

Approval of the Procedure for Issuing, Amending, Suspension, Cancellation and Publishing of Hazardous Waste Handling Licences

Regulation No. 26 of 21 January 1999 of the Government of Estonia

Pursuant to section 41 and subsection 42(3) of the Waste Act (RT I 1998, 57, 861, 88, correction p. 2810), the Government of Estonia hereby establishes:

1. To approve the "Procedure for Issuing, Amending, Suspension, Cancellation and Publishing of Hazardous Waste Handling Licences" (attached).
2. Sub-clauses 4(13), 14(3) and 18(6) of the procedure referred to in clause 1 above shall enter into force on 1 December 2000.

Prime Minister Mart SIIMANN

Minister of the Environment Villu REILJAN

State Secretary Uno VEERING

Approved

by Regulation No. 26 of 21 January 1998

of the Government of Estonia

PROCEDURE FOR ISSUING, AMENDMENT, SUSPENSION, CANCELLATION AND PUBLISHING OF HAZARDOUS WASTE HANDLING LICENCES

I. GENERAL PROVISIONS

1. This Procedure regulates the issuing, amendment, suspension and cancellation of hazardous waste handling licences, publishing of applications for handling licence and of issued licences, and establishes the list of documents required for application for a licence.
2. A hazardous waste handling licence (hereinafter: handling licence) is an operation permit that gives the holder the right to provide the commercial service of treating hazardous

waste generated and delivered by other persons, and sets out conditions for realisation of the right.

3. Handling licences shall be issued by the Minister of the Environment.

II. LIST OF DOCUMENTS REQUIRED FOR APPLYING FOR A HANDLING LICENCE

4. In order to obtain a hazardous waste handling licence, the applicant shall submit to the Ministry of the Environment the following documents:
 1. an application following the format attached to this Procedure, along with the positions of the county governor and the municipal government of the waste management facility regarding the planned activity;
 2. copies of hazardous waste handling licences previously issued to the applicant;
 3. in first application for a handling licence - in the case of a trading company, copies of the decision on entry in the trade register and of the registry card of the register; in the case of a self-employed natural person, a notarially attested copy of the registry card. In the case of a trading company being established, the undertaker shall submit attested copies of documents submitted when applying for registration in the trade register;
 4. the register of associates or shareholders of the undertaker, indicating also the per cent of individual shares at the time of application for the licence;
 5. a statement on lack of tax liabilities from the local office of the Tax Board;
 6. description of the planned waste handling, including the description of technological processes and installations, along with the relevant schemes or drawings;
 7. explanation of measures planned to be taken by the undertaker to avoid possible environmental impact and air, water and ground pollution;
 8. the Health Board's statement on conformity of the waste handling facilities and conditions with the effective health protection requirements;
 9. information on the types, volumes, foreseen further treatment, or foreseen transfer to other enterprises, of waste generated in the process of waste handling;
 10. information on the relevant qualification, vocational training background or skills of the applicant in the relevant field (availability of the necessary specialists, proof of their education, their earlier experience, etc.);
 11. in the case of fixed waste handling facilities, information on the facilities (e.g. map, location scheme of the territory, geological, hydrological or other conditions relevant to environmental protection) and documents proving the right to use the facilities;
 12. description of the planned safety measures, measures and plan for the case of emergencies and accidents;
 13. confirmation on the existence of a safety deposit and insurance for the case of possible and accidents and casualties;
 14. draft of a public announcement drawn up pursuant to section 39 of this Procedure.

4. The issuer of a handling licence may, prior to the issuing, require that the applicant carries out environmental impact assessment of the planned activities at his/her own expense.

III. PROCESSING OF AN APPLICATION FOR HANDLING LICENCE

5. For processing the issuing, amendment, suspension and cancellation of a handling licence, the Minister of the Environment shall establish a Hazardous Waste Handling Licence Committee (hereinafter: the Licence Committee), consisting of at least 7 members representing the Ministry of the Environment and state institutions in its administrative field, and shall nominate the Chairman and Co-Chairman of the Committee.
6. The Licence Committee shall have a quorum when at least one half of its members, including the Chairman or Co-Chairman, participate in the meeting. Decisions of the Committee shall be adopted by simple majority of votes. In the case of equal distribution of votes, the vote of the Chairman or in his/her absence the vote of the Co-Chairman, shall have a decisive power.
7. Decisions of the Licence Committee shall be minuted. The minutes and other documents related to the work of the Licence Committee shall be signed by the Chairman or Co-Chairman of the Licence Committee and the secretary appointed by the Committee.
8. The Licence Committee shall have the right to request that more specific additional data on environmental and health safety aspects of the planned activities be submitted in addition to documents submitted pursuant to Subsections 6, 7, 9-12 of this Procedure, and shall set a deadline for submission of the data. The deadline may be extended upon the request of the applicant.
9. If an application or the attached documents do not meet the requirements of this Procedure, or if additional data are not submitted within the deadline set in accordance with Section 9 or if the submitted data are insufficient, the Licence Committee shall establish a deadline for correcting the insufficiencies. If insufficiencies are not corrected within the deadline, the Licence Committee may decide to terminate the processing due to deficiencies in application documents.
10. For setting the deadlines referred to in Sections 9 and 10 of this Procedure, the Licence Committee shall take into account the nature and accessibility of the data.
11. The Chairman or Co-Chairman of the Licence Committee has the right to involve experts in the work of the Committee. When a licence of handling waste medicines, narcotic or psychotropic substances and their components is applied for, a representative of the National Medicines Board shall be involved in the work of the Licence Committee.
12. The applicant for a licence has the right to participate in the review of his/her application. The Licence Committee shall notify the applicant of the time and place of the review at least 7 days in advance.

IV. ISSUING OR REFUSAL OF A HANDLING LICENCE

14. Hazardous waste handling licences shall be issued on the following conditions:
 1. the waste handling facilities, technology and installations meet environmental requirements;
 2. the staff has the appropriate qualification, training or skills;
 3. the safety deposit or insurance for the case of possible accidents or casualties is sufficient.
14. Handling licences shall be issued for an unlimited term. Licences for a shorter term may be issued on the basis of a relevant application of the applicant.
15. Handling licences shall be issued for the handling of certain types of waste in volumes that ensure compliance with environmental requirements taking into account the conditions of the concerned facilities, technology and installations of waste handling and qualification of the staff.
16. In the event of possible emergence of circumstances referred to in Section 39 of the Waste Act (RT I 1998, 57, 861; 88, note p. 2810), a handling licence may contain certain precepts and requirements, on the condition that these are based on the law and are necessary for compliance with the provisions of the Waste Act and other legal acts. These precepts and requirements may concern time restrictions to certain activities, determining the procedure, scope and way of implementing the activities.
17. A handling licence may be refused in accordance with Section 39 of the Waste Act if:
 1. the facilities, technology and installations do not meet environmental requirements or endanger human health or assets;
 2. the applicant for a licence is not sufficiently competent in the technical, technological or environmental protection aspects of waste handling processes;
 3. the proposed waste handling is not in conformity with the national development plan for hazardous waste management;
 4. the applicant has, with its previous economic activity, violated the effective laws or procedures for submission of data to national registers;
 5. the applicant, or its shareholder who possesses more than 30 per cent of fixed assets, has tax liabilities or its operation licence has been cancelled due to violation of the law;
 6. the applicant lacks a sufficient safety deposit or insurance for the case of possible accidents or casualties.
19. The Licence Committee shall propose to the Minister of the Environment a decision to issue or refuse a handling licence not later than within 30 days from the date of receipt of all documents required in this Procedure.
20. The decision to refuse a handling licence must be motivated and must contain the reason for refusal along with reference to the underlying legal provisions.
21. A copy of the decision to issue or refuse a handling licence shall be forwarded to the applicant not later than on the third working day after the date of the decision.
22. A handling licence shall be issued to the applicant after payment of state duty. The applicant shall submit the original of state duty acquittance after the adoption of the decision and before receipt of the licence. The original of state duty acquittance shall be returned to the undertaker after registration of the acquittance. If the undertaker holds a

previously issued handling licence, he/she shall return the repealed original of the licence to the Licence Committee.

23. The validity period of a handling licence shall commence on the date of the decision of the Minister of the Environment.
24. A handling licence shall contain:
 1. the registration number of the handling licence, the date of issuing and the period of validity;
 2. the trade name of the recipient of the handling licence, the registry code and postal address, addresses of permanent waste handling facilities;
 3. activities permitted with the licence;
 4. name and occupation of the person responsible for hazardous waste handling;
 5. conditions set with the handling licence;
 6. the name of the issuer, the stamp and signature of the Ministry of the Environment.
25. The Ministry of the Environment shall send a copy of an issued handling licence within 14 days to the institutions that presented their positions on the application – the county governor of the waste management facility or of the location of the company, to the municipal government and to the local office of the Tax Board.

V. AMENDMENT, SUSPENSION AND CANCELLATION OF A HANDLING LICENCE

26. An undertaker holding a handling licence is obliged to inform the issuer of the licence of any changes in the licensed activities or in the data included in the licence within 14 days from the date of occurrence of the changes and shall attach the documents proving the information.
27. The Licence Committee shall decide on the basis of the submitted data whether the concerned change of circumstances constitutes ground for amendment of the existing handling licence and shall make a relevant proposal to the issuer of the licence.
28. In the event of expansion of activities permitted with a handling licence, the undertaker must submit in advance a relevant application along with documents listed in Section 4 of this Procedure.
29. The application for amendment of a handling licence shall be reviewed in accordance with the general procedure for issuing handling licences. In the case of a decision to amend a handling licence, the new handling licence shall be issued for the same term of validity.
30. The issuer may cancel or suspend a handling licence, informing the holder of the licence thereof in advance, if:
 1. data not reflecting the reality have been submitted with the application;
 2. circumstances referred to in Section 18 of this Procedure emerge in the activities of the licence holder;
 3. the holder of the licence does not comply with the precepts and requirements established by the licence;
 4. other circumstances provided by the law emerge.

31. In the case of emergence of grounds for suspension or cancellation of a handling licence, as provided in Section 30 of this Procedure, the issuer of the licence may, upon a proposal of the Licence Committee:
 1. suspend the validity of the licence concerning activities of the undertaker in the relevant field until the circumstances that caused the suspension or cancellation of the licence have been eliminated; or
 2. cancel the handling licence and set a deadline for the undertaker to terminate the licensed activities.
31. Prior to adoption of the decision to suspend or cancel a handling licence, the undertaker holding the licence, or its representative, shall be given a hearing, informing the undertaker of the time and date set for this purpose by the issuer of the licence at least seven days in advance. The above mentioned term may be shortened if an imminent danger to human health or the environment so requires. If the undertaker or its authorised representative fails to attend the hearing, the decision may be taken by default.
32. In order to assess the conformity of the operations of a handling licence holder with the requirements of the Waste Act and with the conditions set in the licence, the issuer of the licence may require that an environmental audit be carried out during the validity period of the licence at the expense of the licence holder.
33. After elimination or falling off of the circumstances that caused the suspension of a handling licence, the undertaker may continue the licensed activities after the Minister of the Environment has cancelled the decision to suspend the handling licence.
34. If the circumstances that caused the suspension are not eliminated or do not fall off during the suspension time of the licence, the Licence Committee shall make a proposal to the Minister of the Environment to cancel the licence. When a handling licence is cancelled, the undertaker shall return the original of the licence to the Licence Committee within 14 days.
35. A copy of a decision to suspend or cancel a handling licence shall be sent to the holder of the licence and to persons referred to in Section 25 of this Procedure within three working days from the date of the decision.

VI. PUBLISHING OF APPLICATIONS FOR A HANDLING LICENCE AND OF HANDLING LICENCES

37. Applications for a hazardous waste handling licence and issued licences shall be public, except for such data contained in the application documents that are not public according to Section 16 of the “Statutes of the National Central Trade Register” approved by Regulation No. 134 of 8 July 1997 of the Government of Estonia “Amendment of the Statutes of the National Central Trade Register” (RT I, 1997, 54, 262), and except for data containing commercial secret of the undertaker.
38. Applications for a handling licence shall be published by the applicants and issued licences by the issuers, announcing of the application or of the issuing of the licence at the expense of the applicant or the recipient of the licence in a newspaper or official

journal determined by the issuer of the licence within 14 days from the submission of the application or issuing of the licence.

39. A public announcement concerning application for or issuing of a handling licence must contain:
1. data on the applicant or holder of the licence;
 2. addresses of permanent waste handling facilities;
 3. brief description of the waste handling process along with estimation of the volumes of waste to be handled;
 4. information on the place and time where and when it is possible to review the submitted applications or issued licences;
 5. information indicating that persons who are likely to suffer property damage from activities regulated with the handling licence or whose interests may be damaged in other ways have the right to submit their written positions to the issuer of the licence or require a hearing.
41. The text of the public announcement has to be coordinated with the Licence Committee.
42. Handling licence applications, minutes of the Licence Committee and issued licences shall be publicly available in the Ministry of the Environment.
43. Motivated positions, objections, proposals and opinions that have been submitted in writing during the application procedure and upon the publishing of issued licences shall be reviewed by the Licence Committee. Positions submitted during the application process shall be taken into account when taking a decision on issuing or refusal of a licence. Positions submitted upon the publishing of an issued licence shall be reviewed within one month from the date of publication of the relevant announcement and a decision shall be taken on the need to amend, suspend or cancel the licence. The interested person may require that he/she be given a hearing on a session of the Licence Committee.

Minister of the Environment Villu REILJAN

Annex to
the Procedure for the Issuing, Amendment,
Suspension, Cancellation and Publishing
of Hazardous Waste Handling Licences
Minister of the Environment

Toompuiestee 24

15172 TALLINN

APPLICATION

for obtaining a hazardous waste handling licence

1. Trade name of the undertaker

2. Registration No.....

3. Postal address

Telephone/fax

E-mail

Address(es) of the waste handling facility (facilities)

Person(s) responsible for waste handling

Postal address

Name and occupation

Telephone/fax

Types and volumes of waste to be treated, including hazardous waste generated in the waste treatment process:

Waste code *)	Name of waste	Volume (t/yr)					
		Collection, incl. sorting	Transport	Recycling		Disposal	
				Code of operation *)	Volume	Code of operation	Volume

*) waste code according to the provisions of the list of waste types and hazardous waste based on the European Waste Catalogue approved by Regulation No. 263 of 24 November 1998 of the Government of Estonia on “Approval of the Lists of Wastes Categories, Waste Types and Hazardous Waste” (RT I 1998, 103, 1705);

***) codes of waste recovery or disposal operations according to the lists approved by Regulation No. 183 of 18 August 1998 of the Government of Estonia on “Approval of Lists of Waste Recovery and Disposal Operations” (RT I 1998, 75, 1239).

Hazardous wastes to be transferred to other undertakers:

Waste code *)	Name of Waste	Volume (t/yr)	Recipient undertakers

Position of the County Governor:

Position of the Municipal Government:

Applicant:

.....

name, occupation signature, stamp date