

## Earth's Crust Act

Passed on 23 November 2004

(RT<sup>1</sup> I 2004, 84, 572),

entered into force 1 April 2005,

amended by the following Act:

22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87.

## Chapter 1

### General Provisions

#### § 1. Purpose and scope of application of Act and application of Administrative Procedure Act

(1) This Act provides for the procedure for and the principles of exploration, protection and use of the earth's crust, with the purpose of ensuring economically efficient and environmentally sound use of the earth's crust.

(2) This Act regulates:

1) geological investigation;

2) geological explorations;

3) extraction of mineral resources, except in the part regulated by the Mining Act (RT I 2003, 20, 118; 2004, 18, 131);

4) the rights of the owner of an immovable upon use of mineral resources within the boundaries of the owner's immovable;

5) restoration of the land disturbed by geological investigation, geological explorations or mining;

6) use of the earth's crust not related to the extraction of mineral resources, except in the part regulated by the Mining Act and the Water Act (RT I 1994, 40, 655; 1996, 13, 241; 1998, 2, 47; 61, 987; 1999, 10, 155; 54, 583; 95, 843; 2001, 7, 19; 42, 234; 50, 283; 94, 577; 2002, 1, 1; 61, 375; 63, 387; 2003, 13, 64; 26, 156; 51, 352; 2004, 28, 190; 38, 258);

7) protection of the earth's crust.

(3) 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.

## § 2. Definitions

In this Act, and legislation established on the basis thereof, the following definitions are used:

- 1) “earth’s crust” means the upper layer of the ground accessible for human activity on land, in transboundary water bodies, on the territorial sea, in inland maritime waters and in the exclusive economic zone;
- 2) “mineral resource” means natural rock, sediments, liquid or gas the characteristics of which or the bedding conditions and characteristics of the body of which comply with the established requirements and the body or a part of the body of which has been registered in the environmental register due to its economic importance;
- 3) “geological investigation” means scientific research or geological applied research conducted to establish the geological structure of the earth’s crust or the pattern of occurrence of mineral resources;
- 4) “geological exploration of mineral resources (hereinafter geological exploration)” means geological operations performed in order to extract and commence use of mineral resources;
- 5) “mineral deposit” means the body or a part of the body of mineral resources delimited and explored by a geological investigation or geological exploration and registered in the environmental register, and the whole body or part of the body which contains mineral resources, together with the interbeds, shall be registered as a mineral deposit;
- 6) “mined ore” means a solid component of any rock or sediment which is removed from the natural state;
- 7) “extraction of mineral resources (hereinafter extraction)” means the operations performed for preparation of the removal of mineral resources from the natural state, removal of mineral resources from the natural state, transport of the mined ore which is related to the technological process at the mining site and dressing of the mined ore;
- 8) “use of mineral resources” means the consumption of mineral resources without the transfer thereof or use of mineral resources in the natural state;
- 9) “area of geological exploration” means the part of the earth’s crust designated for geological operations by a permit for geological investigation or an exploration permit;
- 10) “service plot of geological exploration area” means the territory above the area of geological exploration, which is designated for geological operations by an exploration permit;

- 11) “mining claim” means the part of the earth’s crust which is designated for the extraction of mineral resources by an extraction permit;
- 12) “mine service plot” means a territory above or surrounding a mining claim, which is designated for the extraction of mineral resources by an extraction permit;
- 13) “restoration of disturbed land” means to render the land usable;
- 14) “hand specimen” means a piece of rock which has been taken from an outcrop or drilling core in order to explore the rock.

### § 3. Division of mineral deposits

- (1) Mineral deposits are of national importance or of local importance.
- (2) A mineral deposit located in a transboundary water body, on the territorial sea or in inland maritime waters, in the exclusive economic zone and the following mineral deposits are of national importance:
  - 1) mineral deposits the quality or quantity of mineral resources of which are of significant importance in view of the economic development of the state;
  - 2) mineral deposits the mineral resources of which are used for the manufacture of products with export potential;
  - 3) mineral deposits where the significant environmental impact of the extraction of mineral resources extends to several counties or crosses the state border.
- (3) The list of mineral deposits of national importance shall be established by the Government of the Republic.
- (4) Mineral deposits not entered in the list of mineral deposits of national importance are of local importance.

### § 4. Ownership of mineral resources

- (1) Bedrock minerals, mineral resources in mineral deposits of national importance and lake mud and sea mud (medicinal mud) belong to the state and the immovable property ownership of other persons does not extend to these.
- (2) Mineral resources located on immovables or in internal water bodies in state ownership belong to the state.

- (3) The natural body of bedrock, sediments, liquid or gas not registered in the environmental register belongs to the state and the immovable property ownership of other persons does not extend to these, unless the purpose of use of the immovable requires this.
- (4) Mineral resources in state ownership are not in commerce in their natural form.
- (5) If a permit is required in order to remove mineral resources in state ownership from the natural state, the mined ore generated upon mining on the basis of the permit belongs to the miner of the mineral resources.
- (6) If a permit is required in order to remove mineral resources in state ownership from the natural state, the mined ore generated upon mining without the permit belongs to the state.

#### § 5. Records of mineral resources

- (1) Records of mineral resources shall be kept in the environmental register in the form of mineral reserves by each mineral deposit separately pursuant to the procedure provided for in the Environmental Register Act (RT I 2002, 58, 361; 2004, 30, 209).
- (2) Entry of the natural body of rock, sediments, liquid or gas explored and delimited by a geological investigation or geological exploration in the environmental register as a mineral deposit shall be decided by the Minister of the Environment on the basis of the results of the geological investigation or geological exploration, taking account of the opinion of the Commission of Estonian Mineral Resources.

#### § 6. Commission of Estonian Mineral Resources

- (1) The Commission of Estonian Mineral Resources shall be established within the area of government of the Ministry of the Environment and its statutes shall be approved by the Minister of the Environment.
- (2) The main function of the Commission of Estonian Mineral Resources is advising the Ministry of the Environment on the issues of the exploration and use of the earth's crust, keeping records of mineral resources and approval, qualification, writing-off and protection of mineral reserves.
- (3) Experts of geology, extractive industry, environmental protection and other specialities shall be appointed as members of the Commission of Estonian Mineral Resources. The Commission shall comprise representatives of the Ministry of the Environment, Land Board,

Technical Inspectorate and professional associations. The membership of the Commission of Estonian Mineral Resources shall be approved by the Minister of the Environment.

## Chapter 2

### Geological Investigation and Geological Explorations

#### Division 1

##### General Provisions

###### § 7. General requirements for geological investigation and geological explorations

- (1) Geological investigations and geological explorations shall be carried out such that damage to the environment and persons is minimal.
- (2) The holder of a permit for geological investigation or a geological exploration permit has the right, in the course of operations, to take from the earth's crust and use for the operations rock, sediments, liquid or gas indicated in the permit in an amount which is necessary to determine their characteristics, whether they can be enriched and their usability. Navvyng may be carried out to the extent necessary for the geological investigation or geological exploration.

###### § 8. Procedure for geological investigation and geological explorations

- (1) Geological investigation shall be carried out pursuant to the procedure for geological investigation.
- (2) The procedure for geological investigation shall be established by the Minister of the Environment. The following shall be established by the procedure for geological investigation:
  - 1) the requirements for geological mapping;
  - 2) the requirements for prospecting;
  - 3) the extent of activities which change the condition of soil and the earth's crust;
  - 4) the requirements for geological mapping and for the preparation of a prospecting report.
- (3) According to the objective of the operation, the following shall be carried out in the course of a geological investigation:
  - 1) geological mapping;
  - 2) prospecting;

- 3) geophysical surveys;
  - 4) geochemical surveys;
  - 5) other geological operations for specific purposes, except geotechnical site investigations and geodetic surveys.
- (4) Geological explorations shall be carried out pursuant to the procedure for geological explorations.
- (5) The procedure for geological explorations shall be established by the Minister of the Environment. The following shall be established by the procedure for geological explorations:
- 1) the division of mineral resources according the areas of use and the requirements for determination of the areas of use of mineral resources;
  - 2) the requirements for the preparation and carrying out of geological explorations, topographies work and the calculation of mineral reserves;
  - 3) the requirements for the preparation of a mineral deposit for use and for geological exploration reports;
  - 4) the special requirements for the geological exploration of each mineral resource.
- (6) In the course of geological explorations:
- 1) the bedding conditions, composition and technological characteristics of natural bodies or mineral resources shall be established to the accuracy which enables mining and the possible areas of use of the explored natural bodies or mineral resources shall be determined;
  - 2) the hydrological and hydrogeological conditions of the area of geological exploration and its vicinity and the possible changes thereto in the course of mining shall be assessed and the extent of the circle of influence of mining shall be determined;
  - 3) measures to prevent and reduce the possible changes in the earth's crust shall be planned;
  - 4) a geological map of the area of geological exploration and its vicinity shall be prepared;
  - 5) a new proposal for determination of the categories of mineral reserves shall be made;
  - 6) all mineral resources and natural bodies found in the area of geological exploration shall be explored to the accuracy which corresponds to prospecting if preservation of the mineral resources and natural bodies usable is impossible in mining engineering in the course of the later extraction of the explored mineral resources, rock, sediments, liquid or gas.

## § 9. Requirements for mineral resources

(1) The requirements for the characteristics of dolostone, phosphate rock, lacustrine lime, lake mud, crystalline building stone, gravel, sand, limestone, sea mud, oil shale, clay or peat and the bedding conditions and characteristics of the body for registration in a mineral deposit as mineral reserves shall be established by the Minister of the Environment.

(2) The requirements for the registration of the natural body of rock, sediments, liquid or gas not specified in subsection (1) of this section in the environmental register as a mineral deposit shall be set by the applicant for an exploration permit upon application for the exploration permit.

(3) An area of use shall be determined regarding mineral reserves according to the quality and possibilities of use thereof. The list of the areas of use of mineral reserves shall be established by the Minister of the Environment.

#### § 10. Categories of mineral reserves

(1) Arising from the detail of exploration, mineral reserves are divided into proved reserves, inferred reserves and reconnaissance resources.

(2) Proved reserves are mineral reserves the extent of the geological exploration of which allows the receipt of the information necessary for the extraction and use of mineral reserves. Proved reserves are classified on the basis of geological explorations.

(3) Inferred reserves are mineral reserves the extent of the geological exploration of which allows the receipt of the information necessary to assess the perspectives of the mineral reserves and to direct the further geological explorations. Inferred reserves are classified on the basis of geological investigation or geological explorations. The Minister of the Environment may declare inferred reserves to be mineable reserves or useable reserves if the inferred reserves are directly bordered by the proved reserves or located on the floor or in the covering bed of the proved reserves.

(4) Reconnaissance resources are mineral reserves the extent of the geological exploration of which is determined by geological investigation. In areas bordered by a mineral deposit outside of the outline of proved reserves and inferred reserves or in regions where, on the basis of occurrence of mineral resources, the existence of a new mineral deposit may be presumed, reconnaissance resources shall be separated. Reconnaissance resources allow assessment of the

possibility to increase mineral reserves in a mineral deposit or discover a new mineral deposit and are the basis upon directing prospecting or geological explorations.

(5) The proved reserves and inferred reserves of mineral reserves are divided as mineable reserves and submarginal mineral resources on the basis of their possibilities of use and economical importance. Reconnaissance resources are not divided into groups.

(6) Mineral reserves are deemed to be mineable if the technology and equipment used upon extraction ensure the rational use of the earth's crust and compliance with the environmental requirements and if use of the mineral resources is economically advantageous.

(7) Mineral resources are deemed to be submarginal if the use of the resources is not possible from the standpoint of environmental protection or there is no corresponding technology, but which may prove to be usable in the future.

(8) The requirements for the categories of mineral reserves shall be established by the Minister of the Environment on the basis of the level of exploration of mineral resources, the extent of the possible environmental impact and the possibility and economical expediency of extraction.

#### § 11. Right to carry out geological investigation and geological explorations

(1) It is permitted to carry out geological investigation on the basis of a permit for geological investigation, with the exception of geological investigation where field work has not been planned or the work is limited to the description of natural or artificial exposures and the collection of hand specimens and fossils from the ground.

(2) Geological explorations are permitted on the basis of a geological exploration permit for mineral resources (hereinafter exploration permit).

(3) Geological investigation and geological explorations may be carried out by a registered person pursuant to the procedure provided for in the Mining Act. A registration does not replace a permit for geological investigation or an exploration permit.

#### § 12. Submission, preservation and publication of geological data

(1) The holder of a permit shall submit the rock material, drilling cores, samples and other geological data (hereinafter collected material) obtained in the course of a geological investigation and geological exploration to the issuer of permits within thirty days after approval

of the results of the geological investigation and geological exploration. The issuer of permits shall transfer the collected material to the authorised processor of the environmental register for preservation.

(2) If, on the basis of the results of a geological investigation or geological exploration, changes need to be made in the environmental register, a relevant report shall be submitted for approval to the Ministry of the Environment. The procedure for the submission and review of geological investigation or geological exploration reports shall be established by the Minister of the Environment.

## Division 2

Application for Permit for Geological Investigation and Exploration Permit, Issue of and Refusal to Issue Permit for Geological Investigation or Exploration Permit

### § 13. Application for permit for geological investigation and exploration permit

(1) An application for a permit for geological investigation and an exploration permit shall set out:

- 1) information on the applicant for the permit and the person who carries out the geological investigation and geological exploration;
- 2) the primary purpose of the geological investigation and geological exploration of the applicant for the permit for geological investigation or exploration permit;
- 3) information on the area of geological exploration and the service plot of the geological exploration area and, in the case of prospecting, on the estimated size of the mineral reserve;
- 4) information on the nature and volume of the geological investigation and geological explorations;
- 5) a letter of explanation;
- 6) a graphical annex.

(2) A letter of explanation to an application for a permit for geological investigation or an exploration permit shall contain a description of the geological investigation or geological exploration, information on the exploration methods used or the extent of the possible environmental impact arising from the geological investigation or geological exploration and a work schedule.

(3) A graphical annex to an application for a permit for geological investigation or an exploration permit shall set out the boundary of the area of geological exploration and the service plot of the geological exploration area, the outlines of the existing mineral deposit and blocks of mineral reserves explored earlier and the boundaries of the valid areas of investigation or exploration and mining claims and cadastral units.

(4) A person engaged in the preparation of a project within the meaning of § 10 of the Mining Act has the right to prepare an application for an exploration permit.

(5) The format of applications for explorations permits and the detailed requirements for applications for permits for geological investigation and exploration permits, letters of explanation and graphical parts shall be established by the Minister of the Environment.

#### § 14. Application for permit for geological investigation and exploration permit and application of provisions of open proceedings

(1) In order to receive a permit for geological investigation or an exploration permit, an applicant shall submit an application to the issuer of permits.

(2) The issuer of permits shall send an application for a permit for geological investigation or an exploration permit and a draft decision concerning the application for obtaining an opinion to the Commission of Estonian Mineral Resources and the local government of the location of the area of geological exploration being applied for and they shall give their opinions in writing.

(3) A permit for geological investigation for prospecting and an exploration permit in a mineral deposit of national importance, a transboundary water body, on the territorial sea or in inland maritime waters and the exclusive economic zone shall be issued by the Ministry of the Environment, taking account of the opinion of the Commission of Estonian Mineral Resources on the application for the permit and the draft decision specified in subsection (2) of this section.

(4) A permit for geological investigation, if the permit is not applied for for prospecting, and an exploration permit in a mineral deposit of local importance shall be issued by the environmental authority of the location of the area of geological exploration being applied for, taking account of the opinion of the Commission of Estonian Mineral Resources on the application for the permit and the draft decision specified in subsection (2) of this section. If the area of geological exploration being applied for is located in two or more counties, the permit

shall be issued by the environmental authority in the territory of which most of the area of geological exploration being applied for is located.

(5) If proposed activities potentially result in a significant environmental impact within the meaning of the Environmental Impact Assessment and Environmental Auditing Act (RT I 2000, 54, 348; 2002, 61, 375; 63, 387; 90, 521; 99, 579; 2004, 30, 209; 38, 258), processing of the application shall be suspended as of the date of initiation of the environmental impact assessment until the environmental impact assessment report is approved.

(6) An applicant shall pay the state fee for an application for a permit for geological investigation and an exploration permit and an application for the amendment and re-registration of a permit according to the rates provided for in the State Fees Act (RT I 1997, 80, 1344; 2004, 76, 526; 75, 521).

(7) The terms for the procedural acts for the issue of permits for geological investigation and exploration permits shall be established by the Minister of the Environment.

#### § 15. Open proceedings and notification of open proceedings

(1) The provisions of the Administrative Procedure Act concerning open proceedings apply to the proceedings regarding the issue and amendment of permits for geological investigation for prospecting and regarding the issue and amendment of exploration permits, taking account of the specifications provided for in this Act.

(2) The issuer of permits shall publish a notice concerning the initiation of proceedings in the official publication *Ametlikud Teadaanded*<sup>2</sup>.

#### § 16. Deficiencies in application for permit for geological investigation and exploration permit

In the case of significant deficiencies in an application, the issuer of permits may return an application for a permit for geological investigation or an exploration permit without accepting it for processing.

#### § 17. Issue of permit for geological investigation and exploration permit by auction

(1) If several persons have submitted applications for a permit for geological investigation for prospecting or applications for an exploration permit regarding the same part of the earth's crust in state ownership and the submitted applications cannot be satisfied at the same time, the

right to carry out a geological investigation or geological exploration shall be sold by an auction pursuant to the procedure established by the Government of the Republic.

(2) An auction shall be organised by the issuer of permits for geological investigation or exploration permits. An auction shall be organised if, within thirty days after the publication of a notice concerning initiation of proceedings regarding the issue of a permit for geological investigation for prospecting and the issue of an exploration permit, another application for a permit for geological investigation for prospecting or an exploration permit regarding the same or partly overlapping part of the earth's crust is submitted.

(3) Before the initiation of an auction, it shall be verified whether the circumstances specified in clauses 20 (1) 1)-7) of this Act occur in the submitted application. The auction shall be organised for applications to which the bases for refusal to issue a permit arising from this Act do not apply.

(4) Upon organising an auction, processing of an application for a permit for geological investigation or an exploration permit shall be suspended until the winner of the auction is announced or the auction is declared to have failed.

(5) The issuer of permits may establish a deposit for participation in an auction. The deposit shall be equal to all participants in an auction and shall not be greater than 25 000 kroons. After the winner of the auction has been ascertained, the deposit shall be returned to persons who did not win the auction. The deposit shall not be returned to persons who have contributed to the failure of the auction.

(6) An auction is deemed to have failed if, in the course of the auction, the winner of the auction is not ascertained regardless of the reasons therefor. An application of an applicant who has contributed to the failure of the auction shall be returned to the applicant within two weeks after the auction is declared to have failed.

(7) After an auction is declared to have succeeded, the issuer of permits shall continue to process the application of the winner of the auction. Applications which did not win the action shall be returned to the applicants within two weeks after the winner of the auction is announced.

(8) Upon failure of an auction or if the winner of an auction withdraws the bid, an application of the next best tenderer shall be processed. In the case of equal tenders, an application received earlier shall be processed.

§ 18. Permit for geological investigation and exploration permit

- (1) A permit for geological investigation and an exploration permit shall set out the holder of the permit and the name, registry code or personal identification code and address of the person carrying out the geological investigation or geological exploration.
- (2) A permit for geological investigation and an exploration permit shall set out:
  - 1) the period of validity of the permit;
  - 2) the area of geological exploration necessary for the geological investigation or geological explorations and the size and location of its service plot;
  - 3) the nature and volume of the geological investigation or geological explorations, such as the number and depth of boreholes, the name and extent of geophysical prospecting methods;
  - 4) the requirements for ensuring the protection of the earth's crust and for reducing the adverse impact on human health, property and the environment.
- (3) In order to be issued a permit for geological investigation or an exploration permit, a person is required to have the following:
  - 1) the consent of the Minister of Defence, within the territory of an object with a national defence purpose or in the special zone surrounding the object;
  - 2) the consent of the Minister of Internal Affairs, in places where the geological investigation or geological explorations may disturb border peace or impede the guarding of the state border, and also in cemeteries;
  - 3) the consent of the Minister of Defence, in heritage conservation areas and on immovable monuments or their protected zones.
- (4) The territory of the area of geological exploration granted for prospecting by a permit for geological investigation shall not be larger than 100 km<sup>2</sup>. One permit for geological investigation may be issued for prospecting the same mineral resource in an area of geological exploration.
- (5) A permit for geological investigation and an exploration permit shall be issued for up to five years.
- (6) The format of permits for geological investigation and exploration permits shall be established by the Minister of the Environment.

§ 19. Making issue of permit for geological investigation and exploration permit public and issue of permits

- (1) The issuer of permits shall make the issue of a permit for geological investigation and an exploration permit public in the official publication *Ametlikud Teadaanded*.
- (2) A notice concerning issue of a permit for geological investigation and an exploration permit shall contain the following information:
  - 1) the business name, registry code and seat, or the name, personal identification code and address of the recipient of the permit;
  - 2) the place of business;
  - 3) a short description of the activities;
  - 4) the period of validity of the permit.
- (3) A permit for geological investigation and an exploration permit shall be issued to the recipient of the permit against a signature.

#### § 20. Refusal to issue permit for geological investigation and exploration permit

- (1) Issue of a permit for geological investigation or an exploration permit shall be refused if:
  - 1) the geological investigation or geological explorations damage the protected natural object or the natural object the proceedings for the placing of which under protection have been initiated by a competent authority;
  - 2) the consent specified in subsection 18 (3) of this Act has not been granted;
  - 3) the administrator of state assets has not granted the consent thereof;
  - 4) the permit is applied for regarding the part of the earth's crust for the use of which an application for a permit for geological investigation for prospecting the same mineral resource or an application for an explorations permit or extraction permit has already been accepted for processing and an auction is not organised;
  - 5) the permit is applied for regarding the part of the earth's crust for the use of which a permit for geological investigation for prospecting the same mineral resource or an explorations permit or extraction permit of the same mineral resource has already been issued;
  - 6) the applicant knowingly submits false information in the application for the permit;
  - 7) the issue of the permit is contrary to the national interests;
  - 8) an auction was organised for the issue of the permit and the application of the person was not declared to be successful and subsection 17 (8) of this Act was not applied;

- 9) the local government does not consent to the issue of the permit for geological investigation or the exploration permit for prospecting.
- (2) In addition to the provisions of subsection (1) of this section, issue of an exploration permit may be refused if:
- 1) the characteristics of the natural body or mineral reserves occurring in the area of geological exploration enable the receipt of more valuable production than planned in the application for the exploration permit;
  - 2) use of the mineral reserves outside of the area of geological exploration is not economically justified.
- (3) In the case specified in clause (1) 9) of this section, refusal to issue a permit for geological investigation is based on the refusal of the local government to grant consent if the permit for geological investigation is issued for prospecting. Upon disagreement, a permit for geological investigation for prospecting or an explorations permit may be issued with the consent of the Government of the Republic.

### Division 3

#### Suspension, Amendment and Revocation of Permit for Geological Investigation and Exploration Permit and Assignment of Right to Carry out Geological Investigation and Geological Explorations

##### § 21. Amendment of permit for geological investigation and exploration permit

- (1) A permit for geological investigation and an exploration permit shall be amended if:
- 1) the information specified in clause 13 (1) 1) of this Act has changed;
  - 2) the legislation which constituted the basis for the requirements set by the permit has been amended;
  - 3) pollution arising from the activities permitted by the permit is of such significance that negative effects are caused to the environment in the place of business specified in the permit and the vicinity of the place of business;
  - 4) the holder of the permit has submitted a reasoned application therefor.
- (2) An explorations permit shall be amended if, in order to avoid environmental damage, measures not specified in the explorations permit must be applied.

(3) The provisions of the Administrative Procedure Act concerning open proceedings do not apply to proceedings initiated for amending a permit on the basis of clause (1) 1) of this section.

#### § 22. Revocation of permit for geological investigation and exploration permit

(1) The issuer of a permit for geological investigation and an exploration permit shall revoke a permit if:

- 1) false information was knowingly submitted upon application for the permit;
- 2) the holder of the permit has more than one punishment in force for violation of the requirements which are allowed by the permit and established regarding geological investigation or geological explorations in this Act or legislation issued on the basis thereof;
- 3) the holder of the permit has not commenced geological investigation or geological explorations within one year after the beginning of the period of validity of the permit;
- 4) the holder of the permit applies for the revocation of the permit;
- 5) in the course of the geological investigation or geological explorations, unforeseeable harmful effects to the environment or on human health become evident and this cannot be avoided by amendment of the permit.

(2) Upon revocation of a permit for geological investigation or an exploration permit, the holder of the permit shall perform the obligations assumed by the permit. Upon failure to perform the obligations, the issuer of permits has the right to issue a precept to the holder of the permit and, upon failure to comply with the precept, substitutive enforcement shall be applied pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act (RT I 2001, 50, 283; 94, 580).

#### § 23. Assignment of right to carry out geological investigation and geological explorations and re-registration of permit for geological investigation and exploration permit

(1) The holder of a permit for geological investigation for prospecting and an exploration permit have the right to assign the right to carry out geological investigation and geological explorations during the period of validity of the permit together with the geological data obtained in the course of the geological investigation and geological explorations.

(2) In order to re-register the right to carry out geological investigation or geological explorations, the person acquiring a permit for geological investigation or an exploration permit

shall submit to the issuer of permits an application for re-registration in the name of the applicant, to which a written consent of the holder of the permit regarding assignment of the right to carry out geological investigation or geological explorations and the documents certifying the right to use the area of geological exploration and the service plot are appended.

(3) The right to carry out geological investigation and geological explorations arises on the working day following the re-registration of the corresponding permit, unless a later date is indicated in the application.

(4) Re-registration means that information concerning the holder of a permit is changed on the permit. The provisions of the Administrative Procedure Act concerning open proceedings do not apply to re-registration proceedings.

(5) A person applying for re-registration shall pay the state fee for re-registration pursuant to the rates provided for in the State Fees Act before the re-registration of a permit.

## Chapter 3

### Extraction

#### Division 1

##### General Provisions

##### § 24. General requirements for extraction

(1) Upon extraction, technologies shall be applied in the case of which damage to the environment and persons is minimal.

(2) A miner is required to apply measures in order to forecast and prevent environmental damage, eliminate or alleviate the caused environmental damage and monitor any adverse impact after extraction.

##### § 25. Mining right

(1) The mining right arises on the basis of an extraction permit for mineral resources (hereinafter extraction permit), unless otherwise provided for in this Act.

(2) Only the natural body of rock, sediments, liquid or gas registered in the environmental register as mineral resource may be extracted, unless otherwise provided for in this Act.

- (3) The holder of an extraction permit has, on the basis of the permit, the right to:
- 1) prepare the mining claim and the mine service plot for the removal of mineral resources from the natural state;
  - 2) remove mineral resources from the natural state;
  - 3) organise the transport of the mined ore in the mining area;
  - 4) prepare the mined ore for further processing or use;
  - 5) carry out additional geological explorations within the boundaries of the mining claim without an exploration permit.

§ 26. Annual rate and maximum permitted annual rate of extraction of mineral resources

- (1) The annual rate of extraction of mineral resources is the average quantity of mineral resources extracted, the extraction of which ensures exhaustion of the mineral reserve of the mining claim during the period of validity of the permit.
- (2) The annual rate of extraction of mineral resources shall be determined on the basis of an application for an extraction permit, taking account of the environmental requirements and the technology used upon extraction.
- (3) The maximum permitted annual rate of extraction of mineral resources is the maximum quantity of mineral resources permitted to be extracted per year.
- (4) The maximum permitted annual rate of extraction shall be established upon extraction of peat. Upon extraction of other mineral resources, the maximum permitted annual rate of extraction shall be established if necessary for compliance with the environmental requirements.
- (5) Upon extraction of peat, the holder of an extraction permit has the right, if the quantity of mineral resources extracted is smaller than the maximum permitted annual rate of extraction, to extract the remaining quantity during the following three years. Upon extraction of the remaining quantity of mineral resources retroactively, the total quantity of mineral resources extracted during a current year shall not exceed the maximum permitted annual rate of extraction established for compliance with the environmental requirements, provided that the rate is specified in the extraction permit.
- (6) The mineral resources of a mining claim which are to be extracted shall not be greater than the annual extraction rate or the maximum permitted annual rate of extraction multiplied by the period of validity of the extraction permit recalculated into years.

## Division 2

### Application for Extraction Permit and Refusal to Issue Extraction Permit, Period of Validity of Extraction Permit and Extraction Tax for Mining Right

#### § 27. Application for extraction permit

- (1) An application for an extraction permit shall contain:
  - 1) information on the applicant for the permit and the miner;
  - 2) information on the mining claim and its level of geological exploration and on the mine service plot;
  - 3) information on the annual rate of extraction of mineral resources and the duration of extraction;
  - 4) information on the planned area of use of the mineral resources;
  - 5) a letter of explanation;
  - 6) a graphical annex;
  - 7) documents certifying the right to use land in the case of land owned by a person in private law;
  - 8) a written consent of the owner of the mineral resource for issue of the extraction permit for the mineral resource in the case of a mineral resource owned by a person in private law, unless the owner of the mineral resource is the applicant for the extraction permit.
- (2) A letter of explanation to an application for an extraction permit shall set out information on the mineral deposit, planned technology and the probable extent of the environmental impact arising from the planned extraction and the measures applied to prevent and reduce the possible changes in the earth's crust and restoration of the disturbed land.
- (3) The graphical part of an application for an extraction permit consists of the plan and geological cross section of the mining claim.
- (4) A person engaged in the preparation of a project within the meaning of § 10 of the Mining Act has the right to prepare an application for an extraction permit.
- (5) The format of applications for extraction permits and the detailed requirements for applications, letters of explanation and graphical parts shall be established by the Minister of the Environment.

## § 28. Application for extraction permit

- (1) In order to receive an extraction permit, an applicant shall submit an application to the issuer of extraction permits.
- (2) After the receipt of an application, the issuer of permits shall verify the compliance of the application with the requirements.
- (3) The issuer of permits shall send an application for an extraction permit and a draft decision concerning the application for an opinion to the Commission of Estonian Mineral Resources and the local government of the planned mining site, who shall communicate their opinions in writing.
- (4) An extraction permit in a mineral deposit of national importance, in a transboundary water body, on the territorial sea or in inland maritime waters and an exclusive economic zone of the Republic of Estonia shall be issued by the Ministry of the Environment, taking account of the opinion of the Commission of Estonian Mineral Resources. In a mineral deposit of local importance, an extraction permit shall be issued by the environmental authority of the mining site. If the mining claim being applied for or its service plot is located in two or more counties, an extraction permit shall be issued by the environmental authority in the territory of which most of the mining claim being applied for is located.
- (5) If proposed activities potentially result in a significant environmental impact within the meaning of the Environmental Impact Assessment and Environmental Auditing Act, the Commission of Estonian Mineral Resources shall submit its opinion after the approval of the environmental impact assessment statement.
- (6) Before submission of an application for the receipt, amendment or re-registration of an extraction permit, the applicant shall pay the state fee according to the rates provided for in the State Fees Act.
- (7) The terms for the procedural acts for the issue, amendment and re-registration of extraction permits shall be established by the Minister of the Environment.

## § 29. Open proceedings and notification of open proceedings

- (1) The provisions of the Administrative Procedure Act concerning open proceedings apply to the proceedings concerning the issue and amendment of extraction permits, taking into account the specifications arising from this Act.
- (2) The issuer of permits shall publish a notice concerning the initiation of proceedings in the official publication *Ametlikud Teadaanded*.

#### § 30. Extension of mining claim

- (1) The holder of an extraction permit has the right to extend a mining claim to the adjoining or separate mining claims within the same mineral deposit if the mineral resources extracted on the basis of the existing permit last for up to five years.
- (2) If preparation of a mining claim and a mine service plot for the removal of mineral resources from the natural state lasts for longer than three years due to reasons beyond the control of the holder of the permit, the mining claim may be extended for eight years before the mineral resources extracted on the basis of the existing permit are exhausted.
- (3) The proceedings regarding the issue of extraction permits apply to the proceedings regarding the extension of a mining claim.
- (4) Upon extension of a mining claim, an existing extraction permit shall be amended by amending, if necessary, the period of validity and other requirements indicated on the permit.

#### § 31. Deficiencies in application for extraction permit

In the case of significant deficiencies in an application for an extraction permit, the issuer of permits may return the application without reviewing it.

#### § 32. Issue of extraction permit by auction

- (1) If several persons have submitted applications for an extraction permit regarding the same mineral resource in state ownership and the submitted applications cannot be satisfied at the same time, the mining right shall be sold by an auction pursuant to the procedure established by the Government of the Republic.
- (2) An auction shall be organised by the issuer of extraction permits. An auction shall be organised if, within thirty days after the publication of a notice concerning initiation of

proceedings regarding the issue of an extraction permit, another application for an extraction permit regarding the same or partly overlapping part of the earth's crust is submitted.

(3) Before the initiation of an auction, it shall be verified whether the circumstances specified in clauses 34 (1) 1)-14) of this Act occur in the submitted application. The auction shall be organised for applications to which the bases for refusal to issue an extraction permit arising from this Act do not apply.

(4) Upon organising an auction, processing of an application for an extraction permit shall be suspended until the winner of the auction is announced or the auction is declared to have failed.

(5) The issuer of permits may establish a deposit for participation in an auction. The deposit shall be equal to all participants in an auction and shall not be greater than 25 000 kroons. After the winner of the auction has been ascertained, the deposit shall be returned to persons who did not win the auction. The deposit shall not be returned to persons who have contributed to the failure of the auction.

(6) An auction is deemed to have failed if, in the course of the auction, the winner of the auction is not ascertained regardless of the reasons therefor. An application of an applicant who has contributed to the failure of the auction shall be returned to the applicant within two weeks after the auction is declared to have succeeded.

(7) After the winner of an auction is announced, the issuer of permits shall continue to process the application of the winner of the auction. Applications which did not win the action shall be returned to the applicants within two weeks after the winner of the auction is announced.

(8) Upon failure of an auction or if the winner withdraws the bid, an application of the next best tenderer shall be processed. In the case of equal tenders, an application received earlier shall be processed.

### § 33. Additional consent for issue of extraction permit

(1) For the issue of an extraction permit, an additional consent is required from:

1) the Minister of Defence if the permit is applied for within the territory of objects with a national defence purpose or if extraction may damage objects with a national defence purpose or cause disturbances in the operation thereof;

- 2) the Minister of Internal Affairs if extraction may disturb border peace or impede the guarding of the state border, and also if mineral resources are planned to be extracted in cemeteries;
- 3) the Minister of Culture if the extraction permit is applied for in heritage conservation areas and on immovable monuments or their protected zones;
- 4) the holder of the permit for geological investigation or exploration permit if the permit is applied for within the area of geological exploration determined by the permit for geological investigation or exploration permit issued to the holder of the permit earlier for prospecting.

#### § 34. Refusal to issue extraction permit

- (1) The issue of an extraction permit shall be refused if:
  - 1) the applicant for the permit does not have the right to use land for the extraction of mineral resources which belong to a private person;
  - 2) the applicant for the permit plans to use underground mining and the rules for the protection of the protected natural object prohibit mining or mining damages the natural object proceedings for the placing of which under protection are conducted;
  - 3) the applicant for the permit plans to use underground mining and mining damages the protected natural object or the natural object proceedings for the placing of which under protection are conducted;
  - 4) the consent specified in § 33 of this Act has not been granted;
  - 5) the rock, sediments, liquid or gas for the extraction of which the permit is applied for has not been registered as a mineral resource;
  - 6) the annual rates fixed in the extraction permits issued for the extraction of the same mineral resource earlier exceed the maximum quantity of mineral resources permitted to be extracted per year or the volumes are exceeded upon issue of the permit;
  - 7) the mineral reserve for the extraction of which the mining claim is applied for is greater than that calculated on the basis of § 26 of this Act;
  - 8) work carried out on the basis of the extraction permit being applied for significantly restricts performance of the rights or obligations arising from the extraction permit issued earlier;

- 9) within thirty days after initiation of the proceedings regarding issue of the extraction permit, an application for the extension of a mining claim regarding the same or partly overlapping area is submitted;
  - 10) the applicant knowingly submits false information upon application for the permit;
  - 11) preservation of another mineral resource entered in the environmental register such that it is usable has not been planned in the area affected by extraction;
  - 12) the permit is applied for regarding the area such that a part of the approved mineable reserve the later independent use of which is not economically justified is excluded and exclusion of the mineral reserve from the mining claim does not arise from law or is not necessary for the protection of property or the environment;
  - 13) disturbed land cannot be restored to be usable with reasonable expenses;
  - 14) extraction is contrary to the national interests;
  - 15) an auction was organised for the issue of the permit and the application of the person was not declared to be successful and the provisions of subsection 32 (8) of this Act were not applied;
  - 16) the local government has not consented to the issue of the extraction permit.
- (2) In the case specified in clause (1) 16) of this section, an extraction permit may be issued with the consent of the Government of the Republic.

### § 35. Extraction permit

- (1) An extraction permit shall set out the name, registry code or personal identification code, and the address of the holder of the permit and the miner.
- (2) An extraction permit shall set out:
  - 1) the location of the mining claim and the size of the mineral reserve;
  - 2) the size of the mining claim;
  - 3) the size of the mine service plot necessary for the extraction of mineral resources;
  - 4) the area of use of the mineral reserve;
  - 5) the average annual rate of extraction of mineral resources and the maximum permitted rate of extraction of mineral resources;
  - 6) the period of validity of the permit;
  - 7) the purpose of use of the land being restored;

8) the requirements set to ensure the protection of the earth's crust and rational use of the mineral reserves and to reduce the adverse impact on human health, property and the environment arising from extraction.

(3) The standard format for extraction permits shall be established by the Minister of the Environment.

(22.02.2005 entered into force 03.04.2005 - RT I 2005, 15, 87)

#### § 36. Disclosure of issue of and issue of extraction permit

(1) The issuer of permits shall make the issue of an extraction permit public in the official publication *Ametlikud Teadaanded*.

(2) A notice regarding issue or amendment of an extraction permit shall set out the following information:

1) the business name, registry code and address, or the name, personal identification code and address of the recipient of the permit;

2) the address of the place of business;

3) a short description of the activities;

4) the period of validity of the permit.

(3) An extraction permit shall be issued to the recipient of the permit against a signature.

#### § 37. Period of validity of extraction permit

(1) An extraction permit shall be issued for up to thirty years for the extraction of mineral resources in a dolostone, phosphate rock, crystalline building stone, limestone, oil shale, clay or peat deposit and a sand deposit of national importance and for up to fifteen years in a lacustrine lime, lake mud, gravel or sea mud deposit and a sand deposit of local importance, except in the case provided for in subsection (2) of this section.

(2) If, upon processing an application for an extraction permit, it becomes evident that the mineral reserves in a mineral deposit cannot be exhausted within a period provided for in subsection (1) of this section and use of the remaining reserves on the basis of another extraction permit is economically unjustified, the issuer of permits has the right to issue the permit for a period which is longer by up to five years.

§ 38. Extension of validity of extraction permit

- (1) If, during the period of validity of an extraction licence, the mineral reserves are not completely exhausted within the boundaries of a mining claim or disturbed land is not restored, the issuer of permits shall extend the validity of the permit on the basis of an application of the holder of the permit in a dolostone, phosphate rock, crystalline building stone, limestone, oil shale, clay or peat deposit and a sand deposit of national importance altogether for not more than ten years and in a lacustrine lime, lake mud, gravel or sea mud deposit and a sand deposit of local importance altogether for not more than five years if the holder of the permit has received the right to use the immovable by the time specified in the application.
- (2) Upon extension of a mining claim, an extraction permit shall also be extended arising from the provisions of § 37 of this Act.

§ 39. Extraction tax for mining right upon extraction of mineral resources and use of mineral reserves and rendering them unusable

- (1) The holder of an extraction permit shall pay the extraction tax for mining right upon extraction of mineral resources and use of mineral reserves and rendering them unusable.
- (2) The maximum rate of the extraction tax for the mining right regarding mineral reserves belonging to the state is the following:
  - 1) dolostone – 30 kroons per one cubic metre;
  - 2) phosphate rock – 5 kroons per one tonne;
  - 3) crystalline building stone – 15 kroons per one cubic metre;
  - 4) gravel – 12 kroons per one cubic metre;
  - 5) sand – 10 kroons per one cubic metre;
  - 6) limestone – 16 kroons per one cubic metre;
  - 7) oil shale – 7 kroons per one tonne;
  - 8) clay – 8 kroons per one cubic metre;
  - 9) peat – 6 kroons per one tonne.
- (3) The minimum rate of the extraction tax for the mining right regarding mineral reserves belonging to the state is one fifth of the maximum rate in the case of dolostone and crystalline building stone and one third of the maximum rate in the case of other mineral resources specified in subsection (2) of this section.

- (4) The extraction tax for the mining right shall not be charged for the extraction of lacustrine lime, lake mud and sea mud reserves.
- (5) The extraction tax for the mining right shall not be charged upon use of mineral reserves and rendering them unusable to the extent which is necessary for the protection of property or the environment. The quantity of mineral reserves exempt from payment of the extraction tax for the mining right shall be determined by the issuer of permits in the extraction permit.
- (6) The rates of the extraction tax for the mining right arising from the provisions of subsections (2) and (3) of this section shall be established by the Government of the Republic, taking account of the extraction conditions and the quality of, area of use of and the need to protect the mineral reserves.
- (7) The extraction tax for the mining right regarding mineral reserves belonging to a person in private law shall be determined according to the agreement between the owner of the mineral reserves and the miner.

§ 40. Submission of report on extraction of mineral resources and payment of extraction tax for mining right

- (1) The holder of an extraction permit is required to submit a report on the volume of the extraction of mineral resources to the issuer of permits once per quarter.
- (2) The procedure for the submission of reports on the volume of the extraction of mineral resources and for the payment of the extraction tax for the mining right shall be established by the Minister of the Environment.
- (3) The procedure for the submission of reports on the volume of the extraction of mineral resources and for the payment of the extraction tax for the mining right shall determine the procedure for the submission of reports on the volume of the extraction of mineral resources and for the communication of information to the environmental register, the format of submission of information on the annual rate of extraction, the person calculating the extraction tax for the mining right, the person checking the calculation, the method of calculation, the terms for payment and the organisation of set-off.
- (4) Extra-judicial disputes concerning calculation of the extraction tax for the mining right shall be adjudicated by the Minister of the Environment pursuant to the procedure provided by

the Administrative Procedure Act within thirty days after the receipt of a challenge by way of challenge proceedings.

(5) The procedure for the payment of the extraction tax for the mining right regarding mineral reserves belonging to a person in private law shall be determined according to the agreement between the owner of the mineral reserves and the miner.

#### § 41. Transfer of extraction tax for mining right into local government budget

(1) The extraction tax for the mining right received from the extraction of mineral resources belonging to the state shall be transferred as follows:

1) to the extent of 30 per cent into the state budget and to the extent of 70 per cent into the local government budget if the mineral resources are extracted in a mineral deposit of national importance;

2) to the extent of 100 per cent into the budget of the local government of the location of extraction if the mineral resources are extracted in a mineral deposit of local importance.

(2) The extraction tax for mining right received from the extraction of mineral resources in the territorial sea, in the exclusive economic zone of the Republic of Estonia or in another water body which is not divided into local governments shall be transferred into the state budget to the extent of 100 per cent.

#### Division 3

#### Amendment, Revocation and Suspension of Extraction Permit and Assignment of Mining Right

#### § 42. Amendment of extraction permit

(1) An extraction permit is amended if:

1) the information specified in clause 27 (1) 1) of this Act has changed;

2) the legislation which constituted the basis for the requirements set by the permit has been amended;

3) pollution arising from the activities permitted by the permit is of such significance that negative effects are caused to the environment of the place of business permitted by the permit and the vicinity of the place of business;

- 4) measures not specified in the extraction permit need to be applied for accident prevention;
  - 5) the holder of the permit applies for the extension of the mining claim or has restored a part of the disturbed land according to the requirements;
  - 6) the holder of the permit has submitted a reasoned application therefor.
- (2) The provisions concerning open proceedings do not apply to proceedings initiated for amending a permit on the basis of clause (1) 1) of this section.

#### § 43. Revocation of extraction permit

- (1) The issuer of an extraction permit shall revoke a permit if:
- 1) the holder of the permit informs the issuer of permits of the wish to waive the mining right and the holder of the permit has performed the obligations arising from the permit;
  - 2) the holder of the permit has violated the requirements of legislation established in this Act or on the basis thereof within the territory of the mining claim or the mine service plot and the holder of the permit has more than one punishment in force for the specified violation;
  - 3) extraction involves unforeseeable environmental impact which the holder of the permit cannot bring into permitted limits;
  - 4) the measures applied by the holder of the extraction permit do not keep the environmental impact in permitted limits;
  - 5) the holder of the extraction permit has knowingly submitted false information in the application for the permit.
- (2) The issuer of extraction permits shall inform the local government of the location of the mining claim of revocation of a permit.

#### § 44. Assignment of mining right and re-registration of extraction permit

- (1) The holder of an extraction permit has, during the period of validity of the permit, the right to assign the rights and obligations arising from the permit to a person whose area of activity, according to the commercial register, is the extraction of mineral resources.
- (2) In order to acquire the mining right, a person specified in subsection (1) of this section shall submit to the issuer of extraction permits an application for the re-registration of a permit in

the person's name. A written consent of the holder of the permit regarding assignment of the mining right shall be appended to the application for re-registration.

(3) The mining right arises on the working day following the re-registration of an extraction permit, unless a later date arises from an application, or after obtaining the right to use land if such right is acquired after the re-registration of the extraction permit.

(4) Re-registration of an extraction permit means that information concerning the holder of the permit is changed on the permit. The provisions of the Administrative Procedure Act concerning open proceedings do not apply to re-registration proceedings.

## Chapter 4

### Restoration of Land Disturbed by Geological Investigation, Geological Exploration or Extraction of Mineral Resources

#### Division 1

##### Restoration of Land Disturbed by Geological Investigation or Geological Exploration

###### § 45. Restoration of land disturbed by geological investigation or geological exploration

(1) The holders of permits for geological investigation and exploration permits are required to restore the service plot of a geological exploration area.

(2) The procedure for the restoration of land disturbed by geological investigation or geological exploration shall be established by the Minister of the Environment.

(3) If the holder of a permit for geological investigation or an exploration permit has not commenced the restoration work during a technologically reasonable period of time, the issuer of permits shall issue a precept to the holder of the permit and upon failure to comply with the precept, substitutive enforcement shall be applied pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(4) Upon liquidation of the holder of a permit for geological investigation or an exploration permit which is a legal person, the liquidators shall organise performance of the restoration obligation of the disturbed land.

(5) The service plot of a geological exploration area must be restored before the submission of a geological investigation report or geological exploration report or, if a report is not submitted, before the expiry of the permit for geological investigation or exploration permit.

#### § 46. Declaration of restoration obligation to be performed

(1) The person who carries out the work shall prepare a report concerning the restoration of service plot of a geological exploration area of geological investigation or geological exploration and the possessor of the immovable must grant approval to the report.

(2) The restoration obligation is performed if a report concerning the restoration of the service plot of a geological exploration area has been approved by the head of the environmental authority of the location of the geological exploration area or a person authorised thereby.

(3) The head of the environmental authority of the location of the geological exploration area or a person authorised thereby shall approve a report concerning the restoration of the service plot of a geological exploration area if the service plot of the geological exploration area has been restored as required.

#### § 47. Elimination of unforeseeable restoration defects

(1) If, three years after approval of a report concerning the restoration of the service plot of a geological exploration area specified in § 46 of this Act, environmental damage which could not be foreseen upon approval of the report but which arises from violation of the restoration requirements becomes evident on the restored area, the issuer of permits shall issue a precept for elimination of the damage to the person to whom the permit for geological investigation or exploration permit was issued.

(2) If a person to whom a permit for geological investigation or an exploration permit was issued fails to comply with a precept specified in subsection (1) of this section, environmental damage shall be eliminated on the basis of a decision of the issuer of permits by applying substitutive enforcement according to the provisions of the Substitutive Enforcement and Penalty Payment Act.

### Division 2

#### Restoration of Land Disturbed by Extraction of Mineral Resources

§ 48. Restoration of land disturbed by extraction of mineral resources

(1) The holder of an extraction permit is required to restore land disturbed by the extraction of mineral resources on the basis of a restoration project.

(2) In order to implement a restoration project, the environmental authority of the mining site of mineral resources shall grant its consent, taking account of the opinion of the Commission of Estonian Mineral Resources.

(3) The holder of an extraction permit is required to submit, once a year, information on the land disturbed by the extraction of mineral resources and restoration of the disturbed land to the issuer of permits.

(4) Upon restoration of land disturbed by the extraction of mineral resources, it shall be ensured that:

- 1) the ground-water regime of the mining area corresponds to the specific purpose of land use;
- 2) the restored area fits into the surrounding landscape;
- 3) the relief of the restored area is as nature-identical as possible;
- 4) the restored area does not pose a danger arising from its special character to the persons in the area.

(5) The procedure for the restoration of land disturbed by the extraction of mineral resources and the requirements for restoration projects shall be established by the Minister of the Environment. The procedure for the restoration of land disturbed by the extraction of mineral resources shall determine:

- 1) the procedure for the submission of information on the land disturbed by the extraction of mineral resources and restoration of the disturbed land;
- 2) a format of reports on the land disturbed by the extraction of mineral resources and restoration of the disturbed land;
- 3) the list of conditions for the preparation of the restoration project;
- 4) the requirements for the restoration project;
- 5) the requirements for the relief of the restored land and the structures planned thereon, based on the specific purpose of land use;
- 6) the requirements for soil treatment;

- 7) the rules of procedure of the approval commission for restoration (hereinafter commission).
- (6) A person engaged in the preparation of a project within the meaning of § 10 of the Mining Act has the right to prepare a restoration project.
- (7) Upon liquidation of the holder of an extraction permit which is a legal person, the liquidators shall organise performance of the restoration obligation of disturbed land.
- (8) Land disturbed by the extraction of mineral resources shall be restored before the expiry of the extraction permit.

#### § 49. Ensurance of restoration of disturbed land

- (1) If the holder of an extraction permit has not commenced the restoration work of disturbed land during a technologically reasonable period of time, the issuer of extraction permits shall issue a precept to the holder of the permit and upon failure to comply with the precept, the coercive measures shall be applied pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The precept shall set out the due date for the commencement of restoration work and their schedule.
- (2) If the holder of an extraction permit fails to carry out the restoration work according to the procedure for the restoration of land disturbed by the extraction of mineral resources, the issuer of extraction permits shall issue a precept to the holder of the permit and upon failure to comply with the precept, the coercive measures shall be applied pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.
- (3) If the precepts specified in subsections (1) and (2) of this section are not complied with, a penalty payment in the amount of up to 50 000 kroons per one hectare of the mining claim and the mine service plot shall be imposed for failure to commence the restoration work of disturbed land or for failure to comply with the requirements of the procedure for the restoration of land disturbed by the extraction of mineral resources.
- (4) If activities related to extraction have been terminated on land disturbed by the extraction of mineral resources and the holder of an extraction permit has not restored the disturbed land, the penalty payment shall be replaced by substitutive enforcement. The issuer of extraction permits shall organise substitutive enforcement pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

§ 50. Declaration of obligation to restore disturbed land to be performed and approval commission for restoration

(1) The issuer of extraction permits shall declare the obligation to restore disturbed land to be performed, taking account of the proposal of the commission. The commission shall be formed and its head shall be designated by the issuer of permits.

(2) A representative of the issuer of permits, a representative of the holder of a permit, the owner of an immovable which is a mine service plot or a representative of the owner or, in the case of state land, the administrator of an immovable or a person authorised thereby, a representative of the local government and a necessary number of experts at the discretion of the person who forms the commission shall be appointed as members of the commission. In the case of a mineral deposit of national importance, a representative of the Ministry of the Environment shall also be appointed as a member of the commission.

(3) The functions of the commission are to:

1) verify whether the restoration work and the restored land complies with the requirements of the procedure for the restoration of land disturbed by the extraction of mineral resources;

2) make a proposal to the person who forms the commission to declare disturbed land to be restored if the land is restored as required, or make a reasoned proposal not to declare disturbed land to be restored if the land is not restored as required.

(4) An environmental authority shall communicate the copy of a decision that disturbed land is declared to be restored to the authorised processor of the land cadastre.

§ 51. Elimination of unforeseeable restoration defects

(1) If, three years after a decision to declare land disturbed by the extraction of mineral resources to be restored is made, environmental damage which could not be foreseen during declaration of the disturbed land to be restored but which arises from violation of the restoration requirements becomes evident, the issuer of permits shall issue a precept for elimination of the environmental damage to the person to whom the extraction permit was issued.

(2) If the holder of an extraction permit fails to comply with a precept specified in subsection (1) of this section by the due date, environmental damage shall be eliminated on the basis of a decision of the issuer of permits at the expense of the holder of the permit by applying

substitutive enforcement according to the provisions of the Substitutive Enforcement and Penalty Payment Act.

## Chapter 5

### Relations between Owners of Immovables and Holders of Permits for Geological Investigation, Exploration Permits and Extraction Permits

#### § 52. Right to use immovables belonging to persons in private law

- (1) If geological investigation is not prospecting, the owner of an immovable is required to permit the investigation on the immovable.
- (2) Geological investigation shall not be carried out without the consent of the owner in orchards, yards or below buildings and closer to residential buildings than 50 metres.
- (3) Geological investigation, prospecting or extraction of mineral resources may be carried out on an immovable belonging to a person in private law upon agreement with the owner of the immovable.

#### § 53. Use of immovables in state or municipal ownership

- (1) In order to use an immovable in state or municipal ownership for geological investigation or geological explorations, a written approval of an administrator of state assets or the rural municipality or city government is required.
- (2) Use of an immovable in state or municipal ownership for geological investigation or geological explorations is free of charge.
- (3) An immovable in state or municipal ownership shall be granted use of to an applicant for an extraction permit for the extraction of mineral resources by leasing, establishment of a usufruct or constitution of a right of superficies. The procedure for the grant of mineral resources on an immovable in state ownership for extraction shall be established by the Government of the Republic. The procedure for the grant of mineral resources on an immovable in municipal ownership for extraction shall be established by the rural municipality or city council.
- (4) An immovable in state or municipal ownership shall be transferred for the extraction of mineral resources to a person to whom the issuer of permits has decided to issue a permit. Upon

grant of mineral resources on an immovable for extraction, a public auction or a tender with preliminary negotiations shall not be organised.

(5) Grant of an immovable in state ownership for the extraction of mineral resources shall be organised by an administrator of state assets or a person authorised thereby. Grant of an immovable in municipal ownership for the extraction of mineral resources shall be organised by the rural municipality or city government.

(6) The annual tax rate for the use of an immovable in state ownership which has been granted for the extraction of mineral resources is 5 per cent of the assessed value of land or, if an appraisal of land has been effected, 5 per cent of the value of land determined upon the appraisal of such land. The annual tax rate for the grant of mineral resources on an immovable in municipal ownership for extraction shall be established by the rural municipality or city council.

(7) A person who has obtained the right to use land shall pay for the costs of grant of use of an immovable for extraction.

#### § 54. Temporary construction works in areas of geological investigation and geological exploration

(1) The holder of a permit for geological investigation or an exploration permit has the right to construct boreholes, workings and temporary constructions works necessary for geological operations on the area of investigation or exploration to the justified extent and fell trees obstructing geological operations and level the investigation or exploration site determined by the permit.

(2) The owner of an immovable does not have the right to use temporary construction works built for geological operations during the period of validity of the permit for geological investigation or exploration permit and the construction works do not become an essential part of the immovable during the period of validity of the permit for geological investigation or exploration permit, unless the owner of the construction works and the owner of the immovable have agreed otherwise.

#### § 55. Compensation for damage caused by geological investigation or geological explorations

(1) The holders of permits for geological investigation and exploration permits shall compensate for the caused damage regardless of whether or not they are culpable.

(2) A claim for compensation for damage specified in subsection (1) of this section expires within one year after the date when the injured party became or should have become aware of the caused damage.

(3) The provisions of subsections (1) and (2) of this section apply to the holders of permits for geological investigation and exploration permits within ten years after the expiry of the permits for geological investigation and exploration permits.

#### § 56. Compensation for damage caused by extraction of mineral resources

(1) The holders of extraction permits shall compensate for the damage caused by the extraction of mineral resources regardless of whether or not they are culpable.

(2) The provisions of subsection (1) of this section also apply to persons who have the right to extract mineral resources without a permit.

(3) A person to whom damage has been caused by the extraction of mineral resources shall submit a claim for compensation for damage within three years as of the date when the person became or should have become aware of the caused damage.

(4) The provisions of subsections (1)-(3) of this section apply to the holders of an extraction permit and persons who have the right to extract mineral resources without a permit within ten years after the expiry of the extraction permit or termination of extraction without a permit.

(5) If damage has been caused ten years after the expiry of an extraction permit, the caused damage shall be compensated for by the state out of the funds received from the extraction tax for the mining right. The state shall compensate for the damage also if caused after the liquidation of a legal person which held a permit or after the death of a person who extracted mineral resources without an extraction permit.

#### § 57. Marking of mining claim and mine service plot

The holder of an extraction permit is required to mark the boundary of a mining claim or a mine service plot and, at the request of the owner, fence the bordering immovable unless this involves excessive costs.

#### § 58. Right of holder of permit for geological investigation, exploration permit and extraction permit to use road

(1) Private roads shall be used pursuant to the procedure provided for in the Roads Act (RT I 1999, 26, 377; 93, 831; 2001, 43, 241; 50, 283; 93, 565; 2002, 41, 249; 47, 297; 53, 336; 61, 375; 63, 387; 2003, 79, 530; 88, 594).

(2) If the owner of a road and the holder of a permit for geological investigation, an exploration permit or an extraction permit do not reach an agreement and the holder of the permit does not have other access to the area of geological exploration or the mining area from a public road, the holder of the permit has the right to demand access to the area of geological exploration or the mining area for the period of validity of the permit pursuant to the procedure provided for in § 156 of the Law of Property Act (RT I 1993, 39, 590; 1999, 44, 509; 2001, 34, 185; 93, 565; 2002, 47, 297; 53, 336; 99, 579; 2003, 13, 64; 17, 95; 78, 523; 2004, 20, 141; 37, 255).

## Chapter 6

### Use of Earth's Crust not Related to Extraction of Mineral Resources

#### § 59. Use of earth's crust not related to extraction of mineral resources

(1) The owner of an immovable or a person with the right to use an immovable has the right to use the earth's crust without a permit for geological investigation, an exploration permit or an extraction permit if this arises from the need to use the immovable and this is not contrary to law.

(2) The owner of an immovable who is a natural person has the right to extract mineral resources, natural rock, sediments, liquid or gas not registered as mineral reserves and present within the limits of the immovable without an extraction permit for the owner's personal household, unless otherwise provided for in this Act.

#### § 60. Use of mined ore remaining after construction, land improvement work and agricultural work

(1) The owner of an immovable or a person with the right to use an immovable has the right to dispose of, and to market, the mined ore generated upon and remaining after construction, land improvement work and agricultural work.

(2) Generation and use of a mined ore in the course of work performed in the earth's crust, such as construction of ditches, basements and underground constructions, upon construction and land improvement work and agricultural work is not deemed to be mining.

(3) If a mined ore is transferred or used outside of an immovable, the approval of the environmental authority of the place where the mined ore is generated is required for the transfer or use outside of the immovable. In order to obtain approval, it is necessary to submit to the environmental authority an unattested written application which describes the quantity and quality of the mined ore to be transferred or used outside of the immovable, if known, and a schedule for the planned activities. A copy of the relevant documentation concerning the project, if it exists, or a plan prepared on the basis of the existing planning material in order to determine the location of the activities shall be appended to the application.

(4) Approval specified in subsection (3) of this section shall be refused if:

- 1) a mined ore to be transferred or used outside of an immovable has not been generated in the course of construction, land improvement work or agricultural work;
- 2) the amount of rock or sediments removed from the natural state is greater than necessary for construction, land improvement work or agricultural work.

(5) In the cases specified in subsection (4) of this section, the environmental authority may demand that the natural status before generation of a mined ore be restored.

(6) Extra-judicial disputes concerning grant of approval shall be adjudicated by the Minister of the Environment pursuant to the procedure provided for in the Administrative Procedure Act.

§ 61. Payment for use of mined ore generated upon construction, land improvement work and agricultural work

(1) Upon use of a mined ore generated upon construction, land improvement work or agricultural work if the mined ore is transferred or used outside of an immovable, the extraction tax for the mining right which is determined to be equal to the mined ore shall be paid.

(2) Upon grant of approval, the environmental authority shall determine, on the basis of the submitted application and existing information, the mineral resource equal to which the extraction tax for the mining right shall be paid upon the use of a mined ore generated upon construction, land improvement work or agricultural work. The provisions of § 40 of this Act apply to payment for the use of such mined ores.

(3) The owner of an immovable who is a natural person has the right to extract, free of charge, rock, sediments, liquid or gas not registered in the environmental register from the earth's crust on the immovable for the owner's personal household.

## Chapter 7

### Protection of Earth's Crust

#### § 62. General requirements for protection of earth's crust

Upon organisation of activities affecting the condition and use of the earth's crust, the following shall be ensured:

- 1) preservation of the registered mineral resource such that they can be extracted;
- 2) preservation of the registered mineral reserve such that it can be extracted;
- 3) access to the mineral reserve;
- 4) the optimum use of the mineral reserve which is granted use of.

#### § 63. Protection of mineral reserves

- (1) Upon issue of an extraction permit, parts of the mineral deposit where, due to the quantity or condition of mineral reserves, their use is not economically justified any more shall not be excluded from a mining claim.
- (2) Upon extraction of mineral resources, preservation of the mineral resources remaining in the mineral deposit such that they can be used and extracted shall be ensured.
- (3) The provisions of subsections (1) and (2) of this section are not applied to the extent which is necessary to ensure safe working environment, preservation of property and prevention or reduction of excessive environmental hazards.
- (4) If a mineral reserve in state ownership is located within the boundaries of a county or a local government, the county governor shall obtain the approval of the Ministry of the Environment for the county plan and the local government shall obtain the approval of the Ministry of the Environment for the comprehensive and detailed plans before their establishment.

#### § 64. Critical rate of peat reserve and areas where peat reserve is critical

- (1) The critical rate and use rates of the peat reserve shall be established by the Government of the Republic.

(2) The list of areas where the peat reserve is deemed to be critical shall be established by the Minister of the Environment.

#### § 65. Soil protection requirements

(1) The holder of an extraction permit is required to remove the soil within the boundaries of structures related to the extraction of mineral resources at least from the humus layer.

(2) The thickness of the soil layer shall be determined in the course of a geological exploration and the description of the soil layer shall be set out in the geological exploration report.

(3) The holder of an extraction permit may:

1) temporarily stockpile the soil removed from the mine service plot within the mine service plot;

2) use the soil removed from the mine service plot for the restoration of disturbed land;

3) transfer the soil removed from the mine service plot to the extent which is unnecessary for the restoration of disturbed land after fixing the amount of soil necessary for the restoration of disturbed land in the restoration project.

(4) Extraction of mineral resources shall not cause soil degradation.

(5) Use of the earth's crust only for the purposes of extraction of the humus layer of soil is prohibited.

#### § 66. Stockpiling of mining waste

The requirements for the places for stockpiling mining waste not containing dangerous substances and for stockpiling shall be established by the Minister of the Environment.

### Chapter 8

#### Liability

#### § 67. Failure to submit material collected in course of geological investigation or geological explorations

(1) Failure to submit material collected in the course of a geological investigation or geological exploration is punishable by a fine of up to 150 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 25 000 kroons.

§ 68. Violation of restoration obligation of service plot of geological exploration area

(1) Failure to restore a service plot of a geological exploration area according to the requirements 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.

§ 69. Violation of restoration obligation of disturbed land

(1) Failure to restore disturbed land according to the requirements 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.

§ 70. Hindering geological investigation

(1) Hindering a geological investigation which is not prospecting is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

§ 71. Violation of obligation to mark mining claim and mine service plot

(1) Failure to mark a mining claim or a mine service plot is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 10 000 kroons.

§ 72. Violation of soil protection requirements

(1) Violation of the soil protection requirements 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.

#### § 73. Procedure

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 86, 504; 82, 480; 105, 612; 2003, 4, 22; 83, 557; 90, 601; 2004, 7, 40; 46, 329; 54, 387; 56, 401) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313; 110, 654; 2003, 26, 156; 83, 557; 88, 590; 2004, 46, 329; 54, 387 and 390; 56, 403; RT III 2004, 9, 96) apply to the proceedings concerning the misdemeanours provided for in §§ 67–72 of this Act.

(2) The Environmental Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in §§ 67-72 of this Act and the rural municipality or city government is the extra-judicial body which conducts proceedings in matters of misdemeanours provided for in § 72 of this Act.

#### § 74. Compensation for damage to environment

(1) Within the meaning of this Act, damage is caused to the environment:

- 1) if the natural body which is not registered is extracted or mineral resources are extracted in a place which is not intended to be a mining area, unless otherwise provided for in this Act;
- 2) if mineral reserves are rendered unusable in the course of mining, unless this is necessary in order to protect human health or property or to reduce or prevent negative environmental impact;
- 3) if, as a result of termination of mining, mineral reserves are rendered unusable, except to the extent which is determined by the issuer of permits and which is necessary to reduce or prevent negative environmental impact;
- 4) if the earth's crust is used only for the extraction of the humus layer of soil;
- 5) upon pollution of the earth's crust.

(2) In the cases specified in clauses (1) 1)-3) of this section, damage to the environment shall be calculated as ten times the price of the right to extract mineral resources, which is equal to the price of mineral resources which were extracted or rendered unusable.

(3) In the case specified in clause (1) 4) of this section, damage to the environment shall be calculated as ten times the highest price of the right to extract the mineral resources.

(4) In the case specified in clause (1) 5) of this section, damage to the environment is equal to the cost of rendering harmless of the part of the earth's crust unless this involves excessive costs.

(5) Environmental damage shall be collected by the Environmental Inspectorate.

Compensation for damage shall be transferred to the state budget.

## Chapter 9

### Implementing Provisions

#### § 75. Implementation of Act

(1) Permits for geological investigation, exploration permits and extraction permits for mineral resources and exploration permits for earth substances issued before the entry into force of this Act are valid until the date of expiry indicated therein or until revocation thereof. Permits for use of mineral resources and temporary permits for use of mineral resources issued before the entry into force of this Act are valid until 1 July 2005.

(2) The rules of law which were in force at the time of commencement of the proceedings apply to applications for permits for geological investigation, exploration permits and extraction permits for mineral resources and earth substances, applications for the re-registration of permits for use of mineral resources and temporary permits for use of mineral resources which were accepted for processing before the entry into force of this Act.

(3) An extraction permit for mineral reserves shall be issued on the basis of an application for an extraction permit for earth substances accepted for processing before the entry into force of this Act according to the provisions of this Act.

(4) The provisions of this Act apply to permits issued before the entry into force of this Act.

(5) Upon application of §§ 5, 9, 12, 25, 34, 40 and 61 of this Act until 1 July 2005, the state register of mineral resources established pursuant to § 7 of the Earth's Crust Act (RT I 1994, 86/87, 1448; 1995, 75, 1321; 1996, 49, 953; 1997, 52, 833; 86, 1461; 93, 1562; 1998, 64/65, 1005; 1999, 10, 155; 54, 583; 95, 843; 2000, 54, 348; 102, 670; 2002, 53, 336; 61, 375; 63, 387; 2003, 20, 118; 2004, 17, 126; 38, 258) which was in force before the entry into force of this Act shall perform the functions of the environmental register.

#### § 76. Repeal of Earth's Crust Act

The Earth's Crust Act (RT I 1994, 86/87, 1488; 1995, 75, 1321; 1996, 49, 953; 1997, 52, 833; 86, 1461; 93, 1562; 1998, 64/65, 1005; 1999, 10, 155; 54, 843; 2000, 54, 348; 102, 670; 2002, 53, 336; 61, 375; 63, 387; 2003, 20, 118; 2004, 17, 126; 38, 258) is repealed.

#### § 77. Amendment of State Fees Act

The State Fees Act (RT I 1997, 80, 1344; 2004, 76, 526; 75, 521) is amended as follows:

1) clause 3 (2) 17) is amended and worded as follows:

„17) acts performed on the basis of the Land Cadastre Act, Earth's Crust Act and Mining Act;”;

2) section 107 is amended and worded as follows:

„§ 107. Issue, amendment and re-registration of geological exploration permit for mineral resources

(1) A state fee of 3500 kroons shall be paid for the issue or amendment of a geological exploration permit for mineral resources.

(2) A state fee of 150 kroons shall be paid for the re-registration of a geological exploration permit for mineral resources.”;

3) section 107<sup>1</sup> is added to the Act worded as follows:

„§ 107<sup>1</sup>. Issue, amendment and re-registration of permit for geological investigation

(1) A state fee of 600 kroons shall be paid for the issue or amendment of a permit for geological investigation.

(2) A state fee of 150 kroons shall be paid for the re-registration of a permit for geological investigation.”;

4) section 108 is amended and worded as follows:

„§ 108. Issue, amendment and re-registration of extraction permit for mineral reserves

(1) A state fee of 3500 kroons shall be paid for the issue or amendment of an extraction permit for mineral reserves.

(2) A state fee of 150 kroons shall be paid for the re-registration of an extraction permit for mineral reserves.”

#### § 78. Amendment of Environmental Impact Assessment and Environmental Auditing Act

The Environmental Impact Assessment and Environmental Auditing Act (RT I 2000, 54, 348; 2002, 61, 375; 63, 387; 90, 521; 99, 579; 2004, 30, 209; 38, 258) is amended as follows:

- 1) clause 8 2) is amended and worded as follows:  
„2) the extraction permit, permit for geological investigation, geological exploration permit, permit for special use of water, ambient air pollution permit or waste permit;”;
- 2) section 21 is repealed.

#### § 79. Amendment of Mining Act

The Mining Act (RT I 2003, 20, 118; 2004, 18, 131) is amended as follows:

- (1) Subsection 1 (3) is amended and worded as follows:  
„(3) With the exception of the safety requirements provided for in § 4 of this Act, the requirements provided by this Act do not extend to natural persons who are the owners of immovables and who have the right, on the basis of the Earth's Crust Act (RT I 2004, 84, 572), to extract mineral resources in their immovables for their personal households without an extraction permit.
- (2) Clauses 3 (1) 1)-3) are amended and worded as follows:  
„1) work in the earth's crust for the purpose of utilising mineral resources which is performed upon the winning thereof, upon the construction of underground workings, during geological explorations or upon the building of underground structures which are parts of mines;  
2) transport operations related to the extraction or primary processing of mineral resources;  
3) the primary processing of mineral resources, the including industrial crushing, sizing, dewatering, briquetting and storage of mineral resources, or”.
- (3) Subsections 5 (2) and (3) are amended and worded as follows:  
„(2) The suspension of mining is a temporary or long-term stoppage in the mining of mineral resources for economic reasons or as the result of an accident which calls for a longer period of maintenance work. Any short-term stoppage of mining which is necessary for the repair of equipment or maintenance of the site is not deemed to be suspension of mining.  
(3) The termination of mining is the ending of the mining of mineral resources for the purposes of closing the mine or quarry.”
- (4) In § 8:
  - 1) subsection (1) is amended and worded as follows:

„(1) Mine survey operations are the survey and documentation of the mining of mineral resources.”;

2) clause (3) 3) is amended and worded as follows:

„3) that the amount of mineral resources won and the size of the mineral resource deposit are determined;”

(5) Subsection 13 (3) is amended and worded as follows:

„(3) An undertaking engaged in mining or the secondary utilisation of underground workings shall prepare a development plan for each calendar year or for a longer period divided into years and shall submit the plan to the local government of the location of the mining site for information purposes if the local government so required. The purpose of a development plan covering the activities of an undertaking is to ensure effective control over the environmental impact of the mining operations and to ensure the optimum scope of the operations.”

#### § 80. Amendment of Planning Act

Clause 7 (3) 9) of the Planning Act (RT I 2002, 99, 579; 2004, 22, 148; 38, 258) is amended and worded as follows:

„9) define the land use provisions for areas influenced by the mining of mineral resources or earth material;”.

#### § 81. Amendment of Land Tax Act

Section 10 of the Land Tax Act (RT I 1993, 24, 428; 1996, 41, 797; 89, 1589; 1997, 82, 1398; 1999, 27, 381; 95, 840; 2000, 95, 612; 2001, 102, 666; 2002, 44, 284; 2003, 711, 472; 88, 587, 589 and 591) is amended by adding subsection (3) worded as follows:

„(3) If an immovable in state or municipal ownership is granted for the extraction of mineral resources, land tax shall be paid by the person who obtains the right to use land.”

#### § 82. Amendment of Environmental Register Act

Section 38 of the Environmental Register Act (RT I 2002, 58, 361; 2004, 30, 209) is amended as follows:

1) clause (1) 4) is amended and worded as follows:

„4) the person who receives or approves the work performed on the basis of the programme, exploration work or inventory;”;

2) the introductory part of subsection (4) is amended and worded as follows:

„(4) The person who receives or approves the work performed on the basis of a programme, exploration work or inventory shall submit data to the environmental register concerning the following objects and data:”.

§ 83. Entry into force of Act

This Act enters into force on 1 April 2005.

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

<sup>2</sup> *Ametlikud Teadaanded* = *Official Notices*