions provided for in clauses 4 and 5 of subsection 1 of this section, and the more precise procedure, if necessary, are determined in the air pollution permit or the environmental complex permit.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(3) If the operator of the emission source cannot ensure compliance with the requirements specified in subsection 1, point 1 of this section, he shall immediately notify the Environmental Board and the local government unit in writing and take the necessary measures to restore compliance with the requirements as soon as possible.

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

(4) Upon receipt of the notification specified in subsection 3 of this section, the Environmental Board has the right to change the air pollution permit or complex environmental permit and to demand an action plan for the reduction of pollutant emissions specified in § 103 subsection 1 of this Act.

(5) Air quality assessment must be guided by the air quality assessment procedure established on the basis of § 43 (1) of this Act.

§ 102. Obligation of the air pollution permit holder to keep documents and submit information

(1) During the validity of the air pollution permit and for at least six years after its revocation, the operator must preserve all documents and data belonging to him related to the application, issuance and amendment of the air pollution permit, the monitoring specified therein, the verification of compliance with the requirements, possible non-compliance with the requirements and the measures taken to restore compliance.

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

(2) The documents specified in subsection 1 of this section must be available at the request of the permit grantor.

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

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(2) The method of presentation of monitoring data must enable data processing.

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

(3) The operator shall notify the permit grantor:

1) monitoring data in accordance with the requirements stipulated in the air pollution permit;

2) about the planned change of operator.

(4) The operator is obliged to submit to the Environmental Board, without undue delay, the data required for issuing, changing and revoking an air pollution permit and for environmental control.

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

(5) If the obligation of continuous monitoring of the ambient air of the pollutant has been established with the air pollution permit, the operator shall transmit the continuous monitoring data to the air quality management system in real time, which can be found on the website of the Ministry of the Environment. Measurement results must be demonstrably traceable within the meaning of the Measurement Act.

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

§ 103. Action plan for reducing pollutant emissions, its approval and reporting

(1) If the content of a pollutant in the ambient air outside the facility's production territory is likely to exceed the air quality limit or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act, the Environmental Board may require the holder of an air pollution permit or environmental complex permit to prepare an action plan for reducing pollutant emissions.

(2) The action plan for the reduction of pollutant emissions is submitted for approval to the Environmental Board, which, before approving the action plan, sends it to the local government unit where the facility is located for the purpose of expressing its opinion.

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

(3) The local government unit submits an opinion within ten working days after receiving the action plan for reducing pollutant emissions.

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

(4) The holder of an air pollution permit or environmental complex permit submits a report to the Environmental Board on the implementation of the action plan specified in subsection 1 of this section at least once a year.

§ 104. Content of the action plan for reducing pollutant emissions

The action plan for reducing pollutant emissions contains at least the following information:

- 1) names and addresses of persons responsible for the preparation and implementation of the action plan;
- 2) data on the results of the air quality assessment obtained during the previous five years, on the emissions of pollutants discharged from emission sources and the methods used to determine them;
- 3) analysis of the background situation regarding the spread and formation of pollutants emitted into the outdoor air;
- 4) a detailed description of the air quality improvement measures implemented in the facility before the preparation of the action plan and the effect of these measures;
- 5) a detailed description of the planned measures to reduce pollutant emissions;
- 6) forecast of the time needed to improve air quality and achieve the set goals;
- 7) in the case of an environmental complex permit obligee, data on the use of the best possible technique;
- 8) data on the auxiliary materials used in the preparation of the action plan.

Section 3

Pollutant emission limit values and their compliance, pollutant emission limits and total pollutant emission limit values in the Estonian territory and economic zone

§ 105. Emission limit values of a local emission source and their compliance

(1) The emission limit value of an emission source outside the scope of application of the Industrial Emissions Act is the limit amount of a pollutant emitted from a stationary emission source of any industrial combustion or production process per volume, production, power, energy or time unit of the outgoing gases. The emission limit value must not be exceeded.

(2) If, on the basis of the Industrial Emissions Act or subsection 3 of this section, an exception has been established regarding compliance with the emission limit value, and when the equipment is started and stopped, it does not exceed the quantity and duration of sudden emissions specified in the air pollution permit or environmental complex permit, it is considered that the emission limit value has not been exceeded.

(3) For incinerators outside the scope of application of the Industrial Emissions Act, the minister responsible for the field establishes by regulation pollutant emission limit values, pollutant emission monitoring requirements and criteria for complying with emission limit values.

(4) In the case of continuous measurement of the pollutant content in the exhaust gases of a combustion plant consisting of boilers with a total nominal heat output of less than 50 megawatts and using only coal, the limit value requirements for pollutant emissions are deemed to be fulfilled if the results of the measurements made during the working hours of the combustion plant in the calendar year show that none of the 24-hour average emissions recognized as acceptable exceed the emission limit value by 150 percent.

§ 106. Permitted emission of pollutant and consideration of sudden emissions when determining permitted emission

(1) The air pollution permit determines the maximum permissible instantaneous emission of each pollutant emitted to the outside air for each emission source and the total permissible emission of each pollutant in tons per calendar year or, if necessary, in a shorter time unit for all emission sources located in the production territory of the facility.

(2) The permitted emission of a pollutant is determined in such a way that the total amount of the pollutant discharged into the outside air from a stationary emission source or from all emission sources located in one production territory of the facility would not cause the air quality limit or target value established for the pollutant on the basis of § 47 subsections 1 and 2 of this Act to be exceeded outside the production territory of the facility.

(3) In the production territory, where the facilities of several operators are located, the combined effect of the facilities is taken into account in such a way that when discharging each pollutant from the emission sources of all facilities, the air quality limit or target value established for the pollutant on the basis of subsections 1 and 2 of § 47 of this Act is observed at the outer border of the production territory.

(4) When determining the permissible emission of a pollutant, technological sudden emissions are taken into account, but not possible emergency emissions.

(5) The maximum instantaneous emission for the purposes of this Act is the maximum emission of a pollutant discharged from the emission source, which is averaged per hour with the most intense emission and is expressed in grams or milligrams per second. The maximum instantaneous emission is determined based on the normal operating mode of the process or equipment operating at full load, without taking into account sudden emissions of the pollutant.

(6) In the case specified in § 91 subsection 3 of this Act, the maximum instantaneous emission of technological sudden emissions is determined separately, taking into account the most intensive hour of starting and stopping the equipment. The start-up and shutdown duration of the equipment is determined by the air pollution permit or environmental complex permit according to the technical documentation of the production technology.

(7) The permitted emission of a pollutant is deemed to have been exceeded if the maximum instantaneous emission of the pollutant emitted from the emission source exceeds the instantaneous emission specified in the air pollution permit or environmental complex permit or if the total emission of the pollutant emitted from all emission sources located on the production territory of the facility exceeds the permitted emission for a calendar year or a shorter time unit specified in the air pollution permit or environmental complex permit, including sudden emissions, or the actual duration of sudden emissions in hours per calendar year exceeds the duration specified in the air pollution permit or environmental complex permit.

(8) Exceeding the permitted emission of a pollutant is expected to cause an environmental hazard.

§ 107. Measurement of pollutant emissions and calculation methods

(1) The methods of measurement and calculation of pollutant emissions shall be established by a regulation of the minister responsible for the field.

(2) When pollutant emissions are measured or determined by calculation, the temporal dynamics of emission discharge and the nature of the emission source are taken into account, and all processes causing the emission of pollutants from the facility's emission source and all pollutants associated with the emission source are included.

(3) If no method has been established for determining pollutant emissions on the basis of subsection 1 of this section, internationally recognized methodologies, standards, calculation methodologies developed by the manufacturer country of the technology device used, or other methodologies designed for this emission source may be used to determine pollutant emissions.

§ 108. National obligations to reduce emissions of man-made pollutants in the territory of Estonia and the economic zone, national program and reporting for the reduction of emissions of certain air pollutants

[RT I, 26.06.2018, 7 - entry into force. 01.07.2018]

(1) State obligations to reduce man-made pollutant emissions in the territory of Estonia and the economic zone, as well as the deadlines and exceptions for their fulfillment, as well as the procedure for preparing national summary reports of pollutant emissions and forecasts of total pollutant emissions, shall be established by a regulation of the Government of the Republic.

(2) The Ministry of the Environment organizes the preparation of the national program for reducing emissions of certain air pollutants (hereinafter *the program for reducing air pollutants*). The open procedure provided for in the Administrative Procedure Act applies to the procedure for drawing up an air pollutant reduction program.

(3) For the purposes of this Act, man-made pollutant emissions are emissions of pollutants released into the air related to human activities.

(4) In the preparation, adoption and implementation of the air pollutant reduction program:

- 1) it is assessed to what extent it is likely that domestic emission sources affect the air quality in the national territory and in neighboring member states, using, where appropriate, data and methods developed within the framework of the European monitoring and assessment program for air pollutants according to the protocol of the convention on long-range transboundary air pollution on the long-term financing of the European cooperation program for monitoring and assessment of long-range transboundary air pollution;
- 2) takes into account the need to reduce emissions of air pollutants in order to meet air quality objectives;
- 3) especially when planning measures to reduce emissions of fine particles in order to fulfill national obligations, measures to reduce emissions of soot, i.e. black carbon, are considered to be of primary importance;
- 4) consistency with other relevant plans and programs is ensured.

(5) Air quality objectives in the sense of this Act are air quality limit values, target values and mandatorily achievable air quality level rates, which are stipulated on the basis of § 47 (1) of this Act.

(6) Soot or black carbon within the meaning of this Act are carbon-containing solid particles that absorb light.

(7) The air pollutant reduction program includes at least:

- 1) Directive (EU) 2016/2284 of the European Parliament and of the Council, which deals with the reduction of national emissions of certain air pollutants, which amends Directive 2003/35/EC and repeals Directive 2001/81/EC (EMPs applicable text) (OJ L 344, 17.12.2016, pp. 1–31), content in accordance with the minimum requirements set out in Part 1 of Annex III;
- 2) mandatory measures to reduce pollutant emissions, which are stipulated in Part 2 of Annex III of Directive (EU) 2016/2284 of the European Parliament and of the Council, as well as the deadlines for their implementation and data on the cost of the measures;
- 3) data on the actual emissions of pollutants and the forecast of emissions of pollutants after the implementation of the measures.

(8) Prior to the final completion of the project of the air pollution reduction program and all significant changes, the drafter of the air pollution reduction program shall consult with the public and the competent authorities, which are likely to be affected by the implementation of the air pollution reduction program due to their specific environmental tasks. Where appropriate, cross-border consultations will be held.

(9) The air pollutant reduction program is established by the minister responsible for the field by means of a directive.

(10) The Ministry of the Environment shall review the air pollutant reduction program at least every four years from the submission of the first air pollutant reduction program to the European Commission and, if necessary, supplement it.

(11) Without prejudice to the application of paragraph 10 of this section, the emission reduction policies and measures contained in the air pollution reduction program shall be updated within 18 months after the submission of the last national emission inventory or

national emission forecast, if, according to the data provided, the national obligations to reduce pollutants have not been fulfilled or there is a risk, that they are not fulfilled.

(12) If the air pollutant reduction program is updated in accordance with paragraph 11 of this section, the Ministry of the Environment shall submit the updated air pollutant reduction program to the European Commission within two months after the update.

(13) The Ministry of the Environment publishes the air pollution reduction program and its changes on its website.
[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

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§ 108 . Flexibility measures for fulfilling national obligations to reduce emissions

(1) The annual national emission inventories of sulfur dioxide, nitrogen oxides, non-methane volatile organic compounds, ammonia and especially fine particles may be adjusted in accordance with the provisions of Annex IV, Part 4 of Directive (EU) 2016/2284 of the European Parliament and of the Council, if the national obligations to reduce emissions remain unfulfilled due to the application of emission inventory methods updated on the basis of scientific data.

(2) The national emissions inventory contains data on the emissions of certain pollutants during the observed period. The Ministry of the Environment organizes the preparation of the national emission inventory in accordance with Annexes I and IV of Directive (EU) 2016/2284 of the European Parliament and of the Council.

(3) The adjustments referred to in subsection 1 of this section shall be subject to the additional conditions provided for in subparagraphs ii and iii of point 1, point d, point 1, part 4, Annex IV of Directive (EU) 2016/2284 of the European Parliament and of the Council, in the event that the specific emissions differ significantly from the European Union regulations governing the control of air pollution by emission source of the expected results of the implementation of legislative norms or standards, whereas the difference may arise from the methodology used to determine emissions, and:

1) the compiler of the national emission inventory has taken into account the results of the national programs for monitoring the implementation of legislation regulating air pollution control based on emission sources and has proven that significantly different specific emissions are not due to the domestic implementation or enforcement of said legislation;

2) The Ministry of the Environment has informed the European Commission about significant differences in special emissions.
[RT I, 26.06.2018, 7 - enters into force. 01.01.2025, paragraph 3 enters into force]

(4) The legislation of the European Union regulating the control of air pollution based on emission sources, for the purposes of this section, is the legislation of the European Union, the purpose of which is to reduce emissions of air pollutants covered by Directive (EU) 2016/2284 of the European Parliament and of the Council and which provide for mitigation measures based on emission sources.

(5) If, due to an exceptionally cold winter or an exceptionally dry summer, it is not possible to fulfill the national obligations to reduce emissions in a certain year, the fulfillment of the obligations may be based on the average indicator, which is obtained by calculating the average indicators based on the emission of the year in question and the year before it, and the emission forecast of the following year, provided that the calculated average is not greater than the annual national emissions resulting from the reduction obligations.

(6) If in accordance with Annex II of Directive (EU) 2016/2284 of the European Parliament and of the Council, one or more stricter reduction obligations are stipulated compared to the communication of the European Commission of September 21, 2005 "Thematic strategy on air pollution" COM(2005) 446 (final) 16 . with a cost-effective reduction determined in the report, but in a certain year, despite the implementation of all cost-effective measures, the national obligation to reduce emissions remains unfulfilled, the deadline for fulfilling the obligation in question is a maximum of five years, if for each such year the non-fulfillment of obligations is compensated by another directive of the European Parliament and the Council (EU) 2016/2284 with an equivalent reduction in pollutant emissions referred to in Annex II.

(7) The deadline for fulfilling national obligations to reduce pollutant emissions is considered to be a maximum of three years, if the relevant obligations to reduce pollutant emissions remain unfulfilled due to an unexpected or extraordinary interruption or reduction in capacity of the electricity or thermal energy supply or production system, which could not be foreseen, and have been fulfilled the following conditions:

1) it has been proven that all reasonable efforts have been made to fulfill the obligations, including new measures and policy directions have been implemented, and efforts will be continued to keep the period of non-fulfillment of obligations as short as possible;

2) it has been proven that, in addition to the measures and policy directions referred to in point 1 of this paragraph, the implementation of additional measures and policy directions would entail disproportionately high costs and would significantly threaten the country's energy security or pose a significant risk of being without energy supply for a large part of the population.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

2

§ 108 . Informing the European Commission about the implementation of flexibility measures for the fulfillment of national obligations to reduce emissions

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If subsections 1, 3, 5, 6 or 7 of § 108 of this Act apply, the Ministry of the Environment shall inform the European Commission of this by February 15 of the year following the relevant reporting year. The notification must reflect the pollutants and sectors concerned and the magnitude of the impact on national emission inventories, if known.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

Chapter 5

Regulation of pollutant emissions from mobile emission sources, requirements for products and fuels, monitoring of the quality and quantities of liquid fuels

Section 1

Measures to reduce emissions of pollutants from a mobile emission source

§ 109. Limiting the movement of motor vehicles to disperse pollutants in adverse weather conditions

In order to avoid environmental danger, the local government unit may, in case of unfavorable weather conditions for the dispersion of pollutants, if in a certain air quality area or agglomeration there may be an exceeding of the limit or target value or alarm level of air quality established for a certain pollutant on the basis of subsections 1 and 2 of § 47 of this Act, traffic control may restrict the movement of motor vehicles, with the exception of special service vehicles movement.

§ 110. Contaminant content, smoke level and noise level of the exhaust gas of a mobile emission source

[Repealed - RT I, 03.07.2017, 4 - entered into force. 13.07.2017]

§ 111. Notification of the user of a new motor vehicle

(1) The manufacturer, importer or seller of a new motor vehicle informs the user about the motor vehicle's fuel consumption and emitted carbon dioxide emissions.

(2) The list of data to be given to the user of a new motor vehicle and the procedure for notifying the user shall be established by a regulation of the minister responsible for the field .

§ 112. Marking of tires used in road transport

Tires used in road transport are labeled for low noise, fuel efficiency and safety purposes to provide harmonized information on tire parameters in accordance with Regulation (EU) 2020/740 of the European Parliament and of the Council, which deals with the labeling of fuel efficiency and other indicators of tires and which amends Regulation (EU) 2017/1369 and recognizes repeal Regulation (EC) No. 1222/2009 (OJ L 177, 05.06.2020, pp. 1–31).

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

1

§ 112 . Type approval and market surveillance of the internal combustion engine of off-road mobile machinery

(1) Regulation (EU) 2016/1628 of the European Parliament and of the Council, which deals with the limit values for gaseous pollutants and solid particle emissions of internal combustion engines of mobile machinery used outside roads and the requirements related to type approval, amending Regulations (EU) No. 1024/2012 and (EU) No. 167 /2013 and amends and repeals Directive 97/68/EC (OJ L 252, 16.09.2016, pages 53–117), the appropriate type approval authority in Estonia is the Consumer Protection and Technical Supervision Agency.

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

(2) A state fee shall be paid for the examination of the application for the type approval certificate and the examination of the application for modification of the type approval certificate.

(3) The test required for type approval is performed at the expense of the applicant for type approval.

[RT I, 29.11.2018, 1 - enters into force. 25/12/2018]

Section 2

Requirements for products to reduce pollutant emissions

§ 113. Special requirements for the handling of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds

(1) Subtypes of paints and other surface coverings containing volatile organic compounds, excluding aerosols, and finishing materials used outside the production facilities of vehicles, limit values for the content of volatile organic compounds and the methods used to determine compliance with the limit values shall be established by a regulation of the minister responsible for the field .

(2) The provisions of the Chemicals Act apply to the products specified in subsection 1 of this section and their handling, taking into account the differences provided in this Act.

§ 114. Labeling of paints and other surface coatings and vehicle finishing materials containing volatile organic compounds

The following information shall be added to the labeling of products specified in § 113 subsection 1 of this Act:

- 1) subspecies of the product and the limit value of the content of volatile organic compounds corresponding to the subspecies in grams per liter;
- 2) the maximum content of volatile organic compounds in grams per liter in a ready-to-use product containing solvents or other components containing solvents.

§ 115. Permit for exceptional use of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds

The permit for the exceptional use of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds (hereinafter the permit for the use of finishing materials) gives the right to exceptionally use the product specified in § 113 subsection 1 of this Act that does not meet the limit value for the content of volatile organic compounds for the purpose of restoring and maintaining a building or an old vehicle of historical and cultural value . market, including taking it to the territory of the European Union and using it there.

§ 116. Issuer of permission to use finishing materials

The permit for the use of finishing materials is issued by the Environmental Board.

§ 117. Procedure for applying for and granting a permit for the use of finishing materials and application and permit forms

The procedure for applying for and granting a permit for the use of finishing materials, as well as the application and permit forms, shall be established by a regulation of the minister responsible for the field .

§ 118. Refusal to grant permission to use finishing materials

The grantor of the permit for the use of finishing materials shall refuse to grant the permit for the use of finishing materials if:

- 1) the applicant for the permit has submitted information that does not correspond to reality;
- 2) considering the planned restoration or maintenance, the quantity of the requested product is unreasonably large;
- 3) the use of the product involves a significant risk to human health or the environment.

§ 119. Notification of permission to use finishing materials

[Repealed - RT I, 13.03.2019, 2 - entered into force. 15.03.2019]

Section 3

Fuel requirements, quality and quantity monitoring of liquid fuels

§ 120. Environmental requirements for fuels

(1) The environmental requirements for liquid fuels, the sustainability criteria of biofuels, liquid biofuels and biomass fuels, the procedure for monitoring and reporting the compliance of liquid fuels with environmental requirements, and the methodology for determining the reduction of greenhouse gas emissions resulting from the use of biofuels, liquid biofuels and biomass fuels shall be established by a regulation of the minister responsible for the field for the purpose of limiting pollutant emissions .

[RT I, 03.06.2020, 1 - enters into force. 01.07.2021]

(2) The regulation specified in subsection 1 of this section stipulates:

1) gasoline, diesel fuel, gas oil, light heating oil and motor fuels used in gasoline and diesel engines in road vehicles and in mobile machinery used off-road, inland waterway vessels, agricultural and forestry tractors and small boats, if they are not at sea environmental requirements for biofuels used;

2) environmental requirements for gas oil, light fuel oil, heavy fuel oil and marine fuels;

3) sustainability criteria for biofuels, liquid biofuels and biomass fuels;

[RT I, 03.06.2020, 1 - enters into force. 01.07.2021]

4) the procedure for permitting the use of emission reduction methods as an alternative to the use of low-sulfur marine fuel;

5) methodology for determining the reduction of greenhouse gas emissions resulting from the use of biofuels, liquid biofuels and biomass fuels;

[RT I, 03.06.2020, 1 - enters into force. 01.07.2021]

6) procedure for monitoring and reporting compliance of liquid fuels with environmental requirements;

7) the specified procedure for supervising the compliance of marine fuels with environmental requirements.

(3) Biofuel within the meaning of this Act is liquid fuel used in transport, which is produced from biomass.

[RT I, 03.06.2020, 1 - enters into force. 01.07.2021]

(4) For the purposes of this Act, liquid biofuel is liquid fuel produced from biomass used to obtain energy, including electricity, heat and cooling energy, with the exception of energy used for transport.

(5) Biomass within the meaning of this Act is the biologically degradable fraction of products, waste and residues of biological origin obtained from agriculture (both plant and animal substances), forestry and related production, fisheries and aquaculture, and the biologically degradable fraction of industrial and domestic waste.

(6) Gas fuel for the purposes of this Act is motor natural gas and motor liquid gas within the meaning of the Alcohol, Tobacco, Fuel and Electricity Excise Act and biomethane within the meaning of the Natural Gas Act.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(7) In the sense of this Act, electric energy is electric energy that is used in road vehicles and non-road mobile machinery, inland waterway vessels, agricultural and forestry tractors and small boats, if they are not at sea.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(8) For the purposes of this Act, hydrogen is energy that is used in road vehicles and non-road mobile machinery, inland waterway vessels, agricultural and forestry tractors and small boats, if they are not at sea.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(9) Biomass fuel within the meaning of this Act is gaseous or solid fuel produced from biomass.

[RT I, 03.06.2020, 1 - enters into force. 01.07.2021]

§ 121. Monitoring of the quality and quantities of liquid fuels

(1) Monitoring of the quality and quantities of liquid fuels sold in Estonia is organized by the Ministry of the Environment. In order to fulfill this task, the Ministry of the Environment may enter into an administrative agreement with a state-owned company, whose main activity is conducting environmental studies, in accordance with the procedure provided for in the Administrative Cooperation Act. §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of such an administrative agreement.

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

(2) The Tax and Customs Board submits the following data to the Ministry of the Environment no later than May 1 of the following year regarding the fuel sold in Estonia in the previous calendar year:

1) the name of the fuel type according to the commodity code of the combined nomenclature;

2) quantities by type of fuel.

§ 122. Fuel monitoring database

(1) The fuel monitoring database is a database belonging to the state information system, which collects and processes monitoring data on the quality of liquid fuels sold in Estonia with the aim of organizing effective monitoring of the quality of liquid fuels, ensuring public availability of data and informing the public about the results of fuel quality monitoring.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(2) The following shall be entered in the fuel monitoring database:

1) [invalid - RT I, 25.10.2022, 1 - entry into force. 04.11.2022] 2) data on emission sources related to fuel storage or loading or other

activities, including gas stations and tanks; 3) contact details of operators of emission sources; 4) results of fuel monitoring of a specific emission source.

(3) The responsible processor of the fuel monitoring database is the Environmental Agency.

(4) The fuel monitoring database is established and its statutes are established by a regulation of the minister responsible for the field .
[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

§ 123. Requirements for gasoline transportation and storage in terminals and service stations

[RT I, 03.07.2017, 4 - entered into force. 13.07.2017]

In order to limit emissions of volatile organic compounds , the minister responsible for the field establishes the requirements for gasoline transportation and storage in terminals and service stations by regulation.

[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

Section 4

Reduction of greenhouse gas emissions during the life cycle of the fuel

[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

1

§ 123 . Percentage of greenhouse gas emissions reduction during the life cycle of the fuel

(1) The supplier must reduce greenhouse gas emissions per unit of energy during the life cycle of the fuel compared to the base fuel standard by at least six percent during the calendar year.

[RT I, 03.06.2020, 1 - enters into force. 01.01.2021]

(2) [Repealed - RT I, 03.06.2020, 1 - entry into force. 13.06.2020]

(3) If the supplier reduces greenhouse gas emissions per unit of energy during the life cycle of the fuel with the help of biofuels, they must meet the sustainability criteria for biofuels established on the basis of subsection 120 (1) of this Act.

1

(3) Verification of compliance with the sustainability criteria of biofuels specified in subsection 3 of this section must take place in

3

accordance with the conditions set forth in § 2 of the Liquid Fuel Act .

[RT I, 03.07.2017, 4 - enters into force. 01.05.2018]

2

(3) The reduction of greenhouse gas emissions resulting from liquid and gaseous fuels produced from renewable raw materials other than biological origin must be at least 70 percent from June 15, 2022, compared to the volume of greenhouse gas emissions per unit of energy generated during the fossil fuel's life cycle.

[RT I, 18.05.2022, 1 - enters into force. 28.05.2022]

(4) If the supplier reduces greenhouse gas emissions per unit of energy during the life cycle of the fuel by means of electricity used in road transport, the supplier must be able to properly measure and monitor the supplied electricity in accordance with the methods

established on the basis of § 123 (3) (6) of this Act

(5) For the purposes of this Act, a supplier is a person for whom a note has been entered in the register of economic activity to allow fuel consumption or to terminate tax storage of fuel, or a person holding a license to import fuel or a legal person who makes available in road vehicles and mobile machinery used off-road, inland waterway vessels, agricultural and electric energy, gas fuel or hydrogen used in forestry tractors and small boats, if they are not at sea.

[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

(6) For the purposes of this Act, greenhouse gas emissions generated during the life cycle of fuel are all net emissions of carbon dioxide (CO_2), methane (CH_4) and nitrous oxide (N_2O) related to fuel, including fuel mixtures and delivered energy . The net quantities of said greenhouse gas emissions are calculated regardless of the place of emission, taking into account all stages of mining or farming, including land use changes, as well as transportation, distribution, processing and burning of fuel mixtures and delivered energy.

(7) Greenhouse gas emissions per unit of energy within the meaning of this Act is the total mass of carbon dioxide (CO_2) equivalent to greenhouse gas emissions associated with fuel or supplied energy divided by the total energy content of the fuel or supplied energy, in the case of fuel expressed as its minimum calorific value (hereinafter $\text{gCO}_{2\text{eq}}/\text{MJ}$).

(8) The basic fuel standard for the purposes of this Act is the total volume of greenhouse gas emissions of fuel of non-biological origin used in the European Union in 2010, which is $94.1 \text{ gCO}_{2\text{eq}}/\text{MJ}$.

[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

2

§ 123 . Agreement between suppliers

[RT I, 03.07.2017, 4 - entered into force. 13.07.2017]

(1) The obligation to reduce greenhouse gas emissions during the life cycle of the minimum fuel specified in subsection 1 of § 123 of this Act may be fulfilled jointly by suppliers, and in this case they are treated as one supplier. In case of non-fulfillment of the obligation, the supplier, who is the executor of the obligation specified in subsection 1 of § 123

(2) If the suppliers decide to fulfill the obligation specified in § 123 subsection 1 of this Act jointly, an agreement must be concluded regarding this through the digital environment specified in § 2 subsection 2 of the Liquid Fuel Act.
[RT I, 18.05.2022, 1 - enters into force. 28.05.2022]

(3) [Repealed - RT I, 18.05.2022, 1 - entered into force. 28.05.2022]

3

§ 123 . Calculation and reporting of delivered fuels and energy greenhouse gases

(1) The supplier submits to the Environmental Board by the 15th of every month a monthly report on the amount of greenhouse gases of fuels and energy delivered (hereinafter referred to as the *report of the amount of greenhouse gases*), in which he notes the amount of energy, motor gasoline, diesel fuel, gas fuel, hydrogen and biofuel used in road transport permitted for consumption during the previous calendar month and the corresponding amount of greenhouse gases data.
[RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(2) The report on the volume of greenhouse gases must contain at least the following:
1) data on the total volume of each delivered fuel and energy and the volume of greenhouse gas emissions;
[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]
2) data on the greenhouse gas emissions per unit of energy generated during the biofuel's life cycle.

(2) If the supplier wishes to fulfill the obligation specified in subsection 1 of § 123 of this Act using biofuels, he shall provide evidence that the supplied biofuel has been produced using the methods provided for in subsection 3 of § 2
[RT I, 03.07.2017, 4 - enters into force. 01.05.2018]

(3) If the supplier reduces greenhouse gas emissions per unit of energy during the life cycle of the fuel by using quotas created when reducing greenhouse gas emissions in the pre-processing stage of motor gasoline, diesel fuel, compressed natural gas or liquefied petroleum gas, the supplier must provide the following information about the project together with the greenhouse gas volume report: 1) the project start date
, which must be after January 1, 2011;
2) annual emission reduction (gCO_{2eq});
3) the period during which the declared emission reduction took place;
4) location of the project closest to the emission source in degrees of latitude and longitude to the nearest four decimal places;
5) benchmark of annual emissions before the implementation of mitigation measures and annual emissions after the implementation of mitigation measures, expressed as produced feedstock gCO_{2eq} /MJ;
6) a unique certificate number that uniquely identifies the plan and the declared greenhouse gas reductions;
7) a unique number that uniquely identifies the calculation method and the related plan;
8) if the project is related to the extraction of oil, the annual average ratio of gas and oil in solution by year and in the reporting year, reservoir pressure, depth and crude oil production volume of the well must be provided.

(4) For the purposes of this Act, the emissions generated in the pre-processing stage are all emissions of greenhouse gases that occur before the raw material enters the refining or processing plant where fossil fuels are produced.

(5) The project specified in subsection 3 of this section must meet the following conditions:
1) monitoring of the reduction of greenhouse gas emissions occurring in the pre-processing stage and benchmark emissions must be carried out, for which reports must be submitted and certified in accordance with the ISO 14064 standard series;
[RT I, 25.06.2021, 2 - enters into force. 05.07.2021]
2) the presented results must comply with Commission Implementing Regulation (EU) 2018/2066, which deals with the monitoring and reporting of greenhouse gas emissions in accordance with Directive 2003/87/EC of the European Parliament and of the Council and which amends Commission Regulation (EU) No. 601/2012 (OJ L 334, 31.12. 2018, pp. 1–93), and in Commission Implementing Regulation (EU) 2018/2067 concerning data verification and accreditation of verifiers in accordance with Directive 2003/87/EC of the European Parliament and of the Council (OJ L 334, 31.12.2018, pp. 94–134) , to the established prudence level;
[RT I, 25.06.2021, 2 - enters into force. 05.07.2021]
3) methods of reducing greenhouse gas emissions generated in the pre-processing stage must be certified according to the standard EVS-EN ISO 14064-3;
[RT I, 25.10.2022, 1- by force. 04.11.2022]
4) the institution certifying greenhouse gas emissions must be accredited according to the EVS-EN ISO 14065 standard.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(6) The specified requirements for the data composition of the greenhouse gas volume report, the calculation method for the volume of greenhouse gas emissions generated during the life cycle of the supplied fuels and energy, the basic fuel standard, the calculation of the reduction of the volume of greenhouse gas emissions, and the procedure for submitting the report shall be established by a regulation of the minister responsible for the field .

2 (2

(7) A supplier who has an agreement in accordance with subsection) of § 123 of this Act shall distinguish in the report on the amount of greenhouse gases the amount of statistical transfer, which is permitted for consumption to fulfill the obligation of another

supplier or received from another supplier to fulfill its own obligation. The business name and registry code of the other supplier are added to the data.

(8) The competence of the Environmental Agency includes the processing and aggregation of reports on the volume of greenhouse gases.

(9) The Environmental Board approves the report of the appropriate amount of greenhouse gases within 30 days of receiving the report.

[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

4

§ 123 . Trading organization of greenhouse gas emission statistics

1

(1) The supplier may partially or fully fulfill the obligation specified in § 123 subsection 1 of this Act with greenhouse gas emissions statistics acquired through the digital environment specified in § 2

6 subsection 2 of the Liquid Fuel Act.

(2) Trading in statistics of greenhouse gas emissions is organized by the system manager specified in § 15 of the Natural Gas Act.

(3) The procedure for trading greenhouse gas emission statistics shall be established by a regulation of the minister responsible for the field .

[RT I, 18.05.2022, 1 - enters into force. 28.05.2022]

Chapter 6

Submission of annual reports and aggregated data on air quality monitoring, the activities of the environmental permit holder and facility subject to registration, and mobile emission sources

§ 124. National air quality monitoring

National air quality monitoring is carried out through on-site or indicator measurements in accordance with the procedure established on the basis of § 43 (1) of this Act.

§ 125. Annual report on the results of on-site or indicator measurements performed during air quality monitoring at the national or local government level

(1) The annual report of the results of on-site or indicator measurements performed during air quality monitoring at the national or local government level must contain at least the data specified in subsections 2–7 of this section.

(2) The report of the measurement results of sulfur dioxide, nitrogen dioxide and nitrogen oxides, fine particles and especially fine particles and lead content must contain the following data:

1) for sulfur dioxide, exceedances of the one-hour average limit value and 24-hour average limit value of air quality established for the protection of human health, and the calendar year and winter period established for the protection of vegetation , from October 1 to March 31, the number and description of air quality average critical level exceedances;

2) regarding nitrogen dioxide and nitrogen oxides, the number and description of exceedances of the hourly average limit value of air quality and the average limit value of a calendar year established for the protection of human health, and the number and description of the exceedances of the average critical level of air quality established for the protection of vegetation;

3) the number and description of exceeding the 24-hour average limit value and the calendar year average limit value of air quality established for the protection of human health for fine particles;

4) the total number and description of exceedances of the average target value of the air quality for the calendar year and the average limit value of the calendar year, as well as the average limit value of the calendar year and the rate of its exceedance, established for the protection of human health for particularly fine particles;

5) the number and description of exceedances of the average air quality limit value for the calendar year established for the protection of human health for lead;

6) the number and description of air quality alarm level exceedances established for sulfur dioxide and nitrogen dioxide.

(3) The date of the exceedance, the hour of the exceedance or the total number of hours of exceedance and the measured values of the pollutant content must be indicated in the data on the exceeding of the average limit value of air quality established for the extremely fine particles specified in Clause 2, Clause 4 of this section, as well as the total exceedances of the limit value and the permissible rate of its exceedance.

(4) The report of the measurement results of the benzene and carbon oxide content must contain the following data:

1) the number and description of exceeding the average limit value of air quality for the calendar year established for the protection of human health for benzene;

2) the number and description of exceedances of the highest eight-hour average limit value of air quality established for the protection of human health for carbon oxide.

(5) The report of measurement results of ozone content must contain the following data:

1) the number and description of exceedances of the eight-hour average target value of air quality established for the protection of human health and the number and description of exceedances of the one-hour average target value of air quality established for the protection of vegetation;

2) the number and description of exceeding the eight-hour average of air quality established for the protection of human health and the one-hour average of air quality established for the protection of vegetation;

3) the number and description of exceeding the one-hour average notification level of air quality;

4) the number and description of exceeding the one-hour average alarm level of air quality;

5) the date of exceedances of air quality notification or alarm levels, the total number of hours exceeded, the highest hourly values of ozone content;

6) the annual average content of volatile organic compounds specified in § 50 subsection 2 of this Act in the ambient air.

- (6) The report on the measurement results of the content of arsenic, cadmium, nickel, benzo(a)pyrene must contain the following data:
- 1) the number and description of exceeding the average target values of air quality for the calendar year established for these pollutants;
 - 2) mercury content values;
 - 3) values of the content of polycyclic aromatic hydrocarbons in the ambient air;
 - 4) the total amount of deposition of arsenic, cadmium, nickel, mercury, benzo(a)pyrene and other polycyclic aromatic hydrocarbons.
- (7) The report of the measurement results of the content of pollutants must contain information on the exceeding of the assessment limit expressed in percentages of the limit or target value of the content of each pollutant established on the basis of subsection 1 of § 47 of this Act, and information on the method used to determine the content of each pollutant.
- (8) The information presented in the annual report about exceeding the established limits for the content of pollutants must be accompanied by a summary assessment of the impact resulting from these exceedings.

§ 126. Verification of compliance with air quality monitoring and pollutant emission limit values by the holder of an air pollution permit or environmental complex permit

- (1) The monitoring of air quality monitoring or compliance with the pollutant emission limit value of the holder of an air pollution permit or environmental complex permit includes monitoring compliance of each pollutant discharged from the facility's emission source with the permitted emission specified in the air pollution permit or environmental complex permit and, if necessary, with the pollutant emission limit value established on the basis of the Industrial Emissions Act or § 105 (3) of this Act or outside the production territory of the facility monitoring the compliance of the pollutant content in the ambient air with the limit or target values of air quality through on-site or indicator measurements or by calculation.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]
- (2) Measurement results must be demonstrably traceable within the meaning of the Measurement Act.

§ 127. Annual report related to air pollution of the holder of an air pollution permit or environmental complex permit

- (1) The holder of an air pollution permit or environmental complex permit submits an annual report related to ambient air pollution to the authority specified in the regulation issued on the basis of subsection 2 of this section through the environmental decision information system, which must contain: [RT I, 17.03.2023, 3 - entry into force . 01.04.2023]
- 1) data on fuel and energy consumption and, in the case of a holder of an environmental complex permit, also on the cost of raw materials and the amount of production by activity areas designated for reporting;
 - 2) data on the total emissions allowed for each pollutant for the calendar year and the actual emissions from all emission sources located on the production territory of the facility, including emergency and technological sudden emissions;
 - 3) data on the actual emissions of pollutants emitted from each individual emission source or from emission sources with similar parameters related to the same activity in one territory, considered as one emission source, by technology process;
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]
 - 4) data on the content of pollutants in gases leaving emission sources;
 - 5) in the case of activities specified in Annex I of Regulation (EC) No. 166/2006 of the European Parliament and of the Council, data on the duration of technological outages in hours;
 - 6) emission limit values of pollutants established on the basis of the Industrial Emissions Act or § 105 (3) of this Act;
 - 7) data on measures implemented to reduce emissions of pollutants.
- (2) The data composition and submission procedure of the annual report of the holder of an air pollution permit or environmental complex permit shall be established by a regulation of the minister responsible for the field .
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]
- (3) The annual reports of the holder of an air pollution permit or environmental complex permit are the basis for entering data on emission sources and pollutant emissions into the European pollutant emission and transfer register in accordance with Regulation (EC) No. 166/2006 of the European Parliament and of the Council.
- (4) The holder of an air pollution permit or environmental complex permit or, if necessary, also an operator without a permit obligation, submits data on ambient air pollution associated with their activities based on surveys organized by the Ministry of the Environment for the preparation of reports on state air pollution.
[RT I, 03.07.2017, 5 - enters into force. 13.07.2017]

§ 128. Annual report related to air pollution of an operator with a registration obligation

- (1) The operator with the obligation to register submits to the registrant an annual report related to ambient air pollution, which must contain:
- 1) data on fuel consumption in the case of a incinerator, and in the case of a filling station on the loading quantities of oil pollution;
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]
 - 2) data on the actual emissions of pollutants released into the outside air from each emission source.
- (2) The data composition and submission procedure of the annual report of the operator with a registration obligation shall be established by a regulation of the minister responsible for the field .
[RT I, 27.05.2022, 1 - enters into force. 06.06.2022]

§ 129. Submission of aggregate data on mobile emission sources

- (1) Persons who keep records of mobile emission sources shall submit to the Ministry of the Environment the following summary data by county for the calculation of emissions of pollutants released into the outside air from mobile emission sources on the territory of the country:
- 1) types and number of motor vehicles and mileage of each type of vehicle;
 - 2) the number of flight operations by type of aircraft and their division into flight types into international or domestic flights for each airport separately;

- 3) types and number of mobile machines;
- 4) types and number of locomotives.

(2) The list of persons obliged to submit data, the term and form of submission of data shall be established by a regulation of the Government of the Republic .

Chapter 7

Mitigating climate change and protecting the ozone layer

Section 1

Emissions trading of greenhouse gases

Section 1

General settings

§ 130. Greenhouse gases

Greenhouse gases in the sense of this law are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF_6) and other natural and man-made gaseous components of the atmosphere that absorb and emit infrared radiation.

§ 131. Emission of greenhouse gases

For the purposes of this law, greenhouse gas emissions are emissions of greenhouse gases into the atmosphere from the activities of stationary emission source operators and aircraft operators belonging to the greenhouse gas emission allowance trading system.

§ 132. Monitoring year

For the purposes of this Act, the monitoring year is the calendar year that ends 24 months before the beginning of the period of the trading system covered by the application for free allocation of permitted emission units.

§ 133. Carbon dioxide equivalent

Carbon dioxide equivalent is the unit used to express the amount of greenhouse gases converted into carbon dioxide using the global warming potential set out in Table 6 of point 3 of Annex VI to Commission Implementing Regulation (EU) 2018/2066. [RT I, 25.06.2021, 2 - by force. 07/05/2021]

§ 134. Global warming potential

Global warming potential indicates how many times a molecule of a greenhouse gas is more efficient at reflecting heat than a molecule of carbon dioxide.

§ 135. Trading system for greenhouse gas emission allowances

The greenhouse gas emission allowance trading system (hereinafter referred to as *the trading system*) is a system created to reduce greenhouse gas emissions in an effective and economically efficient manner in the European Union by Directive 2003/87/EC of the European Parliament and of the Council, which establishes a greenhouse gas emission allowance trading system in the Union and amends the Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp. 32–46). [RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

§ 136. Register of trading in greenhouse gas emission units, operator's current account and trading account

(1) The register of trading in greenhouse gas emission units (hereinafter referred to as *the trading register*) is an electronic database where data is stored on the checking accounts of the Republic of Estonia and operators participating in the trading system, transactions made with their permitted emission units, permitted emission units allocated to facilities and transactions made with them, certified and returned by facilities on greenhouse gas emission units, compliance status of facilities, joint implementation and clean development mechanism project participants, and greenhouse gas emission units reduced as a result of project implementation.

(2) An operator's current account within the meaning of this Act is an operator's current account belonging to a trading system, through which transactions can be made in the trading register pursuant to Commission Delegated Regulation (EU) 2019/1122 supplementing Directive 2003/87/EC of the European Parliament and of the Council regarding the operation of the Union Register (OJ L 177, 02.07.2019, pp. 3–62), in accordance with Article 55.

(3) For the purposes of this Act, a trading account is a trading account of a legal or natural person through which transactions can be made in the trading register in accordance with Commission Delegated Regulation (EU) 2019/1122. [RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

§ 137. Greenhouse gas emission unit and permitted emission unit

(1) For the purposes of this Act, the greenhouse gas emission unit is the common denominator of the permitted emission unit, the state permitted emission unit, the certified emission reduction unit and the emission reduction unit.

(2) The permitted emission unit is the transferable right in the trading system to emit one ton of carbon dioxide equivalent into the atmosphere during the trading period.

§ 138. Trading system period

(1) The period of the trading system (hereinafter *the trading period*) is the time period during which permitted emission units can be traded.

(1) The trading period 2013-2020 is the period from January 1, 2013 to December 31, 2020.
[RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The trading period 2021–2030 is the period from January 1, 2021 to December 31, 2030.
[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

§ 139. Kyoto trading period

The Kyoto trading period is the period from January 1, 2013 to December 31, 2020, during which the parties named in Annex 1 of the United Nations Framework Convention on Climate Change (hereinafter the *Framework Convention on Climate Change*) ensure independently or in cooperation with other parties to the convention that the Kyoto Protocol of the said convention (hereinafter *the Kyoto Protocol*) the total quantities converted into carbon dioxide equivalents of man-made greenhouse gas emissions specified in Annex A do not exceed their permitted amounts, which are calculated taking into account the obligation to limit and reduce emissions specified in Annex B of the Kyoto Protocol.

§ 140. Additional measures of the emission source operator

The operator of the emission source implements additional measures to reduce greenhouse gas emissions, which, when accumulated in the ambient air, can cause climate change.

§ 141. Aircraft operator and his management

(1) For the purposes of this chapter, an aircraft operator is a person who operates an aircraft while it performs the flights specified in the regulation established on the basis of § 155 (1) of this Act, or the owner of the aircraft in the event that the said person is not known or the owner of the aircraft has not identified him.

(2) Estonia is the country managing the aircraft operator, if the aircraft operator has an air carrier license issued in Estonia in accordance with Regulation (EC) No. 1008/2008 of the European Parliament and of the Council on common rules for the provision of air services in the Community (OJ L 293, 31.10.2008, p. 3- 20) or if Estonia has been assigned the largest amount of emissions resulting from the flights performed by the aircraft operator during the reference year.

(3) The reference year specified in subsection 2 of this section is the first calendar year of operation of an aircraft operator that started operating in the European Union after January 1, 2006, and in other cases the calendar year that began on January 1, 2006.

§ 142. Entrant to the trading system

(1) For the purposes of this Act, an entrant to the trading system is an operator operating in the field of activity specified in one or more regulations established on the basis of § 155 (1) of this Act, who has received an environmental permit or an environmental complex permit to participate in the trading system for the first time in the period starting three months before the submission of the list specified in § 155 (7) date and ends three months before the next submission date of the list specified in subsection 7 of § 155.

(2) An operator operating in one or more of the fields of activity specified in the regulation established on the basis of § 155 (1) of this Act, whose facility has been significantly expanded during the period specified in subsection (1) of this section, is considered an entrant to the trading system only with the expanded part of the facility.

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

§ 143. Organization of activities that reduce climate change

Activities that reduce climate change are organized by the Ministry of the Environment based on the requirements for limiting greenhouse gas emissions set forth in the Framework Convention on Climate Change, the Kyoto Protocol, the Paris Agreement and European Union legislation. In order to fulfill this task, the Ministry of the Environment may enter into an administrative agreement with a state-owned company, whose main activity is conducting environmental studies, in accordance with the procedure provided for in the Administrative Cooperation Act. §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of such an administrative agreement.

[RT I, 05.11.2019, 2 - entered into force. 15.11.2019]

Section 2

Granting the trading system license, suspending and restoring the validity of the license, and the content of the trading system license

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

§ 144. Trading system permit

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

(1) The right of the operator of a local emission source to release greenhouse gases from the facility or its part into the atmosphere is granted by the Environmental Board as part of the environmental permit or complex environmental permit specified in § 40 subsection 1 of the General Part of the Environmental Code Act (hereinafter *trading system permit*).

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

(2) Operators of stationary emission sources operating in the fields of activity specified in the regulation established on the basis of subsection 155 (1) of this Act must have a trading system permit.

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

(3) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(4) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(5) [Repealed - RT I, 05.11.2019, 2 - entry into force. 15.11.2019]

§ 145. Application for emission permit

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

1

§ 145 . Application for a trading system permit and decision to grant a permit

(1) In addition to the provisions of § 91 subsections 1 and 2 of this Act, the application for a trading system permit shall include:

- 1) the field of activity specified in the regulation established on the basis of § 155 subsection 1 of this Act;
- 2) monitoring plan prepared according to Commission Implementing Regulation (EU) 2018/2066.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) The Environmental Board refuses to grant a trading system permit if:

- 1) the operator does not operate in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act or his facility does not exceed the threshold value established for this field of activity;
- 2) there is a basis provided for in § 52 subsection 1 of the General Part of the Environmental Code Act.

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

2

§ 145 . The content of the trading system license and the suspension and restoration of the validity of the license

(1) The following shall be noted on the trading system permit:

- 1) a description of the facility's activities causing the generation of greenhouse gases;
- 2) monitoring requirements;
- 3) reporting requirements;
- 4) the obligation to hand over to the competent authority a quantity of permitted emission units equal to the certified total actual emission of the installation for each calendar year after the end of the relevant calendar year.

(2) In case of suspension of the operation of the facility for a period longer than six months, the operator shall notify the Environmental Board in writing at least 30 days before the suspension of the operation of the facility. The Environment Agency suspends the validity of the trading system permit as of the suspension of the operation of the facility.

(3) The Environmental Board shall suspend the allocation of free permitted emission units by the operator to the installation whose validity of the trading system permit has been suspended. Free emission allowances will be allocated as soon as possible after the trading system permit is reinstated.

(4) The operator shall notify the Environmental Board of the resumption of operation of the facility in writing at least 30 days before the commencement of operation of the facility. The Environmental Board restores the validity of the trading system permit from the day the facility starts operating.

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

§ 146. Deciding to grant an emission permit

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

§ 147. Refusal to grant an emission permit

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

§ 148. Content of emission permit

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

§ 149. The obligation of the holder of the trading system permit to inform about changes in the way the facility operates

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

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

(2) The holder of a trading system permit must immediately inform the Environmental Board of all planned changes in the operation of the facility, expansion of the facility and significant reduction of production capacity, which may be the basis for changing the trading system permit.

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

(3) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

(4) [Repealed - RT I, 21.12.2019, 1 - entry into force. 01.01.2020]

§ 150. Suspension and restoration of the validity of the emission permit

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

§ 151. Revocation of emission permit

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

§ 152. Application for exclusion from the trading system

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

§ 153. Public display of the request for exclusion from the trading system

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

§ 154. Exclusion from the trading system

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

Section 3

Procedure for trading in permitted emission units and allocation of permitted emission units

§ 155. List of activities and procedure for trading greenhouse gas emission units

(1) The list of activities of operators belonging to the trading system shall be established by a regulation of the Government of the Republic .

(2) The procedure for trading greenhouse gas emission units shall be established by a regulation of the minister responsible for the field .

(3) The regulation specified in subsection 2 of this section establishes:

- 1) the procedure for requesting and allocating permitted emission units allocated free of charge;
- 2) reporting procedure related to greenhouse gas emissions;
- 3) the procedure for certifying greenhouse gas emissions;
- 4) the procedure for returning the permitted emission units;
- 5) specified procedure for exclusion from the trading system.

(4) Greenhouse gas emission units valid during the trading period are registered in the trading register and transactions are carried out with them through the said register in accordance with European Commission Regulation (EC) No. 2216/2004 on a standardized and secure system of registers, Directive 2003/87/EC of the European Parliament and of the Council and the European Parliament and to Council Decision 280/2004/EC (OJ L 386, 29.12.2004, pp. 1–77).

(5) A state fee shall be paid for the operations of the register of trading in greenhouse gas emission units according to the rate stipulated in the State Fees Act.

(6) The operator of a local pollution source and the operator of an aircraft are exempt from paying the state fee for reviewing the application for opening a current and trading account and for the annual maintenance of the current and trading account.

(7) The Environmental Board shall publish on its website and submit to the European Commission by 30 September 2019 and every five years from that date the list of operators of stationary emission sources operating in Estonia in the fields of activity specified in the regulation established on the basis of § 155 (1) of this Act.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

§ 156. Application and allocation of permitted emission units allocated free of charge

(1) Allowable emission units of operators of stationary emission sources for the trading period are applied for and allocated in accordance with Commission Delegated Regulation (EU) 2019/331, which determines EU-wide transitional rules for the free allocation of allowed emission units pursuant to Article 10a of Directive 2003/87/EC of the European Parliament and of the Council in a harmonized manner (OJ L 59, 27.02.2019, pp. 8–69).

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

(2) An aircraft operator operating in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act may apply for free allocation of permitted emission units in each trading period by submitting to the Environmental Board at least 21 months before the start of the trading period covered by the application the data of the certified tonne kilometers of the monitoring year of the trading system, calculated in accordance with the European Parliament and Annex IV of Council Directive 2003/87/EC. Free emission allowances are applied for and allocated in accordance with Commission Decision 2011/638/EU concerning benchmarks used for the free allocation of greenhouse gas emission allowances to aircraft operators in accordance with Article 3e of Directive 2003/87/EC of the European Parliament and of the Council (OJ L 252, 28.09.2011, pages 20–21).

[RT I, 05.11.2019, 2- by force. 15.11.2019]

(3) In the trading period 2013–2020, the total permitted emissions allocated to aircraft operators is 95 percent of the 2004–2006 period. from the average emission of aircrafts that performed flights in the year multiplied by the number of years of the mentioned trading period.

(4) The Environmental Board submits applications in accordance with the requirements set forth in subsection 2 of this section to the European Commission at least 18 months before the start of the trading period covered by the application.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(5) Within three months after the European Commission has made a decision on the total amount of permitted emission units to be allocated for the trading period, the amount of permitted emission units to be auctioned during the trading period, the number of units in the special reserve during the trading period, the amount of free permitted emission units to be allocated for the trading period and which the benchmark is used for the free allocation of permitted emission units to those aircraft operators whose applications the Environmental Agency submitted to the European Commission, the Environmental Board calculates in accordance with the decision of the European Commission 2011/638/EU and publishes the following amounts of permitted emission units on its website: [RT I, 05.11.2019,

2 - effective . 15.11.2019]

1) the total number of permitted emission units for the corresponding trading period, which is calculated by multiplying the benchmark presented in the decision of the European Commission by the number of ton kilometers submitted in the application;

2) the amount of permitted emission units allocated to each aircraft operator each year, which is calculated by dividing the total amount of permitted emission units allocated for the entire trading period by the number of years in this trading period.

1

(5) Starting from January 1, 2021, the number of permitted emission units allocated to the aircraft operator will be reduced annually in relation to the number of permitted emission units allocated in the previous calendar year in accordance with the linear reduction factor provided for in Article 9 of Directive 2003/87/EC of the European Parliament and of the Council.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(6) The Environmental Board allocates free permitted emission units for the current calendar year to operators of fixed emission sources and aircraft by February 28 of each year, subject to the approval of the European Commission.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

§ 157. Transfer of free emission allowances

To the operator operating in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act, the free allocation of permitted emission units is transferred in the trading register in accordance with Commission Delegated Regulation (EU) 2019/1122.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

§ 158. Special reserve for aircraft operators

(1) The size of the special reserve for European Union aircraft operators (hereinafter *special reserve*) is three percent of the total amount of permitted emission units for European Union aircraft operators.

(2) In each trading period, an aircraft operator who has started operations in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act after the monitoring year, or whose tonne kilometers increase by more than 18 percent on average between the monitoring year and the second year of the trading period, may apply for free emission units from the special reserve. per year and who does not fully or partially continue the activities of another aircraft operator.

(3) An aircraft operator meeting the conditions of subsection 2 of this section may apply for free allocation of permitted emission units from the special reserve by submitting an appropriate request to the Environmental Board by June 30 of the third year of the trading period.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(4) An aircraft operator whose number of tonne kilometers increased by more than 18 percent per year between the monitoring year and the second year of the trading period shall be allocated a maximum of one million free permitted emission units during the same trading period.

§ 159. Application for free allocation of permitted emission units from the special reserve

(1) In the application submitted on the basis of subsection 3 of § 158 of this Act, the following shall be submitted:

1) data on tonne kilometers for the second year of the trading period, certified in accordance with Annexes IV and V of Directive 2003/87/EC of the European Parliament and of the Council;

2) evidence that the conditions set forth in § 158 subsection 2 of this Act have been met.

(2) Aircraft operators meeting the conditions specified in § 158 subsection 4 of this Act shall, in addition to what is stipulated in subsection 1 of this section, indicate in the application: 1) the percentage increase in the number of tonne kilometers traveled between the monitoring year and the second year of the trading period;

2) an increase in the absolute number of ton kilometers;

3) an increase in the absolute number of tonne-kilometres that exceeds the percentage specified in subsection 4 of § 158 of this Act.

(3) The Environmental Board shall submit applications to the European Commission in accordance with the requirements set forth in subsection 158 (3) of this Act and subsections 1 and 2 of this section within six months from the deadline for submission of the application in accordance with § 158 (3) of this Act.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(4) Within three months after the European Commission has made a decision on which benchmark is used for the free allocation of permitted emission units to those aircraft operators whose applications the Environmental Board submitted to the European Commission, the Environmental Board will calculate and publish the free permitted emission allocated from the special reserve to each of the aircraft operators mentioned the total amount of units and the amount of free emission allowances allocated each year.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(5) In order to calculate the total amount specified in subsection 4 of this section, the benchmark presented in the decision of the European Commission is multiplied by:

1) the number of tonne kilometers indicated in the application, if it is an aircraft operator falling within the scope of application of the regulation established on the basis of subsection 155 (1) of this Act;

2) with an increase in the absolute number of tonne kilometers indicated in the application, which exceeds the percentage specified in subsection 158 (4) of this Act, if it is an aircraft operator falling within the scope of application of § 158 (3) of this Act.

(6) In order to calculate the annual free allowance units specified in subsection 4 of this section, the total number of free allowances of the aircraft operator is divided by the number of full calendar years remaining until the end of the trading period to which the free allowance units are related.

§ 160. Auction sale of permitted emission units of local emission sources and aircraft operators

(1) The state will put up for auction all permitted emission units of operators of stationary emission sources, which are not allocated free of charge according to Commission Delegated Regulation (EU) 2019/331, are not directed to the modernization fund specified in §

165 1 of this Act, are not recognized as invalid in accordance with § 168 (6) and to add a market stability reserve in accordance with Decision (EU) 2015/1814 of the European Parliament and of the Council, which concerns the creation and operation of the market stability reserve of the EU greenhouse gas emissions trading system and which amends Directive 2003/87/EC (OJ L 264, 09.10.2015, pp. 1–5).

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

(2) Every year, the state auctions the permitted emission units of aircraft operators, which the European Commission has assigned to the state from the certified total aviation emissions of the European Union in 2010.

(3) The auction takes place in accordance with European Commission Regulation (EC) No. 1031/2010 on the timing, management and other aspects of the auction of greenhouse gas emission allowances in accordance with Directive 2003/87/EC of the European Parliament and of the Council establishing a trading system for greenhouse gas emission allowances in the Community (OJ L 302, 18.11.2010, p. 1–41).

(4) The procedure for auctioning permitted emission units shall be established by the Government of the Republic by regulation.

§ 161. Use of proceeds received at the auction

(1) The revenue received from the auction is received in the state budget and is used in accordance with the state budget strategy. Every year, the state budget reflects the volume of auction revenues and expenses incurred from that year. The budget strategy of the country states the proposed distribution of the use of the proceeds from the auction, determines the target purpose of measures related to climate policy and the ministers responsible for the use of the proceeds. The proceeds of the auction cover the administrative costs of the auction related to the trading system Estonia.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) The Government of the Republic shall establish the general terms and conditions for the use and reporting of the income received at the auction by regulation.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(3) In order to implement the measures determined in the state budget strategy in accordance with subsection 1 of this section, the minister responsible for the use of income may establish the conditions and procedures for the use of the income obtained from the auction by regulation.

[RT I, 23.12.2016, 1 - enters into force. 01.01.2017]

(4) At least 50 percent of the revenue received from the auction specified in subsection 1 of this section, including the total revenue from the permitted emission units allocated to Estonia for the purpose of solidarity and economic growth, or an amount equivalent to this revenue, is used to finance the achievement of goals limiting the generation of greenhouse gas emissions. These goals are:

1) encouraging the transition to less environmentally harmful modes of transport and public transport;

2) the development of renewable energy in order to achieve the renewable energy goal set in the Estonian National Energy and Climate Plan until 2030, as well as the development of other technologies that promote the transition to a safe and sustainable economy that generates less carbon dioxide emissions, and the European Union's goal of increasing energy efficiency by 32.5 percent by 2030 compared to 1990. with year level - contributing to the achievement;

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

3) funding of research and development activities in energy efficiency and clean technologies in sectors covered by Directive 2003/87/EC of the European Parliament and of the Council;

4) increasing energy efficiency, better insulation and development of district heating systems, and supporting low- and medium-income households in solving social problems arising from energy consumption;

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

5) financing research and development activities and demonstration projects related to reducing greenhouse gas emissions and adapting to the effects of climate change;

6) contributing to the Global Energy Efficiency and Renewable Energy Fund and the Adaptation Fund;

7) adapting to the impact of climate change and mitigating the impact of climate change;

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

8) participation in the initiatives of the strategic plan of Estonian and European energy technologies and European technology platforms, as well as in the planning of climate change mitigation policy and energy policy and monitoring the effectiveness of these policies;

9) introducing measures to prevent deforestation, intensify afforestation and more extensive renewal of forests in developing countries that have ratified the Framework Convention on Climate Change, and facilitating technology transfer and adaptation to the adverse effects of climate change in these countries;

10) sequestration of carbon dioxide in forestry;

11) covering costs related to the implementation of the trading system;

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

12) financing of climate action, including climate change adaptation, in third countries vulnerable to the effects of climate change;

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

13) encouraging skills acquisition and reorientation of labor to contribute to a fair transition to a low-carbon economy.

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

(5) Among the subsidies granted to achieve the goals specified in points 2 and 4 of clause 4 of this section, subsidies for the introduction of renewable energy in small dwellings and renewal of heating systems are granted.

(6) All revenue received from the auctioning of permitted emission units of aircraft operators specified in subsection 160 (2) of this Act shall be used to finance the achievement of the following goals limiting the generation of greenhouse gas emissions: 1) implementation of the measures for achieving the goals specified in clauses 1 and

5-11 of subsection 4 of this section;

[RT I, 05.11.2019, 2 - enters into force. 01.01.2021]

2) research and development related to climate change mitigation and adaptation process, especially in the field of aeronautics and air transport;

3) supporting joint projects to reduce greenhouse gas emissions in the aviation sector and improve air navigation infrastructure, the provision of air navigation services and the use of airspace;

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

4) mitigating the impact of climate change in the European Union and third countries, including reducing greenhouse gas emissions and adapting to the impact of climate change in the European Union and third countries, especially developing countries.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(7) In order to use the funds obtained from the trading of permitted emission units, the user of the funds may enter into an administrative agreement with a private legal entity with state participation under the conditions and procedure provided for in the Administrative Cooperation Act, without applying § 6 subsection 2 of the said Act. The administrative agreement may, among other things, transfer to persons the task of granting subsidies and all persons to fulfill this task the right to perform the necessary actions.

[RT I, 23.12.2016, 1 - enters into force. 01.01.2017]

(7) The conditions and procedure for using the proceeds from the auction specified in subsection 3 of this section may stipulate that the tasks related to the procedure for applying for subsidies and the organization of the provision of subsidies are performed by the local government unit, and the proceeds may be used to cover the costs of these administrative tasks.

[RT I, 14.12.2021, 1 - enters into force. 15.12.2021]

(8) The execution of the management contract specified in subsection 7 of this section is supervised by the user of the funds who concluded the management contract.

[RT I, 23.12.2016, 1 - enters into force. 01.01.2017]

(9) If the administrative contract is terminated unilaterally or there is another reason that prevents the person who has been assigned an administrative task on the basis of the administrative contract specified in subsection 7 of this section to continue performing the administrative task, the user of the means who has concluded the relevant administrative contract shall organize the further performance of the administrative task.

[RT I, 23.12.2016, 1 - enters into force. 01.01.2017]

§ 162. Requesting permission to make direct bids at auctions

(1) The person specified in § 47 (1) point 9 of the Securities Market Act applies to the Financial Supervision Authority for a permit to submit direct bids in the auction on behalf of himself or his main business customers.

(2) An investment company or credit institution registered in Estonia with a valid operating license applies to the Financial Supervisory Authority for permission to submit direct bids on behalf of itself or its clients in the auction of auction products that are not financial instruments.

[RT I, 30.12.2017, 3 - enters into force. 03.01.2018]

§ 163. Granting permission to make direct bids at auctions and supervision

(1) The authorization procedure specified in subsections 1 and 2 of § 162 of this Act shall be carried out in compliance with the

provisions of §§ 51–53, § 54 subsections 2 and 3, § 55 subsections 1–4 ¹ and § 55 ¹ and 56 of the Securities Market Act.

(2) The permission specified in § 162 subsections 1 and 2 of this Act is granted only on the condition that the applicant fulfills the requirements set forth in Article 59 subsection 5 of the European Commission Regulation (EU) No. 1031/2010 and, taking this into account, submits the Securities Market Act § 54 subsection 1 points 1– 5, 7–10, 12, 13 and 15 mentioned documents. The provisions of Article 59(2) of Commission Regulation (EU) No. 1031/2010 must also be followed when submitting the internal regulations or their drafts specified in § 54(1)(12) of the Securities Market Act.

(3) The Financial Supervision Authority may invalidate the permit specified in subsections 1 and 2 of § 162 of this Act in accordance with § 58 of the Securities Market Act, based on the specifics provided in Regulation (EU) No. 1031/2010 of the European Commission and the provisions of Article 59, subsection 6, point c of the said regulation. Upon revoking the permit specified in subsections 1 and 2 of § 162 of this Act, the supervisory authority specified in § 222 of this Act shall be involved in the proceedings.

(4) In order to supervise the requirements set forth in this Act and in Article 59, subsections 2 and 5 of the European Commission Regulation (EU) No. 1031/2010, the Financial Supervision Authority has the right to receive greenhouse gas emissions reporting data from the trading register free of charge.

(5) When verifying the fulfillment of the requirements set out in paragraphs 2, 3 and 5 of Article 59 of the European Commission Regulation (EU) No. 1031/2010 against the applicant for the permit specified in subsections 1 and 2 of § 162 of this Act or the person who has received the specified permit, the Financial Supervision Authority shall have all the provisions of the Financial Inspection Act

and the rights provided for in § 230 subsections 1 and 5, § 230 ³ and 233, § 234 subsection 1 points 1 and 3, § 234 ¹ and § 235 points 1 and 5 of the Securities Market Act.

§ 164. Allocation of free emission units for electricity production

[Repealed - RT I, 05.11.2019, 2 - entry into force. 01.01.2021]

§ 165. Use of permitted emission units allocated free of charge for electricity production

[Repealed - RT I, 05.11.2019, 2 - entered into force. 01.01.2021]

§ 165 . Modernization Fund

(1) The Modernization Fund within the meaning of this Act is a fund established on the basis of Article 10d of Directive 2003/87/EC of the European Parliament and of the Council, through which energy system modernization and energy efficiency improvement projects are financed.

(2) The energy system within the meaning of this Act is a complete set of power plants, power lines, substations and heat networks and energy consumers operating in a unified mode in terms of uninterrupted production and distribution of electricity.

(3) At least 70 percent of the financial resources of the modernization fund must be used to support projects that fulfill one or more of the following goals:

- 1) production and use of electricity from renewable energy sources;
- 2) improving energy efficiency;
- 3) energy storage and modernization of energy networks, including district heating networks, electricity transmission networks and connections between the member states of the European Union;
- 4) a just transition to a low-carbon economy in regions relying on a high-carbon economy to support the relocation of workers,

retraining and retraining, education, job search initiatives and start-ups;

5) developing energy efficiency in transport, buildings, agriculture and waste.

(4) The modernization fund does not support energy production units that use solid fossil fuels.

(5) The general conditions for the use and reporting of the modernization fund's funds shall be established by a regulation of the Government of the Republic .

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

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(5) The distribution of the use of the funds of the modernization fund and the ministers responsible for the use of the funds are determined in the state budget strategy.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

2) In order to implement the measures specified in the state budget strategy

(5 , the minister responsible for the use of funds may establish the conditions and procedures for the implementation of the corresponding measure by regulation.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(6) [Repealed - RT I, 25.06.2021, 2 - entry into force. 07/05/2021]

(7) The Ministry of the Environment submits to the European Investment Bank and the Investment Committee the distribution of the use of the funds of the modernization fund determined in accordance with subsection 5 1 of this section for assessment and approval, in accordance with Commission Implementing Regulation (EU) 2020/1001, which establishes the detailed implementation rules of modernization

Directive 2003/87/EC of the European Parliament and of the Council regarding the operation of the fund , which supports investments to modernize the energy systems of certain member states and increase energy efficiency (OJ L 221, 10.07.2020, pp. 107–221).

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(8) For the purposes of this Act, the Investment Committee is a committee established on the basis of Article 10d, Clause 5 of Directive 2003/87/EC of the European Parliament and of the Council.

(9) Every year, the Ministry of the Environment publishes on its website a report on the projects financed from the modernization fund in Estonia, which contains information about the implemented projects and an assessment of the energy efficiency achieved as a result of the projects and the added value of the modernization of the energy system.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(10) In order to use the funds from the modernization fund, the user of the funds may enter into an administrative agreement with a private legal entity with state participation under the conditions and procedure provided for in the Administrative Cooperation Act, without applying § 6 subsection 2 of the said Act. The administrative agreement may, among other things, transfer to persons the task of granting subsidies and the performance of all actions necessary to fulfill this task. right.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

Section 4

Emission monitoring, reporting and return of permitted emission units

§ 166. Monitoring plan and reporting

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

(2) If the aircraft operator starts operations in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act, he shall submit a monitoring plan to the Environmental Board in accordance with Commission Implementing Regulation (EU) 2018/2066. The monitoring of tonne-kilometer data of aircraft operators is carried out in accordance with Annex IV of Directive 2003/87/EC.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(3) The operator of a stationary emission source or aircraft shall regularly check whether the monitoring methodology used by him can be improved, and shall submit a relevant report to the Environmental Board for approval in accordance with Article 69 of Commission Implementing Regulation (EU) 2018/2066. [RT I, 25.06.2021, 2 - into force . 07/05/2021]

(4) The operator of a local emission source or aircraft shall submit an updated monitoring plan to the Environmental Board before any significant change in the monitoring methodology used.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(5) The aircraft operator reviews the monitoring plan before the start of each trading period and, if necessary, submits an updated monitoring plan to the Environmental Board.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(6) The Environmental Board approves the monitoring plan submitted by the operator of the stationary emission source or aircraft within 30 days from the submission of the monitoring plan that meets the requirements of Commission Implementing Regulation (EU) 2018/2066 and again after each significant change in the monitoring methodology used by the operator.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(7) An operator operating in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act submits to the Environmental Board a verified report of greenhouse gas emissions of the previous calendar year (hereinafter the emission report) by March 25 of each year and arranges for the verification of the emissions of the previous calendar year in the trading *register* . The reporting of tonne-kilometre data by aircraft operators is carried out in accordance with Annex IV of Directive 2003/87/EC.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(8) If the operator operating in the field of activity specified in the regulation established on the basis of § 155 (1) of this Act has not arranged for the entry of certified data of the previous calendar year's emissions into the trade register by March 25, the Environmental Board shall prepare a conservative estimate of greenhouse gas emissions for the activities of the stationary emission source or aircraft operator of the previous calendar year and enter it to the greenhouse gas emission trading register calculated on the basis of [RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

§ 167. Proof

(1) Verification is an assessment of the reliability and accuracy of the data provided in the emissions report, which is carried out by an accredited verifier in accordance with Commission Implementing Regulation (EU) 2018/2067 and Article 15 of Directive 2003/87/EC of the European Parliament and of the Council and its Annex V. [RT I, 25.06.2021, 2 - entry into force. 07/05/2021]

(2) Emission reduction units generated during the implementation of joint implementation projects may be certified by the person specified in subsection 1 of this section.

§ 168. Return, cancellation and replacement of permitted emission units

(1) The operator of a stationary emission source or an aircraft shall return to the trade register by April 30 of each year the amount of permitted emission units corresponding to the emissions report of the previous calendar year, which are generated from the areas of activity specified in the regulation established on the basis of § 155 (1) of this Act and which have been certified in accordance with § 167 (1) of this Act.

(2) In the case specified in § 166 subsection 8 of this Act, the stationary emission source or the aircraft operator must return the number of permitted emission units corresponding to the greenhouse gas emissions entered by the Environmental Board in the trading register.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(3) The operator of a stationary emission source or an aircraft operator may use certified emission reduction units and emission reduction units in accordance with European Commission Regulation (EU) No. 1123/2013 on the assignment of international unit usage rights in accordance with Directive 2003/87/EC (ELT) 299, 09.11.2013, pp. 32–33).

(4) The operator of a fixed emission source or an aircraft may, in fulfilling the obligation specified in subsection 1 of this section, use the permitted emission units allocated by another member state of the European Union, unless the permitted emission units have been issued by a member state in respect of which the obligations of the aircraft operator and the operator of the stationary emission source become invalid.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(5) The operator of a stationary emission source may not use the permitted emission units allocated to the aircraft operator when fulfilling the obligation specified in subsection 1 of this section.

(6) On the basis of a person's written request, the Environmental Board recognizes emission units owned by the person as invalid within ten days of receiving the request.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(7) Allowed emission units allocated from January 1, 2013 are valid indefinitely.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(8) Permissible emission units allocated from January 1, 2021, shall be marked in the trading register, indicating in which ten-year period from January 1, 2021 they were issued, and they apply to emissions generated from the first year of the said period.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

§ 169. Compensation for permitted emission units

(1) An operator operating in the field of activity specified in the regulation established on the basis of subsection 155 (1) of this Act, who has not fulfilled the requirement for the return of permitted emission units established in subsection 168 (1) of this Act by the deadline, is obliged to pay a compensation of permitted emission units of 100 euros for each excess per ton of carbon dioxide equivalent emitted into the air for which the permitted emission units have not been returned. The payment of the mentioned amount of money does not release this operator from the obligation to return the amount of permitted emission units corresponding to the excess emission at the latest when returning the permitted emission units related to the next calendar year. The allowance for permitted emission units is increased according to the European consumer price index.

(2) Compensation for permitted emission units is collected by the Environmental Board and is transferred to the state budget.

§ 170. Publicity of information

(1) The Environmental Board publishes information on allocation plans for free allocation of permitted emission units and annual emissions of greenhouse gases from fixed emission sources or aircraft of operators belonging to the trading system on its website.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

(2) The Environmental Board publishes the names of operators who violate the requirement to return the permitted emission units on its website.

[RT I, 05.11.2019, 2 - enters into force. 15.11.2019]

Section 2 Common Application and the Clean Development Mechanism

§ 171. Joint application

(1) Joint application for the purposes of this law is a project activity provided for in Article 6 of the Kyoto Protocol, within the framework of which a developed country that has ratified the Kyoto Protocol or an operator from a developed country, by financing a greenhouse

gas emission reduction project in another developed country that has ratified the Kyoto Protocol, gets the right to own the greenhouse gas emission reduction achieved as a result of the implementation of this project units to meet the obligation stated in Annex B of the Kyoto Protocol.

(2) For the purposes of this Act, the unit of emission reduction is the greenhouse gas emission reduced as a result of the implementation of the joint application, which is expressed as carbon dioxide equivalent.

§ 172. Clean development mechanism

(1) The Clean Development Mechanism in the sense of this Act is a project activity provided for in Article 12 of the Kyoto Protocol, within the framework of which a developed country that has ratified the Kyoto Protocol or an operator from a developed country, by financing a greenhouse gas emission reduction project in a developing country that has ratified the Kyoto Protocol, gets the right to own the certified emission of greenhouse gases achieved as a result of the implementation of this project reduction units to meet the commitment stated in Annex B of the Kyoto Protocol.

(2) The unit of proven emission reduction in the meaning of this Act is the greenhouse gas emission reduced as a result of the implementation of the clean development mechanism, which is expressed as carbon dioxide equivalent.

§ 173. Disclosure of information on project activities of the Joint Implementation and Clean Development Mechanism and annual reports on greenhouse gas emissions trading

The Ministry of the Environment publishes information about the joint application and the project activities of the Clean Development Mechanism on its website.

§ 174. Use of units obtained from project activities in the trading system

(1) If the operator operating in the field of activity specified in the regulation established on the basis of subsection 155 (1) of this Act has not used the right to use the certified emission reduction units and emission reduction units granted to him for the trading period 2008–2012 in accordance with subsections 2 and 3 of this section, the operator may submit an application to the Ministry of the Environment to exchange the following units for permitted emission units valid from 2013:

- 1) certified emission reduction units and emission reduction units allocated for emission reductions until December 31, 2012 in the course of Clean Development Mechanism or Joint Implementation projects, the implementation of which was allowed in the trading system during the trading period 2008-2012;
- 2) certified emission reduction units of Clean Development Mechanism or Joint Implementation projects registered before 2013 and emission reduction units allocated for emission reductions that have taken place since 2013;
- 3) proven emission reduction units of new Clean Development Mechanism projects started in least developed countries since 2013, allocated for emission reductions implemented since 2013.

(2) Item 2 of subsection 1 of this section applies to all certified emission reduction units of clean development mechanism projects and emission reduction units, the implementation of which was allowed in the trading system during the trading period 2008–2012.

(3) Item 3 of subsection 1 of this section applies to all certified emission reduction units of clean development mechanism projects, the implementation of which was permitted in the trading system during the trading period 2008-2012, until the least developed country has concluded the relevant climate agreement with the European Union or until 2020, depending on , whichever comes first.

(4) The units specified in subsection 1 of this section may be used in accordance with the Framework Convention on Climate Change and the Kyoto Protocol and the decisions adopted based on them, except for:

- 1) project activities related to nuclear facilities;
- 2) in project activities related to land use, land use change and forestry.

(5) [Repealed - RT I, 05.11.2019, 2 - entry into force. 01.01.2021]

(6) [Repealed - RT I, 05.11.2019, 2 - entry into force. 01.01.2021]

(7) [Repealed - RT I, 05.11.2019, 2 - entered into force. 01.01.2021]

(8) The Ministry of the Environment only approves project activities, the registered office of all project participants is located in a country that has concluded an international agreement on such projects, or in a country or state or regional administrative unit whose trading system is related to the trading system of the European Union.

Section 3 Green investment scheme

§ 175. Green investment scheme

(1) A green investment scheme within the meaning of this Act is the channeling of the funds obtained from the trading of the state's permitted emission units in accordance with Article 17 of the Kyoto Protocol into environmentally sustainable projects or programs.

(2) For the purposes of this Act, the state's permitted emission unit is a unit that gives the state the right to emit one ton of carbon dioxide equivalent into the outside air during a specified period.

(3) Through the green investment scheme, in addition to other environmentally friendly projects and programs, the reconstruction of small homes of natural persons, the purchase and installation of renewable energy production equipment for small homes, and the purchase and installation of electric cars and their charging equipment are supported.

§ 176. Avoidance of double counting

The Ministry of the Environment does not allocate emission reduction units or certified emission reduction units for project activities that reduce or limit greenhouse gas emissions resulting from the activities of operators belonging to the trading system.

§ 177. Implementation of the green investment scheme

(1) By order, the Government of the Republic appoints the relevant minister (hereinafter the user of the funds) and, if necessary, the general terms and conditions for the use of funds to be the user of the funds received on the basis of the agreement on trading in state emission allowances concluded for the implementation of each green investment scheme.

(2) In order to comply with the order specified in subsection 1 of this section, the user of the funds may establish by regulation the conditions and procedures for the use of the funds obtained from trading in the state's permitted emission units.

(3) In order to organize the trading of the state's permitted emission units, to use the funds obtained from the trading and to implement the green investment scheme, the user of the funds may enter into an administrative agreement under the conditions and procedure provided for in the Administrative Cooperation Act, without applying § 6 subsection 2 of the said Act. The administrative agreement may, among other things, transfer to persons the task of granting subsidies and all the right to perform the actions necessary to fulfill this task.

(4) The user of the funds who signed the administrative contract supervises the execution of the administrative contract specified in subsection 3 of this section.

(5) If the administrative contract is unilaterally terminated or there is another reason that prevents the person who has been assigned an administrative task on the basis of the administrative contract specified in subsection 3 of this section to continue performing the administrative task, the user of the means who has concluded the relevant administrative contract will organize the further performance of the administrative task.

§ 178. Conditions and procedures for the use of funds obtained from the trading of state emission allowances and obligations of the applicant

(1) The regulation specified in subsection 2 of § 177 of this Act stipulates the following for the provision of support from the funds obtained from the trading of the state's permitted emission units:

- 1) the purpose of providing the support and supported measures;
- 2) eligible and non-eligible costs;
- 3) the maximum rate of support and, if self-financing is necessary, its minimum rate;
- 4) requirements for the applicant;
- 5) requirements to be submitted regarding the grant application;
- 6) criteria and evaluation procedure for the grant application evaluation;
- 7) the conditions and procedure for granting and rejecting the grant application.

(2) Pursuant to subsection 1 point 4 of this section, the following requirements may be imposed on the applicant for support:

- 1) the applicant is solvent;
- 2) the applicant has not previously received money from the state budget, European Union or foreign aid funds to compensate the same expense;
- 3) the applicant meets other requirements stipulated in the conditions of use of funds.

(3) The applicant is obliged to:

- 1) prove, at the request of the person processing the application, the existence of self-financing or other financial means or documents prescribed in the conditions for the use of funds;
- 2) submit additional information about the applicant and the grant application at the request of the person processing the application;
- 3) make it possible to check the support application and the applicant's compliance with the requirements, including conducting an on-site inspection;
- 4) immediately inform the person processing the application about changes in the data submitted in the application for support or circumstances that may affect the decision on the application for support.

Section 4

Limiting greenhouse gas emissions in non-trading sectors

§ 179. Limitation of greenhouse gas emissions and transactions with emission units

[RT I, 25.06.2021, 2 - entered into force. 07/05/2021]

(1) The limitation of greenhouse gas emissions in sectors that are not part of the trading system (transport, agriculture, waste management, operation of combustion equipment with a nominal heat output of up to 20 megawatts and the use of solvents and other products) is regulated by Decision 406/2009/EC of the European Parliament and of the Council, which deals with the efforts of member states to reduce greenhouse gas emissions in order to fulfill the Community's obligation to reduce greenhouse gas emissions by 2020 (OJ L 140, 05.06.2009, pp. 136-148), and Regulation (EU) 2018/842 of the European Parliament and of the Council regarding the obligation of Member States to reduce greenhouse gas emissions in 2021 -2030, which contributes to climate action in order to meet the commitments made under the Paris Agreement, and which amends Regulation (EU) No. 525/2013 (OJ L 156, 19.06.2018, pp. 26-42).

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) If the country's actual annual greenhouse gas emission is lower than the greenhouse gas emission limit set for that year by the European Commission and the country decides to enter into a sales contract in accordance with Decision 406/2009/EC of the European Parliament and Council or Regulation (EU) 2018/842 of the European Parliament and Council, the income received on the basis of the sales contract is transferred to the state budget.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(3) If the country's actual annual greenhouse gas emissions are greater than the greenhouse gas emission limit set for that year by the European Commission and the country decides to enter into a purchase agreement in accordance with Decision 406/2009/EC of the European Parliament and Council or Regulation (EU) 2018/842 of the European Parliament and Council, the cost associated with the purchase contract is covered from the state budget.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(4) The action plan for trading in accordance with Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council is determined in the state budget strategy.
[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

§ 180. Sales contracts pursuant to Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council
[RT I, 25.06.2021, 2 - entered into force. 07/05/2021]

(1) *By order, the Government of the Republic designates the relevant minister (hereinafter the user of the funds) as the user of the funds received on the basis of the sales contract pursuant to Decision 406/2009/EC of the European Parliament and of the Council and Regulation (EU) 2018/842 of the European Parliament and of the Council and, if necessary, the general conditions for the use of the funds .*

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) In order to fulfill the order specified in subsection 1 of this section, the user of the funds may establish by regulation the conditions and procedures for the use of funds obtained from trading in accordance with Decision 406/2009/EC of the European Parliament and the Council and Regulation (EU) 2018/842 of the European Parliament and the Council.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(3) In order to use the funds received on the basis of the sales contract pursuant to Decision 406/2009/EC of the European Parliament and of the Council and Regulation (EU) 2018/842 of the European Parliament and of the Council, and to channel the funds into environmentally sustainable projects and programs, the user of the funds may enter into an administrative agreement under the conditions and procedure provided for in the Administrative Cooperation Act, without applying § 6 subsection 2 of the said Act. Among other things, the management agreement may transfer to persons the task of providing subsidies and the right to perform the actions necessary to fulfill this task.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(4) The user of the funds who signed the administrative contract supervises the execution of the administrative contract specified in subsection 3 of this section.

(5) If the administrative contract is unilaterally terminated or there is another reason that prevents the person who has been assigned an administrative task on the basis of the administrative contract specified in subsection 3 of this section to continue performing the administrative task, the user of the means who has concluded the relevant administrative contract will organize the further performance of the administrative task.

(6) Funds obtained from the sales contract pursuant to Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council are directed to projects or programs that reduce or limit greenhouse gas emissions in sectors that are not part of the trading system.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

§ 181. Conditions and procedure for the use of funds obtained from trading in accordance with Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council and obligations of the applicant [RT

I , 25.06.2021, 2 - entry into force. 07/05/2021]

(1) In the regulation specified in subsection 180 (2) of this Act, the following information is provided for granting support from funds obtained from trading in accordance with Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council: [RT I

, 25.06.2021 , 2 - in force. 05.07.2021]

- 1) purpose of grant and supported measures;
- 2) eligible and ineligible costs;
- 3) the maximum rate of support and, if self-financing is necessary, its minimum rate;
- 4) requirements for the applicant;
- 5) requirements to be submitted regarding the grant application;
- 6) criteria and evaluation procedure for the grant application evaluation;
- 7) the conditions and procedure for approving and rejecting the grant application.

(2) The requirements and obligations provided for in subsections 2 and 3 of § 178 of this Act may be imposed on the applicant for support.

§ 182. Purchase contracts pursuant to Decision 406/2009/EC of the European Parliament and Council and Regulation (EU) 2018/842 of the European Parliament and Council

[RT I, 25.06.2021, 2 - entered into force. 07/05/2021]

(1) By order, the Government of the Republic authorizes the minister responsible for the field to be the signatory of each purchase agreement pursuant to Decision 406/2009/EC of the European Parliament and of the Council and Regulation (EU) 2018/842 of the European Parliament and of the Council and determines the procedure for reporting on the execution of the purchase agreement.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) When executing the order specified in subsection 1 of this section, the minister responsible for the field ensures that, according to the purchase agreement, the seller country participating in the transaction directs the funds received from the sale to environmentally sustainable activities.

§ 182 . Recovery of support granted under trading schemes designed to mitigate climate change

(1) The grantor shall demand the grant back if, after payment of the grant granted on the basis of trading schemes designed to mitigate climate change, it turns out that the recipient of the grant:

- 1) has knowingly submitted false information;
- 2) has not fulfilled the requirements underlying the payment of the support;
- 3) has not used the support as intended;
- 4) does not fulfill the obligations of the beneficiary.

(2) The decision to recover the subsidy may be made within ten years from the date of the decision to grant the subsidy.

(3) The decision to recover the support given from the funds received from the trading of the state's permitted emission units, from the income obtained from the auctioning of the permitted emission units or from the funds received from the trading in accordance with Decision 406/2009/EC of the European Parliament and of the Council and Regulation (EU) of the European Parliament and of the Council 2018/842 is an enforcement document within the meaning of § 2 (1) point 21 of the Code of Enforcement Procedures.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(4) If the grant recipient has not returned the amount of the grant by the deadline, he is obliged to pay a late payment of 0.1 percent of the unpaid amount by the due date for each calendar day delayed in repaying the grant, but in total no more than the amount of the grant to be reclaimed. Payments received when repaying the subsidy are first considered to be paid in arrears, then the subsidy due for return.

(5) The specified conditions and procedure for the recovery and payment of support granted on the basis of trading schemes created to mitigate climate change shall be established by a regulation of the minister responsible for the field .

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

Section 5

Regulation of the use of substances that deplete the ozone layer

§ 183. Substances that deplete the ozone layer

Substances that deplete the ozone layer within the meaning of this Act are substances specified in Annexes I and II of Regulation (EC) No. 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ L 286, 31.10.2009, pp. 1–30).

§ 184. Organization of the handling of substances that deplete the ozone layer, handling and handler

(1) The Ministry of the Environment organizes activities related to the protection of the ozone layer and the handling of substances that deplete the ozone layer in accordance with the requirements of the Vienna Convention on the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the legislation of the European Union on substances that deplete the ozone layer. In order to fulfill this task, the Ministry of the Environment may enter into an administrative agreement with a state-owned company, whose main activity is conducting environmental studies, in accordance with the procedure provided for in the Administrative Cooperation Act. §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of such an administrative agreement.

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

(2) Handling of substances that deplete the ozone layer, within the meaning of this Act, means the production, use, import and export, distribution, collection, recycling, restoration of substances that deplete the ozone layer, as well as the import and export of products, equipment and containers containing or based on these substances, distribution, installation, maintenance, servicing, leak testing and labelling.

(3) The owner of ozone-depleting substances, a product, device or container containing or based on these substances is the operator of ozone-depleting substances, a product, device or container containing or based on these substances.

§ 185. Limitation on the handling of substances that deplete the ozone layer

Handling of substances that deplete the ozone layer, products and equipment containing or based on these substances is restricted or prohibited. In accordance with Regulation (EC) No. 1005/2009 of the European Parliament and the Council, the permit for the import and export of these substances, products and equipment into the European Union is granted by the European Commission, asking for the consent of the Ministry of the Environment in the cases provided for in the aforementioned regulation.

§ 186. Competence requirements

(1) A person handling products, equipment or containers containing ozone-depleting substances or based on these substances must have the necessary knowledge and skills, the existence of which is proven by a document confirming professional training.

(2) The competence requirements of a person handling products, equipment or containers containing ozone-depleting substances or based on these substances shall be established by a regulation of the minister responsible for the field .

(3) The Environmental Board shall, at the same time as inspecting the device, verify the existence of a document certifying the competence of the person specified in subsection 1 of this section.

§ 187. Labeling of products, equipment and containers

Products, equipment and containers containing substances that deplete the ozone layer or based on these substances are labeled in accordance with the procedure provided for in the Chemicals Act, taking into account the requirements set forth in Regulation (EC) No. 1005/2009 of the European Parliament and of the Council.

§ 188. Reporting on substances that deplete the ozone layer

The Tax and Customs Board submits to the Ministry of the Environment by April 30 of each year data on illegal shipments of substances that deplete the ozone layer discovered in the previous calendar year.

Section 6

Fluorinated greenhouse gases and their handling and register of products, equipment, systems, containers and handling operations containing fluorinated greenhouse gases and ozone-depleting substances

§ 189. Fluorinated greenhouse gases

For the purposes of this Act, fluorinated greenhouse gases are substances specified in Regulation (EU) No. 517/2014 of the European Parliament and Council on fluorinated greenhouse gases and on the repeal of Regulation (EC) No. 842/2006 (OJ L 150, 20.05.2014, p. 195– 230) in point 1 of Article 2.

§ 190. Organization of implementation and reporting of legislation on fluorinated greenhouse gases

The Ministry of the Environment organizes the implementation of legislation on fluorinated greenhouse gases and state reporting based on the requirements of the Framework Convention on Climate Change, the Kyoto Protocol and the legislation of the European Union on fluorinated greenhouse gases. In order to fulfill this task, the Ministry of the Environment may enter into an administrative agreement with a state-owned company, whose main activity is conducting environmental studies, in accordance with the procedure provided for in the Administrative Cooperation Act. §§ 6 and 14 of the Administrative Cooperation Act shall not apply to the conclusion of such an administrative agreement.

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

§ 191. Products, equipment and systems containing fluorinated greenhouse gases and handling and operator of fluorinated greenhouse gases

(1) Products, equipment and systems containing fluorinated greenhouse gases are all products, equipment and systems containing fluorinated greenhouse gases or with the possibility of containing fluorinated greenhouse gases specified in Regulation (EU) No. 517/2014 of the European Parliament and of the Council, including containers used for the transport and storage of fluorinated greenhouse gases.

(2) For the purposes of this Act, the handling of fluorinated greenhouse gases is all operations with fluorinated greenhouse gases, which are regulated in Regulation (EU) No. 517/2014 of the European Parliament and of the Council and its implementing regulations.

(3) The owner of fluorinated greenhouse gases, a product, device or system containing or based on these substances is the operator of fluorinated greenhouse gases, a product, device or system containing or based on these substances.

(4) The operator of fluorinated greenhouse gases, products, equipment or systems containing these substances or based on these substances is the person responsible for the obligations of the operator specified in Regulation (EU) No. 517/2014 of the European Parliament and of the Council.

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§ 191 . Transfer, brokerage, acquisition and possession of disposable containers of fluorinated greenhouse gases

(1) It is prohibited to transfer, mediate, acquire and possess single-fillable containers of fluorinated greenhouse gases, which are used in the maintenance and service work of cooling and air-conditioning devices and heat pumps, fire fighting systems and electrical distribution boards, as well as in the filling of such devices or systems.

(2) For the purposes of this Act, the transfer of single-fillable containers of fluorinated greenhouse gases is considered, among other things, to be offered and sold on the website and by means of other means of communication.

(3) Disposable containers of fluorinated greenhouse gases may be handed over for destruction to a person who has a corresponding environmental protection permit and a permit to handle products, equipment and systems containing fluorinated greenhouse gases.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 192. Register of products, devices, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer, as well as handling operations

(1) The FOKA register of products, equipment, systems and containers and handling operations containing fluorinated greenhouse gases and ozone-depleting substances (hereinafter referred to as the *FOKA register*) is a database belonging to the state information system, which gathers:

1) data of all fluorinated greenhouse gases containing five or more tons of carbon dioxide equivalent of the European Parliament and Council Regulation (EU) No. 517/2014 on the field of use, amount, type and handling of products, equipment or systems specified in Article 4, paragraphs 1 and 2, with the exception of the hermetically sealed devices and electrical distribution boards specified in Paragraph 1 and points e and g of Paragraph 2 equipment;

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

2) data on equipment containing solvents based on fluorinated greenhouse gases of five or more tonnes of carbon dioxide equivalent, the amount, type and handling operations of the substance contained in them;

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

3) data on the field of use, quantity, type and handling operations of a topical product, device, system or container containing three or more kilograms of substances that deplete the ozone layer;

4) reports prepared on products, equipment and systems containing fluorinated greenhouse gases.

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(1) The purpose of the FOKA register is to manage in a digital environment data related to products, equipment, systems and containers and handling operations containing fluorinated greenhouse gases and substances that deplete the ozone layer collected on the basis of this Act. The broader goal of data collection is to ensure a reduction in the amount of fluorinated greenhouse gases and ozone-depleting substances released into the atmosphere.

[RT I, 13.03.2019, 2 - enters into force. 15.03.2019]

(2) The FOKA register is established and the statutes of the register are established by a regulation of the minister responsible for the field .

(3) [Repealed - RT I, 27.05.2022, 1 - entered into force. 06.06.2022]

§ 193. Entry of data related to fluorinated greenhouse gases and substances that deplete the ozone layer into the FOKA register

(1) All products, devices or systems specified in clauses 1-3 of § 192 (1) of this Act must be registered by the operator in the FOKA register.

(2) The operator must register the product, device or system specified in clauses 1 and 2 of § 192 (1) of this Act in the FOKA register within two weeks from its installation.

(3) If a product, device, system or container containing five or more tons of carbon dioxide equivalent fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer is already registered in the FOKA register, the operator shall consider the transfer, transfer of ownership or use of this product, device, system or container disposal and handing over to a waste handler or storage in a container must be registered in the FOKA register within two weeks from the relevant operation.

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

(4) The competent operator of the handling operation must register the handling operation of a product, device, system or container containing five or more tons of carbon dioxide equivalent of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer in the FOKA register within five working days of the operation.

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

(5) If a product, device or system containing five or more tons of carbon dioxide equivalent of fluorinated greenhouse gases or three or more kilograms of substances that deplete the ozone layer is changed during the reconstruction, the operator shall supplement the composition of the FOKA register with the data set of this new product, device or system within two weeks from the completion of the reconstruction.

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

(6) The procedure for submitting data to the FOKA register and the composition of the submitted data on products, equipment, systems and containers containing fluorinated greenhouse gases and substances that deplete the ozone layer, as well as handling operations, shall be established by a regulation of the minister responsible for the field .

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

§ 194. Professional or part-professional certificate of an employee handling fluorinated greenhouse gases

(1) A natural person engaged in the handling of fluorinated greenhouse gases (hereinafter *an employee*) must have an employee certificate or professional or part-professional certificate in accordance with the regulations of the European Commission specified in subsection 2 of this section.

(2) The professional or partial professional certificate certifies the employee's competence to perform handling operations, which are specified in:

1) Commission Regulation (EC) No. 304/2008, which establishes, in accordance with Regulation (EC) No. 842/2006 of the European Parliament and the Council, certain stationary fire protection systems containing fluorinated greenhouse gases and minimum requirements for certification of companies and employees dealing with fire extinguishers and conditions for mutual recognition (OJ L 92, 03.04.2008, pp. 12–16), in Article 2, paragraph 1;

2) Commission Regulation (EC) No. 306/2008, establishing the minimum certification requirements and conditions for mutual recognition of workers engaged in the collection of certain solvents based on fluorinated greenhouse gases from equipment in accordance with Regulation (EC) No. 842/2006 of the European Parliament and of the Council (OJ L 92, 03.04.2008, p. 21–24), in Article 1;

3) Commission Regulation (EC) No. 307/2008, which establishes the minimum requirements for training programs and the conditions for mutual recognition of training certificates for employees working with air-conditioning systems of certain motor vehicles containing certain fluorinated greenhouse gases in accordance with Regulation (EC) No. 842/2006 of the European Parliament and of the Council (OJ L 92, 03.04. 2008, pp. 25–27), in article 1;

4) of Commission Implementing Regulation (EU) No. 2015/2066 establishing the minimum requirements for the certification of natural persons engaged in the installation, servicing, maintenance, repair or decommissioning of electrical switchboards containing fluorinated greenhouse gases or collecting fluorinated greenhouse gases from stationary electrical switchboards in accordance with Regulation (EU) No. 517/2014 of the European Parliament and of the Council and mutual recognition conditions (OJ L 301, 18.11.2015, pp. 22–27), Article 1;

5) of Commission Implementing Regulation (EU) No. 2015/2067 establishing, in accordance with Regulation (EU) No. 517/2014 of the European Parliament and of the Council, the minimum requirements on the basis of which natural persons are certified in connection with local cooling and air conditioning equipment and heat pumps containing fluorinated greenhouse gases and refrigeration equipment for refrigerated trucks and trailers, and companies in relation to local cooling and air conditioning equipment and heat pumps containing fluorinated greenhouse gases, as well as the conditions for mutual recognition of such certification (OJ L 301, 18.11.2015, pp. 28–38), in Article 2, paragraph 1.

§ 195. Issuance of a professional or part-professional certificate

(1) The Vocations Act applies to the granting of a professional certificate with the differences arising from the regulations of the European Commission specified in § 194 subsection 2 of this Act.

(2) In addition to the minimum competency requirements for employees provided by the regulations of the European Commission specified in subsection 194 (2) of this Act, an employee handling fluorinated greenhouse gases with a professional or sub-professional certificate must be familiar with Estonian legislation related to the profession.

(3) In addition to what is stipulated in the Professions Act, the inviting body specified in § 10 of the Professions Act must meet the requirements established for the certification and assessment authority or the attestation authority, which are established by the

regulations of the European Commission specified in § 194 subsection 2 of this Act.

§ 196. Mutual recognition

(1) The right of a person from another member state of the European Union to operate in the Republic of Estonia in the fields of activity regulated by the regulations of the European Commission specified in § 194 subsection 2 of this Act is evidenced by the employee or entrepreneur certificate issued in the relevant member state in accordance with the aforementioned regulations.

(2) The Environmental Board has the right to demand the translation of the certificate specified in subsection 1 of this section into Estonian, if its content and details remain incomprehensible to it during the assessment of compliance. The translation must be made by a sworn translator or the correctness of the translation must be notarized.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 197. Mandatory permit for the handling of products, equipment and systems containing fluorinated greenhouse gases

(1) Possessing a permit for the handling of products, equipment and systems containing fluorinated greenhouse gases (hereinafter referred to as *handling permit*) is mandatory due to Regulation (EU) No. 517/2014 of the European Parliament and of the Council for self-employed persons and legal entities operating in the following fields of activity: 1) those containing fluorinated greenhouse gases or their handling of local cooling and air-conditioning devices and heat pumps with the possibility of containment; 2) handling of local fire fighting equipment containing fluorinated greenhouse gases or with the possibility of containing them.

(2) In the fields of activity specified in subsection 1 of this section, the handling operations requiring a handling permit are those in Article 2, subsection 2 and subsection 1, points a and b of the European Commission Implementing Regulation (EU) No. 2015/2067, and in Article 2, subsection 2, and actions specified in points a and b of paragraph 1.

§ 198. Inspection object of handling permit

(1) A handling permit is granted to a person who has at his disposal persons holding the worker's certificate or professional or sub-professional certificate specified in § 194 of this Act for the handling of products, equipment and systems containing fluorinated greenhouse gases, and who uses products, equipment or systems containing fluorinated greenhouse gases in his economic or professional activities tools and methods necessary for handling systems.

(2) The operator of a product, device and system containing fluorinated greenhouse gases must meet the requirements set forth in Article 6(1) of the European Commission's Implementing Regulation (EU) No. 2015/2067 and Article 8(1) of the European Commission's Regulation (EC) No. 304/2008.

§ 199. Application for handling permit

(1) In addition to the provisions of § 19 subsection 2 of the Act on the General Part of the Code of Economic Activities, the person applying for a handling permit submits a written application to the permit grantor with the following information:

- 1) data on the handling operations for which the handling permit is requested;
- 2) data on the volume of work, which shows that the permit applicant has at his disposal a sufficient number of employees certified in accordance with the regulations of the European Commission specified in subsection 194 (2) of this Act to perform handling operations requiring a handling permit in the described volume of work;
- 3) the list of tools at the disposal of the permit applicant;
- 4) descriptions of the permit applicant's work methods;
- 5) date of submission of the application.

(2) If the permit applicant wishes to perform several types of handling operations in one field of activity, they must be indicated in one application for a handling permit.

§ 200. Data and conditions to be submitted in the handling permit

(1) The handling permit shall state:

- 1) the handling permit number and the date of issue;
- 2) the name and contact details of the person giving permission;
- 3) business name, registry code and contact details of the holder of the handling permit;
- 4) the field of activity specified in § 197 of this Act, the quantities of fluorinated greenhouse gas permitted for handling in equipment and pumps, and handling operations;
- 5) date of submission of the handling permit application.

(2) A part of the handling permit is the side conditions of the handling permit, which the permit grantor establishes with the decision to grant the handling permit and which the holder of the handling permit is obliged to fulfill.

§ 201. Deciding to issue a handling permit

(1) The Environmental Board issues a handling permit.

(2) The permit issuer shall make a decision on granting or refusing to grant a handling permit within two months from the submission of an application that meets the requirements of this Act and all documents attached thereto, as well as additional data required from the permit applicant on the basis of this Act.

(3) If the handling permit application is not reviewed within the term specified in subsection 2 of this section, the handling permit shall not be deemed to have been granted to the applicant by default upon the expiry of the term.

§ 202. Specified procedure for applying for and changing a handling permit, specified requirements for a handling permit application and a handling permit

The specified procedure for applying for and changing a handling permit for a product, device and system containing fluorinated greenhouse gases, the application for a handling permit and the specified requirements for a handling permit shall be established by a regulation of the minister responsible for the field .

§ 203. Public list of handling license holders

The list of handling permit holders and information about the areas of handling permitted by the handling permit and the handling operations are publicly available on the website of the register of economic activities.

[RT I, 13.03.2019, 2 - enters into force. 15.03.2019]

§ 204. Ensuring access to products, equipment and systems containing fluorinated greenhouse gases

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

(1) [Repealed - RT I, 03.07.2017, 5 - entered into force. 13.07.2017]

(2) The operator of a product, device or system containing fluorinated greenhouse gases must ensure access to the removable joints of the product, device or system for supervisors, as far as this is technically possible.

§ 205. Labeling of products, equipment and systems containing fluorinated greenhouse gases

(1) Labeling of products, equipment and systems containing fluorinated greenhouse gases is carried out in accordance with Article 12 of Regulation (EU) No. 517/2014 of the European Parliament and of the Council.

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

(2) The label of a product, device or system containing fluorinated greenhouse gas with the code of the FOKA register must be placed near the service openings of the product, device or system and be clearly legible at all times if the product, device or system contains fluorinated greenhouse gases.

§ 206. Requirements for handling and reporting fluorinated greenhouse gases

(1) The institution collecting data on the handling of fluorinated greenhouse gases shall submit to the Ministry of the Environment by June 20 of each year data on the quantities and types, product types and handling of fluorinated greenhouse gases contained in products, equipment and systems under its responsibility.

(2) The seller of fluorinated greenhouse gases shall submit a report to the Ministry of the Environment by June 20 of each year on the quantities and types of gas that he has marketed in Estonia in the previous calendar year.

(3) A person producing products, equipment and systems containing fluorinated greenhouse gases shall submit a report to the Ministry of the Environment by June 20 of each year on the quantities and types of gas used in production in the previous calendar year, the material loss during production and the types of products marketed in Estonia.

(4) Within the meaning of the Maritime Safety Act, a shipowner whose possession of a ship sailing under the flag of the Republic of Estonia contained fluorinated greenhouse gases shall submit to the Ministry of the Environment by June 20 of each year a report on the cooling equipment, air conditioning equipment or fire fighting equipment containing fluorinated greenhouse gas used in the ship sailing under the flag of the Republic of Estonia in the previous calendar year. on the quantities and types of fluorinated greenhouse gases contained and fluorinated greenhouse gases added during maintenance in the reporting year.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(5) A railway transport undertaking within the meaning of the Railway Act, whose railway rolling stock contained fluorinated greenhouse gases, submits to the Ministry of the Environment by June 20 of each year a report on the railway rolling stock it owned in the previous calendar year, which is registered in the national railway traffic register and which is used in Estonia. The report states the number of wagons and locomotives with cooling devices, air conditioning systems or fire fighting devices containing fluorinated greenhouse gases, the quantities and types of fluorinated greenhouse gases contained in them, and the quantities of fluorinated greenhouse gases added during maintenance during the reporting year.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(6) The procedure for the handling and reporting of fluorinated greenhouse gases, the forms of the reports and the list of institutions collecting data on the handling shall be established by a regulation of the Government of the Republic .

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§ 206 . Reporting on the illegal trade in hydrofluorocarbons

The Tax and Customs Board submits to the Ministry of the Environment by April 30 of each year data on the illegal transport of fluorocarbons and prohibited one-time refillable containers discovered in the previous calendar year.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

Section 7

Carbon dioxide collection, transport and storage in the ground

§ 207. Storage of carbon dioxide in dry land

(1) Geothermal storage of carbon dioxide is the management of carbon dioxide into underground geological formations for the purpose of permanent storage.

(2) This Act does not apply to such underground storage of carbon dioxide, where the total volume of carbon dioxide is less than 100 kilotons and the storage is carried out within the framework of scientific research and development or for the purpose of testing new products and processes.

§ 208. Limitation of transportation of carbon dioxide collected for storage in the ground

Carbon dioxide collected for underground storage may not be transported outside the territories of European Union member states, their economic zones or continental shelves for the purpose of underground storage within the meaning of the United Nations Convention on the Law of the Sea.

§ 209. Transport pipeline of carbon dioxide collected for storage in the ground

(1) The transport pipeline for carbon dioxide collected for storage in the ground (hereinafter referred to *as the transport pipeline*) is a pressure pipeline and a serviceable set of related buildings built in place, which is necessary for the transfer and management of the carbon dioxide stored in the ground to a suitable geological formation.

(2) The pipeline at the facility's location, which is necessary for the collection and compression of carbon dioxide originating from the industrial process, is not considered a transport pipeline.

§ 210. Requirements for transport pipelines

(1) The requirements established for the planning and construction of buildings are applied to the planning and construction of transport pipelines.

(2) Pressure equipment safety requirements apply to the installation, commissioning, use, reconstruction and repair of transport pipelines.

§ 211. Connection to the transport pipeline

(1) Connection to a transport pipeline is the connection of a facility or a transport pipeline to a transport pipeline owned by another person.

(2) The owner of the transport pipeline must enable the connection to the transport pipeline owned by him within the limits of technical possibilities, if this does not endanger the existing transport performance. The refusal to allow connection to the transport pipeline must be justified in writing.

(3) The owner of the transport pipeline, who has refused connection due to the lack of technical possibilities, makes the necessary changes to enable connection, if they are economically feasible or if the potential entrant is willing to pay for them, provided that this does not have an adverse effect on the environmental safety of carbon dioxide transport.

(4) The owner of the transport pipeline develops the conditions for connecting to the transport pipeline (hereinafter referred to *as the connection conditions*).

(5) The conditions of membership must:

- 1) be transparent and unambiguous;
- 2) follow the principle of equal treatment of similar subscribers;
- 3) consider the technical possibilities of the transport pipeline;
- 4) take into account the duly substantiated reasonable needs of the owner or operator of the transport network;
- 5) take into account the interests of all other transport network users and users of processing or handling facilities connected to the transport network, who may be affected by the transport network;
- 6) take into account Estonia's obligation to reduce carbon dioxide arising from international law or the law of the European Union, in the event that Estonia has decided to fulfill this obligation by collecting carbon dioxide.

(6) Transporditorustiku omanik avaldab oma veebilehel:

- 1) transporditorustiku tehnilised andmed ja andmed saavutatava transpordijõudluse kohta;
- 2) liitumistingimused;
- 3) andmed transporditorustikuga liitumise tasu kujunemise põhimõtete kohta;
- 4) andmed transporditorustikuga transporditava süsinikdioksiidi säilitamise kohtade ja säilitamise võimsuste kohta.

§ 212. Maapõues säilitamiseks kogutava süsinikdioksiidi koostise kohta esitatavad nõuded

(1) Maapõues säilitamiseks kogutav süsinikdioksiid ei tohi sisaldada lisaaineid, välja arvatud süsinikdioksiidi kogumisel allikast lähtuvad või kogumis- või juhtimisprotsessiga juhuslikult kaasnevad ained ning süsinikdioksiidi liikumise seireks vajalikud indikaatorained.

(2) Käitaja, kes tegeleb süsinikdioksiidi kogumisega, peab vähemalt üks kord kalendrikuus analüüsima muude ainete sisaldust maapõues säilitamiseks kogutavas süsinikdioksiidis, sealhulgas määrama soovitavaks klassifitseeritud ainete sisalduse vastavalt kemikaalseadusele, Euroopa Parlamendi ja nõukogu määrusele (EÜ) nr 1907/2006, mis käsitleb kemikaalide registreerimist, hindamist, autoriseerimist ja piiramist (REACH) ning millega asutatakse Euroopa Kemikaaliamet, muudetakse direktiivi 1999/45/EÜ ja tunnistatakse kehtetuks nõukogu määrus (EMÜ) nr 793/93 ja komisjoni määrus (EÜ) nr 1488/94 ning samuti nõukogu direktiiv 76/769/EMÜ ja komisjoni direktiivid 91/155/EMÜ, 93/67/EMÜ, 93/105/EÜ ja 2000/21/EÜ (ELT L 136, 29.05.2007, lk 3–280) ning Euroopa Parlamendi ja nõukogu määrusele (EÜ) nr 1272/2008, mis käsitleb ainete ja segude klassifitseerimist, märgistamist ja pakendamist ning millega muudetakse direktiive 67/548/EMÜ ja 1999/45/EÜ ja tunnistatakse need kehtetuks ning muudetakse määrust (EÜ) nr 1907/2006 (ELT L 353, 31.12.2008, lk 1–1355).

(3) Kõigi juhuslike ja lisatud ainete kontsentratsioon peab jääma allapoole taset, mis rikuks säilitamiskoha või asjakohase transpordinfrastruktuuri terviklikkust ning ohustaks oluliselt keskkonda või inimeste tervist.

§ 213. Aruandlus maapõues säilitatava süsinikdioksiidi kogumise ja transpordi kohta

(1) Käitaja, kes tegeleb maapõues säilitatava süsinikdioksiidi kogumisega, esitab iga aasta 31. märtsiks Keskkonnaministeeriumile andmed eelmisel kalendriaastal kogutud süsinikdioksiidi koguse, selle mõõtmismeetodite ning keemilise koostise kohta käitiste kaupa.

(2) Transporditorustiku omanik esitab iga aasta 31. märtsiks Keskkonnaministeeriumile andmed eelmisel kalendriaastal tema transporditorustiku kaudu juhitud süsinikdioksiidi koguse ja selle mõõtmismeetodite kohta.

(3) Maapõues säilitamiseks kogutud ja transporditud süsinikdioksiidi kogused määratakse vastavalt komisjoni otsusele 2010/345/EL, millega muudetakse otsust 2007/589/EÜ seoses süsinikdioksiidi kogumisest, transpordist ja geoloogilisest säilitamisest tekkiva kasvuhoonegaaside heite seire ja aruandluse suuniste lisamisega (ELT L 155, 22.06.2010, lk 34–47).

§ 214. Suurest põletusseadmest lähtuva maapõues säilitatava süsinikdioksiidi kogumise ja transpordi võimalikkuse hindamine

(1) Sellise suure põletusseadme käitaja, mille elektriline nimivõimsus on planeeritud 300 megavatti või enam, esitab enne suurele põletusseadmele ehitusloa saamist Keskkonnaministeeriumile hinnangu selle kohta, kas:

- 1) süsinikdioksiidi maapõues säilitamiseks sobivad kohad on kättesaadavad;
- 2) süsinikdioksiidi transport on tehniliselt ja majanduslikult võimalik;
- 3) süsinikdioksiidi kogumissüsteemi moderniseerimine on tehniliselt ja majanduslikult võimalik.

(2) Keskkonnaministeerium teeb otsuse suurest põletusseadmest lähtuva süsinikdioksiidi kogumise ja transportimise võimalikkuse kohta, võttes aluseks käesoleva paragrahvi lõikes 1 nimetatud hinnangu ja muu kättesaadava teabe, sealhulgas teabe, mis käsitleb inimese tervist ja keskkonnakaitset.

(3) Kui Keskkonnaministeeriumi otsuse järgi on suurest põletusseadmest lähtuva süsinikdioksiidi kogumine ja transportimine võimalik, tagab suure põletusseadme käitaja, et suure põletusseadme asukohas on piisavalt ruumi süsinikdioksiidi kogumiseks ja kompressiooniks vajalike seadmete jaoks.

§ 215. Süsinikdioksiidi maapõues säilitamisega seotud informatsiooni avalikustamine

Keskkonnaministeerium avalikustab süsinikdioksiidi maapõues säilitamise eesmärgil kogumise ja transpordiga seotud keskkonnateabe oma veebilehel.

§ 216. Heitkoguse ühikute tagastamine

The requirement to return the permitted emission units established on the basis of § 168 (1) of this Act shall not be applied to those emissions that have been verified in accordance with the procedure established on the basis of § 155 (3) of this Act and transported for dry storage in a facility that has a valid permit for this purpose in accordance with the European Parliament and Council Directive 2009 /31/EC dealing with the geological storage of carbon dioxide and amending Council Directive 85/337/EEC and Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/ EC and Regulation (EC) No. 1013/2006 (OJ L 140, 05.06.2009, pp. 114–135).

Chapter 8 State supervision

§ 217. Implementation of state supervision

State supervision over the fulfillment of the requirements of this Act and the legislation established on the basis thereof, taking into account the special features provided in this chapter, is carried out by the Environmental Board.

§ 218. State supervision over noise in the outdoor air

State supervision over noise in the outdoor air is carried out by the Board of Health.

§ 219. State supervision of the fulfillment of requirements for paints and other surface coverings containing volatile organic compounds and vehicle finishing materials

State supervision over the fulfillment of the requirements for paints and other surface coating materials and vehicle finishing materials containing volatile organic compounds is carried out by:

- 1) Environmental Board - over the fulfillment of the requirements for the use of paints and other surface coating materials containing volatile organic compounds and vehicle finishing materials;
- 2) [invalidated - RT I, 03.02.2023, 2 - entered into force. 01.06.2023]
- 3) Tax and Customs Board - on the fulfillment of the requirements regarding the import of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds;
- 4)

Board of Health - on the fulfillment of the requirements regarding the compliance of labeling of paints and other surface covering agents and vehicle finishing materials containing volatile organic compounds.

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

§ 220. State supervision over the register of trading in greenhouse gas emission units

[RT I, 05.11.2019, 2 - entered into force. 01.01.2021]

(1) National supervision over the trading of greenhouse gas emission units in the trading register is carried out by the Environmental Board in accordance with Commission Delegated Regulation (EU) 2019/1122.

[RT I, 25.06.2021, 2 - enters into force. 07/05/2021]

(2) [Repealed - RT I, 05.11.2019, 2 - entry into force. 01.01.2021]

§ 221. State supervision of compliance with the requirements for the handling of substances that deplete the ozone layer

National supervision over the fulfillment of the requirements for the handling of substances that deplete the ozone layer is carried out by:

- 1) Environmental Board - over the handling of substances that deplete the ozone layer;
- 2) Tax and Customs Board - on the import and export of substances that deplete the ozone layer, products and equipment containing or based on these substances;
- 3) Medicines Agency - about metered dose inhalers based on substances that deplete the ozone layer.

§ 222. State supervision of compliance with the requirements for handling fluorinated greenhouse gases

State supervision over compliance with the requirements for the management of fluorinated greenhouse gases is carried out by:

- 1) the Environment Agency - the compliance of the entrepreneur and his activities with the requirements for the management of fluorinated greenhouse gases stipulated in this Act, the legislation established on the basis thereof and Regulation (EU) No. 517/2014 of the European Parliament and of the Council and its implementing regulations;
- 2) Tax and Customs Board - on import of products, equipment and systems containing fluorinated greenhouse gases, including compliance with labeling requirements for products, equipment and systems containing fluorinated greenhouse gases;

3) the professional institution specified in § 6 of the Vocations Act - regarding the fulfillment of the requirements for granting a profession to employees specified in Regulation (EU) No. 517/2014 of the European Parliament and of the Council and in the regulations of the European Commission specified in § 194 subsection 2 of this Act in accordance with the Vocations Act.

1

§ 222 . State supervision of the internal combustion engine of off-road mobile machinery

According to the Product Compliance Act, the Consumer Protection and Technical Supervision Agency conducts market surveillance of the requirements established for internal combustion engines of mobile machinery within the scope of Regulation (EU) 2016/1628 of the European Parliament and of the Council.

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

§ 223. Special measures of state supervision

(1) In order to carry out the supervision provided for in this Act, the law enforcement body may apply the special state supervision measures provided for in §§ 30–32 and 49–53 of the Law Enforcement Act on the basis and according to the procedure provided for in the Law Enforcement Act.

(2) The law enforcement body has the right to use measurement results or technical means to register noise.

1

§ 223 . Control transaction

(1) If it is not possible or it is significantly difficult to supervise the fulfillment of the requirements set forth in § 191¹ with the general measures of state supervision provided for in the Law Enforcement Act or with the special measures of state supervision referred to in § 223 of this Act, but it is necessary in the event of a significant or heightened immediate threat or violation to find out, the Environmental Board and the Tax and Customs Board can carry out a control transaction as a special measure of national supervision. The control transaction is decided by the head of the law enforcement body specified in this paragraph or his authorized official.

(2) A control transaction is an operation with characteristics of a civil sales contract or other debt-related transaction, the purpose of which is to check compliance with the requirements established by legislation. In order to check the availability of goods with a distribution ban, a check transaction is also carried out on the website and using other means of communication.

(3) When conducting a control transaction, you may not conduct surveillance, incite a person to commit a crime, or commit an act with features of a crime, nor may you pretend to be a legal person or use conspiracy techniques in the sense of §§ 7 54 and 7 55 of the

a transaction
Police and Border Guard Act to ensure the execution of control

(4) An official performing a control transaction does not have to present himself or wear a uniform when performing the transaction, nor does the official have to present an official certificate until the purpose of performing the control transaction has been achieved.

(5) When performing a control transaction, an official acts as an average consumer. If, due to the nature of the control transaction, it is not possible to achieve the purpose of the control transaction in this way, the official may, if necessary, use a fictitious name or involve a person not responsible for public order in the transaction with his consent.

(6) The law enforcement body specified in subsection 1 of this section shall notify the person in respect of whom a control transaction was carried out, without delay after achieving the purpose of the control transaction, that a control transaction was carried out in relation to him. At the same time, the law enforcement body explains why it was not possible or it was significantly difficult to carry out supervision with the special measures of state supervision provided for in § 223 of this law. The law enforcement body may, by a written, reasoned decision, postpone the notification of this person, if it is unavoidably necessary for the continuation of supervision related to the activities of the same person or for checking the propriety of such transactions by other persons. The notification of the person in respect of whom the control transaction was made may be postponed for up to three months from the day of the transaction.

(7) An official conducting a control transaction or an involved person may conceal the purpose of the transaction from the person in respect of whom the control transaction is performed and from other persons.

(8) The inspection transaction is recorded in accordance with the procedure provided for in § 12 of the Law on Law Enforcement.

(9) The minutes shall include:

- 1) a reference to the decision that was the basis of the control transaction;
- 2) the names of the officials who participated in the control transaction and the person in respect of whom the control transaction was made, as well as other participants in the proceedings and involved persons;
- 3) statements of officials about circumstances and results;
- 4) description of transferred or received items and documents;
- 5) statements, explanations and opinions of other participants in the proceedings and persons involved in the proceedings.

(10) If notification of the control transaction is postponed, the decision on postponement is referred to in the protocol of the control transaction. The protocol is delivered to the person against whom the control transaction was made.

(11) The law enforcement body specified in subsection 1 of this section has the right, if necessary, to examine movable property acquired during the control transaction and to expropriate non-compliant items. The costs related to the control transaction are covered and reimbursed in accordance with the procedure provided for in § 83 subsections 2 and 3 of the Law on Law Enforcement.

(12) The transaction made during the control transaction is void.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 224. 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.

§ 225. Taking measurements, taking samples and restricting traffic management

(1) The law enforcement body may take measurements and take samples free of charge to ensure compliance with the requirements of this Act and the legislation established on the basis thereof.

(2) An accredited laboratory authorized by the Ministry of the Environment is also entitled to take fuel samples.

(3) In order to avoid exceeding the standard level of noise in the outdoor air, the local government unit may restrict the movement of motor vehicles in its territory by means of traffic management.

§ 226. Extortion fee rate

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

Chapter 9 Responsibility

§ 227. Failure to prepare a plan for reducing the presence of odorous substances or an action plan for reducing pollutant emissions or violating the requirements for preparation and execution

(1) Failure to prepare an action plan for reducing the presence of odorous substances in outdoor air or an action plan for reducing pollutant emissions, or for violating the requirements for the preparation and execution of an action plan - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 228. Activity without air pollution permit or registration or violation of air pollution permit requirements

(1) Discharge of pollutants from a stationary emission source into the outside air without an air pollution permit or registration, if a permit or registration is required, or in violation of the requirements of the permit or registration, - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 229. Failure to fulfill the obligations of the holder of an air pollution permit, the holder of an environmental complex permit or an operator with a registration obligation

(1) For failure to fulfill the obligations of the holder of an air pollution permit, the holder of an environmental complex permit or an operator with a registration obligation - a fine of up to 200 fine units is imposed.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 230. Working without a pollutant capture device or with a faulty capture device

(1) For working without a pollutant capture device or with a faulty capture device, if the air pollution permit requires the capture of pollutants or if it is planned in the construction project - a fine of up to 300 fine units is imposed.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 231. Exceeding the emission limit values of a local emission source

(1) For exceeding the emission limit values of a local emission source - a fine of up to 300 fine units is imposed.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 232. Violation of requirements established for a mobile emission source

(1) Production of a mobile emission source that does not meet the requirements set forth in this Act, import into Estonia, transport of machines with a working engine through Estonia or use outside of roads in Estonia - 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 100,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 233. Illegal marketing and use of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds, the content of which volatile organic compounds does not meet the limit values

(1) Marketing or using paints and other surface coverings containing volatile organic compounds and vehicle finishing materials, the content of which volatile organic compounds does not meet the limit values, without a permit or in violation of permit requirements - 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 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 234. Violation of requirements for gasoline transportation and storage in terminals and service stations
[RT I, 03.07.2017, 4 - entered into force. 13.07.2017]

(1) Violation of the requirements for the transportation and storage of gasoline in terminals and service stations - shall be punished with a fine of up to 300 fine units.
[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 235. Violation of requirements established for fuels

(1) Violation of environmental requirements for liquid fuels and biofuels - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

1

§ 235 . Failure to fulfill the obligation to reduce the proportion of greenhouse gas emissions generated during the life cycle of the fuel

(1) Violation of the requirements for reducing the proportion of greenhouse gas emissions during the life cycle of the fuel provided for
1
in § 123
of this Act - shall be punished with a fine of up to 300 fine units.
[RT I, 03.07.2017, 4 - enters into force. 13.07.2017]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 10,000,000 euros.
[RT I, 03.06.2020, 1 - enters into force. 13.06.2020]

§ 236. Illegal handling of substances prohibited for the purpose of protecting the ozone layer, products containing these substances or based on these substances, equipment and containers

(1) Illegal collection, recycling, recovery of substances prohibited for the purpose of protecting the ozone layer, illegal installation, maintenance, servicing, leakage control or labeling of products, equipment or containers containing or based on these substances - 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 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 237. Violation of the requirements of the trading system with permitted emission units

(1) Violation of the requirements of the trading system with permitted emission units - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it is committed by a legal entity, - shall be punished with a fine of up to 400,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

1

§ 237 . Violation of monitoring and reporting requirements for carbon dioxide emissions from maritime transport

(1) In Regulation (EU) No. 2015/757 of the European Parliament and of the Council concerning the monitoring, reporting and control of carbon dioxide emissions from maritime transport and amending Directive 2009/16/EC (OJ L 123, 19.05.2015, pp. 55–76) , for violation of the established ship carbon dioxide emissions monitoring and reporting requirements - shall be punished with a fine of up to 300 fine units.
[RT I, 03.07.2017, 5 - enters into force. 30.06.2019]

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 238. Violation of requirements for the use of products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the requirements for the use of fluorinated greenhouse gases according to Regulation (EU) No. 517/2014 of the European Parliament and of the Council -

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 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 239. Violation of the requirements for preventing the leakage of products, devices and systems containing fluorinated greenhouse gases, performing leakage control and limiting the leakage

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

(1) In Regulation (EU) No. 517/2014 of the European Parliament and Council, Regulation (EC) No. 1497/2007 of the European Commission, establishing standardized leakage control requirements for stationary devices containing certain fluorinated greenhouse gases in accordance with Regulation (EC) No. 842/2006 of the European Parliament and Council for fire protection systems (OJ L 333, 19.12.2007, pp. 4–5), and in Regulation (EC) No. 1516/2007 of the European Commission establishing, in accordance with Regulation (EC) No. 842/2006 of the European Parliament and the Council, standardized leakage control requirements for products containing certain fluorinated greenhouse gases for stationary cooling and air-conditioning devices and heat pumps (OJ L 335, 20.12.2007, pp. 10–12), for violating the requirements for leakage prevention, leakage control and leakage limitation of products, devices and systems containing fluorinated greenhouse gases -

shall be punished with a fine of up to 300 fine units.

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

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 240. Failure to meet requirements for collection of fluorinated greenhouse gas from products, equipment and systems

(1) When handling products, equipment and systems containing fluorinated greenhouse gases established in Regulation (EU) No. 517/2014 of the European Parliament and of the Council, instead of immediately collecting the substance contained in them, instead of releasing it into the atmosphere, and violating the requirement for the proper collection of the residual gas contained in the refillable or single-fillable container at the end of its useful life for -

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 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 241. Violation of the requirement to destroy fluorinated greenhouse gases

(1) Violation of the requirements for the destruction of fluorinated greenhouse gases according to Regulation (EU) No. 517/2014 of the European Parliament and of the Council -

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 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 242. Violation of labeling requirements for products, equipment and systems containing fluorinated greenhouse gases

(1) Violation of the labeling requirements for products, equipment and systems containing fluorinated greenhouse gases, including the labeling requirements for fluorinated greenhouse gases established in Regulation (EU) No. 517/2014 of the European Parliament and Council and Implementing Regulation (EU) No. 2015/2068 of the European Commission - shall be punished by a fine of up to 300 fine unit.

(2) For the same act, if it has been committed by a legal entity, -

shall be punished with a fine of up to 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 243. Violation of requirements for reporting on fluorinated greenhouse gases

(1) Regulation (EU) No. 517/2014 of the European Parliament and Council and Implementing Regulation (EU) No. 1191/2014 of the European Commission determining the form of the report referred to in Article 19 of Regulation (EU) No. 517/2014 of the European Parliament and Council on fluorinated greenhouse gases and form of presentation (OJ L 318, 05.11.2014, pp. 5–20), for violation of the established reporting requirements for fluorinated greenhouse gases -

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 200,000 euros.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 244. Illegal distribution of products, equipment and systems containing fluorinated greenhouse gases

(1) In the Regulation (EU) No. 517/2014 of the European Parliament and the Council and the Implementing Regulation (EU) No. 2016/879 of the European Commission, which establishes, in accordance with the Regulation (EU) No. 517/2014 of the European Parliament and the Council, a detailed procedure regarding refrigeration equipment, air conditioning equipment filled with fluorocarbons and the declaration of conformity required for placing heat pumps on the market and the verification of this declaration by an independent auditor (OJ L 146, 03.06.2016, p. 1-5), for violating the restrictions on the placing on the market of products, devices and systems containing fluorinated greenhouse gases, is punishable by a fine of up to 300 fine units

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

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

1

§ 244 . Violation of the ban on the transfer, brokering, acquisition and possession of disposable containers of fluorinated greenhouse gases

(1) Violation of the prohibition on the transfer, brokering, acquisition or possession of disposable containers of fluorinated greenhouse gases provided for in § 191¹ of this Act 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 200,000 euros.

(3) An attempt to commit a misdemeanor provided for in this section is punishable.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 245. Handling of products, equipment and systems containing fluorinated greenhouse gases by an uncertified employee or entrepreneur

(1) For handling a product, device and system containing fluorinated greenhouse gases, if it is done by an uncertified employee, -
a fine of up to 300 fine units is imposed.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 246. Violation of the requirements for the collection and transportation of carbon dioxide stored in the ground

(1) Violation of the requirements for the collection and transportation of carbon dioxide stored in the ground -
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 200,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 247. Violation of the requirements for entering data related to substances that deplete the ozone layer or fluorinated greenhouse gases into the FOKA register

(1) Violation of the requirements for entering data related to substances that deplete the ozone layer or fluorinated greenhouse gases into the FOKA register -
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 50,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

1

§ 247 . Violation of the data retention requirement for refrigeration equipment containing fluorinated greenhouse gases in refrigerated trucks and trailers

(1) Violation of the data storage requirement specified in Article 6 of Regulation (EU) No. 517/2014 of the European Parliament and Council regarding cooling devices containing fluorinated greenhouse gases in refrigerated trucks and trailers - shall be punished with a fine of up to 300 fine units

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

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 50,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

2

§ 247 . Violation of requirements for collection and storage of fluorinated greenhouse gas sales data

(1) Violation of the requirements for the collection and storage of fluorinated greenhouse gas sales data specified in Article 6, Clause 3 of Regulation (EU) No. 517/2014 of the European Parliament and of the Council - 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 50,000 euros.
[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 248. Exceeding the standard level of noise

(1) Exceeding the standard noise level -
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.

§ 249. Procedure

(1) The Environmental Board is the non-judicial processor of misdemeanors provided for in §§ 227–232, 234, 235, 235¹, 237, 237¹ and 245–247
2 of this Act.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(2) The extrajudicial proceedings for the misdemeanor provided for in § 233 of this Act are:

1) Environmental Board - in case of violation of the requirements regarding the use of paints and other surface coverings and vehicle finishing materials containing volatile organic compounds;

2) [invalidated - RT I, 03.02.2023, 2 - entered into force. 01.06.2023] 3) Tax and Customs Board - in case of violation of the requirements regarding the import of paints and other surface coatings and vehicle finishing materials containing volatile organic compounds; 4) Health Board - in case of violation of the requirements for paints and other surface coverings and vehicle finishing materials containing volatile organic compounds. [

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

(3) The extrajudicial proceedings for the misdemeanor provided for in § 236 of this Act are:

1) Environmental Board - in case of violation of the requirements for the handling of substances that deplete the ozone layer;
2) Tax and Customs Board - in case of violation of import and export requirements for substances that deplete the ozone layer, products and equipment containing or based on these substances;

3) Medicines Agency - in case of violation of the requirements of metered dose inhalers based on substances that deplete the ozone layer.

1 of this Act are:

(4) Extrajudicial proceedings for misdemeanors provided for in §§ 238–244

[RT I, 25.10.2022, 1 - entry into force. 04.11.2022]

1) Environmental Board - in case of violation of the requirements for the handling of fluorinated greenhouse gases stipulated in this Act, the legislation established on its basis and the European Union regulations specified in § 191 subsection 2 of this Act caused by the entrepreneur and his activities;

2) Tax and Customs Board - import and export of products, equipment and systems containing fluorinated greenhouse gases, including in case of violation of labeling requirements for products, equipment and systems containing fluorinated greenhouse gases.

(5) The out-of-court procedure for the misdemeanor provided for in § 248 of this Act is the Health Board.

(6) The Environmental Board, the Tax and Customs Board and the court may confiscate the means of committing the misdemeanors 1 of this Act and the object that was the direct object of the misdemeanor in accordance with § provided for in §§ 233, 236, 244 and 244
83 of the Penal Code.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

(7) A confiscated object, which is part of the means of committing a misdemeanor provided in § 244¹ of this Act or an object that was the direct object of a misdemeanor, shall be handed over for destruction in accordance with the procedure provided for in § 206 of the Code of Misdemeanor Procedure, the corresponding environmental permit and the handling of products, equipment and systems containing fluorinated greenhouse gases to the person holding the permit.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

Chapter 10 Application settings

Section 1 Implementation of the law

§ 250. Noise mapping and preparation of a noise reduction action plan

(1) Local government units shall prepare the ambient air noise map specified in § 63 subsection 1 of this Act no later than June 30, 2019, and the noise reduction action plan specified in § 63 subsection 5 by June 30, 2020.

(2) The compiler of the strategic noise map prepares and publishes, as well as submits to the Health Board and the Ministry of the Environment, the noise reduction action plan specified in § 64 subsection 1 of this Act by July 18, 2024 at the latest.

[RT I, 25.10.2022, 1 - enters into force. 04.11.2022]

§ 251. Failure to comply with the requirement to assess the presence of an odorous substance in the form of a sewerage building

In accordance with the regulation established on the basis of § 68 (1) of this Act, the assessment of the presence of odorous substances is not carried out in the sewerage building.

§ 252. Application of the Act to a facility subject to registration

The requirements set forth in Section 1, Section 1 of Chapter 4 of this Act shall be applied to the facility as of January 1, 2018.

§ 253. Real-time transfer of continuous monitoring data to the air quality assessment database

The requirement for real-time transmission of continuous monitoring data to the air quality assessment database provided for in § 102 subsection 5 of this Act shall be implemented from July 1, 2018 at the latest.

1

§ 253 . Submission of the Air Pollutant Reduction Program to the European Commission

The Ministry of the Environment will submit the first air pollution reduction program to the European Commission by April 1, 2019.
[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

2

1 of this Act

§ 253 . Implementation of § 108

In order to determine whether the relevant conditions set out in Part 4 of Annex IV to Directive (EU) 2016/2284 of the European Parliament and of the Council have been met, it is considered that the obligations to reduce pollutant emissions for the years 2020-2029 were established on 4 May 2012.

[RT I, 26.06.2018, 7 - enters into force. 01.07.2018]

§ 254. Application of the Ambient Air Protection Act

7

(1) The regulations established on the basis of § 120 (2) of the Ambient Air Protection Act remain in force until the end of the use of the funds obtained from the trading of the state's permitted emission units.

(2) Permits issued on the basis of the Ambient Air Protection Act prior to the entry into force of this Act shall be valid until the end of their validity or term, their amendment or invalidation.

(3) Administrative contracts concluded on the basis of the Ambient Air Protection Act before the entry into force of this Act shall be valid until the end of the term, the fulfillment of the obligation or the termination of the contract.

(4) Upon the entry into force of this Act, the pending air pollution permit application procedures shall be completed in accordance with the provisions of the Ambient Air Protection Act. Other procedures for applying for administrative acts pending at the entry into force of this Act, initiated on the basis of the Ambient Air Protection Act, shall be completed in accordance with the provisions of this Act.

(5) Permitted annual emissions of volatile organic compounds recorded in air pollution and environmental complex permits issued before the entry into force of this Act shall be summed up if these compounds do not fall within the regulatory scope of the regulation established on the basis of subsections 1 and 2 of § 47 of this Act.

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

1

§ 254 . Reclaiming support given under trading schemes created to mitigate climate change on the basis of the Air Protection Act

On the basis of the Ambient Air Protection Act valid until December 31, 2016, the provisions of § 182 1 subsections 1-3 of this Act shall apply to the recovery of support from the funds received from the trading of the state's permitted emission units, the income obtained from the auctioning of the permitted emission units, or from the funds obtained from the trading according to the decision on shared responsibility, and 1 subsection 5.

§ conditions and procedure established on the basis of 182

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

2

§ 254 . Previous support recovery decisions as enforcement documents

(1) Decisions to reclaim support, which have been made for support granted up to three years before the entry into force of this Act, 1 of this Act.

are also considered as enforcement documents provided for in § 182 subsection 3 and § 254

(2) The decision to recover a valid support provided for in § 254 1 of this Act and subsection 1 of this section may be submitted for enforcement if the administrative body that made the decision has given the obliged person 30 calendar days to voluntarily comply with

the decision and the person has not complied with the decision within that time

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

3

§ 254 . Revocation of trading system emission permits

Trading system emission permits issued on the basis of § 144 of this Act before January 1, 2020 are valid until the end of the validity period specified in them or until they are revoked. Permits are revoked by the grantor of the permit, and the data indicated on the permit are entered into the environmental complex permit or environmental permit of the operator of the stationary emission source.

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

Section 2

Amendment and repeal of laws

§ 255. – § 268. [Omitted from this text.]

Section 3

Entry into force of the Act

§ 269. Entry into force of the law

This law enters into force on January 1, 2017.

Directive 94/63/EC of the European Parliament and of the Council on the control of emissions of volatile organic compounds (VOCs) during the storage of gasoline and its distribution from terminals to service stations (OJ L 365, 31.12.1994, pp. 24–33);

Directive 1998/70/EC of the European Parliament and of the Council on the quality of petrol and diesel fuel and amending Council Directive 93/12/EEC (OJ L 350, 28.12.1998, pp. 58–68);

Council Directive 99/32/EC concerning the reduction of sulfur content in certain liquid fuels and amending Directive 93/12/EEC (OJ L 121, 11.05.1999, pp. 13–18), amended by Directive 2005/33/EC (OJ L 191, 22.07.2005, pp. 59–69), amended by Directive 2009/30/EC (OJ L 140, 05.06.2009, pp. 88–113);

Directive 99/94/EC of the European Parliament and of the Council concerning the availability of data related to fuel economy and carbon dioxide emissions to consumers in the marketing of new passenger cars (OJ L 12, 18.01.2000, pp. 16–23);

Directive 2001/80/EC of the European Parliament and of the Council on the limitation of certain pollutants released into the air from large combustion plants (OJ L 309, 27.11.2001, pp. 1–21);

Directive 2002/49/EC of the European Parliament and of the Council related to the assessment and control of environmental noise (OJ L 189, 18.07.2002, pp. 12–25);

Directive 2003/17/EC of the European Parliament and of the Council amending Directive 1998/70/EC on the quality of petrol and diesel fuel (OJ L 76, 22.03.2003, pp. 10–19);

Directive 2003/30/EC of the European Parliament and of the Council promoting the use of biofuels and other renewable fuels in the transport sector (OJ L 123, 17.05.2003, pp. 42–46);

Directive 2003/87/EC of the European Parliament and of the Council establishing a system for trading greenhouse gas emission allowances in the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, pp. 32–46);

Directive 2004/42/EC of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds resulting from the use of certain paints, varnishes and vehicle refinishing products in organic solvents, amending Directive 99/13/EC (OJ L 143, 30.04.2004, pp. 87–96);

Directive 2004/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC establishing a greenhouse gas emission allowance trading system in the Community, taking into account the project mechanisms of the Kyoto Protocol (OJ L 338, 13.11.2004, pp. 18–23);

Directive 2004/107/EC of the European Parliament and of the Council on the content of arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air (OJ L 23, 26.01.2005, pp. 3–16);

Directive 2005/55/EC of the European Parliament and of the Council on the harmonization of the legislation of the member states concerning measures taken against gaseous and particulate emissions from diesel engines of vehicles and gaseous emissions from internal combustion engines running on natural gas or liquefied petroleum gas used in vehicles (OJ L 275, 20.10. 2005, pp. 1–163), amended by Directive 2006/51/EC (OJ L 152, 07.06.2006, pp. 11–21);

Directive 2008/50/EC of the European Parliament and of the Council on ambient air quality and making European air cleaner (OJ L 152, 11.06.2008, pp. 1–44);

Directive 2008/101/EC of the European Parliament and of the Council amending Directive 2003/87/EC to include aviation in the Community greenhouse gas emission allowance trading system (OJ L 8, 13.01.2009, pp. 3–21);

Directive 2009/29/EC of the European Parliament and of the Council amending Directive 2003/87/EC to improve and extend the Community greenhouse gas emission allowance trading system (OJ L 140, 05.06.2009, pp. 63–87);

Directive 2009/31/EC of the European Parliament and of the Council concerning the geological storage of carbon dioxide and amending Council Directive 85/337/EEC and Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/ EC, 2008/1/EC and Regulation (EC) No. 1013/2006 (OJ L 140, 05.06.2009, pp. 114–135);

Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (complex pollution prevention and control) (OJ L 334, 17.12.2010, pp. 17–119);

Directive 2009/30/EC of the European Parliament and of the Council amending Directive 98/70/EC with regard to specifications for petrol, diesel fuel and gas oil and establishing a mechanism for the monitoring and reduction of greenhouse gas emissions and amending Council Directive 1999/32/EC with regard to specifications for fuel used in inland waterway vessels, and Directive 93/12/EEC is repealed (OJ L 140, 05.06.2009, pp. 88–113);

Council Directive (EU) 2015/652 establishing calculation methods and reporting requirements in accordance with Directive 98/70/EC of the European Parliament and of the Council on the quality of petrol and diesel fuel (OJ L 107, 25.04.2015, pp. 26–67);

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

Directive (EU) 2016/2284 of the European Parliament and of the Council on the reduction of national emissions of certain air pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (Text applicable in the EEA) (OJ L 344, 17.12.2016 , pp. 1–31);

Directive (EU) 2018/410 of the European Parliament and of the Council, amending Directive 2003/87/EC with the aim of boosting investments supporting cost-effective reduction of emissions and carbon dioxide emissions, and Decision (EU) 2015/1814 (OJ L 76, 19.03.2018, p. 3 -27);

Directive (EU) 2018/2001 of the European Parliament and of the Council on the promotion of the use of energy produced from renewable energy sources (OJ L 328, 21.12.2018, pp. 82–209).

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