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## Environmental Supervision Act

Passed 06.06.2001  
RT I 2001, 56, 337  
Entry into force 07.07.2001

Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 61, 375	01.08.2002
13.11.2002	RT I 2002, 99, 579	01.01.2003
11.12.2002	RT I 2002, 110, 653	01.01.2003
17.12.2003	RT I 2003, 88, 591	01.01.2004
14.04.2004	RT I 2004, 30, 209	01.05.2004
21.04.2004	RT I 2004, 38, 258	10.05.2004
13.04.2005	RT I 2005, 24, 182	20.05.2005
12.10.2005	RT I 2005, 57, 451	18.11.2005
08.02.2007	RT I 2007, 19, 95	11.03.2007
22.04.2010	RT I 2010, 22, 108	01.01.2011 will enter into force on the date specified in the decision of the Council of the European Union regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
27.01.2011	RT I, 23.02.2011, 3	01.01.2012
10.10.2012	RT I, 25.10.2012, 1	01.12.2012
25.09.2013	RT I, 08.10.2013, 1	18.10.2013
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 <sup>3</sup> of the Government of the Republic Act.
20.02.2019	RT I, 13.03.2019, 2	15.03.2019
17.06.2020	RT I, 10.07.2020, 2	01.01.2021, words "Environmental Inspectorate" replaced with words "Environmental Board" throughout the Act.

### Chapter 1

# GENERAL PROVISIONS

## § 1. Scope of application of Act

(1) This Act defines the essence of environmental supervision and establishes the functions of authorities exercising environmental supervision.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) The provisions of the Administrative Procedure Act (RT I 2001, 58, 354) apply to the administrative proceedings specified in this Act, taking account of the specifics of this Act.

[RT I 2002, 61, 375 – entry into force 01.08.2002]

## § 2. Environmental supervision

(1) 'Environmental supervision' means the activities of the Environmental Board and a body or agency of a local authority for the purpose of preventing, identifying and combating a threat and eliminating an offence in the field of environmental protection.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## Chapter 2 ENVIRONMENTAL SUPERVISION AUTHORITIES AND THEIR FUNCTIONS

## § 3. Authorities exercising environmental supervision

(1) Environmental supervision is exercised by the Environmental Board and a body or agency of a local authority.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Environmental supervision functions may be imposed on other governmental authorities by law.

## § 4. Environmental Board as authority exercising environmental supervision

(1) The Environmental Board exercises environmental supervision on the grounds and in accordance with the procedure established in an act or regulation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## § 5. Land Board as authority exercising environmental supervision

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## § 6. Environmental supervision by local authority

(1) Supervision over the compliance with decisions on the protection and use of the environment made by the council of a local authority is exercised by persons or agencies authorised to that end by the council or, if no such persons exist, by the rural municipality or city government.

(2) Where environmental supervision functions not specified in subsection 1 of this section have been imposed on a local authority by law or where it has assumed these functions itself on the basis of law, the council appoints persons or agencies required for performing the functions, or the rural municipality government or city government exercises supervision.

(3) The local authority:

1) takes measures for prevention of illegal activities and implementation of compulsory environmental protection measures provided by law;

2) informs the Environmental Board about an unlawful activity harming or threatening the environment or about a lawful activity related to the use of the natural resources if such activity poses a threat to the life, health or property of people.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(4) If the council of a local authority has not decided otherwise, the environmental supervision specified in subsections 1 and 2 of this section is exercised similarly to supervision organised by a state authority and in its administrative territory the authority exercising supervision has rights equal to those of a state environmental supervision authority and an environmental inspector.

[RT I 2002, 110, 653 – entry into force 01.01.2003]

## **§ 7. Environmental Board's supervision competence over activities of local authority**

(1) The Environmental Board has the right to inspect the performance of the functions relating to the protection and use of the environment imposed on a local authority by law or assumed by a local authority under an administrative contract as well as the lawfulness of a legal instrument of specific application regulating the protection and use of the environment adopted by the council and government of a local authority.

(2) The Environmental Board has the right to request a copy of a legal instrument of specific application adopted by the council and government of a local authority, which has been specified in subsection 1 of this section. The Environmental Board has the right to request a copy of a granted environmental permit.

(3) The council and government of a local authority must submit a copy specified in subsection 2 of this section within seven days after the receipt of a written request from the Environmental Board.

(4) If the Environmental Board finds that an environmental administrative decision of a local authority or the refusal to make one is unlawful and against public interests, the Environmental Board may, within 30 days after learning of the making of the administrative decision or refusal to make an administrative decision, make a written proposal to declare the administrative decision invalid, bring it into compliance with provisions of law or make the requested administrative decision. If the Environmental Board finds that the unlawful consequences of an administrative decision that has been declared invalid or that is to be declared invalid or amended are against public interests, the Environmental Board may, within three years as of the making of the administrative decision, make a written proposal to eliminate the consequences of the administrative decision.

(5) If the local authority has not declared the administrative decision invalid, brought it into compliance with the provisions of law, made the requested administrative decision or decided the elimination of the consequences of the administrative decision within 30 days after the receipt of the written proposal from the Environmental Board, the Environmental Board may file a protest on the conditions and in accordance with the procedure established in the Code of Administrative Court Procedure.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **§ 8. Analysis of application of provisions of environmental law**

(1) The Environmental Board analyses the effect of provisions of environmental law in its field of activity based on its own observations as well as data and proposals received from other persons, authorities and databases; thereby the Environmental Board is required to gather environmental supervision data.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(2) Following an analysis of the provisions of environmental law, the Environmental Board makes proposals for improvement of legal protection and amendment or modification of legislation.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

## **§ 8<sup>1</sup>. Databases of Environmental Board**

The Environmental Board maintains the following databases:

1) the object inspection database system (hereinafter *object inspection database*) the function of which is to process and analyse data relating to supervision proceedings, notices submitted on environmental use and preliminary notices of arrival of fishing vessels at the port for attainment of the purposes of the Environmental Board prescribed by law;

2) the database of offences the function of which is to process data relating to administrative proceedings initiated before 1 January 2014, misdemeanour proceedings initiated before 1 July 2011 and criminal proceedings initiated before 1 September 2011.

[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

## **§ 8<sup>2</sup>. Data categories of object inspection database and database of offences**

(1) The data categories of the object inspection database are:

- 1) data of the inspection object;
- 2) results of inspection of object;
- 3) notices of possible illegal use of the environment;
- 4) precepts;
- 5) information on the removal of fishing gear illegally placed for catching purposes;
- 6) preliminary notices of arrival of fishing vessels at the port;
- 7) notices of special-purpose fishing;
- 8) the environmental supervision work plan of the Environmental Board;
- 9) administrative proceedings;

10) requirements;  
11) minutes of application of special measures.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(2) The data categories of the database of offences are:

- 1) misdemeanour cases initiated before 1 July 2011;
- 2) criminal cases initiated before 1 September 2011;
- 3) precepts made before 1 January 2014;  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]
- 4) pollution charge claims issued before 1 April 2011;
- 5) information on the removal of fishing gear illegally placed for catching purposes before 1 January 2014.  
[RT I, 13.03.2019, 2 – entry into force 15.03.2019]

(3) The procedure for maintenance of the object inspection database and the database of offences, including a more detailed composition of the data to be entered in the database, the procedure for issue of data and the term of preservation of data are set out in the statutes of the respective database.

(4) The data entered in the databases has an informative meaning.  
[RT I, 08.10.2013, 1 – entry into force 18.10.2013]

### **§ 8<sup>3</sup>. Statutes of databases of Environmental Board**

The object inspection database and the database of offences are founded and the statutes of the databases are approved by a regulation of the minister responsible for the field.  
[RT I, 08.10.2013, 1 – entry into force 18.10.2013]

### **§ 8<sup>4</sup>. Controller and processor of databases**

The controller of the object inspection database and the database of offences is the Environmental Board and the processor of the databases is the person appointed by the Environmental Board.  
[RT I, 08.10.2013, 1 – entry into force 18.10.2013]

## **Chapter 3 ENVIRONMENTAL INSPECTORS**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

### **§ 9. Environmental inspector**

An environmental inspector is:

- 1) a state environmental inspector;
- 2) a local authority environmental inspector.

### **§ 10. State environmental inspector**

A state environmental inspector is an official of the Environmental Board on whom the supervision duty is imposed in a job description.  
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

### **§ 11. Local authority environmental inspector**

A local authority environmental inspector is an official of a city or rural municipality government or another local authority agency on whom the supervision duty has been imposed by the internal division of duties or by a decision of the council.

### **§ 12. Territorial jurisdiction of environmental inspector**

(1) A state environmental inspector has the right to act in the entire territory under the jurisdiction of the Republic of Estonia as well as on vessels registered in the Republic of Estonia, regardless of their location.

(2) A local authority environmental inspector has the right to act only in the territory of the local authority.

### **§ 13. Certifying environmental inspector's right to act**

(1) A state environmental inspector's right to act for the purpose of protecting the environment is certified by the inspector's identification and badge. A local authority environmental inspector's right to act for the purpose of protecting the environment is certified by the identification of the local authority environmental inspector.

(2) The form of the identification of a state environmental inspector and the procedure for making, issuing and withdrawing it are established by the minister responsible for the field and the form of the identification of a

local authority environmental inspector and the procedure for making, issuing and withdrawing it are established by a rural municipality government or city government.

(3) The design of the badge of a state environmental inspector and the procedure for making, issuing and withdrawing it are established by the minister responsible for the field.  
[RT I 2005, 24, 182 – entry into force 20.05.2005]

#### **§ 14. Uniform and special clothing of environmental inspector**

(1) A uniform and special clothing is issued to a state environmental inspector free of charge. The description of the uniform and badges of a state environmental inspector and the procedure for the issue and wearing of the uniform and special clothing is established by the minister responsible for the field. The costs of making of the uniform and special clothing are covered from the state budget.  
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) A uniform and special clothing is issued to a local authority environmental inspector in accordance with the procedure and with the design approved by the local authority.

#### **§ 15. Weapons and special equipment of environmental inspector**

(1) A state environmental inspector and a local authority environmental inspector whose duty is to protect standing crop, game and fishery resources, are allowed to carry a service weapon and use a service dog and handcuffs when performing their official duties.

(2) [Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(3) The service weapon is acquired and a weapons permit is issued in accordance with the Weapons Act (RT I 2001, 65, 377; 88, 531; 102, 673; 2002, 29, 175; 53, 336; 61, 375; 63, 387) and the procedure established on the basis thereof.  
[RT I 2002, 110, 653 – entry into force 01.01.2003]

#### **§ 16. Rights and duties of environmental inspector**

[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

#### **§ 16<sup>1</sup>. On-call time of state environmental inspector**

(1) Upon application of the on-call time, the provisions of subsection 6 of § 38 of the Public Service Act do not apply to a state environmental inspector.

(2) The duration of the on-call time must not exceed 250 hours a month.  
[RT I, 08.10.2013, 1 – entry into force 18.10.2013]

### **Chapter 4 SUPERVISION STEPS**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 17.–§ 24.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **Chapter 5 STEPS WITH NATURAL PRODUCT OF UNKNOWN OWNERSHIP AND MEANS OR TOOL OF OBTAINING NATURAL PRODUCT**

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 25.–§ 34.[Repealed – RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **Chapter 6**

# IMPLEMENTATION OF ACT

## **§ 35. Provision of state environmental inspectors with uniforms**

The full provision of state environmental inspectors with uniforms in accordance with § 14 of this Act will commence on 1 January 2003.

**§ 36.–§ 37.**[Omitted from this text.]

## **§ 38. Repeal of former Environmental Supervision Act**

(1) The Environmental Supervision Act (RT I 1997, 86, 1460; 1999, 54, 583; 95, 843; 2000, 51, 319; 2001, 50, 283) is repealed.

(2) The regulations of the Government of the Republic and the Minister of the Environment established on the basis of the Act specified in subsection 1 of this section, insofar as they are not in conflict with the present Act, remain in force until amended or repealed.

(3) [Repealed – RT I 2002, 110, 653 – entry into force 01.01.2003]