

Environmental Monitoring Act

Passed 20 January 1999
(RT I 1999, 10, 154),

Entered into force 15 February 1999, amended by the following Acts:

19.06.2002 entered into force 01.09.2002 - RT I 2002, 63, 387;
15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597;
16.06.99 entered into force 23.06.99 - RT I 1999, 54, 583.

§ 1. Scope of application of Act

This Act provides for the organisation of environmental monitoring, the procedure for processing and storing data obtained, and the relations between persons carrying out environmental monitoring and owners or possessors of immovables.

§ 2. Environmental monitoring and purposes thereof

(1) Environmental monitoring is the continuous observation of the state of the environment and the factors affecting it, the main purpose of which is to predict the state of the environment and to obtain data for programmes and plans and for the preparation of development plans. The functions of environmental monitoring are to:

- 1) determine and analyse the current state of contamination and pollution in the environment;
- 2) ascertain changes in the environment which require measures to be implemented or further investigation to be conducted;
- 3) observe long-range transboundary pollution and conduct comparative investigations on the basis of international agreements;
- 4) develop and supplement a system of indicators characterising the state of the environment;
- 5) assess and analyse the current state of biological diversity;
- 6) determine the state and amount of renewable natural resources;
- 7) assess factors affecting the environment.

(2) Environmental monitoring includes environmental observations and the processing of data obtained therefrom.

§ 3. State environmental monitoring

(1) State environmental monitoring shall be organised by the Ministry of the Environment.

(2) State environmental monitoring shall be carried out pursuant to a programme approved by the Minister of the Environment. The National Environmental Monitoring Programme shall set out:

- 1) the names of sub-programmes;
- 2) a description of the activities proposed;
- 3) data concerning the institutions responsible for the sub-programmes;
- 4) the funds allocated for implementing the programme.

(3) The National Environmental Monitoring Programme shall be financed from:

- 1) the state budget;
 - 2) the budgets of international programmes.
- (3) (Repealed - 16.06.99 entered into force 23.06.99 – RT I 1999, 54, 583).

(4) Environmental monitoring carried out on the basis of international programmes may constitute a part of state environmental monitoring. Environmental monitoring carried out on the basis of international programmes shall be financed pursuant to clause (3) 2) of this section.

§ 4. Environmental monitoring carried out by local government

(1) A local government shall carry out environmental monitoring to perform the functions imposed on the local government by law or to organise the activities of the local government. Environmental monitoring carried out by a local government shall be financed from:

- 1) allocations from the state budget for specific purposes intended for the local government;
 - 2) the city or rural municipality budget.
- (3) (Repealed - 16.06.99 entered into force 23.06.99 – RT I 1999, 54, 583).

(2) Environmental monitoring which is carried out by a local government and is part of an international programme shall be financed from the budget of the programme.

(3) The basis for environmental monitoring carried out by a local government shall be the environmental monitoring programme of the city or rural municipality. The procedure for implementing the environmental monitoring programme and for processing and storing environmental monitoring data collected on the basis thereof shall be established by the local government.

§ 5. Environmental monitoring carried out by undertaking

(1) An undertaking shall carry out environmental monitoring at the expense of the undertaking in the area affected by its activities or by pollutants discharged into the environment as a result of its activities:

- 1) for the undertaking's own purposes, if so desired;
- 2) to the extent and pursuant to the procedure determined in the natural resources exploitation permit or the pollution permit issued to the undertaking pursuant to law.

(2) The area affected by the activities of an undertaking or by pollutants discharged into the environment as a result of such activities shall be determined in the natural resources exploitation permit or the pollution permit.

(3) The procedure for environmental monitoring carried out by an undertaking for its own purpose shall be established by the undertaking, and the environmental monitoring data obtained therefrom shall not be used against the undertaking if damage to the state of the environment is established.

(4) Data from environmental monitoring carried out pursuant to a natural resources exploitation permit or a pollution permit shall be submitted by the undertaking to the issuer of the permit on the date specified in the permit.

§ 6. Structure of state environmental monitoring

(1) The organisational hierarchy required for implementing the National Environmental Monitoring Programme is comprised of the general co-ordinator, the Monitoring Council, the institutions responsible for the sub-programmes, and the persons carrying out the monitoring.

(2) The general co-ordinator of environmental monitoring is the Ministry of the Environment, which shall be responsible for implementing the environmental monitoring programme and which shall organise the activities of the sub-programmes of the National Environmental Monitoring Programme.

(3) The Monitoring Council shall be formed to provide advice on the organisation of environmental monitoring and to inspect the implementation of monitoring programmes. The membership of the Monitoring Council shall be approved by the Minister of the Environment.

(4) The institution responsible for a sub-programme shall direct the activities of a national environmental monitoring sub-programme. The set of persons who may be responsible for sub-programmes shall not be restricted. The Minister of the Environment shall, on the proposal of the Monitoring Council, approve the sub-programme and appoint the institution responsible for the sub-programme. The Minister of the Environment shall enter into a contract with the institution responsible for the sub-programme.

(5) The procedure for the implementation of national environmental monitoring sub-programmes shall be established by a regulation of the Minister of the Environment which shall provide for:

- 1) the purpose of the environmental monitoring;
- 2) the methods of and procedure for carrying out the environmental monitoring;
- 3) the exact geographical coordinates of the environmental monitoring station or site;

- 4) the conditions for the collection, transmission and storing of environmental monitoring data;
- 5) quality assurance requirements for environmental monitoring data.

(6) The institution responsible for a national environmental monitoring sub-programme shall:

- 1) inform the county governor and the rural municipality or city government of environmental monitoring which is to be carried out in the jurisdiction thereof not later than ten days before the commencement of the environmental monitoring activities;
- 2) assess the state of the environment and changes thereto within the scope of the sub-programme;
- 3) generalise information, compile and process data from the sub-programme and transfer the data to the Monitoring Council.

(7) The person carrying out the monitoring shall implement the sub-programme pursuant to the procedure established by the institution responsible for the sub-programme.

§ 7. Storing of environmental monitoring data

(1) Data from state environmental monitoring shall be stored in a general national register established by the corresponding Act.

(2) The cases of and procedure for the interbase cross-usage of data from state environmental monitoring and environmental monitoring carried out by local governments and undertakings, and the exchange of data with other state databases, shall be provided by law or on the basis of an Act.

§ 8. Publication, use and release of environmental monitoring data

(1) Data from environmental monitoring carried out on the basis of a state or local government monitoring programme or to the extent determined by a natural resources exploitation permit or a pollution permit shall be published in the form of generalised periodicals and to the extent determined by the Minister of the Environment on the web site of the Ministry of the Environment, except in the cases specified in subsection (2) of this section.

(15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)

(2) Only persons performing official functions shall have access to environmental monitoring data, if:

- 1) publication thereof may endanger health or protected species;
- 2) the data are being processed;
- 3) the data contain or concern business, industrial or intellectual property secrets.

(3) International exchanges of environmental monitoring data shall take place to the extent and pursuant to the procedure provided for in international agreements.

(4) Upon use and publication of environmental monitoring data, reference shall be made to the institution responsible for the monitoring and to the sub-programme on the basis of which the activities were performed.

(5) Public environmental monitoring data may be accessed and extracts may be taken therefrom without charge.

(6) (Repealed - 15.11.2000 entered into force 01.01.2001 - RT I 2000, 92, 597)

§ 9. Use of environmental monitoring data upon evidence of hazardous state of environment

If the results of environmental monitoring indicate that the situation at an environmental monitoring station or site is becoming environmentally hazardous, the institution responsible for the environmental monitoring sub-programme is required to notify the Environmental Inspectorate thereof immediately, and in the case of surface or ground water pollution or air pollution also to notify the local health protection office.

§ 10. Ensurance of accuracy of environmental monitoring data

(1) The institution responsible for the environmental monitoring sub-programme shall be responsible for the accuracy of the data from state environmental monitoring.

(2) Samples may be analysed and measurements taken for the purposes of state environmental monitoring by laboratories recognised or accredited internationally or pursuant to the procedure established in the Republic of Estonia.

§ 11. Environmental monitoring station or site

(1) An environmental monitoring station or site is a place in a monitoring network where observations and measurements determined by an environmental monitoring sub-programme are made and taken. Permanent or permanent and temporary environmental monitoring structures together with equipment are located at an environmental monitoring station. No permanent environmental monitoring structures are located at an environmental monitoring site.

(2) A national environmental monitoring station or site is:

- 1) an environmental monitoring station or site which is situated in a national environmental monitoring reference area;
- 2) any other national environmental monitoring station or site.

(3) A national environmental monitoring reference area is an area designated for long-term national and international integrated environmental monitoring. A national environmental monitoring reference area shall be established by the Government of the Republic on the proposal of the Minister of the Environment.

(4) Observations at other national environmental monitoring stations or sites do not need to be long-term and international integrated environmental monitoring observations shall not be carried out. Other environmental monitoring stations or sites shall be established by the Minister of the Environment on the proposal of the Monitoring Council.

(5) Environmental monitoring in a national environmental monitoring reference area may be suspended or terminated by the Government of the Republic on the proposal of the Minister of the Environment. Environmental monitoring at other national environmental monitoring stations or sites shall be carried out or terminated on the basis of a decision of the Monitoring Council.

§ 12. Establishment of environmental monitoring stations and sites

(1) New environmental monitoring stations and sites shall be established on the basis of this Act, the Law of Property Act (RT I 1993, 39, 590; 1999, 44, 509; 2001, 34, 185; 52, 303; 93, 565; 2002, 47, 297; 53, 336) and legislation arising therefrom.

(2) Damage arising from the establishment or repair of an environmental monitoring station or site or from observations carried out at the station or site shall be compensated to the owner or possessor of the land unless otherwise provided by contract. If the existence of an environmental monitoring station or site prevents the expedient use of an immovable, the owner of the immovable has the right to demand purchase of the immovable or a part thereof by the state.

(3) Upon transfer of land, the obligations relating to an environmental monitoring station or site situated thereon transfer to the new owner of the land.

(4) The marking of and the procedure for marking environmental monitoring stations and sites shall be approved by a regulation of the Minister of the Environment.

§ 13. Protection of environmental monitoring station or site

(1) The owner or possessor of an immovable shall not restrict the access of a person carrying out monitoring, a person authorised by the Ministry of the Environment, or an institution responsible for a sub-programme or a person authorised thereby to an environmental monitoring station or site.

(2) It is prohibited to damage or render unusable an environmental monitoring station or site.

§ 131. Damaging of environmental monitoring station or site

(1) Damaging of an environmental monitoring station or site is punishable by a fine of up to 100 fine units.

(2) Rendering unusable or damaging an environmental monitoring station or site to an extent which causes interruption of an environmental monitoring programme is punishable by a fine of up to 200 fine units.

(3) An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a fine of up to 30 000 kroons.

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

§ 132. Proceedings

(1) The provisions of the General Part of the Penal Code (RT I 2001, 61, 364; 2002, 44, 284; 56, 350) and of the Code of Misdemeanour Procedure (RT I 2002, 50, 313) apply to the misdemeanours provided for in § 131 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 131 of this Act shall be conducted by the Environmental Inspectorate.

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

§ 14. Implementation of Act

Environmental monitoring data shall be stored as a state agency database in the Ministry of the Environment until compilation into the general national register of data concerning environmental protection.

1 RT = Riigi Teataja = State Gazette