

## Gaseous Fuel Safety Act

Passed 22 May 2002

(RT<sup>1</sup> I 2002, 49, 311),

entered into force 1 July 2002,

amended by the following Acts:

14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208;

17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133;

10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131;

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

## Chapter 1

### General Provisions

#### § 1. Scope of application of Act

(1) With the aim of ensuring the safety of persons, property and the environment, this Act provides requirements for:

1) gaseous fuels, appliances burning gaseous fuels, fittings of appliances burning gaseous fuels, and gaseous fuel installations;

2) the placing on the market, putting into service and the use of appliances burning gaseous fuels and of fittings of appliances burning gaseous fuels, and for the procedure for the conformity assessment and attestation thereof;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

3) the construction, putting into service and use of gaseous fuel installations;

4) supervisors of the use of gas installations, for persons in charge of gas work, persons manufacturing permanent joints for gas installations and for the procedure for the conformity assessment and attestation of such persons;

5) gas work, gas contractors, notified bodies, assessment and attestation of persons, the technical inspection and the organisation of state supervision.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) Where the prevention of hazards which may be caused to persons, property or the environment by appliances burning gaseous fuels, fittings of appliances burning gaseous fuels or

gaseous fuel installations is regulated by another Act or legislation established on the basis thereof, the requirements provided by the other Act or legislation established on the basis thereof apply with the specifications arising from this Act.

(3) The provisions of the Product Conformity Attestation Act (RT 1999, 92, 825; 2003, 45, 308; 81, 543; 2004, 18, 131) apply to the procedure prescribed in this Act for the conformity assessment and attestation of gas appliances and fittings of gas appliances with the specifications arising from this Act.

(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 the administrative procedure prescribed in this Act, taking into consideration the specifications arising from this Act.

(5) The requirements set out in §§ 3 and 4, and subsections 4<sup>1</sup> (2)–(4) of this Act do not apply to gas appliances intended for use in industrial processes in industrial buildings.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## § 2. Definitions

(1) For the purpose of this Act, gaseous fuel is fuel which is in a gaseous state at a temperature of 15°C under a pressure of 1 bar.

(2) For the purposes of this Act, the following gas-powered appliances are appliances burning gaseous fuel (hereinafter gas appliances):

1) gas-operated appliances used for cooking, heating, refrigeration, lighting, washing and hot water production having a normal water temperature not exceeding 105°C;

2) forced draught burners and heating bodies to be equipped with such burners.

(3) For the purposes of this Act, fittings of gas appliances (hereinafter fittings) are safety devices, controlling devices or regulating devices and sub-assemblies, other than forced draught burners and heating bodies to be equipped with such burners, which are separately marketed for trade use and designed to be incorporated into a gas appliance or assembled to constitute such an appliance.

(4) A gaseous fuel installation (hereinafter gas installation) is a fixed operational assembly of gaseous fuel pipelines, containers and construction works connected thereto.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(5) Gas work is the repair or maintenance of gas appliances, fittings and gas installations, the storage of gaseous fuels, the installation or demounting of gas appliances and fittings, and the filling of containers of liquid gas.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(6) A manufacturer of gas appliances and fittings is a person who assumes responsibility for the production and placing on the market of gas appliances and fittings and issues declarations of conformity concerning such appliances and fittings.

(7) (Repealed - 14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208)

(8) (Repealed - 14.04.2004 entered into force 01.05.2004 - RT I 2004, 30, 208)

(9) For the purposes of this Act, industrial process means the growing of plants and breeding of animals, and the extracting, refining, processing, producing or preparing of plants, animal produce, food, materials, artificial products or other products.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(10) For the purposes of this Act, an industrial building is a place mainly intended for carrying out industrial processes. Places where the main activity performed is retail or wholesale trade are not deemed to be industrial buildings.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(11) A gaseous fuel pipeline (hereinafter gas pipeline) is a system of pipes and safety, control, measuring and regulating devices connected thereto which is prescribed for the transmission of gaseous fuel.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(12) In this Act, the definitions specified in § 2 of the Product Conformity Attestation Act are used with the specifications arising from this Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## Chapter 2

Placing on Market, Putting into Service and Use of Gaseous Fuels, Gas Appliances and Fittings

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

§ 3. Placing on market of gaseous fuels, gas appliances and fittings, and putting into service of gas appliances and fittings

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(1) A gas appliance or fitting may be placed on the market and put into service if:

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

1) it does not present a danger to persons or property if it is installed and maintained according to the prescribed procedure and used for its intended purposes or in any other reasonable manner;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

2) it conforms to the requirements provided for in this Act and legislation established on the basis thereof;

3) its conformity has been attested pursuant to the procedure provided for in this Act and legislation established on the basis thereof;

4) it is marked with a conformity mark, if required;

5) it is accompanied by other required labelling and information.

(2) A gaseous fuel which is odourless after production may be placed on the market after a clearly detectable odour component has been added to it which enables its presence in the air to be recognised after the gas content of the air has reached one fifth of the minimum detonation limit of the gaseous fuel.

(3) Gaseous fuels to which odour components have not been added may be placed on the market for the purpose of sale to eligible customers for use in gas installation of category C or D, for use in industrial processes, for further processing or for other special purposes if the gas pipes connected to the point of distribution of the gaseous fuels which are prescribed for transmitting gas in such cases are not used for transmitting gas to non-eligible customers. Upon placing on the market of gaseous fuels to which odour components have not been added, recognition of leakages must be guaranteed by other means than odour.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(4) The requirements for gas appliances and fittings and for the provision of information and attachment of conformity marks thereto shall be established by the Minister of Economic Affairs and Communications.

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

§ 4. Assessment and attestation of conformity of gas appliances and fittings

(1) The assessment and attestation of the conformity of gas appliances and fittings shall be organised, pursuant to the procedure established on the basis of subsection (2) of this section, by the manufacturer of the gas appliances or fittings, an authorised representative thereof or the person who places the appliances or fittings on the market.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) The procedure for the assessment and attestation of the conformity of gas appliances and fittings and the conformity assessment procedures required for assessment and attestation of the conformity thereof shall be established by the Minister of Economic Affairs and Communications.

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

(3) The obligation to involve a notified body may be prescribed in the conformity assessment procedures required for assessment and attestation of the conformity of gas appliances and fittings.

#### § 4<sup>1</sup>. Requirements for use of gas appliances

(1) A gas appliance may be used if:

- 1) it conforms to the requirements set by this Act and legislation established on the basis thereof;
- 2) its use complies with the requirements provided by this Act and legislation established on the basis thereof, and does not pose a risk to persons or property;
- 3) instructions provided by the manufacturer of the gas appliance are adhered to in its use.

(2) Gas appliances connected to gas installations of category A shall be used during their service life as prescribed by the manufacturer of the gas appliance or if the gas appliance has undergone the technical inspection specified in § 17 of this Act.

(3) In cases where the duration of the service life of a gas appliance has not been determined by the manufacturer or the manufacturer has provided a minimum term only, the duration of the service life to be determined by manufacturer is deemed to be fifteen years.

(4) The requirements for gas appliances running on liquid gas and for cylinders containing liquid gas, and for premises where such gas appliances or cylinders are used shall be established by the Minister of Economic Affairs and Communications.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## § 4<sup>2</sup>. Obligations of owners of gas appliances

(1) The owner of a gas appliance is required to:

- 1) ensure that the requirements set out in § 4<sup>1</sup> of this Act are conformed to;
- 2) be in possession of documentation prescribed by this Act and legislation established on the basis thereof regarding the gas appliance and, if the gas appliance is subject to technical inspection, also documentation relating to the technical inspection;
- 3) suspend the use of the gas appliance if its continued use could pose a risk to persons or property, and take measures to eliminate the danger that has arisen;
- 4) ensure that gas work is performed by competent persons;
- 5) ensure that officials exercising state supervision are provided with all possible assistance in ascertaining the reasons for any breakdown of a gas appliance which results in an accident and, until such reasons are established, maintain the situation caused by the breakdown and accident unless this may result in further damage.

(2) If the owner of a gas appliance fails to perform the obligations arising from this Act, the possessor of the gas appliance is required to perform such obligations.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## Chapter 3

### Notified Body

## § 5. Notified body

(1) A notified body is a designated body which conducts the conformity assessment procedures required for the assessment and attestation of the conformity of gas appliances and fittings.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) The provisions of the Product Conformity Attestation Act, with the specifications arising from this Act, apply to the grant to a person of the right to operate as a notified body, to the revocation or suspension of such right, and to the operation of a person as a notified body and the exercise of state supervision over that person.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(3) The right to act as a notified body is granted for up to five years.

#### § 6. Requirements for notified bodies

A notified body shall conform to the requirements set for designated bodies by the Product Conformity Attestation Act with the following differences:

- 1) the notified body shall be accredited pursuant to the Product Conformity Attestation Act to assess and attest the conformity of gas appliances and fittings;
- 2) the notified body shall have liability insurance which meets the requirements provided for in § 7 of this Act and is valid for the entire period of operation as a notified body;
- 3) the notified body shall ensure that the employees thereof maintain the confidentiality of information of which they become aware in the performance of their official duties, unless the disclosure of such information is prescribed by law.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

#### § 7. Liability insurance

A notified body shall have a liability insurance contract for an insured sum which:

- 1) guarantees that all damages which may be caused to third parties by its operations as a notified body will be compensated;
- 2) is at least 500 000 kroons.

### Chapter 4

#### Putting Gas Installations into Service and Use thereof

#### § 8. Categories of gas installations

(1) According to their working pressure, gas installations are divided into the following categories:

- 1) category A – gas installations with a working pressure up to 0.1 bar (inclusive);
- 2) category B – gas installations with a working pressure of more than 0.1 bar but not exceeding 5 bar (inclusive);
- 3) category C – gas installations with a working pressure of more than 5 bar but not exceeding 16 bar (inclusive);

4) category D – gas installations with a working pressure exceeding 16 bar.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) Gas installations prescribed for connecting to liquid gas cylinders belong to category A.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

#### § 9. Requirements for gas installations

(1) A gas installation or part thereof shall not present a danger to persons, property or the environment if it is designed, constructed, maintained and repaired according to the prescribed procedure and used for its intended purposes.

(2) The requirements for gas installations arising from the categories of gas installations provided for in § 8 of this Act and the capacity of gas-operated appliances shall be established by the Minister of Economic Affairs and Communications.

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

#### § 10. Protection zone for gas installation

(1) A gas installation which is a separate construction works must be surrounded by land, air space or body of water where the use of an immovable is restricted due to the necessity to ensure safety (protection zone for the gas installation).

(2) In a protection zone for a gas installation, activities which may damage the gas installation shall be avoided, including the following:

1) to ignite open flames and grow trees;

2) to build works, except for temporary construction works and works in compliance with the technical conditions issued by the owner of the gas installation;

3) to perform dredging operations, moor water craft, or move with dropped anchor, chains, logs, trawls or nets within the protection zone for a gas installation located in a body of water.

(3) The extent of a protection zone for gas installations shall be established by the Government of the Republic based on the danger level, pressure and location of the gas installations.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

#### § 11. Requirements for putting gas installations into service and use thereof

- (1) A gas installation may be put into service and used if:
- 1) the gas installation is safe for persons, property and the environment;
  - 2) the gas installation conforms to the requirements provided for in this Act and legislation established on the basis thereof;
  - 3) a notice stating the conformity of the gas installation to the requirements has been sent to the network operator before the gas installation is connected to the gas network;
  - 4) a person has been appointed as the supervisor of the use of the gas installation if it is subject to registration;
  - 5) a technical inspection of the gas installation (hereinafter technical inspection) has been performed in the prescribed cases and pursuant to the prescribed procedure;
  - 6) gas appliances connected to gas installations conform to the requirements of this Act and legislation established on the basis thereof and do not present a danger to persons or property.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) The notice specified in clause (1) 3) of this section shall contain the following information:

- 1) the name and contact details of the owner of the gas installation and the supervisor of the use of the gas installation;
  - 2) the location and category (A, B, C or D) of the gas installation and the capacity of the gas-operated appliance;
  - 3) the designer and constructor of the gas installation, and the technical inspection body;
  - 4) information regarding the person who signs the notice.
- (3) A gas installation is deemed to have been put into service as of the moment when the use of the gas installation for its intended purposes commences.

## § 12. Obligations of owner of gas installation

- (1) The owner of a gas installation is required to:
- 1) ensure that the requirements provided for in subsection 11 (1) of this Act are conformed to;
  - 2) ensure that the obligations of the supervisor of the use of the gas installation are performed;

- 3) be in a corresponding legal relationship with the supervisor of the use of the gas installation for the obligations specified in subsection 13 (4) of this Act to be performed, except in the case where the owner of the gas installation is a natural person who also performs the obligations of the supervisor of the use of the gas installation;
- 4) ensure that gas work is performed and the gas installation is constructed only by competent persons;
- 5) be in possession of documentation regarding the gas installation and the technical inspection thereof;
- 6) ensure that only persons with sufficient training operate the gas installation;
- 7) ensure that officials exercising state supervision are provided with all possible assistance in ascertaining the reasons for any breakdown of a gas installation which results in an accident and, until such reasons are established, maintain the situation caused by the breakdown and accident unless this may result in further damage.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

- (2) If the owner of a gas installation fails to perform the obligations arising from this Act, the possessor of the gas installation is required to perform such obligations.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

### § 13. Supervisor of use of gas installation

- (1) The supervisor of the use of a gas installation is a person who:

- 1) is competent to organise or ensure that the gas installation, and the gas appliances and gas cylinders connected thereto are used pursuant to this Act and legislation established on the basis thereof;
- 2) undertakes to ensure that the requirements of this Act and other legislation are observed while the gas installation and the gas appliances and gas cylinders connected thereto are in use.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

- (2) The supervisor of the use of a gas installation shall have knowledge about the gas installation the use of which he or she is supervising and also about its construction, the gas appliances and gas cylinders connected thereto and the safety requirements for its use to an extent which ensures the safe use of the gas installation.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(3) The conformity of a supervisor of the use of a gas installation with the requirements provided for in subsection (2) of this section shall be assessed and attested by a person provided in § 20 of this Act.

(4) The supervisor of the use of a gas installation is required to ensure that:

1) the requirements of this Act and legislation established on the basis thereof are observed while the gas installation is in use;

2) the use of the gas installation or the gas appliances or gas cylinders connected thereto is suspended if further use is likely to harm persons, property or the environment;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

3) the Technical Inspectorate is notified at the earliest opportunity of any breakdown of the gas installation or the gas appliances connected thereto resulting in an accident which occurs during the use thereof.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(5) The supervisor of the use of a gas installation shall be available in order to ensure the safety of the gas installation and be present during technical inspections and state supervisory operations.

## Chapter 5

### Construction of Gas Installations and Gas Work

#### § 14. Requirements for construction of gas installations and for undertakings engaging in construction of gas installations

(1) An undertaking registered in the register provided in § 22 of this Act who has a person in charge of gas work in conformance to the requirements provided in § 16 of this Act may build gas installations within the limits of competence of the person in charge of the gas work.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) Undertakings engaging in the construction of gas installations are required to observe the requirements provided by Acts regulating construction activities and the requirements provided in clauses 15 (2) 1)-6) of this Act.

(3) The requirements for the construction of gas installations shall be established by the Minister of Economic Affairs and Communications.

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

#### § 15. Requirements for gas work and gas contractors

(1) It is permitted for a person to perform gas work within the scope of competence of the person if the person is registered in the register specified in § 22 of this Act and has a person in charge of gas work specified in § 16 of this Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) A gas contractor is required to:

- 1) possess sufficient resources and the necessary documentation for gas work;
- 2) appoint a person to be in charge of gas work;
- 3) be in a corresponding legal relationship with the person in charge of gas work for the obligations specified in subsection 16 (4) of this Act to be performed, except in the case where the gas contractor is a natural person who also performs the obligations of the person in charge of gas work;
- 4) ensure that the safety requirements are observed when gas work is performed;
- 5) ensure that gas work is performed by persons with sufficient professional training therefor;
- 6) ensure that, after the gas work is completed, the gas appliance, fitting or gas installation conforms to the requirements provided for in this Act and legislation established on the basis thereof;
- 7) ensure that the gas work is documented.

(3) Requirements for gas work, including storage of liquid gas, and to places of storage of liquid gas shall be established by the Minister of Economic Affairs and Communications.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

#### § 16. Person in charge of gas work

(1) A person in charge of gas work is a person who:

- 1) is competent pursuant to this Act and other legislation to organise or ensure that gas work is performed and gas installations are constructed in conformity with the requirements;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

2) undertakes to ensure that the requirements of this Act and other legislation are observed when gas work is performed or gas installations are constructed.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) A person in charge of gas work shall have received professional training, shall have at least two years' work experience in the field of gas work or the construction of gas installations, and shall have knowledge about gas appliances, fittings and gas installations, their construction and the safety requirements for their use to an extent which ensures the safety of the gas work of which the person is in charge.

(3) The conformity of a person in charge of gas work with the requirements provided for in subsection (2) of this section shall be assessed and attested by a person provided in § 20 of this Act.

(4) A person in charge of gas work is required to ensure that:

1) the safety requirements are observed when gas work is performed and gas installations are constructed;

2) gas work is performed and gas installations are constructed by persons who have received adequate professional training and that such persons are provided with the necessary instructions to perform their duties in conformity with the requirements;

3) the gas appliance, fitting or gas installation is safe for use for its intended purposes after the gas work is completed or the gas installation is constructed;

4) the gas work is documented.

§ 16<sup>1</sup>. Requirements for persons manufacturing permanent joints for gas installations

(1) Persons manufacturing the permanent joints which contribute to the pressure resistance of gas installations shall be capable of manufacturing permanent joints which conform to the requirements.

(2) Conformity of the persons specified in subsection (1) of this section shall be assessed and attested by an independent agency specified in § 12 of the Pressure Equipment Safety Act (RT I 2002, 49, 309; 2003, 88, 594; 2004, 2, 5; 18, 131) or a person specified in § 20 of this Act selected by the person constructing the gas installation or the person performing gas work.

(3) The requirement provided in (2) of this section does not apply to persons whose conformity must be assessed and attested pursuant to § 7 of the Pressure Equipment Safety Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## Chapter 6

### Technical Inspection

#### § 17. Technical inspection

(1) For the purposes of this Act, technical inspection is a procedure in the course of which the conformity of a gas installation or a gas appliance connected to a gas installation with the requirements of this Act and legislation established on the basis thereof is assessed and attested.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) In cases provided by legislation established on the basis of subsection (4) of this section, the technical inspection of a gas installation shall be conducted before the gas installation is put into service and also during the period of use of the gas installation. Technical inspections are divided into technical inspections before use, regular technical inspections and emergency technical inspections.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(3) (Repealed - 17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(4) The cases, procedure, frequency and terms for technical inspection shall be established by the Minister of Economic Affairs and Communications.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(5) The prices for technical inspection services shall be cost-oriented, transparent and non-discriminatory and shall be set so as to ensure that the justified costs related to technical inspection are covered and that a reasonable profit is ensured for the technical inspection body.

#### § 18. Technical inspection body

(1) A technical inspection body is a state company founded within the meaning of the Foundation of and Participation in Legal Persons in Private Law by the State Act (RT I 1996, 48, 942; 73, correction notice; 1998, 59, 941; 2002, 32, 188) for the purposes of performing technical inspection. Such company is an undertaking with special or exclusive rights within the meaning of the Competition Act (RT I 2001, 56, 332; 93, 565; 2002, 61, 375; 63, 387; 82, 480;

87, 505; 102, 600; 2003, 23, 133) to which the special or exclusive right to perform technical inspection is granted by its articles of association.

(2) A technical inspection body shall:

- 1) have staff who have received the necessary training and who have the necessary education and experience to perform technical inspection;
- 2) possess the resources to perform technical inspection;
- 3) be independent, qualified, impartial and non-discriminating;
- 4) conform to the general criteria for the operation of various types of bodies performing inspection according to the Estonian standard EVS-EN 45004:1997 and to the criteria set for inspection bodies of type A;
- 5) notify the owner or possessor of a gas installation or appliance and the Technical Inspectorate of any deficiencies established in the course of technical inspection which may endanger persons, property or the environment;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

- 6) submit, pursuant to the procedure established on the basis of subsection 19 (3) of this Act, information to the Technical Inspectorate concerning the technical inspection of a gas installation subject to registration;
- 7) set prices for technical inspection services pursuant to subsection 17 (5) of this Act;
- 8) ensure that technical inspection services regarding all gas installations and gas appliances are provided on the basis of a uniform price list across the whole territory of Estonia, in addition to which the price of technical inspection services shall not depend on the location of the gas installation or gas appliance to be inspected;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

- 9) publish the price list for technical inspection services on its website;
- 10) have liability insurance which meets the requirements provided for in § 27 of this Act and is valid for the entire period of operation as a technical inspection body;
- 11) be accredited to perform technical inspection.

(3) The provisions of § 14<sup>1</sup> of the Product Conformity Attestation Act apply to authorities accrediting technical inspection bodies.

## § 19. Registration of gas installations

(1) Within ten working days after the technical inspection of a gas installation subject to registration, the technical inspection body shall submit information to the Technical Inspectorate by electronic means concerning the gas installation subject to registration and the owner, supervisor of the use and technical inspection thereof.

(2) Gas installations shall be registered by the Technical Inspectorate on the basis of information submitted by technical inspection bodies.

(3) The list of gas installations subject to registration, the list of information to be submitted concerning a gas installation and the owner, supervisor of the use and technical inspection thereof, and the formal requirements for such information and the procedure for the submission and registration thereof shall be established by the Minister of Economic Affairs and Communications.

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

## Chapter 7

### Assessment and Attestation of Conformity of Persons

#### § 20. Assessment and attestation of conformity of persons

(1) For the purposes of this Act, assessment and attestation of the conformity of a person is a procedure during which an undertaking or other legal person registered in the commercial register (hereinafter authority assessing and attesting the conformity of persons) assesses and attests, in written form, the conformity to the requirements of a supervisor of the use of a gas installation or a person in charge of gas work or, in the case specified in § 161 of this Act, a person manufacturing permanent joints for gas installations.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) The procedure for assessment and attestation of the conformity of persons shall be established by the Minister of Economic Affairs and Communications.

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

#### § 21. Authority assessing and attesting conformity of persons

(1) The conformity of a person may be assessed and attested only by authorities which are registered in the register provided in § 22 of this Act and to the extent specified in the accreditation certificate.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) An authority assessing and attesting the conformity of persons shall:

- 1) have staff who have received the necessary professional training and who have the necessary education and experience to assess and attest the conformity of persons;
- 2) possess the resources to assess and attest the conformity of persons;
- 3) be independent, qualified, impartial and non-discriminating;
- 4) have liability insurance which meets the requirements provided for in § 27 of this Act and is valid for the entire period of its operation as an authority assessing and attesting the conformity of persons;
- 5) be accredited to assess and attest the conformity of supervisors of the use of gas installations, persons in charge of gas work and persons manufacturing permanent joints for gas installations.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(3) The provisions of § 14<sup>1</sup> of the Product Conformity Attestation Act apply to authorities assessing and attesting the conformity of persons.

## Chapter 8

### Registration of Undertakings

#### § 22. Registration application

(1) A person who wishes to operate as a gas contractor, an undertaking engaging in the construction of gas installations or an authority assessing and attesting the conformity of persons (hereinafter undertaking) shall submit a registration application to the registrar of the register of economic activities (hereinafter register).

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(2) A registration application shall set out the following:

- 1) the name, address and other contact details of the undertaking, and the registry code or personal identification code or, in the absence of the latter, date of birth;

- 2) the area of activity (construction of gas installations, performance of gas work or assessment and attestation of the conformity of persons) in which the person wishes to operate;
  - 3) if the person wishes to operate as a gas contractor or an undertaking engaging in the construction of gas installations, the name, personal identification code or, in the absence thereof, date of birth, extent of competence and contact details of the person in charge of gas work, the number and the date of issue of the conformity attestation document issued to the person, and the name and contact details of the issuer of the document;  
(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)
  - 4) if the person wishes to operate as an authority assessing and attesting the conformity of persons, the size and period of validity of the liability insurance cover and the name, registry code and contact details of the insurer which issued the document certifying the insurance contract;
  - 5) if the undertaking has been accredited, information regarding the acts for which the undertaking has accreditation, and the authority by which the undertaking has been accredited, and the number of the document certifying accreditation and the name, registry code and contact details of the issuer of the document;
  - 6) the name, official title and contact details of the person who signed the registration application.
- (3) (Repealed - 10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)
  - (4) In addition to the information specified in subsection (2) of this section, an undertaking may provide more specific information in the registration application concerning the area of activity in which the person wishes to operate.
  - (5) (Repealed - 10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

### § 23. Registration procedure and registry data

- (1) The provisions of the Register of Economic Activities Act (RT I 2004, 12, 79) apply to the registration procedure with the specifications arising from this Act.
- (2) Concerning each undertaking, information specified in clauses 22 (2) 2)–5) of this Act and, if a precept specified in § 31 of this Act has been issued, information concerning the precept and other information provided by law shall be entered in the register in addition to the information prescribed by the Register of Economic Activities Act.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

#### § 24. Refusal to register

Registration shall be refused on the grounds provided by the Register of Economic Activities Act and in cases where during the sixty days prior to application, the registration information concerning the undertaking has been deleted on the basis of a decision specified in subsection 31 (2) of this Act.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

#### § 25. Deletion of registration

(1) Registration shall be deleted on the grounds provided by the Register of Economic Activities Act, and on the basis of a decision provided for in subsection 31 (2) of this Act once the term for contestation of the decision has passed if the decision is not contested or, if the decision is contested, as of the date on which the court judgment to uphold the contested decision enters into force.

(2) In the event of the deletion of registration, the authority assessing and attesting the conformity of persons shall hand over all the documentation concerning the assessment and attestation of the conformity of persons to the Technical Inspectorate within one month as of the date on which the registration is deleted.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 26. (Repealed - 10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

#### § 27. Liability insurance

An undertaking which operates as a technical inspection body or an authority assessing and attesting the conformity of persons shall have a liability insurance contract for an insured sum which:

- 1) guarantees that all damages which may be caused to third parties by its operations as a technical inspection body or an authority assessing and attesting the conformity of persons will be compensated;
- 2) is at least 500 000 kroons.

## Chapter 9

### State Supervision

#### § 28. State supervisory authority

State supervision over conformity with the requirements provided for in this Act or legislation established on the basis thereof shall be exercised by the Technical Inspectorate (hereinafter the Inspectorate).

#### § 29. Competence of Inspectorate

The following are within the competence of the Inspectorate:

- 1) supervision of the conformity of gaseous fuels which are placed on the market, gas appliances and fittings which are placed on the market, put into service or used with the requirements provided for in this Act or legislation established on the basis thereof (market supervision);  
(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)
- 2) supervision of the conformity of the construction, putting into service and use of gas installations, and of gas work and technical inspections with the requirements provided for in this Act or legislation established on the basis thereof;
- 3) supervision of adherence to the requirements provided for in this Act or legislation established on the basis thereof on the part of notified bodies, technical inspection bodies and authorities assessing and attesting the conformity of persons;
- 4) investigation of the causes of breakdowns and accidents related to gas appliances or installations;
- 5) demanding the removal from the market of gas appliances or fittings which do not conform to the requirements, or prohibition of the use of such appliances or fittings, and prohibition of the use of non-conforming gas installations by imposing, where necessary, penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580) to such end;  
(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)
- 6) making of resolutions and issue of precepts in the course of supervision;

7) verifying registry data.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

### § 30. Rights and obligations of officials exercising state supervision

(1) Officials exercising state supervision have the right to:

1) monitor compliance with this Act without hindrance and without giving prior notice;

2) enter, for the purposes of supervision, the premises of notified bodies, technical inspection bodies and authorities assessing and attesting the conformity of persons;

3) enter, for the purposes of supervision, any location at which gas appliances and fittings are manufactured, installed, used, repaired, maintained, stored or sold, and also to enter any location where gas installations are constructed or used;

4) obtain information necessary for supervision, and to examine relevant documents and copies thereof and to obtain transcripts thereof;

5) issue precepts.

(2) The Director General of the Inspectorate or an official authorised by him or her has the right, on the basis of this Act and with regard to issues within the competence of the Inspectorate, to oblige a manufacturer of gas appliances, fittings or gaseous fuel, or a person who places gas appliances or fittings on the market or constructs gas installations to inform the public of any danger related to the gas installations, gas appliances, fittings and gaseous fuel, or to publish such information at the expense of the manufacturer, or the person who places gas appliances and fittings on the market or constructs gas installations.

(3) In the performance of their duties, officials exercising state supervision are required to present identification.

(4) Officials exercising state supervision are required to ensure the confidentiality of business and technical information which becomes known to them, unless the disclosure of such information is prescribed by law.

### § 31. Precept and decision

(1) An official exercising state supervision shall issue a precept for the termination of violations of the requirements of this Act or legislation established on the basis thereof, including for suspension of the use of non-conforming gas installations or for the suspension of non-

conforming gas work, non-conforming technical inspection or non-conforming assessment and attestation of the conformity of persons, and in the precept he or she shall:

- 1) call attention to the offence and demand that it be terminated;
- 2) where necessary, demand that activities related to the offence be suspended in part or in full, or
- 3) demand that acts necessary for the lawful continuation of the activities be performed.

(2) The Director General of the Inspectorate or an official authorised by the Director General has the right to make a decision of deletion from the register of an undertaking which holds a registration in the register in the following cases:

- 1) upon repeated failure to comply with a precept;
- 2) if the undertaking does not comply to the requirements set for operation in the relevant field of activity.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(3) A decision provided for in subsection (2) of this section shall set out:

- 1) the date and place the decision is made;
- 2) the content of and legal basis for the decision;
- 3) a notation concerning the possibility of and the terms and procedure for contesting the precept;
- 4) the given name, surname and official title of the person making the decision.

(4) If a precept of an official of the Inspectorate concerns an undertaking which is registered in the register specified in § 22 of this Act, the Inspectorate shall enter the information concerning the precept in the register based on the Register of Economic Activities Act.

(10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

(5) A person shall be notified of a decision provided in subsection (2) of this section and the decision shall be delivered against a signature or sent by post with advice of delivery within two working days as of the date on which the decision is made.

(6) In the event of failure to comply with a precept specified in subsection (1) of this section, an official exercising state supervision may impose a coercive measure pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580). The upper limit for a penalty payment is 10 000 kroons.

### § 32. Contestation of precept or act

- (1) If a person does not agree with a precept or act of an official of the Inspectorate, the person has the right to file a written challenge with the Director General of the Inspectorate within ten working days as of the date on which the person became aware of the precept or act.
- (2) Challenges shall not be filed against administrative acts or measures of the Director General of the Inspectorate.
- (3) The filing of a challenge does not relieve the person of the obligation to comply with the precept.
- (4) The Director General of the Inspectorate shall review a challenge and make a decision within fourteen working days as of the date on which the challenge is filed. The official against whose precept or act the challenge is filed shall not participate in the review of the challenge.
- (5) A person who files a challenge shall be notified of the decision of the Director General of the Inspectorate and the decision shall be delivered against a signature or sent by post with advice of delivery within two working days as of the date on which the decision is made.

### § 33. Inspection of conformity

- (1) In the course of state supervision, the Inspectorate has the right:
  - 1) in order to inspect the conformity of gas appliances or fittings or parts thereof, to obtain, for a reasonable fee, the necessary amount of gas appliances or fittings from the manufacturer thereof or from the person who places the gas appliances and fittings on the market;
  - 2) to inspect the conformity of gas installations, and gas appliances which have been put into service;

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

  - 3) in justified cases, to order assessment services for inspection of the conformity of gas appliances, fittings, parts thereof and gas installations.
- (2) The costs of the assessment services ordered for the inspection of conformity shall be borne by the Inspectorate.
- (3) If it is established that:
  - 1) a gas appliance or fitting specified in clause (1) 1) of this section does not conform to the established requirements, the manufacturer thereof or the person who placed the gas appliance or fitting on the market shall return the fee specified in clause (1) 1) of this section to the

Inspectorate and compensate the documented cost of the assessment services ordered for the inspection of conformity;

2) a gas appliance or fitting specified in clause (1) 2) of this section does not conform to the established requirements, the owner thereof shall compensate the documented cost of the assessment services ordered for the inspection of conformity of the appliance or fitting.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

## Chapter 10

### Liability

§ 34. (Repealed - 10.08.2004 entered into force 15.04.2004 - RT I 2004, 18, 131)

§ 35. Violation of requirements for placing of gas appliances, fittings and gaseous fuels on market

(1) Violation of the requirements for the placing of gas appliances, fittings and gaseous fuels on the market 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.

§ 36. Violation of requirements for putting into service and use of gas installations and gas appliances

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(1) Violation of the requirements for putting into service or use of gas installations and gas appliances, or the obligations of owners of gas appliances and the supervisors of the use of gas installations is punishable by a fine of up to 300 fine units.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 37. Violation of requirements for gas work and construction of gas installations

(1) Violation of the requirements for gas work or the construction of gas installations is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 38. Violation of requirements for technical inspection and for assessment and attestation of conformity of persons

(1) Violation of the requirements for technical inspection or for assessment and attestation of the conformity of persons is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

§ 39. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40) and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in §§ 34-38 of this Act.

(2) The Technical Inspectorate shall conduct extra-judicial proceedings in the matters of the misdemeanours provided for in §§ 34-38 of this Act.

Chapter 11

Implementing Provisions

§ 40. Gas installations installed before entry into force of this Act

Gas installations which were installed and gas appliances or fittings which were placed on the market before the entry into force of this Act shall be safe and conform to the requirements in force at the time of their installation.

§ 41. Transitional provisions

(1) Undertakings may operate without being registered in the register until 1 October 2002.

(2) Technical inspection bodies which operated on the basis of the Pressure and Lifting Equipment Safety Act (RT I 1998, 113/114, 1873) before the entry into force of this Act shall be brought into conformity with the requirements of this Act not later than by 1 January 2003.

(3) Technical inspection bodies provided in subsection (2) of this section are required, pursuant to the procedure established on the basis of § 19 of this Act, to submit information concerning technical inspections conducted before the entry into force of this Act by 1 October 2002.

(4) Supervisors of the use of appliances and supervisors of the manufacture of appliances whose conformity has been assessed and is attested by a certificate of competency on the basis of the Pressure and Lifting Equipment Safety Act are deemed to conform to the requirements set out in this Act until the date of expiry of the certificate of competency issued to them. The competence of a supervisor of the manufacture of appliances corresponds to the competence of a person in charge of gas work as provided for in this Act.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(5) If the service life of gas appliances connected to category A gas installations has ended, such appliances may be used without technical inspection until 1 July 2005.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(6) Manufacture of the permanent joints specified in subsection 16<sup>1</sup> (1) of this Act by persons whose conformity has not been attested pursuant to the provisions of this Act is permitted until 15 October 2004.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

(7) Filling of liquid gas containers without appointing a person in charge of gas work is permitted until 1 July 2004.

(17.03.2004 entered into force 01.05.2004 - RT I 2004, 19, 133)

#### § 42. Administrative liability of legal persons before entry into force of Penal Code

A legal person is liable for violation of the requirements of this Act or legislation established on the basis thereof as follows:

1) a fine of 5000 to 50 000 kroons shall be imposed for gas work, construction of gas installations or assessment and attestation of the conformity of persons or technical inspection without being registered in the state register of undertakings subject to special requirements;

- 2) a fine of 500 to 5000 kroons shall be imposed for submission of false information to the authorised processor of the state register of undertakings subject to special requirements, failure to submit information thereto or failure to submit information thereto on time;
- 3) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for the placing of gas appliances, fittings or gaseous fuels on the market or for the use thereof;
- 4) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for gas work or the construction of gas installations;
- 5) a fine of 5000 to 50 000 kroons shall be imposed for violation of the requirements for assessment and attestation of the conformity of persons or for technical inspection.

#### § 43. Proceedings in matters concerning administrative offences before entry into force of Penal Code

- (1) Proceedings in matters concerning administrative offences provided for in § 42 of this Act, including the imposition or contestation of a penalty and the enforcement of an administrative penalty which has entered into force, shall be conducted pursuant to the procedure provided for in the Code of Administrative Offences (RT 1992, 29, 396; RT I 2001, 74, 453; 87, 524 and 526; 97, 605; 102, 677; 2002, 18, 98; 21, 117; 29, 174 and 175; 30, 176; 32, 189).
- (2) Officials exercising state supervision have the right to impose fines of up to 20 000 kroons on administrative offenders who are legal persons. County and city court judges have the right to impose larger fines.
- (3) The report concerning an administrative offence shall set out:
  - 1) the time and place of its preparation;
  - 2) the name and address of the agency in whose name the report is prepared;
  - 3) the given name, surname and official title of the person who prepares the report;
  - 4) the name, address and contact details of the administrative offender;
  - 5) the given name, surname and position of the representative of the administrative offender;
  - 6) a reference to the provision of legislation which is violated;
  - 7) explanations concerning the offence provided by the administrative offender or the representative thereof;

- 8) explanations provided by witnesses, and other facts necessary for adjudication of the matter;
  - 9) a notice that the administrative offender has been advised of the right to obtain legal assistance.
- (4) The report shall be submitted for review to the administrative offender or the representative thereof. The administrative offender or the representative thereof shall sign the report upon review thereof. If the administrative offender or the representative thereof refuses to sign the report, the person preparing the report shall make a notation to this effect in the report. A copy of the report shall be issued to the administrative offender or the representative thereof.

#### § 44. Amendment of Energy Act

The Energy Act (RT I 1997, 52, 833; 2001, 52, 303; 88, 531; 93, 565; 2002, 25, 145; 41, 251) is amended as follows:

- 1) section 15<sup>1</sup> is repealed;
- 2) subsections (4)-(7) are added to § 16 worded as follows:

"(4) A supply point is the connection point between energy equipment and the network which also marks the boundary of network services and delimits the corresponding liability of the persons connected to the network (consumers and energy undertakings) and the network operator, unless otherwise provided by the contract.
- (5) A network operator has the right to disconnect a network connection at a supply point or suspend the forwarding or distribution of energy without giving prior notice if there is danger to the life or health of persons or to property or the environment.
- (6) A network operator has the right to disconnect a network connection at a supply point or suspend the forwarding or distribution of energy by giving written notice thereof at least seven days in advance if:
  - 1) the consumer or energy undertaking uses energy equipment which adversely affects the quality of the energy or the reliability of the energy supply in the operator's network;
  - 2) the network operator is prevented from accessing a measurement system located within territory in the ownership or possession of a consumer or energy undertaking for the inspection or replacement of such system, or for the operation of energy equipment belonging to the network operator for the performance of necessary work;

3) the consumer or energy undertaking is in debt for the use of energy or network services.

(7) Network connection at a supply point shall be restored after payment of the costs of disconnection and reconnection unless the contract has been terminated.";

3) subsection 28<sup>1</sup> (1) is amended and worded as follows:

"(1) An energy undertaking which dominates the market is required to purchase electricity power from traders connected to its network who produce the electricity power from water, wind or solar energy or from biofuel."

#### § 45. Entry into force of Act

(1) This Act enters into force on 1 July 2002, except for:

1) subsections 2 (7) and (8) which enter into force upon the entry into force of a corresponding international agreement or upon the accession of Estonia to the European Union, whichever is first;

2) clauses 44 2) and 3) which enter into force on the tenth day following the date of publication of this Act in the *Riigi Teataja*;

3) Chapter 10 which enters into force at the same time as the Penal Code.

(2) Sections 43 and 44 of this Act remain in force until the entry into force of the Penal Code.

<sup>1</sup> RT = *Riigi Teataja* = *State Gazette*