

**Statutes of Register of Products of Concern<sup>1</sup>**  
Regulation No. 135 of the Government of the Republic of 23 July 2009

The Regulation is established on the basis of subsection 26<sup>1</sup> (2) of the Waste Act.

**Chapter 1**  
**General Provisions**

**§ 1. Official name of register**

The official name of the register is the “Register of Products of Concern” (hereinafter register). The official abbreviation of the name of the register is PROTO.

**§ 2. Aim of maintaining register**

(1) The aim of maintaining the register is to assemble information on the producers of products of concern, to maintain records on the recovery of products of concern and waste generated from products of concern (hereinafter waste) which are manufactured in Estonia, imported into Estonia and exported from Estonia for the performance of the obligations arising from the Waste Act and for the submission of waste-related information to the European Commission.

(2) In issues which are not regulated by this Regulation, the provisions of the Administrative Procedure Act, Public Information Act, Personal Data Protection Act or other relevant Act apply to the maintenance of the register.

**§ 3. Chief processor and authorised processor of register**

(1) The chief processor of the register is the Ministry of the Environment.

(2) The Estonian Environment Information Centre which is a state agency administered by the Ministry of the Environment is the authorised processor of the register.

**§ 4. Manner of maintenance of register**

The register is maintained as a single-level digital database.

**Chapter 2**  
**Structure and Legal Regime of Register and Data subject to Entry in Register**

**§ 5. Structure of register**

(1) The register comprises:

- 1) the database;
- 2) the entry book;
- 3) the registry journal (hereinafter journal);
- 4) the source documents of entries;
- 5) the registry data in the archives.

(2) The data specified in § 6 is subject to entry in the database.

(3) The following shall be entered in the journal:

- 1) information on the receipt of data and documents by the authorised processor of the register;
- 2) the time of entry of data in the register and the name and position of the person who makes the entry;
- 3) information regarding source documents (document number, if existent, the date of issue of the document and the name of the person or agency who issued it);
- 4) information on the amendment of inaccurate registry data;

- 5) the released data, the date of release and the name and contact details of the person to whom the data were released;
- 6) other information on registration proceedings and submission of data.
- (4) Data deleted from the register shall be archived. Archived registry data and source documents shall be preserved for 7 years as of deletion of the data. The registry data and source documents shall be archived and preserved pursuant to the procedure provided for in the Archives Act.

#### **§ 6. Data subject to entry in register**

- (1) Data on products of concern listed in subsection 25 (2) of the Waste Act and waste generated from the products of concern shall be entered in the register.
- (2) The following data shall be entered in the register:
  - 1) the name of the producer or collective scheme;
  - 2) the names of producers who have joined a collective scheme, the commercial registry code of the producers, the time of joining the collective scheme, the time of leaving the collective scheme, if data are submitted in the database by the collective scheme;
  - 3) the commercial registry code of the producer or collective scheme;
  - 4) the postal address of the producer and the code of the Classification of Administrative and Settlement Units of Estonia (hereinafter EHAK) of the seat of the producer;
  - 5) the principal activity of the producer and the respective code of the Classification of Economic Activities of Estonia (hereinafter EMTAK);
  - 6) the name, position, telephone and fax number and e-mail address of the authorised representative of the producer;
  - 7) the name, position, telephone and fax number and e-mail address of the contact person of the producer;
  - 8) the name and trade mark of the product of concern and name of the activities related to the product (manufacture, importation, exportation and placing on the market of the product of concern and the time of commencement of the specified activities);
  - 9) in the case of electrical and electronic equipment, a notation whether this is household equipment or non-household equipment;
  - 10) a confirmation that the product of concern complies with the requirements established in § 27 of the Waste Act. A confirmation need not be granted for tyres and such products of concern regarding which an exception is provided by a regulation of the Government of the Republic established pursuant to subsection 27 (4) of the Waste Act;
  - 11) the characteristics of the activities related to waste (hereinafter waste management plan which sets out at least the estimated volume of waste to be generated or handled and description of the collection of waste and sets out the national waste collection network, other persons organising waste handling, manners of recovery, disposal and exportation);
  - 12) the plan for informing the public of the obligation to collect waste generated from products of concern separately and of other activities related thereto;
  - 13) if, according to legislation, the provision of a financial guarantee or other guarantee is required to insure the collection and handling of waste generated from products of concern, information regarding the guarantee (bank name, account number, sum per product unit, name of insurance undertaking, term of insurance contract, number of insurance contract, sum insured) and documents certifying the correctness of the information;
  - 14) the weight of imported products of concern;
  - 15) the weight of manufactured products of concern;
  - 16) the weight of products of concern imported into a EU Member State;
  - 17) the weight of products of concern imported outside of the European Union;
  - 18) the weight of products of concern placed on the market;
  - 19) the weight of the collected waste of products of concern;

- 20) the weight of the reused waste of products of concern;
  - 21) the weight of the recycled waste of products of concern;
  - 22) the weight of waste of products of concern recovered for energy recovery;
  - 23) the weight of the recovered waste of products of concern;
  - 24) the weight of the disposed waste of products of concern;
  - 25) the weight of waste of products of concern handled in Estonia;
  - 26) the weight of waste of products of concern sent for handling into another Member State;
  - 27) the weight of waste of products of concern sent for handling outside of the European Union;
  - 28) the weight of waste of products of concern imported into another Member State to be recycled;
  - 29) the weight of waste of products of concern imported into another Member State to be disposed of;
  - 30) the weight of waste of products of concern which are imported outside of the European Union to be disposed of;
  - 31) the weight of waste of products of concern which are imported outside of the European Union to be recycled.
- (3) A collective scheme shall submit data listed in clause (2) 2) separately regarding members of the collective scheme and producers who have joined the collective scheme on the basis of a contract.
- (4) A collective scheme shall submit data listed in clauses (2) 8)-19) and 14)-18) separately regarding each producer who has joined the scheme.
- (5) The updated waste management plan specified in clauses (2) 11) and 12) and the plan for informing the public shall be entered in the register as necessary but not less frequently than once every three years.
- (6) With regard to one unit of a product of concern placed on the market, data concerning only one producer may be entered in the register.

#### **§ 7. Source documents for entry of data in register**

- (1) Data shall be entered in the register on the basis of source documents.
- (2) The following are deemed to be the source documents of an entry (hereinafter source document):
  - 1) data specified in § 6 on registry card forms set out in Annexes 1-7;
  - 2) a decision on the refusal to register;
  - 3) a decision concerning the deletion of a registration;
  - 4) a reasoned application for the amendment of registry data;
  - 5) documents on making amendments to the registry data;
  - 6) documents certifying the compliance of waste recovery or waste-disposal undertakings outside of the European Economic Area with the requirements of Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste (OJ L 190, 12.07.2006, p. 1-98);
  - 7) documents certifying the compliance of waste recovery or waste-disposal undertakings outside of Member States of the OECD with the requirements of Regulation (EC) No 1013/2006 of the European Parliament and of the Council;
  - 8) copies of contracts of contracting parties related to waste handling.
- (3) In order to verify the correctness of the submitted data, the authorised processor of the register has the right to demand that the producer or the collective scheme additionally submit:
  - 1) accounting documents concerning the manufacture, importation, exportation and sale of products of concern;

- 2) other documents concerning the importation, exportation and sale of products of concern, including copies of contracts;
- 3) documents certifying acceptance of waste by waste recovery or waste-disposal undertakings and confirmations regarding the recovery or disposal of waste;
- 4) documents regarding the effectiveness of the handling techniques of the waste handler accepting waste;
- 5) declarations of goods regarding the importation and exportation of products of concern or waste, which have been accepted by the customs authorities;
- 6) documents certifying compliance of a product of concern with the requirements of § 27 of the Waste Act;
- 7) other documents certifying compliance with the requirements of the Waste Act which are related to products of concern.

### **§ 8. Legal regime of registry data**

Registry data have legal effect to the extent provided by the Waste Act.

## **Chapter 3**

### **Registration Proceedings and Submission of Data to Register**

#### **§ 9. Registration proceedings**

Registration proceedings mean the activities of the authorised processor of the register upon receipt and registration of a registration application, amendment of registry data and suspension and deletion of registration.

#### **§ 10. Registration**

- (1) A registration means a body of data set out in clauses 6 (2) 1)-13) regarding each producer or collective scheme, which is recorded in the database of the register.
- (2) A registration shall be denoted by a unique number (registration number).
- (3) A collective scheme and also a producer who has joined the scheme shall be assigned a unique registration number.
- (4) Data specified in clauses 6 (2) 14)-31) are not deemed to be registration.

#### **§ 11. Persons who submit data to register**

A producer or a collective scheme in the name of the producer (hereinafter producer) shall submit data in the register.

#### **§ 12. Application for registration**

- (1) As a registration application, a producer shall submit the data specified in clauses 6 (2) 1)-13) to the authorised processor of the register on the form set out in Annex 1 (hereinafter application).
- (2) A producer shall submit an application specified in subsection (1) to the authorised processor of the register before commencement of the activities.

#### **§ 13. Refusal to register**

- (1) The chief processor of the register shall, on the proposal of the authorised processor of the register, make a written decision on the refusal of registration within 45 days as of receipt of the application or expiry of the term for the elimination of deficiencies if:
  - 1) a producer has submitted false data;
  - 2) several producers submit applications for registration at the same time regarding the same identifiable product unit;

- 3) a producer submits an application for registration but another producer has been registered in the register in relation to the same product.
- (2) If several producers submit applications regarding the same identifiable product unit at the same time, the authorised processor of the register shall make a proposal to both producers in order to reach an agreement as to who submits documents to the register and who withdraws its source documents, and shall specify a term therefor.
- (3) If the producers specified in subsection (2) do not reach an agreement, the authorised processor of the register shall refuse registration of the producer whose application was received later.
- (4) A decision on the refusal of registration shall be sent to the producer by post or electronic means to the address indicated in the application.

#### **§ 14. Deletion and suspension of registration**

- (1) The authorised processor of the register shall make a written decision on the deletion or suspension of registration and also the entry certifying the fact:
  - 1) on the basis of a reasoned application of the producer;
  - 2) upon termination of a producer registered in the register or upon death of a sole proprietor;
  - 3) if the producer has submitted false data in the source documents;
  - 4) if the producer does not comply with the requirements established by legislation;
  - 5) if several producers have been registered in relation to the same identifiable product unit;
  - 6) if the producer repeatedly fails to submit the data specified in clauses 6 (2) 14)-31).
- (2) The authorised processor of the register may make a written decision on the deletion or suspension of a registration and the entry certifying the fact on the basis of a reasoned application of the enforcement authority for the reasons specified in clauses (1) 3)-5) or if the producer has materially violated the obligations assigned thereto by the Waste Act.
- (3) A decision on the deletion or suspension of a registration shall be sent to a producer by post or by electronic means to the address set out in the source documents, except in the case specified in clause (1) 2).

#### **§ 15. Procedure and term for submission of data to register**

- (1) For entry in the register, data shall be submitted to the authorised processor of the register on registry card forms provided for in Annexes 1-7, which are confirmed digitally by digital signature. As an authorised user, the producer shall submit data to be entered in the register directly to the web database.
- (2) Entry of data in the database as an authorised user is deemed to be equal to the submission of data on registry card forms confirmed by digital signature.
- (3) The authorised processor of the register shall register the submitted source documents and enter data contained therein in the register or shall confirm the data entered in the database by an authorised user.
- (4) The digital registry card forms specified in subsection (1) shall be made available on the website of the register by the authorised processor of the register.
- (5) A producer shall submit the data specified in clauses 6 (2) 14)-31) on registry card forms provided for in Annexes 2-7 for entry in the register to the authorised processor or shall enter the data in the database as an authorised user once per quarter. Data shall be submitted to the authorised processor of the register or entered in the register by the twenty-fifth day of the month following each quarter.

#### **§ 16. Accuracy of registry data**

- (1) A person who submits data in the register is responsible for the correctness thereof.

(2) The authorised processor of the register has the right to make inquiries to the person who submits data and, in addition, demand documents specified in subsection 7 (4) if there is reason to believe that the submitted data are inaccurate.

#### **§ 17. Deficiencies in source documents**

(1) If the source documents submitted to the register contain deficiencies, the authorised processor of the register shall designate a term for elimination of the deficiencies. A notice regarding deficiencies which need to be eliminated shall be sent to the producer within 30 days after the receipt of the source documents by post or to an e-mail address indicated in a source document.

(2) If deficiencies are not eliminated within the designated term, the authorised processor of the register shall return the source documents without review. The authorised processor of the register shall mark the data submitted immediately to the web database by an authorised user as “Tagasi saadetud” [Returned].

#### **§ 18. Term for confirmation of data in register**

The chief processor of the register shall confirm data in the register on the basis of the source documents which conform to the requirements within 30 days after the date of receipt of the documents and all the necessary data.

#### **§ 19. Refusal to confirm data**

(1) The chief processor of the register shall make a written decision on the refusal to confirm data within 30 days after the receipt of the source documents if the producer has provided false data in the documents.

(2) A decision on the refusal to confirm data shall be sent to the producer by post or electronic means to the address indicated in the application.

#### **§ 20. Obligation to give notification of changes in data or termination of activities**

(1) The producer shall immediately notify the authorised processor of the register of changes in data specified in subsection 6 (2) or of termination of its activities and shall submit an application for the amendment or deletion of data or the registration.

(2) Data specified in clauses 6 (2) 14)-31) which are submitted or amended shall not be taken into account in summaries after the preparation of reports arising from international obligations.

#### **§ 21. Correction of inaccurate data**

(1) In order to amend registry data, the producer shall submit to the authorised processor of the register an application which contains the name and contact details of the person who submits the data and data which are subject to amendment.

(2) If the authorised processor of the register finds that data submitted to the register earlier significantly differs from the new data, the processor immediately shall inform the producer thereof and, if necessary, demand explanations or submission of new data.

(3) Upon discovery of inaccurate data in the register, the authorised processor of the register shall close access to the inaccurate data until such data are corrected.

### **Chapter 4**

#### **Access to Registry Data and Maintenance of Register**

#### **§ 22. Access to registry data**

- (1) Registry data are public, except for the data which contain commercial secrets or data whose disclosure is in conflict with the requirements provided in the Protection of Personal Data Act.
- (2) Competent enforcement authorities have access to all data necessary for the exercise of supervision.

#### **§ 23. Release of registry data**

- (1) Registry data shall be released from the register pursuant to the procedure provided by the Public Information Act.
- (2) Registry data shall be released from the register free of charge unless otherwise provided by legislation.

#### **§ 24. Communication of information arising from international obligations**

Communication of information arising from international obligations shall be organised by the chief processor of the register pursuant to the established requirements and by the designated date.

#### **§ 25. Rights and obligations of chief processor of register**

The chief processor of the register shall:

- 1) exercise supervision over the maintenance of the register;
- 2) co-ordinate the maintenance of the register;
- 3) make a decision on the refusal of registration on the proposal of the authorised processor of the register;
- 4) resolve disputes arising upon maintenance of the register.

#### **§ 26. Obligations of authorised processor of register**

The authorised processor of the register is obliged to:

- 1) provide explanations to the producer regarding completion of registry card forms, if necessary;
- 2) maintain records on the submission of data in and release of data from the register by each quarter and calendar year separately;
- 3) submit reasoned proposals for refusal to register a producer to the chief processor of the register;
- 4) submit documents relating to the maintenance of the register to persons with the right to exercise supervision or other persons entitled to examine these documents.

### **Chapter 5**

#### **Supervision over Maintenance of Register, Financing of Maintenance of Register and Liquidation of Register**

#### **§ 27. Persons authorised to exercise supervision and procedure for exercise of supervision**

- (1) The chief processor of the register and the authority specified in subsection 531 (1) of the Public Information Act shall exercise supervision over the maintenance of the register. Data protection supervision of the legality of maintenance of the register shall be exercised by the Data Protection Inspectorate.
- (2) A supervisory authority has the right to:
  - 1) access the data entered in the register and documents certifying the data;
  - 2) enter rooms where data are processed or where data processing equipment is located;
  - 3) obtain information concerning the release of data from the register and the use thereof.

(3) If deficiencies become evident upon the maintenance of the register, the authorised processor of the register is required to eliminate the deficiencies specified in the precept of the supervisory authority within the term designated by the supervisory authority.

#### **§ 28. Financing of register**

The register shall be financed from the state budget through the budget of the authorised processor of the register.

#### **§ 29. Liquidation of register**

(1) Liquidation of the register shall be decided by the Government of the Republic.

(2) The register shall be liquidated in accordance with the requirements of the Archives Act and of the Government of the Republic Regulation No. 58 of 28 February 2008 "Administration System of State Information System" which is established pursuant to the Public Information Act.

### **Chapter 6 Implementing Provisions**

#### **§ 30. Submission of data**

(1) A producer registered before the entry into force of this Regulation shall submit data provided for in clauses 6 (2) 2), 9), 12) and 13) to the authorised processor of the register within three months after the entry into force of the Regulation.

(2) A producer registered before the entry into force of this Regulation shall submit the updated waste management plan specified in clauses 6 (2) 11) to the authorised processor of the register within three months after the entry into force of the Regulation.

(3) The producer of electrical and electronic equipment shall submit data specified in Annex 2 to the authorised processor of the register regarding products placed on the market after 13 August 2005. The producer of motor vehicles, tyres, batteries and accumulators shall submit data specified in Annex 2 regarding products placed on the market after 1 January 2005.

(4) The producer shall submit information on I and II quarter together with information on III quarter to the authorised processor of the register not later than by 25 October 2009.

#### **§ 31. Repeal of Regulation**

Government of the Republic Regulation No. 28 of 30 January 2006 "Establishment of National Register of Products of Concern and Statutes for Maintenance of Register" (RT2 I 2006, 8, 44) is repealed.

---

<sup>1</sup> Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (WEEE) (OJ L 037, 13.02.2003, p. 24–39), Directive 2006/66/EC of the European Parliament and of the Council on batteries and accumulators and waste batteries and accumulators and repealing Directive 91/157/EEC (OJ L 266, 26.09.2006, p. 1–14); 2005/293/EC Commission Decision laying down detailed rules on the monitoring of the reuse/recovery and reuse/recycling targets set out in Directive 2000/53/EC of the European Parliament and of the Council on end-of-life vehicles (OJ L 94, 13.04.2005, p. 30–33); 2005/369/EC Commission Decision laying down rules for monitoring compliance of Member States and establishing data formats for the purposes of Directive 2002/96/EC of the European Parliament and of the Council on waste electrical and electronic equipment (OJ L 119, 11.05.2005, p. 13–16); 2008/763/EC Commission Decision establishing, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, a common methodology for the

**NB! Here are partially missing amendments made 17.02.2011 (entered into force 04.03.2011).**

9

calculation of annual sales of portable batteries and accumulators to end-users (OJ L 262, 01.10.2008, p. 39).

<sup>2</sup> RT = Riigi Teataja = the State Gazette

**Annexes repealed by amendments made 17.02.2011, entered into force 04.03.2011.**