

# Waste Management Planning

Estonia

Legal Analysis

*Justice and Environment 2011*

## Waste Management Planning

### Estonia

#### Legal Analysis

##### Introduction

[Directive 2008/98/EC](#) of the European Parliament and of the Council of 19 November 2008 on **waste** and repealing certain Directives regulates in a general manner the waste management planning framework in the Member States. The purpose of the current questionnaire is **to have a snapshot view by answering 5 + 1 questions** on the status of waste management planning in the respective Member State.

##### **Q1**

**Please describe the legal framework regulating waste management planning in your country!**

**Please list relevant national laws and the most important provisions relating to government-organized waste management planning!**

Waste management planning in Estonia is regulated by the **Waste Act** (jäätmeseadus).

According to Section 39(1) of the Act, two types of waste management plans (WMPs) exist in Estonia: national (covering the whole territory of Estonia) and municipal (covering the lowest level of local government – cities and rural municipalities (226 in total)) waste management plans.

Section 39(3) of the Waste Act lists the elements of WMPs that are found in both national and municipal WMPs; this includes most of the elements listed in Articles 28(3) and 28(4) of the EU Directive 2008/98/EU. According to Section 40(1), transnational waste shipments, optimization of waste management and cooperation between countries, and an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems are only included in the national WMP. Section 42(2) in turn provides that funding of waste management, development of transport of waste in a municipality and development of collection by type and sorting of waste in a municipality are only covered in municipal WMPs.

Section 43 regulates review of WMPs. National WMP are to be reviewed every five years. If the changes made during that review are related to municipal WMPs, these have to be appropriately reviewed within one year.

Sections 45-54 of the Waste Act regulate the rules for preparing the national WMP. According to these sections, public must also be involved in preparations; draft WMP must be put to public display and at least on public discussion held on them. Members of the public are entitled to make written (and during public discussion oral) statements about the draft WMP during its publishing.

The national WMP is approved by the Government of the Republic and published in State Gazette ([www.riigiteataja.ee](http://www.riigiteataja.ee)) and on the web page of Minister of Environment (Section 54 of the Waste Act).

According to Sections 56-58 of the Waste Act, draft municipal WMPs are also put on public display and a public discussion must be held if statements are made during that period (optional, if not). Municipal WMPs are adopted by municipal councils (Section 59(1) of the Waste Act).

*WFD Article 28*

*Waste management plans*

*1. Member States shall ensure that their competent authorities establish, in accordance with Articles 1, 4, 13 and 16, one or more waste management plans. Those plans shall, alone or in combination, cover the entire geographical territory of the Member State concerned.*

**Q2**

**Please describe according to what territorial distribution the waste management plans are prepared by the government (national, sub-national, regional, sub-regional, etc.)!**

In Estonia, the waste management plans are prepared on two levels: the **national** level and **municipal** level. Municipalities – cities and rural municipalities – are the 2<sup>nd</sup> level administrative units in Estonia. Currently there are 226 municipalities in Estonia.

*WFD Article 28*

*2. The waste management plans shall set out an analysis of the current waste management situation in the geographical entity concerned, as well as the measures to be taken to improve environmentally sound preparing for re-use, recycling, recovery and disposal of waste and an evaluation of how the plan will support the implementation of the objectives and provisions of this Directive.*

*3. The waste management plans shall contain, as appropriate and taking into account the geographical level and coverage of the planning area, at least the following:*

*(a) the type, quantity and source of waste generated within the territory, the waste likely to be shipped from or to the national territory, and an evaluation of the development of waste streams in the future;*

*(b) existing waste collection schemes and major disposal and recovery installations, including any special arrangements for waste oils, hazardous waste or waste streams addressed by specific Community legislation;*

*(c) an assessment of the need for new collection schemes, the closure of existing waste installations, additional waste installation infrastructure in accordance with Article 16, and, if necessary, the investments related thereto;*

*(d) sufficient information on the location criteria for site identification and on the capacity of future disposal or major recovery installations, if necessary;*

**Q3**

**Please detail how the national waste management plan deals with future landfill capacities and how much such capacity it is planning for the future within the country!**

According to the National Waste Management Plan for 2008-2013 (WMP), one of the measures to be taken in the period is establishment of regional waste centers, which might also include landfills for non-hazardous waste that comply with the requirements of the EU Directive 1999/31/EC (on the landfill of waste) and transposing national legislation. From 2006, 5 such regional centers accompanied by landfills are operated; the WMP foresees the need for 1-2 more centers with landfills for non-hazardous waste (definitely in South-East Estonia, optionally on the island of Saaremaa). More specific numeric values for the planned capacity cannot be found from the WMP.

As for hazardous waste, two landfills for hazardous waste related to oil shale use were planned to be reconstructed in compliance with the requirements of the EU Directive 1999/31/EC (on the landfill of waste) and transposing national legislation.

*WFD Article 28*

*3. (e) general waste management policies, including planned waste management technologies and methods, or policies for waste posing specific management problems.*

*4. The waste management plan may contain, taking into account the geographical level and coverage of the planning area, the following:*

*(a) organisational aspects related to waste management including a description of the allocation of responsibilities between public and private actors carrying out the waste management;*

*(b) an evaluation of the usefulness and suitability of the use of economic and other instruments in tackling various waste problems, taking into account the need to maintain the smooth functioning of the internal market;*

*(c) the use of awareness campaigns and information provision directed at the general public or at a specific set of consumers;*

*(d) historical contaminated waste disposal sites and measures for their rehabilitation.*

**Q4**

**Please detail to what extent the national waste management plan deals with historical contaminated waste disposal sites and what does it say about them!**

Landfills (both for hazardous and non-hazardous waste) that do not comply with the EU Directive 1999/31/EC (on the landfill of waste) and transposing national legislation were supposed to be closed by 16 July 2006 and after-care operations carried out by 16 July 2013 according to the National Waste Management Plan for 2008-2013. Approx. € 130 000 was to be used in 2008-2013 for the closure and after-care of landfills.

*WFD Article 28*

*5. Waste management plans shall conform to the waste planning requirements laid down in Article 14 of Directive 94/62/EC and the strategy for the implementation of the reduction of biodegradable waste going to landfills, referred to in Article 5 of Directive 1999/31/EC.*

*WFD Article 30*

*Evaluation and review of plans and programmes*

*1. Member States shall ensure that the waste management plans and waste prevention programmes are evaluated at least every sixth year and revised as appropriate and, where relevant, in accordance with Articles 9 and 11.*

*2. The European Environment Agency is invited to include in its annual report a review of progress in the completion and implementation of waste prevention programmes.*

**Q5**

**Please detail if the previous national waste management plan has been reviewed after 6 years pursuant to the obligation set by the Directive!**

First ever national waste management plan in Estonia was adopted on 4 December 2002, before Estonia became a member of the EU (although principles of EU waste management were considered in it). The current National Waste Management Plan for 2008-2013 (WMP) was adopted on 29 May 2008 and was then based on the Directive 2006/12/EC and transposing legislation. Nonetheless, the current WMP is essentially a revision of the previous plan. Therefore, although review obligation was not applicable when the current WMP was prepared (as the previous national waste management plan was created before EU legislation became applicable in Estonia), revision did in fact take place in 6 years.

*WFD Article 31*

*Public participation*

*Member States shall ensure that relevant stakeholders and authorities and the general public have the opportunity to participate in the elaboration of the waste management plans and waste prevention programmes, and have access to them once elaborated, in accordance with Directive 2003/35/EC or, if relevant, Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment*

*(1). They shall place the plans and programmes on a publicly available website.*

**Q+1**

**Please describe if there has been sufficient public participation in the most recent waste management planning process on the national or sub-national level and if the waste management plans are publicly available on the internet!**

**On the national level:**

*Legal background:*

Sections 45-54 of the Waste Act regulate the rules for preparing the national WMP. According to Section 45 the public must be informed of the decision to initiate the

preparations by means of official publication Ametlikud Teadaanded ([www.ametlikudteadaanded.ee](http://www.ametlikudteadaanded.ee)) and at least one newspaper with national coverage; the main theses of the waste management plan must be publicized on the web page of the Ministry of Environment ([www.envir.ee](http://www.envir.ee)). Minister of Environment is responsible for preparing the national WMP and must include a variety of stakeholders, including representatives of NGOs and business to the process according to Section 46 of the Waste Act.

According to Section 48 of the Waste act, draft national WMP must be put on public display for at least one month after they have been prepared. Notification of the public display must be communicated at least two weeks before the start of it by means of the official publication Ametlikud Teadaanded, at least one newspaper with national coverage and on the home page of the Ministry of Environment. At least one public discussion must be held of which the public will be informed in the same manner as of public display.

Members of the public are entitled to make submissions and objections to draft national WMP during the public display and make oral statements during public discussions (Sections 49 and 50 of the Waste Act). All statements, submissions and objections shall be considered and if necessary, the national WMP amended. For statements, submissions and objections that are not taken into account, a reply shall be produced within two months of the end of public display or public discussion (Section 51 of the Waste Act). According to Section 52, the results of public participation shall be made available to the public in a newspaper with national coverage and the web page of the Ministry of Environment.

*Practice:*

During the preparation of the National Waste Management Plan for 2008-2013 (WMP) public discussions and public displays were held in three stages: a) for the initial assignment of the WMP with its SEA program; b) for draft WMP with its SEA report and c) for the part of WMP dealing with waste management in counties (15 regions of Estonia) – 5 public discussions in different parts of the country.

The participation of the general public was extremely low. Most of the persons present at public discussions were either officials on various levels of government (state, county or municipality level) or representatives of waste management businesses. There were only a few exceptions to this – a representative of the Stockholm Environment Institute (SEI) Tallinn as well as a representative of the Estonian University of Life Sciences were present at the first public discussion and a representative of Tartu University present at one of the public discussions on waste management in counties. All written submissions and objections presented in the process of preparing the WMP were made by either representatives of business sector or public sector.

The national waste management plan was published in the State Gazette (<https://www.riigiteataja.ee/aktiisa/0000/1296/9913/13011973.pdf>) and is also available on the web page of the Ministry of Environment (<http://www.envir.ee/orb.aw/class=file/action=preview/id=1075105/RIIGI+J%C4%C4TMEKA+VA+2008-2013.pdf>).

## **On the municipality level:**

### *Legal background:*

Draft municipal WMPs are also put on public display; the length of this public display is at least two weeks and a notification of it must be given to the public by means of a local newspaper at least two weeks in advance (Section 56(2) of the Waste Act). Members of the public are entitled to make submissions or objections to the draft municipal WMP during the public display (Section 57(1)).

At least one public discussion must be held if submissions or objections to the draft municipal WMP are made during the public display; the public display is optional if no submissions or objections are made (Sections 56(1) and 56(4)). Public must be notified of the public discussion at least two weeks in advance by means of a local newspaper (Section 56(3)). Members of the public are entitled to make oral statements at the public discussion. According to Section 58 of the Waste Act, results of public participation shall be made available in a local newspaper.

### *Practice:*

As there is a large number of municipal waste management plans (even if some municipalities have opted for a joint waste management plans), it is hard to assess if the public participation in them has been sufficient.

Municipalities are not obliged to publish their waste management plans in Internet according to the Waste Act, however they are under the obligation to do so according to Sections 28 and 29 of the Public Information Act (avaliku teabe seadus). This obligation is also fulfilled in at least larger municipalities.

## **Contact information:**

**name:** Siim Vahtrus  
**organization:** J&E  
**address:** Aleksandri 8, 51004 Tartu  
**tel/fax:** 372 742 4524  
**e-mail:** [info@justiceandenvironment.org](mailto:info@justiceandenvironment.org)  
**web:** [www.justiceandenvironment.org](http://www.justiceandenvironment.org)

The Work Plan of J&E has received funding from the European Union through its LIFE+ funding scheme. The sole responsibility for the present document lies with the author and the European Commission is not responsible for any use that may be made of the information contained therein.

