

Pollution Charge Act

Passed 10 February 1999

(RT¹ I 1999, 24, 361),

entered into force 21 March 1999,

amended by the following Acts:

11.02.2003 entered into force 01.07.2003 - RT I 2003, 25, 153;

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

13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667;

08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843;

16.06.99 entered into force 23.06.99 - RT I 1999, 54, 583.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act provides the rates of the charge to be paid for release of pollutants or waste into the environment and the procedure for calculation and payment of the charge.

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

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117) apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

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

§ 2. Pollution charge

(1) The objective of establishing a pollution charge is to prevent and reduce possible damage caused by the release of pollutants or waste into the environment. The pollution charge shall be paid for the release of pollutants and waste specified in this Act into the environment.

(2) The financing of measures which prevent or reduce environmental damage may, under the conditions and in the amount provided for in this Act, substitute for the obligation to pay the pollution charge.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(3) The pollution charge is not imposed if pollutants or waste are released into the environment:

- 1) in quantities or in a manner for which a permit is not required;
- 2) due to *force majeure*;
- 3) to prevent pollution on an even larger scale or an accident which may cause loss of life.

(4) The permit specified in subsection (3) of this section is a document which is issued on the basis of an Act and which determines the conditions for the release of pollutants and waste into the environment and the quantities in which the release of pollutants or waste into the environment is permitted.

(5) Payment of the pollution charge does not exempt the person who released pollutants or waste into the environment from payment of compensation for damages to third parties incurred due to the pollution of the environment.

§ 3. Application of pollution charge for release of pollutants into ambient air

The pollution charge shall be applied for the release into ambient air of:

- 1) sulphur dioxide (SO₂) or other inorganic sulphur compounds;
- 2) carbon monoxide (CO);
- 3) carbon dioxide (CO₂);
- 4) particulates;
- 5) nitrogen oxides or other inorganic nitrogen compounds;
- 6) volatile organic compounds;
- 7) heavy metals or compounds of heavy metals.

§ 4. Application of pollution charge for release of pollutants into water bodies, groundwater or soil

(1) The pollution charge shall be applied for the release into water bodies, groundwater or soil of:

- 1) organic matter;
- 2) phosphorous compounds;
- 3) nitrogen compounds;
- 4) suspended solids;

5) sulphates;

6) monophenols;

7) oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter;

8) waste water which has a hydrogen ion exponent (pH) greater than 9.0 or less than 6.0;

9) other dangerous substances not specified in this subsection.

(2) The pollution charge is not applied if substances and compounds specified in clauses (1) 1)-3) of this section are used as fertilizers within the meaning of the Fertilizers Act (RT I 1997, 93, 1563; 2001, 50, 283; 2002, 63, 387) and according to the requirements established pursuant to the Water Act (RT I 1994, 40, 655; 1996, 13, 241; 240; 1998, 2, 47; 61, 987; 1999, 10, 155; 54, 583; 95, 843; 2001, 7, 19; 24, 133; 42, 234; 50, 283; 94, 577; 2002, 1, 1; 61, 375; 63, 387; 2003, 13, 64; 26, 156).

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 5. Application of pollution charge for release of waste into environment

(1) The pollution charge is applied for waste disposal within the meaning of the Waste Act (RT I 1998, 57, 861; 1999, 10, 155; 23, 353; 95, 843; 2001, 16, 72; 24, 133; 43, 239; 50, 283; 56, 340; 93, 565; 2002, 61, 375; 63, 387).

(2) The pollution charge is not applied for the release of waste into the environment with the purpose of recycling the waste within the meaning of the Waste Act.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 6. Payer of pollution charge

(1) The pollution charge shall be paid by the owner of an immovable if pollutants or waste are released into the environment from the immovable of the owner according to the wishes of the owner.

(2) If pollutants or waste are released into the environment from land used on the basis of a right of superficies by a superfiary or from land adjacent to a structure as a movable by the owner of the structure, the obligation to pay the pollution charge shall also apply to such superfiary or owner.

(3) For the purposes of this Act, release of waste into the environment means the discharge of waste on an immovable, on land used on the basis of a right of superficies or on land adjacent to a structure as a movable.

§ 7. Use of pollution charge

The pollution charge shall be paid into the state budget. The pollution charge shall be used for the specific purposes and pursuant to the procedure provided by law.

(16.06.99 entered into force 23.06.99 - RT I 1999, 54, 583)

Chapter 2

Pollution Charge Rates

§ 8. Pollution charge rates for release of pollutants into ambient air

(1) The pollution charge rates in kroons per one ton of pollutant for the release of the following pollutants into ambient air are as follows:

1) sulphur dioxide (SO₂) or other inorganic sulphur compounds - 79.0 kroons as of 1 January 2002, 95.0 kroons as of 1 January 2003, 114.0 kroons as of 1 January 2004, 137.0 kroons as of 1 January 2005;

2) carbon monoxide (CO) - 11.0 kroons as of 1 January 2002, 14.0 kroons as of 1 January 2003, 16.0 kroons as of 1 January 2004, 20.0 kroons as of 1 January 2005;

3) particulates, except heavy metals and compounds of heavy metal - 79.0 kroons as of 1 January 2002, 95.0 kroons as of 1 January 2003, 114.0 kroons as of 1 January 2004, 137.0 kroons as of 1 January 2005;

4) nitrogen oxides, calculated as nitrogen dioxide, and other inorganic nitrogen compounds - 182.0 kroons as of 1 January 2002, 218.0 kroons as of 1 January 2003, 262.0 kroons as of 1 January 2004, 315.0 kroons as of 1 January 2005;

5) volatile organic compounds, except mercaptans - 182.0 kroons as of 1 January 2002, 218.0 kroons as of 1 January 2003, 262.0 kroons as of 1 January 2004, 315.0 kroons as of 1 January 2005;

6) mercaptans - 180 882.0 kroons as of 1 January 2002, 198 970.0 kroons as of 1 January 2003, 240 754.0 kroons as of 1 January 2004, 264 829.0 kroons as of 1 January 2005;

7) heavy metals and compounds of heavy metal - 2896.0 kroons as of 1 January 2002, 3476.0 kroons as of 1 January 2003, 4171.0 kroons as of 1 January 2004, 5005.0 kroons as of 1 January 2005.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(2) The pollution charge rates provided for in subsection (1) of this section are increased by a factor of:

1) 1.2 in the case of stationary sources of pollution located within the boundaries of local governments bordering on the Narva River, if the height of release of pollutants is more than 100 metres above ground level;

2) 1.5 in the case of stationary sources of pollution located in Jõhvi, Kiviõli, Kohtla-Järve, Narva, Sillamäe or Tartu;

3) 2 in the case of stationary sources of pollution located in Tallinn;

4) 2.5 in the case of stationary sources of pollution located in Haapsalu, Kuressaare, Narva-Jõesuu or Pärnu;

(3) If the total rated thermal input of the combustion plants of a source of pollution of an electricity undertaking or heat producer is greater than 50 megawatts, the electricity undertaking or heat producer shall pay the pollution charge for release of carbon dioxide (CO₂) into ambient air. The pollution charge rates per one ton of carbon dioxide are:

(11.02.2003 entered into force 01.07.2003 - RT I 2003, 25, 153)

1) 5.0 kroons as of 1 January 2000;

2) 7.5 kroons as of 1 January 2001;

3) 11.3 kroons as of 1 January 2005.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(4) The provisions of subsection (3) of this section do not extend to the combustion of biofuel, peat and waste.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 9. Pollution charge rates for release of pollutants into water bodies, groundwater or soil

(1) The pollution charge rates in kroons per one ton of pollutant for the release of the following pollutants into water bodies, groundwater or soil are as follows:

1) organic matter, calculated as the biochemical oxygen demand for the decomposition of such matter during seven twenty-four hour periods (BOD₇) - 3252.0 kroons as of 1 January 2002, 3902.0 kroons as of 1 January 2003, 4683.0 kroons as of 1 January 2004, 5619.0 kroons as of 1 January 2005;

2) phosphorous compounds, calculated as total phosphorus (P_{tot}) - 4898.0 kroons as of 1 January 2002, 5878.0 kroons as of 1 January 2003, 7054.0 kroons as of 1 January 2004, 8464.0 kroons as of 1 January 2005;

3) nitrogen compounds, calculated as total nitrogen (N_{tot}) - 3068.0 kroons as of 1 January 2002, 3682.0 kroons as of 1 January 2003, 4418.0 kroons as of 1 January 2004, 5302.0 kroons as of 1 January 2005;

4) suspended solids - 1644.0 kroons as of 1 January 2002, 1973.0 kroons as of 1 January 2003, 2367.0 kroons as of 1 January 2004, 2841.0 kroons as of 1 January 2005;

5) sulphates, calculated as sulphate ions (SO₄²⁻) - 33.0 kroons as of 1 January 2002, 34.0 kroons as of 1 January 2003, 38.0 kroons as of 1 January 2004, 40.0 kroons as of 1 January 2005;

6) monophenols - 21 810.0 kroons as of 1 January 2002, 26 172.0 kroons as of 1 January 2003, 31 406.0 kroons as of 1 January 2004, 37 688.0 kroons as of 1 January 2005;

7) oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter - 5192.0 kroons as of 1 January 2002, 6231.0 kroons as of 1 January 2003, 7477.0 kroons as of 1 January 2004, 8972.0 kroons as of 1 January 2005.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(2) The pollution charge rates provided for in subsection (1) of this section are increased by a factor of:

1) 2.5 if the receiving water body is located on soil with unprotected groundwater;

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

2) 1.5 if the receiving water body is located within the boundaries of a city, town or beach, or nearer than 500 metres to a beach specified by a resolution of a local government;

3) 1.5 if the receiving water body is a sea or transboundary water body or a water body of importance to the fisheries;

4) 1.2 if waste water is directed into the sea through a deep-sea outlet.

(3) If pollutants are released as a result of leakage from a deep-sea outlet, the pollution charge rates specified in subsection (1) of this section are increased by a factor of 1.5.

(4) The pollution charge rates specified in subsection (1) of this section are reduced by a factor of:

1) 2 if the receiving water body is located on soil with moderately protected groundwater;

2) 3 if the receiving water body is located on soil with well protected groundwater.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(5) In addition to the pollution charge rates established in subsection (1) of this section, if the pH of waste water directed into a water body is greater than 9.0 or less than 6.0, the pollution charge shall be paid at a rate of 42 cents as of 1 January 2002, 50 cents as of 1 January 2003, 60 cents as of 1 January 2004 and 73 cents as of 1 January 2005 per each 0.1 pH unit by which the pH of the waste water is greater than 9.0 or less than 6.0 per cubic metre of waste water.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(6) If a payer of the pollution charge complies with all the requirements established by the Government of the Republic concerning waste water directed into water bodies before the prescribed time, or if all the indicators which characterise the treatment of waste water or all the indicators which characterise waste water are better than the indicators established by the Government of the Republic, the pollution charge rates established in subsection (1) of this section are reduced by a factor of 2.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 10. Pollution charge rates for release of waste into environment

(1) The pollution charge rates in kroons per one ton of waste for the release of the following waste into the environment are as follows:

1) non-hazardous waste, except waste specified in clause 3) of this subsection – 2.8 kroons as of 1 January 2002, 3.3 kroons as of 1 January 2003, 4.0 kroons as of 1 January 2004 and 5.0 kroons as of 1 January 2005;

2) municipal waste - pursuant to the pollution charge rates established for non-hazardous waste;

3) mine waste, including waste from mineral dressing, discharged into open dumps – 1.6 kroons as of 1 January 2002, 1.9 kroons as of 1 January 2003, 2.0 kroons as of 1 January 2004 and 3.0 kroons as of 1 January 2005;

4) hazardous waste, except waste specified in clauses 5)-10) of this subsection – 8.4 kroons as of 1 January 2002, 10.1 kroons as of 1 January 2003, 12.0 kroons as of 1 January 2004 and 15.0 kroons as of 1 January 2005;

5) waste which contains oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter, organic solvents, heavy metals (except mercury, cadmium, lead and arsenic), organic halogen compounds, colourants or pigments, and paint or varnish waste, infectious hospital waste or health care waste, and medicinal waste – 22.6 kroons as of 1 January 2002, 27.0 kroons as of 1 January 2003, 32.0 kroons as of 1 January 2004 and 39.0 kroons as of 1 January 2005;

6) waste which contains wood preservatives, tar formed by the pyrolysis of solid fuels or other organic matter, pitch, asphalt, inorganic pesticides, asbestos, arsenic or lead, and waste pitch from the processing of oil shale – 227.8 kroons as of 1 January 2002, 273.3 kroons as of 1 January 2003, 328.0 kroons as of 1 January 2004 and 394.0 kroons as of 1 January 2005;

7) waste which contains mercury, cadmium, cyanides, polychlorinated biphenyls or polychlorinated terphenyls (PCBs, PCTs) or organic pesticides – 2277.0 kroons as of 1 January 2002, 2732.0 kroons as of 1 January 2003, 3278.0 kroons as of 1 January 2004 and 3934.0 kroons as of 1 January 2005;

8) oil shale fly ash and oil shale bottom ash – 4.4 kroons as of 1 January 2002, 4.6 kroons as of 1 January 2003, 4.9 kroons as of 1 January 2004 and 5.1 kroons as of 1 January 2005;

9) oil shale semi-coke handled with water – 13.4 kroons as of 1 January 2002, 16.0 kroons as of 1 January 2003, 19.0 kroons as of 1 January 2004 and 23.0 kroons as of 1 January 2005;

10) oil shale semi-coke – 4.5 kroons as of 1 January 2002, 5.0 kroons as of 1 January 2003, 5.5 kroons as of 1 January 2004 and 6.0 kroons as of 1 January 2005.

(2) If a waste landfill does not comply with the environmental protection requirements established pursuant to the Waste Act, the pollution charge rates provided for in subsection (1) of this section shall be increased in the case of:

1) waste specified in clauses 1)-7) and 9) - 6 times as of 1 January 2002 and 8 times as of 1 January 2005;

2) waste specified in clause 8) - 4 times as of 1 January 2002 and 5 times as of 1 January 2005;

3) waste specified in clause 10) - 3 times as of 1 January 2002, 4 times as of 1 January 2003, 5 times as of 1 January 2004 and 6 times as of 1 January 2005.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

Chapter 3

Calculation of Pollution Charge

§ 11. Obligation to calculate pollution charge and obligation to verify calculations

(1) Owners of immovables, users of land on the basis of a right of superficies, and owners of structures as movables who have released or who release pollutants or waste into the environment (hereinafter polluters) are required to calculate the volume of pollutants or waste released into the environment and the pollution charge according to such volume.

(2) The pollution charge shall be calculated quarterly.

(3) The determination of the volume of pollutants upon the calculation of the pollution charge shall be based on documented measurements, analyses performed by recognised or accredited laboratories, or calculations made on the basis of the calculation methods established by the Minister of the Environment.

(4) The correctness of the calculations specified in subsection (1) of this section shall be verified by environmental authorities of the Ministry of the Environment located in corresponding counties, the Environmental Inspectorate and in Tallinn by the agencies authorised by the Minister of the Environment (hereinafter environmental authorities), according to their competence.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

§ 12. Calculation of pollution charge for release of pollutants into ambient air

The pollution charge for the release of pollutants into ambient air shall be calculated separately for each stationary source of pollution.

§ 13. Calculation of pollution charge for release of pollutants into water bodies, groundwater or soil

(1) The pollution charge for the release of pollutants into water bodies, groundwater or soil shall be calculated for each separate outlet. An outlet is deemed to be separate if the outlet is set out separately in a permit.

(2) The pollution charge for pollutants released into the environment in storm water as a result of an act or omission of a polluter shall be calculated according to the rates provided for in § 9 of this Act.

(3) Upon the smooth operation of a waste water treatment plant, the mean values of analysis results or the limit values established for the outlet of the waste water treatment plant by a permit shall be used for the calculation of the pollution load and the pollution charge.

(4) If failures occur in the operation of a waste water treatment plant and the plant does not ensure conformity to the requirements specified by a permit, the calculation of the pollution charge shall be based on the results of the analysis of a control sample obtained by an environmental authority. Such results shall be used until the restoration of the smooth operation of the treatment plant has been proven by analysis of a new control sample. The costs incurred in obtaining and analysing control samples shall be borne by the possessor of the source of pollution.

(5) If it is impossible to obtain a sample for analysis from an outlet, the calculation of the pollution charge shall be based on the results of an analysis of a sample obtained at the closest possible location to the outlet, unless an environmental authority has determined a location from where the sample shall be obtained.

§ 14. Calculation of pollution charge for release of waste into environment

(1) The pollution charge for waste released into the environment shall be calculated separately for each landfill.

(2) If a mixture of waste is released into the environment, the pollution charge shall be calculated according to the waste with the highest pollution charge rate of all the waste in the mixture.

§ 15. Submission and verification of calculations of pollution charge

(1) Polluters shall submit the following data to the environmental authority of the location of the release of pollutants or waste into the environment not later than by the tenth day of the month following each quarter:

1) data concerning the volume of pollutants or waste released into the environment during the quarter, and documentary proof thereof;

2) the results of the analyses of the samples which constituted the basis for calculation of the pollution charge, if such results were used in the calculation of the pollution charge;

3) a written calculation of the pollution charge.

(2) An environmental authority shall verify the correctness of the data and the calculation submitted by a polluter within ten days after the date specified in subsection (1) of this section.

(3) If an environmental authority is convinced of the correctness of data and a calculation, the environmental authority shall register the submitted calculation as the basis for payment of the

pollution charge and shall notify the person who submitted the calculation of the registration by delivering a notice concerning the correctness of the calculation to the person by post or electronic means within the term specified in subsection (2).

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

(4) If an environmental authority disagrees with the data and calculation submitted by a polluter, the environmental authority shall notify the person who submitted the calculation of a decision on refusal of the registration and shall, within the term specified in subsection (2) of this section, return the submitted calculation together with reasoned corrections thereto made by the environmental authority, and shall determine a term for the making of corrections and for resubmission of the calculation.

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

(5) Disagreement with corrections made by an environmental authority does not exempt a polluter from payment of the pollution charge during the term specified by this Act and to the extent specified by the corrections of the environmental authority.

(6) If a polluter fails to submit the data and calculation required in subsection (1) of this section by the date specified in the same subsection, the environmental authority shall, not later than by the twentieth day of the month following the quarter, calculate the amount of the pollution charge and send a claim for payment of the pollution charge to the polluter by post or electronic means.

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

§ 16. Resolution of pre-trial disputes concerning calculation of pollution charge

(1) Extra-judicial disputes concerning calculation of pollution charges shall be adjudicated by the Minister of the Environment within thirty calendar days by way of challenge proceedings.

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

(2) The Minister of the Environment has the right to involve experts in the adjudication of challenges and to order the taking and analysis of control samples.

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

(3) The costs associated with the involvement of experts and the taking and analysis of control samples shall be borne by the person who filed the challenge.

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

(4) The period required for expert appraisals to be obtained and for control samples to be obtained and analysed shall not be included in the term specified in subsection (1) of this section. The specified period shall not exceed thirty calendar days.

Payment of pollution charge

§ 17. Payment of pollution charge

(1) Polluters shall pay the pollution charge by the twenty-fifth day of the month following the quarter.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(2) The environmental authorities shall keep record of the calculation and accrual of the pollution charge and shall forward information related thereto to the Ministry of the Environment pursuant to the procedure and to the extent established by the Minister of the Environment.

(3) If the amount of the pollution charge which is payable in a quarter is less than 1000 kroons, the polluter may pay the pollution charge when the payable amount exceeds 1000 kroons but not later than at the end of the term for the last payment of the pollution charge in an accounting year. A fine for delay shall not be imposed in the event of such payment.

§ 18. Payment of pollution charge in instalments

(1) Upon the reasoned request of a polluter, the pollution charge may be paid in instalments according to a payment schedule.

(2) The environmental authorities have the right to pay the pollution charge in instalments.

(3) Fines for delay shall not be imposed upon payment of the pollution charge in instalments according to a payment schedule.

Chapter 5

Substitution of pollution charge

§ 19. Substitution of pollution charge

(1) The financing of activities shall substitute for the pollution charge if the polluter:

1) implements, at the polluter's expense, environmental protection measures which ensure the reduction of pollutants or waste over the course of three years by not less than 25 per cent in comparison with the last accounting year of the period prior to the implementation of such measures;

2) (Repealed – 13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(2) The extent to which the pollution charge is substituted shall not exceed the cost of the environmental protection measures taken at the expense of the polluter.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(3) Environmental protection measures implemented to protect ambient air do not allow the substitution of the pollution charge with the pollution charge calculated for the release of waste into the environment or of pollutants into water bodies, groundwater or soil. A similar connection applies in the case of substitution granted for environmental protection measures implemented to reduce the release of pollutants into water bodies, groundwater or soil, or of waste into the environment.

(4) (Repealed – 13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 20. Procedure for substitution of pollution charge

(1) A polluter shall submit an application for the substitution of the pollution charge together with documentation describing the environmental protection measures to the Minister of the Environment. The documentation shall contain the calculation for the reduction of pollutants or waste specified in clause 19 (1) 1) of this Act and the budget for implementation of the measures.

(2) The basis for the substitution of the pollution charge shall be a contract entered into between the polluter and the Minister of the Environment. The contract shall contain the sanctions which may be imposed on the person to whom substitution of the pollution charge is granted if the person fails to comply with the substitution conditions.

(3) If the cost of the measure which constitutes the basis for substitution of the pollution charge exceeds the total amount of the pollution charge payable during a calendar year by the person to whom substitution is granted, the pollution charge paid by such person during the following years shall be reduced by the amount which was not substituted, but for not longer than three years.

(4) The beginning of the substitution of the pollution charge shall be determined by the contract.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(5) The schedule for the substitution of the pollution charge arising from this Act and the duration of such substitution shall be documented in the contract.

Chapter 6

Supervision. Pollution Charge Rates for Release of Pollutants and Waste into Environment without Permit

§ 21. Supervision

(1) Methodological supervision of the implementation and calculation of the pollution charge shall be organised by the Ministry of the Environment. The conformity of the implementation, calculation and payment of the pollution charge to the requirements of this Act shall be monitored by the State Audit Office or the persons exercising supervisory control.

(2) The organisation of supervision of the performance of a contract for substitution of the pollution charge shall be provided for in the contract for substitution of the pollution charge.

§ 22. Pollution charge not paid during term

(1) If the pollution charge is not paid during the term for payment thereof, the polluter is required to pay a fine for delay in the amount of 0.2 per cent of the payable amount per twenty-four hour period.

(2) Amounts of the pollution charge which are not paid during the term for payment thereof shall be collected from the polluter pursuant to the procedure provided for in the Code of Civil Procedure (RT I 1998, 43/45, 666; 108/109, 1783; 1999, 16, 271; 31, 425; 2000, 51, 319; 55, 365; 2001, 21, 113; 34, 186; 53, 313; 93, 565; 2002, 29, 174; 50, 313; 53, 336; 64, 390; 92, 529; 2003, 13, 64; 67; 23, 140).

(3) Prior to the commencement of civil proceedings for the collection of a pollution charge not paid within the prescribed term, an authorised state agency is, in order to collect the pollution charge before the commencement of court proceedings, required to deliver a reminder to the polluter requiring payment of the pollution charge within ten days.

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

(4) The head of a corresponding environmental authority or a person authorised by him or her is the representative of the state in the collection of the pollution charge by way of civil procedure.

(08.12.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(5) Statements of claim for the collection of the pollution charge are exempt from state fees.

§ 23. Pollution charge for release of pollutants and waste into environment without permit

(1) The pollution charge for the release of pollutants or waste into the environment in larger quantities than permitted or for the release of pollutants or waste into the environment without a permit shall be calculated according to an increased rate if the pollutants or waste are released into the environment:

- 1) from a stationary source of pollution;
- 2) during the transportation of chemicals or waste;
- 3) from a floating vessel.

(2) The owner or possessor of a stationary source of pollution, a means of transport or a floating vessel shall have equal status to a polluter if such owner or possessor releases pollutants or waste into the environment in larger quantities than permitted or without a permit.

§ 24. Increased pollution charge rates for release of pollutants or waste into environment from stationary source of pollution

(1) The pollution charge rates for the release of pollutants into ambient air are increased by a factor of:

1) 5 in the case of the pollutants specified in clauses 8 (1) 2) and 3) of this Act;

2) 10 in the case of the pollutants specified in clauses 8 (1) 1), 4), 5) and 6) of this Act;

3) 100 in the case of the pollutants specified in clause 8 (1) 7) of this Act.

(2) The pollution charge rates for the release of pollutants into water bodies, groundwater or soil are increased by a factor of:

1) 10 times the pollution charge rate for the corresponding pollutant in the case of volumes of pollutants which exceed the permitted concentration or the limit on the amount of pollution;

2) 10 times the rate established in clause 9 (1) 3) of this Act for the volumes of fertiliser above the standard, calculated as total nitrogen, and for the total volumes of fertiliser used in violation of the requirements for use of mineral fertilisers, manure and silage juice established pursuant to the Water Act.(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

3) 15 times the pollution charge rate for the total volume of pollutants for the release of pollutants into water bodies, groundwater or soil in disregard of the requirement to hold a permit or at a location for which no permit has been issued;

4) 1000 times the pollution charge rate established with regard to monophenols if other dangerous substances specified in clause 4 (1) 9) of this Act and determined pursuant to the Chemicals Act (RT I 1998, 47, 697; 1999, 45, 512; 2002, 53, 336; 61, 375; 63, 387; 2003, 23, 144) are released into water bodies, groundwater or soil without a permit or in volumes which exceed the concentration or amount of pollution permitted by the permit.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

(3) The provisions of subsection (2) of this section do not apply to the release of oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter into sea water from floating vessels or oil terminals.

(4) The pollution charge rates for the release of waste into the environment are increased by a factor of:

1) 5 in the case of the waste specified in clauses 10 (1) 1)-4), 8) and 10) of this Act;

2) 50 in the case of the waste specified in clauses 10 (1) 5) and 9) of this Act;

3) 100 in the case of the waste specified in clause 10 (1) 6) of this Act;

4) 500 in the case of the waste specified in clause 10 (1) 7) of this Act.

(13.12.2001 entered into force 10.01.2002 - RT I 2001, 102, 667)

§ 25. Increased pollution charge rates for release of pollutants or waste into environment during transportation of chemicals or waste

(1) The pollution charge for the release of pollutants or waste into the environment during the transportation of chemicals or waste shall be paid by the possessor of the means of transport which caused the release into the environment of the chemicals or waste being transported.

(2) Upon the release of pollutants or waste into the environment during the transportation of chemicals or waste, the pollution charge rates provided for in § 24 of this Act are applied.

§ 26. Increased pollution charge rates for release of pollutants into sea water from floating vessel or oil terminal

(1) The pollution charge for the release of pollutants or waste into sea water from a floating vessel or an oil terminal shall be paid by the possessor of the floating vessel or oil terminal.

(2) Upon the release of oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter into sea water from floating vessels or oil terminals, the pollution charge rate provided for in clause 9 (1) 7) of this Act is applied and is increased by a factor of 50.

(3) Upon the release of pollutants or waste into sea water from a floating vessel or oil terminal, the pollution charge rates provided for in subsection 24 (4) of this Act are applied.

(4) For the purposes of this Act, ballast water or bilge water which contains oil, oil products, mineral oil or liquid products obtained from the thermal treatment of solid fuel or other organic matter shall be equal to the pollutants specified in clause 9 (1) 7) of this Act.

§ 27. Calculation of pollution charge according to increased rate

(1) The pollution charge shall be calculated according to an increased rate for the measured or documented volumes of pollutants or waste.

(2) If it is impossible to measure or document the volumes of pollutants or waste released into the environment, the volumes shall be calculated according to the methods approved by the Minister of the Environment.

(3) The pollution charge according to an increased rate shall be calculated by an environmental authority or by the polluter with the agreement of the environmental authority.

(4) The pollution charge calculated according to an increased rate shall be collected pursuant to the procedure provided for in § 22 of this Act unless the polluter and an environmental authority have agreed in writing on other terms or methods of payment.

Chapter 7

Final Provisions

§ 28. Implementation of Act

(1) The pollution charge in the first quarter of 1999 shall be calculated on the basis of this Act according to the rates of compensation for damage caused by pollution.

(2) The Pollution Damage Compensation Act (RT I 1994, 1, 2; 1996, 49, 953) is repealed.

(3) In clauses 3 (2) 1), 4) and 5) of the Estonian Environmental Fund Act (RT I 1999, 10, 152; 24, 361; 48, 541), the words “compensation for damage caused by pollution” are substituted by the words “pollution charge”.

¹ RT = *Riigi Teataja* = *State Gazette*