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## Environmental Supervision Act

Adopted 06.06.2001  
RT I 2001, 56, 337  
entry into force 07.07.2001

### Amended by the following acts

Reception	Publication	Enforcement
19.06.2002	RT I 2002, 61, 375	01.08.2002
13.11.2002	RT I 2002, 99, 579	01.01.2003
11.12.2002	RT I 2002, 110, 653	01.01.2003
17.12.2003	RT I 2003, 88, 591	01.01.2004
14.04.2004	RT I 2004, 30, 209	01.05.2004
21.04.2004	RT I 2004, 38, 258	10.05.2004
13.04.2005	RT I 2005, 24, 182	20.05.2005
12.10.2005	RT I 2005, 57, 451	18.11.2005
08.02.2007	RT I 2007, 19, 95	11.03.2007
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision No. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
10/10/2012	RT I, 25.10.2012, 1	01.12.2012
25/09/2013	RT I, 08.10.2013, 1	18.10.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers replaced on the basis of § 107 <sup>3</sup> subsection 4 of the Government of the Republic Act.
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
17.06.2020	RT I, 10.07.2020, 2	01.01.2021, the law replaced the words "Environmental Inspection" throughout with the words "Environmental Board" in the corresponding case.

## Chapter 1 general settings

### § 1. Scope of the Act

(1) This Act defines the nature of environmental supervision and establishes the duties of the institutions performing environmental supervision.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

[ RT I 2002, 61, 375 - entry into force. 01.08.2002]

### § 2. Environmental supervision

(1) Environmental supervision is the activity of the body or institution of the Environmental Board and local government unit with the aim of preventing, identifying and suppressing danger and eliminating disorder in the field of environmental protection.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

## Chapter 2 ENVIRONMENTAL SUPERVISION INSTITUTIONS AND THEIR TASKS

### § 3. Performers of environmental supervision

(1) Environmental supervision is carried out by the Environmental Board and the local self-government body or institution.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) The law may also assign environmental supervision tasks to other government agencies.

### § 4. The Environmental Board as a performer of environmental supervision

(1) The Environmental Board performs environmental supervision on the basis and according to the procedure provided for in the law or regulation.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

#### **§ 5. The Land Board as a performer of environmental supervision**

[Repealed - RT I, 13.03.2014, 4 - entry into force. 01.07.2014]

#### **§ 6. Municipal environmental supervision**

(1) Compliance with environmental protection and use decisions established by the council of a local self-government unit is controlled by persons or institutions authorized by the council, or if they have not been appointed, by the municipality and city government.

(2) If a local government unit is also assigned by law environmental supervision tasks not mentioned in subsection 1 of this section, or if it has taken them on itself on the basis of the law, the council also appoints the persons or institutions necessary to perform them, or the municipality or city government exercises supervision.

(3) The local self-government unit:

1) implements the measures provided for in the law to prevent illegal activities and implement mandatory environmental protection measures;

2) informs the Environmental Board about illegal activities that damage or threaten the environment or about legal activities related to the use of natural resources, if such activities endanger people's lives, health or property.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(4) Unless the council of the local government unit has decided otherwise, the environmental supervision specified in subsections 1 and 2 of this section is carried out in the same way as the supervision organized by the state authority, and the supervisor has equal rights in his administrative territory with the state environmental supervision authority and the environmental protection inspector.

[ RT I 2002, 110, 653 - entry into force. 01.01.2003]

#### **§ 7. Supervisory competence of the Environmental Board over the activities of the local government unit**

(1) The Environmental Board has the right to check the performance of tasks related to environmental protection and use assigned to a local government unit by law or assumed by a local government unit in an administrative contract, and the legality of individual environmental protection and use acts of the council and government of the local government unit.

(2) The Environmental Board has the right to demand a copy of the individual act specified in subsection 1 of this section issued by the council and the government of the local government, the Environmental Board has the right to demand a copy of the given environmental permit.

(3) The council and the government of the local self-government unit are obliged to submit the transcript specified in subsection 2 of this section no later than the seventh day after receiving a written request from the Environmental Board.

(4) If the Environmental Board finds that the environmental administrative act of a local government unit or its failure to issue it is unlawful and violates the public interest, it may, within 30 days of learning of the issuance or refusal of the administrative act, make a written proposal to declare the administrative act invalid, bring it into line with legal regulations, or issue the required administrative act out. If the Environmental Board finds that the unlawful consequences of an administrative act that has been revoked or is subject to annulment or amendment violate the public interest, it may make a written proposal to eliminate the consequences of the administrative act within three years from the issuance of the administrative act.

(5) If, within 30 days after receiving the Environmental Board's written proposal, the local government unit has not invalidated the administrative act or brought it into line with legal regulations, issued the required administrative act, or decided to eliminate the consequences of the administrative act, the Environmental Board may submit a protest under the conditions and in the procedure provided for in the Code of Administrative Court Procedure.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

#### **§ 8. Analysis of the implementation of environmental legal norms**

(1) The Environmental Board analyzes the effect of environmental legislation in its field of activity on the basis of its own observations and data and proposals received from other persons, institutions and databases, while the Environmental Board is responsible for collecting environmental monitoring data.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(2) As a result of the analysis of environmental legislation, the Environmental Board makes proposals to improve legal protection and to amend or supplement legislation.

[ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

(3) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

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#### **§ 8 . Databases of the Environmental Board**

The Environmental Board maintains the following databases:

1) the object inspection database system (hereinafter *the object inspection database* ), the purpose of which is to process and analyze data related to the monitoring procedure, reports on environmental use, and preliminary notices of fishing vessels arriving at the port in order to fulfill the objectives set by law for the Environmental Board;

2) a database of legal offences, the purpose of which is the processing and analysis of data related to administrative proceedings started before January 1, 2014, misdemeanor proceedings started before July 1, 2011, and criminal proceedings started before September 1, 2011.

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

## 2

### § 8 . Object inspection database and offense database data categories

(1) The data categories of the object inspection database are:

- 1) data on the inspected object;
- 2) object inspection results;
- 3) notifications about possible illegal use of the environment;
- 4) prescriptions;
- 5) data on the removal of illegally placed fishing gear;
- 6) preliminary announcements about the arrival of fishing vessels at the port;
- 7) notifications about special fishing;
- 8) Work plan of environmental supervision of the Environmental Board;
- 9) administrative procedures;
- 10) requirements;
- 11) protocols for the application of special measures.

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

(2) The data categories of the database of legal violations are:

- 1) misdemeanor cases started before July 1, 2011;
- 2) criminal cases started before September 1, 2011;
- 3) prescriptions drawn up before January 1, 2014;
- 4) pollution fee claims drawn up before April 1, 2011;
- 5) data on the removal of fishing gear illegally placed for fishing before January 1, 2014.

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

(3) The procedure for maintaining the object inspection database and the database of legal violations, including the detailed composition of the data entered in the database, the procedure for issuing the data, and the retention period shall be stipulated in the bylaws of the respective database.

(4) The data entered in the databases have an informative meaning.

[ RT I, 08.10.2013, 1 - enters into force. 18.10.2013]

## 3

### § 8 . Basic regulations of the Environmental Board's databases

The object inspection database and the offense database shall be established and the statutes of these databases shall be established by the minister responsible for the field by regulation.

[ RT I, 08.10.2013, 1 - enters into force. 18.10.2013]

## 4

### § 8 . Responsible and authorized data processor

The responsible processor of the object inspection database and the database of legal violations is the Environmental Board, and the authorized processor is a person appointed by the Environmental Board.

[ RT I, 08.10.2013, 1 - enters into force. 18.10.2013]

## Chapter 3 ENVIRONMENTAL PROTECTION INSPECTORS [ RT I, 13.03.2014, 4 - enters into force. 01.07.2014]

### § 9. Environmental protection inspector

The environmental protection inspector is:

- 1) the state environmental protection inspector;
- 2) local government environmental protection inspector.

### § 10. State environmental protection inspector

The state environmental protection inspector is an official of the Environmental Board, who is assigned the duty of supervision by the job description.

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

### § 11. Environmental protection inspector of the local government

The environmental protection inspector of a local government is an official of the city or municipality government or other local government institution, to whom the duty of supervision has been assigned by the division of work tasks within the institution or by the decision of the council.

### § 12. Supervision area of the environmental protection inspector

(1) The state environmental protection inspector has the right to operate in the entire area under the jurisdiction of the Republic of Estonia and on ships registered in the Republic of Estonia, regardless of their location.

(2) The environmental protection inspector of the local government has the right to operate in the territory of the local government unit where the workplace is located.

### § 13. Certification of the environmental protection inspector's right to act

(1) The state environmental protection inspector's right to act in environmental protection is evidenced by the inspector's certificate and identification mark. The local government environmental protection inspector's right to act in environmental protection is evidenced by the local government inspector's certificate.

(2) The form of the state environmental protection inspector's certificate and the procedure for making, issuing and withdrawing it shall be established by the minister responsible for the field, the form of the municipal environmental protection inspector's certificate and the procedure for producing, issuing and withdrawing it shall be established by the municipality or city government.

(3) The design of the state environmental protection inspector's identification mark and the procedure for manufacturing, issuing and withdrawing it shall be established by the minister responsible for the field.

[ RT I 2005, 24, 182 - entry into force. 20.05.2005]

#### **§ 14. Uniform and special clothing of the environmental protection inspector**

(1) State environmental protection inspectors are issued free uniforms and special clothing. The description of the state environmental protection inspector's uniform and job characteristics, as well as the procedure for issuing and wearing the uniform and special clothing, shall be established by the minister responsible for the field. The costs of making uniforms and special clothing are covered from the state budget.

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

(2) The environmental protection inspector of the local government is issued uniform and special clothing in accordance with the procedure and design established by the local government.

#### **§ 15. Weapons and special equipment of the environmental protection inspector**

(1) The environmental protection inspector of the state and local government, whose official duty is the protection of the growing forest, game and fish stock, is allowed to carry a service weapon and use a service dog and handcuffs as a special tool when performing their duties.

(2) [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

(3) The acquisition of a service weapon and the granting of a weapon permit shall be carried out in accordance with the Weapons Act (RT I 2001, 65, 377; 88, 531; 102, 673; 2002, 29, 175; 53, 336; 61, 375; 63, 387) and established on its basis in order.

[ RT I 2002, 110, 653 - entry into force. 01.01.2003]

#### **§ 16. Rights and obligations of the environmental protection inspector**

[Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

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#### **§ 16 . Duty hours of the state environmental protection inspector**

(1) The provisions of subsection 6 of § 38 of the Public Service Act shall not apply to the state environmental protection inspector when applying the on-call time.

(2) The duration of on-call time may not exceed 250 hours per month.

[ RT I, 08.10.2013, 1 - enters into force. 18.10.2013]

### **Chapter 4 SURVEILLANCE ACTIONS**

**[Repealed - RT I, 13.03.2014, 4 - entry into force. 01.07.2014]**

**§ 17. – § 24.** [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

### **Chapter 5 OPERATIONS WITH UNCLEAR NATURAL PRODUCT AND NATURAL PRODUCT PROCUREMENT INSTRUMENT OR TOOL**

**[Repealed - RT I, 13.03.2014, 4 - entry into force. 01.07.2014]**

**§ 25. – § 34.** [Repealed - RT I, 13.03.2014, 4 - entered into force. 01.07.2014]

### **Chapter 6 APPLICATION OF LAW**

#### **§ 35. Equipping state environmental protection inspectors with uniforms**

Pursuant to § 14 of this Act, the full provision of state environmental protection inspectors with uniforms will begin on January 1, 2003.

**§ 36. – § 37.** [Omitted from this text.]

#### **§ 38. Repeal of the existing Environmental Supervision Act**

(1) The Environmental Supervision Act (RT I 1997, 86, 1460; 1999, 54, 583; 95, 843; 2000, 51, 319; 2001, 50, 283) is declared invalid.

(2) The regulations of the Government of the Republic and the Minister of the Environment established on the basis of the law specified in subsection 1 of this section are valid to the extent that they do not conflict with this law, until they are amended or revoked.

(3) [Repealed - RT I 2002, 110, 653 - entry into force. 01.01.2003]