

ESTONIA

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Estonia in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Estonia*
Article	
5	
6(1)	
6(2)	
6(3)	
7(1)	
7(2)	
7(3)	
7(5)	
8(1 and 2)	
9(2)	
9(6)	
10	
11(1 and 3)	
12(1)	
12(2)	
13(1-5)	
14(1)	
14(6)	
14(7)	
17(1 and 2)	
18(1 to 3)	
19(1 and 2)	
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	
22(2)	
24(2)	
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	
31(2-9)	
32(1)	
32(2-3)	
33(1 and 2)	
34	
35	
36(1)	
36(2)	
37(2)	

Country	Estonia*
Article	
37(3)	
37(4)	
37(5)	
37(6)	
37(7)	
38(1)	
38(2)	
38(3)	
38(4)	
40(4)	
41(4)	
46(2)	
49(a)	
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	
56(2)	
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	
66(1)	
67(1)	

2. Types of offences related to REACH in Estonia

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Estonia. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
Offences related to the registration requirements	- Violation of the requirements of the REACH-regulation	- Violation of the requirements for handling chemicals or waste dangerous to human health or the environment, if such violation causes a danger to human life or health or to the environment
Offences related to authorisation and restrictions requirements	- Violation of the requirements of the REACH-regulation	- Violation of the requirements for handling chemicals or waste dangerous to human health or the environment, if such violation causes a danger to human life or health or to the environment
Offences related to the supply chain requirements	- Violation of the requirements of the REACH-regulation	- Violation of the requirements for handling chemicals or waste dangerous to human health or the environment, if such violation causes a danger to human life or health or to the environment

Offences related to the downstream user requirements	- Violation of the requirements of the REACH-regulation	- Violation of the requirements for handling chemicals or waste dangerous to human health or the environment, if such violation causes a danger to human life or health or to the environment.
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3. Sanctions applicable to legal persons in Estonia

This table mentions whether or not Estonia applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Estonia	Y	Specific to legal persons	N

4. REACH related administrative and criminal penalties in Estonia

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Estonia. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	<ul style="list-style-type: none"> - Violation of the requirements of the REACH-regulation is punishable with a fine up to 300 fine units (21 000 EEK- 1 342.14 EUR); - The same act, if committed by a legal person, is punishable by a fine of up to 350 000 EEK (22 369.02 EUR) 	<p>Violation of requirements for handling dangerous chemicals or waste</p> <p>(1) if such violation causes a danger to human life or health or to the environment, is punishable by a pecuniary punishment or up to 3 years prison.</p> <p>(2) if a danger to human life or health or to the environment is thereby caused through negligence, is punishable by a pecuniary punishment or up to 1 year prison.</p> <p>(3)An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.</p>
Penalties related to infringement of authorisation requirements	<ul style="list-style-type: none"> - Violation of the requirements of the REACH-regulation is punishable with a fine up to 300 fine units (21 000 EEK- 1 342.14 EUR); - The same act, if committed by a legal person, is punishable by a fine of up to 350 000 EEK (22 369.02 EUR) 	<p>Violation of requirements for handling dangerous chemicals or waste</p> <p>(1) if such violation causes a danger to human life or health or to the environment, is punishable by a pecuniary punishment or up to 3 years prison.</p> <p>(2) if a danger to human life or health or to the environment is thereby caused through negligence, is punishable by a pecuniary punishment or up to 1 year prison.</p> <p>(3)An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.</p>

Penalties related to infringement of the supply chain requirements	<ul style="list-style-type: none"> - Violation of the requirements of the REACH-regulation is punishable with a fine up to 300 fine units (21 000 EEK- 1 342.14 EUR); - The same act, if committed by a legal person, is punishable by a fine of up to 350 000 EEK(22 369.02 EUR) 	Violation of requirements for handling dangerous chemicals or waste (1) if such violation causes a danger to human life or health or to the environment, is punishable by a pecuniary punishment or up to 3 years' imprisonment. (2) if a danger to human life or health or to the environment is thereby caused through negligence, is punishable by a pecuniary punishment or up to 1 year of imprisonment. (3)An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.
Penalties related to infringement of the downstream users requirements	<ul style="list-style-type: none"> - Violation of the requirements of the REACH-regulation is punishable with a fine up to 300 fine units (21 000 EEK- 1 342.14 EUR); - The same act, if committed by a legal person, is punishable by a fine of up to 350 000 EEK(22 369.02 EUR) 	Violation of requirements for handling dangerous chemicals or waste (1) if such violation causes a danger to human life or health or to the environment, is punishable by a pecuniary punishment or up to 3 years' imprisonment. (2) if a danger to human life or health or to the environment is thereby caused through negligence, is punishable by a pecuniary punishment or up to 1 year of imprisonment. (3)An act provided for in subsection (1) or (2) of this section, if committed by a legal person, is punishable by a pecuniary punishment.

Please note that as the criminal sanctions provided for by Estonian law refer to very general offences of environmental law, they are not considered as REACH penalties as such. Therefore, as discussed and agreed with the Commission, we have decided not to keep these in the table, but rather to refer to it more generally in an explanatory paragraph in the report.

5. Short description of REACH sanctions and related issues in Estonia

Estonia provides some specific administrative sanctions for the infringement of REACH. Criminal sanctions can also be imposed when REACH obligations are infringed but only when they lead to the infringement of the Estonian Criminal Code provisions on the handling of dangerous chemicals or waste.

The following extra-judicial bodies conduct supervision in matters of administrative offences as regards REACH:

- 1) the Technical Inspectorate;
- 2) the Rescue Board and local offices the Rescue Board;
- 3) the Labour Inspectorate;
- 4) the Environmental Inspectorate;
- 5) the Consumer Protection Board;
- 6) the Health Protection Inspectorate.

A person exercising supervision has the right to issue precepts for termination of violations of the requirements of REACH, or the legislation established on the basis thereof, set terms for compliance with the precepts and monitor compliance with the precepts; upon failure to comply with a precept a person exercising supervision has the right to impose penalty payment or apply substitutive enforcement .The upper limit for a penalty payment is 10 000 kroons (639 115 EUR).

The main type of administrative penalties is the fine. According to the Chemicals Act violation of the requirements of the REACH-regulation is punishable with a fine up to 300 fine units (21 000 EEK: 1 342.14 EUR); the same act, if committed by a legal person, is punishable by a fine of up to 350 000 Estonian crowns (22 369.02 EUR).

A case-by-case approach in determination of the amount of financial penalties shall be used for each infringement. Administrative bodies have the right of discretion and should take into account the level of dangerousness the duration gravity and other circumstances of the infringement