

Waste Act

Passed 10 June 1998

(RT¹ I 1998, 57, 861),

entered into force 1 December 1998,

amended by the following Acts:

17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594;

17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591;

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

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

14.11.2001 entered into force 01.02.2002 - RT I 2001, 93, 565;

12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 340;

09.05.2001 entered into force 01.01.2002 - RT I 2001, 50, 283;

11.04.2001 entered into force 17.05.2001 - RT I 2001, 43, 239;

17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72;

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

20.01.1999 entered into force 01.01.2000 - RT I 1999, 10, 155;

17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353.

Chapter 1

General Provisions

§ 1. Scope of application of Act

(1) This Act provides general requirements for prevention of waste generation, for prevention of health and environmental hazards arising from waste generation and for organisation of waste management with the objective to reduce the harmfulness and quantity of waste and liability in the case of violation of the established requirements.

(2) The following does not fall within the scope of application of this Act:

1) gaseous effluents emitted into the atmosphere;

2) waste water and waste treated together with waste water or introduced into the environment together with waste water;

3) radioactive waste;

4) waste consisting of residuals of explosive materials and waste containing explosive materials;

- 5) treatment of animal carcasses in so far as it is regulated by other legislation;
 - 6) manure and other natural non-hazardous waste generated in agriculture or forestry recovered for soil improvement or for other agricultural purposes.
- (3) The provisions of clause (2) 2) of this section do not cover the waste generated in the process of waste water treatment.
- (4) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354; 2002, 53, 336; 61, 375; 2003, 20, 117; 78, 527) apply to 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. Waste

- (1) “Waste” means any movable which the holder has discarded or intends or is required to discard.
- (2) “Hazardous waste” means waste which has at least one hazardous property set out in subsection 25 (1) of this Act due to which such waste may cause a hazard to health or the environment.
- (3) “Non-hazardous waste” means any waste which is not hazardous waste.
- (4) “Municipal waste” means any waste generated in households and waste similar in its composition and characteristics generated in trade, provision of services or elsewhere. Municipal waste may contain non-hazardous waste and hazardous waste.
- (5) The Government of the Republic shall, by a regulation, establish lists of:
 - 1) categories of waste;
 - 2) types of waste;
 - 3) hazardous waste.

§ 3. Waste holders

- (1) “Waste holder” means the producer of waste or any other person who is in possession of waste.
- (2) “Waste producer” means a person by whose activity waste is produced or a person by whose purposeful activity the nature or the composition of waste is changed.

§ 4. Waste management

- (1) “Waste management” means waste handling, supervision of waste handling and aftercare of waste management facilities.
- (2) “Waste handling” means the collection, transport, recovery and disposal of waste.
- (3) “Aftercare of waste management facilities” means the environmental monitoring of waste management facilities which have been closed down and activities related to the prevention of possible environmental disturbances.

(4) "Waste collection" means the gathering, sorting and mixing of waste for the purposes of the transport or on-site recovery or disposal of the waste.

(5) "Waste disposal" means an operation by which waste is introduced into the environment.

(6) "Waste recovery" means an operation by which waste or substances contained therein are brought into use in the production of goods, performance of work or production of energy.

(7) The Government of the Republic shall establish lists of waste disposal and recovery operations by a regulation.

Chapter 2

Prevention of Waste Generation and Reduction of Quantity and Harmfulness of Waste

§ 5. General requirements for prevention and reduction of waste generation

(1) In any activity, all appropriate measures and care shall be taken to prevent waste generation, to reduce the quantity of generated waste and to prevent any excessive hazard to health and the environment caused by waste.

(2) In order to achieve the objectives specified in subsection (1) of this section, measures shall be taken upon every activity, as far as possible, to:

1) implement technologies which enable the economical use of natural resources and raw materials, including technologies where waste is recovered to the highest possible extent;

2) manufacture and import, above all, of durable and reusable products which after their discarding result in waste which is recoverable to the highest possible extent.

§ 6. Measures for prevention and reduction of waste generation

(1) It is prohibited to manufacture, import, export, sell and use products if, upon the handling of the waste generated thereby, compliance with the requirements established in subsection 11 (2) of this Act is impossible and the waste causes or may cause a hazard to health or the environment. The Government of the Republic shall, by a regulation, establish a list of such products and the restrictions and specific conditions for the manufacture, import and export, sale and use of the products if this is required for compliance with international agreements binding on the Republic of Estonia.

(2) The Minister of the Environment shall issue regulations for the labelling of products which indicate harmfulness thereof to the environment and establish a procedure for the return of discarded products if such products, in the form of waste, may cause a hazard to health or the environment.

(3) The Minister of Economic Affairs and Communications shall determine the value of a pledge or deposit for the products specified in subsection (2) of this section which shall be added to the price of the products and shall be compensated to the consumer upon the return of the product.

(17.12.2003 entered into force 08.01.2004 - RT I 2003, 88, 594)

Chapter 3

Planning of Waste Management

§ 7. Waste management plans

(1) National, county, rural municipality and city waste management plans shall be prepared in order to achieve the objectives specified by this Act.

(2) A waste management plan deals with the status of waste management in the state or an administrative unit, objectives planned in the organisation and rationalisation of waste management and measures taken to achieve such objectives. A waste management plan shall contain:

- 1) the description of the current status of waste management and the main types and quantities of waste to be recovered and disposed of;
- 2) the assessment of the extent of the use of natural resources required for waste handling;
- 3) the assessment of the environmental implications of waste management;
- 4) the planned objectives, such as the reduction of the quantity and harmfulness of waste, recovery of waste, environmentally sound disposal of waste and optimising of waste transport;
- 5) the means and measures required for achieving the objectives, such as the selection of waste handling processes, the network of waste management facilities and installations and their siting, special measures for the handling of hazardous waste and other significant types of waste, environmental and health protection measures and the technological means to ensure such measures and the estimated cost of the application of the measures.

(3) In the preparation of waste management plans, the following general requirements for waste handling shall be taken into consideration:

- 1) the best available technology shall be used in waste handling unless this involves excessive costs;
- 2) waste shall be recovered if it is technologically possible and does not involve any excessive costs compared with other manners of waste handling;
- 3) the use of waste recovered as raw material or any other material shall be preferred to its use as a source of energy;
- 4) waste shall be recovered or disposed of at a technologically suitable waste management facility appropriate from the standpoint of environmental protection which is located as close as possible to the site where waste is generated.

(4) If a corresponding term is not determined by legislation, the following shall be envisaged by a waste management plan:

- 1) the implementation of waste sorting and separate collection of waste;
- 2) the establishment of a pledge or deposit for the products which, in the form of waste, may cause a hazard to health or to the environment.

(5) Local governments shall provide necessary information for the preparation of the national waste management plan and county waste management plans.

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

(6) If necessary, planning shall be initiated to implement the measures prescribed by waste management plans according to the procedure specified by the Planning and Building Act (RT I 1995, 59, 1006; 1996, 36, 738; 49, 953; 1999, 27, 380; 29, 398; 399; 95, 843; 2000, 54, 348; 2001, 42, 234; 50, 283; 65, 377; 2002, 47, 297; 53, 336; 63, 387).

(7) The Ministry of the Environment shall co-ordinate the activities of rural municipalities and cities and their associations in the preparation and implementation of waste management plans.

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

§ 8. National waste management plan

(1) The national waste management plan means a development plan for waste management prepared pursuant to section 12 of the Sustainable Development Act (RT I 1995, 31, 384; 1997, 48, 772; 1999, 29, 398; 2000, 54, 348) which covers the whole territory of the state and deals, in addition to the provisions of subsection 7 (2) of this Act, with international optimisation of waste management and international co-operation in such area.

(2) The draft national waste management plan shall be made public through county governments and local governments.

(3) The national waste management plan shall be prepared within two years after the entry into force of this Act and reviewed at least once every five years.

(4) The Minister of the Environment shall organise the preparation, making public and implementation of the national waste management plan.

§ 9. County waste management plans

(1) County waste management plans shall be prepared for the whole territory of one county or the territories of several counties on the basis of the national waste management plan.

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

(2) County waste management plans shall be prepared within a year from the adoption of the national waste management plan and shall be reviewed at least once in every five years.

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

(4) The Ministry of the Environment shall organise the preparation and making public of the county waste management plan.

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

§ 10. Rural municipality and city waste management plans

(1) A local government shall prepare a rural municipality or city waste management plan as a part of the development plan of the corresponding rural municipality or city based on the county waste management plan.

(2) A rural municipality or city waste management plan shall be made public pursuant to the provisions of subsection 37 (2) of the Local Government Organisation Act (RT I 1993, 37, 558; 1999, 82, 755; 2000, 51, 322; 2001, 24, 133; 82, 489; 100, 642; 2002, 29, 174; 36, 220; 50, 313; 53,

336; 58, 362; 61, 375; 63, 387; 64, 390; 393; 82, 480; 96, 565; 99, 579; 2003, 1, 1; 4, 22; 23, 141; 88, 588).

(3) To perform the duty specified in subsection (1) of this section, a local government may require any undertaking operating within the administrative territory to submit a waste management plan which deals with waste management related to the activity of such undertaking.

Chapter 4

Organisation of Waste Management

§ 11. General requirements for organisation of waste management

(1) A waste holder is required to organise the delivery of waste to a waste handler who holds a waste permit or is registered in the waste register, or to recover or dispose of the waste pursuant to the provisions of this Act.

(2) Waste management shall not result in effects on human health or the environment which exceed the limits provided for by legislation.

(3) The Minister of the Environment shall issue regulations establishing additional requirements for the management of particular types of waste, if:

- 1) the handling of waste has caused or may cause a hazard to health and the environment;
- 2) additional requirements are necessary for compliance with international agreements binding on the Republic of Estonia.

§ 12. Waste management facilities

(1) A waste management facility means a structure equipped with appropriate technical installations and fittings-out for the collection, recovery or disposal of waste.

(2) Waste may be recovered or disposed of only at waste management facilities specified in waste permits. It is prohibited to abandon or introduce waste into the environment outside of waste management facilities intended for such purpose.

(3) The siting of waste management facilities shall be co-ordinated and approved pursuant to the procedure specified in the Planning and Building Act.

(4) The Minister of the Environment shall, by a regulation, establish requirements for the construction, operation and closing down of waste management facilities designated for waste disposal in order to ensure that waste management facilities are safe to health and the environment during the handling of waste and also after the termination of waste handling.

§ 13. Organisation of waste transport

Waste holders shall manage the transport of waste, except organised transport of municipal waste to waste management facilities (hereinafter organised municipal waste transport).

§ 14. Organised municipal waste transport

(1) Local governments shall administer organised municipal waste transport within their administrative territories. Organised municipal waste transport may also cover other waste.

(2) Local governments may decide not to administer organised municipal waste transport in certain areas within its administrative territory where:

1) organised municipal waste transport would be too expensive due to the small number or disproportionate location of waste producers or low volumes of transported waste;

2) there is no need for organised municipal waste transport from the standpoint of environmental and health protection.

§ 15. Subscription to organised municipal waste transport services

(1) Holders of municipal waste are required to subscribe to organised municipal waste transport services and enter into corresponding subscriber agreements with local governments or with transport operators selected by the local governments pursuant to a procedure provided by law.

(2) Local government may release a holder of municipal waste from the obligation to subscribe to organised municipal waste transport services if the holder of municipal waste manages municipal waste transport or handling and reports on the made arrangements on request of the local government.

§ 16. General requirements on waste transport and obligations of waste transport operators

(1) Waste shall be transported without causing excessive damaging nuisances such as noise or odour.

(2) Waste shall be transported in closed means of transport in packages or in any other appropriate manner which prevents the introduction of waste into the environment in the process of waste transport, including the loading of waste.

(3) A waste transport operator is responsible for compliance with safety requirements for the carriage of waste and for the delivery of waste to the waste management facility designated by the person who delivers the waste for carriage, by the city or rural municipality government or a competent state official.

(4) If waste is not accepted at the waste management facility specified in subsection (3) of this section, the waste transport operator shall return it to the person who delivered the waste and who is obliged to remove the waste. The obligation to remove waste does not extend to municipal waste covered by organised municipal waste transport.

§ 17. Collection of waste

(1) Waste holders shall manage the collection of waste.

(2) The owner of an immovable on whose immovable waste is generated or a person authorised by the owner shall manage the collection of waste covered by organised municipal waste transport and designate the collection site for the waste generated on the immovable. A waste producer is obliged to deliver the waste to the designated collection site.

(3) The provision of subsection (2) of this section extends to the owners of buildings as movables.

(4) Local governments may designate collection sites where waste covered by organised municipal waste transport shall be delivered for further transport.

(5) Local governments shall promote the separate collection of waste in order to enable the recovery of waste to the highest possible extent.

(6) Waste holders shall comply with the requirements of local governments concerning the prevention of the mixing of waste at its site of generation and the separate collection of waste in containers intended for such purpose.

§ 18. Recovery and disposal of waste

(1) Waste holders shall manage the recovery or final disposal of their waste.

(2) Local governments shall administer the recovery or disposal of waste covered by organised municipal waste transport on their corresponding administrative territories. Local governments may also organise the recovery or disposal of other waste.

§ 19. Delivery of waste for handling

(1) Waste holders shall deliver the waste for handling to a person holding a waste permit or to a person who is registered in the waste register.

(2) If waste is delivered for a type of handling for which a waste permit is not required, the person who delivers the waste shall verify that the receiver has sufficient technical and environmental protection means for such waste handling.

§ 20. Co-operation between local governments

(1) If necessary, local governments shall co-operate in order to comply with the requirements of this Act, taking guidance from sections 62-64 of the Local Government Organisation Act.

(2) Local governments and associations of local governments have no right to refuse from the co-operation which is prescribed by the national waste management plan for implementation of the requirements of this Act if such refusal could cause a hazard to health or the environment.

§ 21. Waste management rules of local government

(1) Within one year from the entry into force of this Act, local governments shall establish, within their corresponding administrative territories, waste management rules which shall provide for:

1) the organisation of the collection, transport, storage, recovery and disposal of waste and technical requirements related to such activities;

2) the measures for prevention or reduction of hazard to health and the environment caused by waste.

(2) In the waste management rules, a local government may establish conditions for organised municipal waste transport concerning relations between waste holders and waste handlers, the management of waste transport and the areas covered by organised municipal waste transport.

(3) Before the implementation of the waste management rules of a local government, the draft rules shall be submitted to the county governor who may make proposals for amendment thereof and send the proposals to the local government within a month from the date of the submission of the draft.

§ 22. Financing of waste handling

(1) The costs of waste handling shall be borne by the waste holder or in cases provided by law, by the previous holder of the waste being handled.

(2) If the handling of waste generated from a product may cause a hazard to health or to the environment, the producer or the importer of the product shall partly or wholly organise the handling of the waste generated from the product or shall bear the costs related to waste management.

(3) The list of products specified in subsection (2) of this section shall be established by a regulation of the Government of the Republic.

§ 23. Fees for waste handling performed by organised municipal waste transport

(1) Local governments may establish the maximum fee chargeable for the handling of waste covered by organised municipal waste transport.

(2) The rate of the fee shall be based on the type, quantity and properties of the waste and the frequency of provided services. The distance of waste transport, availability and use of waste containers, collection and transport conditions on immovables, transport conditions on the way to waste management facilities and other circumstances which have significant influence on the cost of waste management may also be considered.

(3) The cost of the construction, operation, closing and aftercare of waste management facilities shall be taken into account upon the determination of the rate of the fee for waste disposal.

(4) If the type or quantity of waste cannot be reliably determined without excessive costs, the rate of the fee may be determined on the basis of the size of the immovable serviced, the number of inhabitants residing there or on other such basis.

(5) Local governments may apply the provisions of subsection (4) of this section also if this is necessary in the interests of environmental protection or the organisation of waste management.

§ 24. Real encumbrances established for benefit of local government for organisation of waste management

(1) A local government has the right to demand establishment of a real encumbrance on an immovable located in the administrative territory and require the owner of such immovable to make periodic monetary payments at least once a year or perform acts which are deemed to be equal to such payments on the basis of sections 229-240 of the Law of Property Act (RT I 1993, 39, 590; 1999, 44, 509; 2001, 34, 185; 52, 303; 93, 565; 2002, 47, 297; 53, 336; 2003, 13, 64; 17, 95; 78, 523) with the purpose of organising waste management in the administrative territory of the local governments.

(2) The sum or the activity deemed to be equal to such sum specified in subsection (1) of this section shall be made contingent upon the intended purpose and size of an immovable and the type and quantity of waste generated on the immovable.

Chapter 5

Hazardous Waste

§ 25. Classification of hazardous waste

(1) The properties on the basis of which waste is deemed to be hazardous pursuant to subsection 2
(2) are:

1) H1: explosive substances and preparations which may explode under the effect of flame or which are more sensitive to shocks or friction than dinitrobenzene;

2) H2: oxidising substances and preparations which exhibit highly exothermic reactions when in contact with other substances, particularly flammable substances;

3) H3-A: highly flammable liquid substances and preparations which have a flash point below 21° C (including extremely flammable liquids), and substances and preparations which may become hot and finally catch fire in contact with air at ambient temperature without any application of energy, and solid substances and preparations which may readily catch fire after brief contact with a source of ignition and which continue to burn or to be consumed after removal of the source of ignition, and gaseous substances and preparations which are flammable in air at normal pressure, and substances and preparations which, in contact with water or damp air, evolve highly flammable gases in dangerous quantities;

4) H3-B: flammable liquid substances and preparations which have a flash point equal to or greater than 21° C and less than or equal to 55° C;

5) H4: irritant non-corrosive substances and preparations which, through immediate, prolonged or repeated contact with the skin or mucous membrane, may cause inflammation;

6) H5: harmful substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve limited health risks;

7) H6: toxic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may involve serious, acute or chronic health risks and even death;

8) H7: carcinogenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce cancer or increase its incidence;

9) H8: corrosive substances and preparations which may destroy living tissue on contact;

10) H9: infectious substances containing viable micro-organisms or their toxins which are known or reliably believed to cause disease in man or other living organisms;

11) H10: teratogenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce non-hereditary congenital malformations or increase their incidence;

12) H11: mutagenic substances and preparations which, if inhaled or ingested or if they penetrate the skin, may induce hereditary genetic defects or increase their incidence;

13) H12: substances and preparations which release toxic or very toxic gases in contact with water, air or an acid;

14) H13: substances and preparations capable by any means, after disposal, of yielding another substance, e.g. a leachate, which possesses any of the characteristics listed in clauses (1) 1) -13) of this section;

15) H14: ecotoxic substances and preparations which present or may present immediate or delayed risks for one or more sectors of the environment.

(2) The Government of the Republic shall, by a regulation, establish the procedure for the determination and classification of hazardous waste on the basis of the origin, composition and, if necessary, limit values of concentration of hazardous components and the strength of the harmful effect thereof.

(3) The Government of the Republic shall review and, if necessary, amend the procedure specified in subsection (2) of this section at least once every three years.

§ 26. Special conditions for hazardous waste management

(1) The mixing of different categories of hazardous waste or hazardous waste with non-hazardous waste or other substances or things shall be avoided.

(2) Waste which has already been mixed shall be separated if this is technologically feasible and does not entail excessive costs and if this is necessary for the prevention of hazard to health or the environment.

(3) It is permitted to mix hazardous waste with other hazardous waste or with non-hazardous waste or with other things if the hazard to health or the environment does not increase thereby and the mixing is technically and economically justified.

(4) Upon the collection, storage and transport of hazardous waste, the waste shall be packaged in an appropriate manner in order to prevent hazard to health and the environment and to enable further recovery or disposal thereof.

(5) Waste holders are required to label hazardous waste, except hazardous waste generated in households, or its packaging pursuant to the procedure established by a regulation of the Minister of the Environment before the waste is delivered to waste handlers.

(6) Hazardous waste shall be transported by road, rail, air or waterways pursuant to the procedures provided by legislation concerning transport of dangerous goods.

§ 27. Consignment note for hazardous waste

(1) "A consignment note for hazardous waste" means a document which contains information concerning the holder, producer, transporter or receiver of the waste or the person who delivers the waste for transportation, and also concerning the type, composition, quantity and main characteristics of the hazardous waste.

(2) The person who delivers waste shall prepare a consignment note and submit the note to the receiver of the waste together with each consignment of hazardous waste.

(3) The provisions of subsection (2) of this section do not apply if hazardous waste generated in household is delivered for the first time to the waste handler who operates on the basis of a waste permit.

(4) The Minister of the Environment shall, by a regulation, establish the format of consignment notes and the procedure for the preparation, processing and registration of consignment notes.

§ 28. Organisation of hazardous waste management

(1) The Ministry of the Environment shall prepare the national development plan for hazardous waste management.

(2) The Ministry of the Environment shall organise the development of the network of hazardous waste management facilities (hazardous waste management system).

(3) A local government shall organise the collection of hazardous waste generated in households of the administrative territory and delivery thereof to waste handlers.

§ 29. Transboundary movement of waste

(1) Transboundary movement of waste shall be compatible with international agreements binding on the Republic of Estonia and pursuant to Estonian law.

(2) The import, export and transit within the territory of Estonia of hazardous waste and other waste controlled pursuant to international agreements and legislation specified in subsection (1) of this section shall be carried out on the basis of corresponding permits issued by the Ministry of the Environment in order to prevent illegal transboundary movement of waste.

(3) The permit specified in subsection (2) of this section shall be issued on condition that the requirements of this Act, legislation established on the basis thereof and international agreements binding on the Republic of Estonia are complied with upon the transboundary movement and handling of waste.

(4) The state fee for the processing of an application for a permit for transboundary waste movement shall be paid by an applicant registered in the Republic of Estonia.

(5) The issuer of a permit for waste transboundary movement may suspend or revoke an existing permit and shall inform the holder of the permit of the suspension or revocation beforehand if:

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

1) inaccurate information was submitted upon application for the permit;

2) the holder of the permit fails to comply with the conditions provided for in subsection (3) of this section and the activities of the holder of the permit cause a hazard to the environment, to human health or property.

(6) The Government of the Republic shall, by a regulation, establish a procedure for the import, export and transit of waste, including hazardous waste and the procedure for the issue of permits.

Chapter 6

Waste Permits and Hazardous Waste Handling Licences

§ 30. Waste permits

(1) "Waste permit" means a document which grants the right to perform one or several of the activities listed in subsections (3) and (7) of this section and establishes the conditions for the exercise of such right.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

(1¹) The provisions regarding open procedure apply to proceedings for the issue of waste permits, 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) (Repealed - 17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

(3) A waste permit is required for:

- 1) the disposal of waste;
- 2) the recovery of waste;
- 3) the collection and transport of hazardous waste with the exception of the collection of hazardous waste generated in households until the time that such waste is delivered to a waste handler operating on a basis of a waste permit;
- 4) provision of transport service of non-hazardous waste;
- 5) the collection and transport of waste metal generated and delivered by other persons with the purpose of further commercial distribution or recycling of the waste.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

(3¹) Waste metal is waste mainly consisting of pure ferrous or non-ferrous metals or alloys thereof. A specified list of waste metal shall be established by a regulation of the Minister of the Environment in accordance with the lists of types of waste and hazardous waste prepared on the basis of subsection 2 (5) of this Act.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

(4) The Minister of the Environment may, by a regulation, establish conditions for the disposal at the site of generation and recovery of certain types and quantities of non-hazardous waste upon compliance with which a waste permit is not required.

(5) Persons engaging in the activities specified in subsection (3) of this section to whom the requirement to hold a waste permit does not extend pursuant to subsection (4) of this section and persons who organise the disposal or recovery of waste in the name of others (dealers) shall be registered in the county subregister of the state register of waste pursuant to the procedure provided for in the statutes of the state register.

(6) The cases where the persons engaged in waste management are not entered in the register shall be determined pursuant to the procedure established in subsection (4) of this section.

(7) A waste permit is required for the generation of waste in the following areas of activities significant from the standpoint of environmental protection and waste management:

- 1) energy industries and fuel processing industry;
- 2) production and processing of metals;
- 3) production and processing of mineral materials;
- 4) chemical industry;
- 5) timber, pulp and paper industry;
- 6) animal husbandry and food industry;

- 7) mining and enrichment of mineral resources;
- 8) tanning and processing of leather, textiles and fibre;
- 9) surface treatment and finishing by using organic solvents;
- 10) storage of hazardous chemicals, including fuel.

(8) A person who operates in any of the areas of activity specified in subsection of this section but whose specific activity is not included in a list established by a regulation of the Government of the Republic which specifies such areas of activities or a person whose production output levels or quantities of generated waste are lower than the limit values established by a regulation of the Government of the Republic, is not required to hold a waste permit.

§ 31. Content of waste permit

(1) The following shall be indicated in a waste permit:

- 1) the types and quantities of generated and handled waste, including limit values for the quantity of waste permitted to be introduced into the environment;
- 2) waste management facilities;
- 3) waste handling operations;
- 4) technical and environmental protection requirements for the activities permitted by the waste permit;
- 5) environmental monitoring requirements;
- 6) safety measures to be applied in the activity.

(2) The contents of a waste permit shall not be contrary to the nature of the right granted by the waste permit.

§ 32. Issue of waste permits

(1) A waste permit is issued by the environmental authority of the place of business of the applicant. If the applicant has no permanent place of business, the permit shall be issued by the environmental authority of the applicant's seat. The documents to be submitted upon application for the grant of a waste permit shall be prepared by the applicant at the applicant's own expense.

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

(1¹) A waste permit for the collection and transport of waste metal generated and delivered by other persons and specified in subsections 43¹ (2) and (3) of this Act with the purpose of further commercial distribution or recycling shall be issued for one year.

(11.04.2001 entered into force 17.05.2001 - RT I 2001, 43, 239)

(2) An applicant shall submit the application for a waste permit to the rural municipality or city government of the applicant's place of business or seat who shall adopt a position concerning the application within three weeks and forward the application to the environmental authority.

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

§ 33. Conditions for issue of waste permits

(1) An applicant shall hold a hazardous waste handling licence in order to apply for a waste permit for the provision of the handling of hazardous waste as a service.

(2) The issuer of a waste permit shall determine the quantities of waste permitted to be generated and introduced into the environment on the basis of technologically and environmentally justified calculations submitted by the applicant, also taking into consideration the criteria of the best environmental practice and best available technology and the provisions of sections 5 and 11 of this Act.

(3) To ascertain compliance of an application with the provisions of subsection (2) of this section, the issuer of a waste permit may require an environmental impact assessment of the planned activities at the expense of the applicant prior to issue of the permit.

(3¹) In order to ensure the protection of persons to whom proprietary damage or damage to their interests in any other manner may be caused by an activity regulated by a waste permit, the issuer of a waste permit may, on the initiative thereof or at the request of a participant in the proceedings, hear a matter at a public session.

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

(4) An applicant for a waste permit specified in subsection 32 (1¹) of this Act shall be a public limited company or a private limited company which is entered in the commercial register and whose share capital is at least 1 million kroons.

(11.04.2001 entered into force 17.05.2001 - RT I 2001, 43, 239)

§ 34. Refusal to grant waste permits

A waste permit shall be denied in the following cases:

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

- 1) if the activity applied for is not in compliance with legislative acts in force;
- 2) if the activity applied for causes material damage to other persons;
- 3) if the activity applied for endangers the environment, human health or property;
- 4) if the activity applied for is based on procedures or technological processes which generate large quantities of waste or use natural resources, raw materials or other substances in a wasteful manner;
- 5) if the activity applied for does not conform to the waste management plan of the local government;
- 6) if the activity applied for is not entered in the commercial register as an area of activity of the applicant with the purpose of providing services.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

§ 35. Suspension and revocation of waste permits

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

(1) The issuer of a waste permit may suspend or revoke the waste permit, informing the holder of the permit thereof beforehand, if:

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

- 1) inaccurate information was submitted upon application for the permit;
- 2) the circumstances specified in section 34 of this Act become evident in the activity of the holder of the permit;
- 3) the holder of the permit does not comply with the requirements established upon the issue of the permit;

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

4) the holder of the permit is punished, pursuant to criminal procedure, for a violation of the requirements of waste handling.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

(2) The issuer of the permit may require an environmental audit at the expense of the holder of the permit in order to assess the compliance of the holder's activity with the requirements of this Act and with the conditions established in the permit.

§ 36. Procedure for issue, amendment, suspension and revocation of waste permits

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

The Minister of the Environment shall, by a regulation, establish the procedure for the issue, amendment, suspension and revocation of waste permits, the list of documents required for application for a waste permit and the format of waste permits.

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

§ 37. Hazardous waste handling licence

(1) "Hazardous waste handling licence" means an operating licence which gives the right to provide services of handling hazardous waste generated and delivered by other persons and establishes the conditions for the exercising of this right.

(2) Hazardous waste handling licences are issued by the Minister of the Environment.

(3) The provisions of open procedure apply to the proceedings for issue of hazardous waste handling licences, taking account of the specifications provided for in this Act.

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

§ 38. Conditions for issue of waste handling licence

(1) The conditions for the issue of a hazardous waste handling licence are:

- 1) compliance of the waste management facility, technology and installations with environmental requirements;
- 2) adequate qualification, vocational education or professional skills of the personnel;
- 3) financial security or insurance of equivalent value covering the costs of possible accidents or emergencies; the procedure and principles for establishing the value or insurance depending of the nature and extent of the activity shall be established by a regulation of the Minister of the Environment.

(2) The issuer of a hazardous waste handling licence may require an environmental impact assessment of the planned activities at the expense of the applicant for the licence prior to issue of the licence.

(3) In order to ensure the protection of persons to whom proprietary damage or damage to their interests in any other manner may be caused by an activity regulated by a waste handling licence, the issuer of a permit may, on the initiative thereof or at the request of a participant in the proceedings, hear a matter at a public session.

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

§ 39. Refusal to grant hazardous waste handling licence

A hazardous waste handling licence shall be denied if:

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

- 1) the waste management facility, technology or installations do not meet environmental requirements, or if they endanger human health or property;
- 2) the applicant for the licence does not have sufficient knowledge of the technical, technological and environmental protection aspects of waste handling licences;
- 3) the proposed waste handling is not in compliance with the national hazardous waste management plan;
- 4) the applicant has, by previous economic activity, significantly violated the law or the procedures for submission of data to state registers, or the previous licence of the applicant has been revoked, or the shareholder of the applicant who holds over 30 per cent of the fixed capital owes tax arrears;

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

5) handling of hazardous waste has not been entered in the commercial register as an area of activity of the applicant;

6) the applicant lacks sufficient financial security or insurance for the event of possible accidents or casualties.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

§ 40. Suspension and revocation of hazardous waste handling licence

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

(1) The issuer of a hazardous waste handling licence may suspend or revoke the licence, informing the holder of the licence thereof beforehand, if:

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

- 1) inaccurate information was submitted upon application for the permit;
- 2) the circumstances specified in section 39 of this Act become evident in the activity of the holder of the permit;
- 3) the holder of the permit fails to comply with the requirements established upon the issue of the permit.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

4) other significant contravention of legislation becomes evident.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353; 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The issuer of the licence may require an environmental audit at the expense of the holder of the licence in order to assess the compliance of the licensee's activity with the requirements of this Act and with the conditions established in the licence during the period of validity of the licence.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

§ 41. Procedure for issue, amendment, suspension and revocation of hazardous waste handling licences

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

The Government of the Republic shall, by a regulation, establish the procedure for the issue, amendment, suspension and revocation of hazardous waste handling licences, and the list of documents required for application for a hazardous waste handling licence.

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

§ 42. Making of waste permits and hazardous waste handling licences public

(1) A waste permit shall be made public in the official publication *Ametlikud Teadaanded*² within one month after the issue of the permit.

(2) A handling licence shall be made public in a newspaper designated by the issuer of the licence or in the official publication *Ametlikud Teadaanded* within fourteen days after the issue of the licence.

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

§ 43. (Repealed - 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

Chapter 6¹

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

Special Conditions for Collection of Waste Metal and Issue of Waste Permit Therefor

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

§ 43¹. Restriction on collection of waste metal

(1) The buying-up of metal objects of obvious artistic or historical value as waste from any person is prohibited.

(2) Copper or aluminium electrical wires and cable may be bought up as waste only from network operators holding legal market licences or telecommunications network operators holding activity licences.

(3) Aluminium traffic signs and road signs and railroad rails may be bought up as waste only from undertakings holding waste permits.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

§ 43². Maintaining records of buying up waste metal

(1) The person who collects and transports waste metal generated and delivered by other persons with the purpose of further commercial distribution and recycling thereof (hereinafter collector of waste metal) and the person delivering the waste metal shall both sign a document concerning the buying up of waste metal which, in addition to other requirements provided by legislation, shall set out:

1) the registry code or personal identification code and residence or seat of the person delivering the waste metal;

2) a brief description of the waste metal, the type and amount thereof;

3) the registration number of the vehicle used to deliver the waste metal;

4) the value of the waste metal.

(2) At least one signed original copy of the document specified in subsection (1) of this section shall be retained by the collector of waste metal and a copy of the identity document or commercial registry card of the person delivering waste metal (upon the submission of a passport, a copy of the page with a photograph of the person) shall be annexed thereto.

(3) A collector of waste metal is required to preserve the document specified in subsection (1) of this section together with the annex for at least five years ensuring the protection of personal data.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

§ 43³. Settlement upon buying up waste metal

Upon the buying-up of waste metal and commercial distribution of bought-up waste metal, the waste metal shall be paid for by way of non-cash settlement from the bank account of the buyer to the bank account of the seller. Cash settlement upon the buying-up and further distribution of waste metal is prohibited.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

§ 43⁴. Additional information upon applying for waste permit for collection of waste metal

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

(1) In addition to the documents provided for in the list established on the basis of § 36 of this Act, an undertaking applying for a waste permit for the collection of waste metal pursuant to clause 30 (3) 5) of this Act shall submit the following to the issuer of waste permits:

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

2) an opinion of the police prefecture of the place of business concerning the activities determined by the waste permit;

3) a list of members of the supervisory board and management board of the company, if the supervisory board and management board exist, except if the waste permit is being applied for by a sole proprietor;

4) a certificate from the local government concerning the owner of the registered immovable or premises where the waste management facility is situated;

5) a document certifying the applicant's right to use the registered immovable or premises specified in clause 4) of this section if the applicant is not the owner;

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

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

(2) Upon application for a waste permit specified in subsection 32 (1¹) of this Act, the issuer of the waste permit shall, before issuing the permit, verify the information in the commercial register concerning the undertaking which is applying for the waste permit for the collection of waste metal.

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

§ 43⁵. Verification of absence of punishments in force and tax arrears

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

(1) The issuer of waste permits is required to verify, based on an enquiry submitted to the punishment register, whether a sole proprietor who applies for a waste permit on the basis of clause 30 (3) 5) of this Act or a member of the management board or supervisory board of a company applying for a waste permit or a person responsible for the activities of a company determined by a waste permit has committed a criminal offence as specified in §§ 84, 144, 148¹, 148⁴, 148⁵, 148⁶, 148¹⁵, 152³, 186, 196¹ or 203 of the Criminal Code (RT 1992, 20, 287; RT I 1999, 38, 485; 57, 595; 597; 598; 60, 616; 97, 859; 102, 907; 2000, 10, 55; 28, 167; 29, 173; 33, 193; 40, 247; 49, 301; 305; 54, 351; 57, 373; 58, 376; 84, 533; 92, 597; 104, 685; 2001, 9, 41; 21, 115; 116; 29, 156; 31, 174; 52, 303; 53, 306; 313; 56, 332; 335; 58, 357; 65, 378). If the term prescribed in § 53 of the Criminal Code or subsection 25 (1) of the Punishment Register Act (RT I 1997, 87, 1467; 2002, 82, 477; 2003, 26, 156) since the abovementioned offence was committed has not expired, the issue of a waste permit shall be refused.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72; 19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)

(2) The issuer of waste permits is required to verify that an applicant does not have tax arrears. If an undertaking is in tax arrears but pays the taxes in instalments and meets the schedule for payment,

and if the undertaking has not operated but is registered in the state register of taxpayers and withholding agents, the consent of the Tax and Customs Board is required for the issue of a waste permit.

(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375; 17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

§ 43⁶. State fee upon applying for waste permit for collection of waste metal

(1) When applying for a waste permit for the collection of waste metal on the basis of clause 30 (3) 5) of this Act, the applicant shall pay a state fee according to the provisions of the State Fees Act (RT I 1997, 80, 1344; 2001, 55, 331; 56, 332; 64, 367; 65, 377; 85, 512; 88, 531; 91, 543; 93, 565; 2002, 1, 1; 9, 45; 13, 78; 79; 81; 18, 97; 23, 131; 24, 135; 27, 151; 153; 30, 178; 35, 214; 44, 281; 47, 297; 51, 316; 57, 358; 58, 361; 61, 375; 62, 377; 82, 477; 90, 519; 102, 599; 105, 610; 2003, 4, 20; 13, 68; 15, 84; 85; 20, 118; 21, 128; 23, 146; 25, 153; 154; 26, 156; 160; 51, 352; 66, 449; 68, 461; 71, 471; 78, 527; 79, 530; 81, 545; 88, 589; 591).

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

(3) If a waste permit is amended and the basis for the amendment is a notice from the holder of the waste permit concerning changes to the information set out in the permit and the issuer of the permit does not amend the term of validity of the licence, the issue of the amended licence shall be exempt from state fees.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

§ 43⁷. Location of waste permit issued for collection of waste metal

The original copy of a waste permit issued for the collection of waste metal pursuant to clause 30 (3) 5) of this Act or a copy thereof certified by the issuer of waste permits shall be kept at the place of business of the collector of waste metal and it shall be submitted to supervisory officials or persons delivering waste metal if they so request.

(17.01.2001 entered into force 16.02.2001 - RT I 2001, 16, 72)

Chapter 7

Keeping of Records, Reporting and Databases

§ 44. Keeping of records

(1) Every waste holder shall have adequate information concerning the types, quantities and origin of the waste in their possession, about the properties of the waste significant from the standpoint of waste handling and about the hazards they cause to health or the environment.

(2) Any person who holds a waste permit, any person registered pursuant to subsection 30 (5) of this Act and the producers of hazardous waste, except households, are required to regularly keep records of the type, quantity, properties and generation of the waste produced, collected, stored or temporarily stored, transported, recovered or disposed of in their activities. If waste is transferred to other waste handlers, records shall also be kept on the destination, frequency of collection, means of transport and recovery and disposal procedures of the waste.

(3) The basic documents and consolidated data of the records specified in subsection (2) of this section shall be stored for at least five years.

§ 45. Waste reporting

(1) The persons specified in subsection 44 (2) of this Act shall submit reports on their waste-related activities to the environmental authority at least once a year for entry into the waste register. The format and the procedure for submission of the report shall be established by the Minister of the Environment.

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

(2) (Repealed - 17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353)

(3) The Ministry of the Environment and environmental supervision agencies have the right to obtain information concerning products produced in Estonia or imported into Estonia, substances used in their manufacture, waste generated upon their production and the handling of the waste from the producers or importers of the products and other state or local government agencies.

(4) Waste-related statistical observations shall be organised pursuant to the procedure provided in the Official Statistics Act (RT I 1997, 51, 822; 2000, 47, 289; 2002, 63, 387).

§ 46. State register of waste

(1) The state register of waste is a database where information concerning the type, quantity and origin of the waste generated and managed in Estonia, persons operating in the area of waste handling, waste management facilities intended for waste disposal, waste permits and hazardous waste handling licences and transboundary movements of waste is compiled.

(2) The state register of waste consists of the central register, the chief processor of which is the Ministry of the Environment, and of county subregisters which are administered by environmental authorities.

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

(3) The Government of the Republic shall establish the state register of waste pursuant to the procedure provided by the Databases Act (RT I 1997, 28, 423; 1998, 36/37, 552; 1999, 10, 155; 2000, 50, 317; 57, 373; 92, 597; 2001, 7, 17; 17, 77; 24, 133; 2002, 61, 375; 63, 387; 2003, 18, 107; 26, 158).

(4) The procedure for forwarding information subject to international notification shall be established by a regulation of the Government of the Republic.

Chapter 8

Supervision

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

§ 47. Supervision

(1) Supervision over compliance with the requirements of this Act shall be exercised pursuant to the procedure provided by the Environmental Supervision Act (RT I 1997, 86, 1460; 2002, 61, 375; 99, 579; 110, 653; 2003, 88, 591).

(2) The Environmental Inspectorate and rural municipality and city governments are required to inspect the compliance with the waste handling conditions established in a waste permit at least once a year.

(20.01.1999 entered into force 01.01.2000 - RT I 1999, 95, 843)

(3) Supervision over registered waste handlers and producers of hazardous waste shall be exercised periodically as required; however, the obligation to supervise does not include hazardous waste generated by households.

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

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

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

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

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

§ 49. Remedy of effects of environmental pollution caused by waste

(1) A person who unlawfully introduces waste into the environment (hereinafter polluter) shall remove the waste which was unlawfully introduced into the environment and organise the remedy of the effects of the environmental pollution caused thereby at own expense on the basis of a precept of an environmental supervision agency.

(09.05.2001 entered into force 01.01.2002 - RT I 2001, 50, 283)

(2) Polluters shall compensate for the damage caused by pollution in full extent.

(3) If a polluter fails to fulfil the obligation specified in subsection (1) of this section, the owner of a polluted immovable shall organise the remedy of the effects of the pollution at the polluter's expense.

(4) If it is not possible to identify the polluter, the owner of a polluted immovable shall organise the remedy of the effects of the pollution at own expense.

(5) If the owner of a polluted immovable fails to perform the obligation specified in subsection (4) of this section, the local government shall organise the remedy of the effects of the pollution by way of substitutive enforcement at the expense of the owner of the polluted immovable pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(09.05.2001 entered into force 01.01.2002 - RT I 2001, 50, 283)

Chapter 8¹

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

Liability

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

§ 49¹. Violation of requirements for prevention of waste generation or for waste management

(1) Violation of the requirements for the prevention of waste generation or for waste management is punishable by a fine of up to 200 fine units.

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

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

§ 49². Violation of prohibition, restrictions or special conditions established with regard to environmentally hazardous products

(1) Violation of a prohibition, restrictions or special conditions with regard to the manufacture, import, export, sale or use of products which are hazardous to the environment or human health in the form of waste is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

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

§ 49³. Violation of requirements for transboundary movement of waste

(1) Violation of the requirements for the transboundary movement of waste is punishable by a fine of up to 200 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

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

§ 49⁴. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 593) apply to the misdemeanours provided for in §§ 49¹-49³ of this Act.

(2) The following extra-judicial bodies conduct proceedings in matters of misdemeanours provided for in §§ 49¹-49³ of this Act:

1) a police prefecture;

2) the Environmental Inspectorate.

(3) The Tax and Customs Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 49² and 49³ of this Act.

(17.12.2003 entered into force 01.01.2004 - RT I 2003, 88, 591)

(4) A rural municipality or city government is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in § 49¹ of this Act.

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

Chapter 9

Final Provisions

§ 50. Repeal of Waste Act of the Republic of Estonia

The Waste Act of the Republic of Estonia (RT 1992, 21, 296; RT I 1994, 74, 1323) is repealed.

§ 51. Validity of waste permits and hazardous waste handling licences

Waste permits and hazardous waste handling licences issued before the entry into force of this Act shall be valid until they are replaced with waste permits and hazardous waste licences which comply with the requirements of this Act. The receipt of applications for replacement of waste permits and hazardous waste handling licences shall be concluded on 31 December 1999.

§ 52. Implementation of Act

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 340)

(1) The provisions of clause 38 (1) 3) and 39 6) of this Act shall be implemented after two years from the date of entry into force of this Act.

(17.02.99 entered into force 19.03.99 - RT I 1999, 23, 353; 12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 340)

(2) It is prohibited to buy up, and accept or store as waste in any other manner copper or aluminium electrical wires and cable specified in subsection 43¹ (2) of this Act in places of business specified in §-s 43⁷ of this Act until 31 December 2003.

(12.06.2001 entered into force 07.07.2001 - RT I 2001, 56, 340)

§ 53. Entry into force of Act

This Act enters into force on 1 December 1998.

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

² *Ametlikud Teadaanded* = *Official Notices*