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An Act to Implement the Building Code and the Planning Act

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RT I, 23.03.2015, 3
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Amended by the following acts

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14.06.2017	RT I, 04.07.2017, 1	01.01.2018
14.06.2017	RT I, 04.07.2017, 2	01.01.2018
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
30.01.2019	RT I, 22.02.2019, 1	01.10.2019
17.06.2020	RT I, 30.06.2020, 9	01.07.2020
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15.02.2023	RT I, 07.03.2023, 21	17.03.2023
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§ 1. Proceedings regarding spatial plans whose preparation was initiated before the entry into force of this Act

(1) Proceedings regarding spatial plans whose preparation was initiated before the entry into force of this Act are conducted following the requirements of the Planning Act previously in force, except in situations mentioned in subsections 2 and 3 of this section.

(2) Subsection 5 of § 7 of the Planning Act previously in force does not apply when preparing a spatial plan for selecting a corridor for a linear construction work that runs through the administrative territory of several municipalities.

[RT I, 23.03.2015, 3 – entry into force 02.04.2015]

(3) Regardless of any proposals or objections made in the approving opinion concerning the spatial plan for selecting a corridor for a linear construction work that runs through the administrative territory of several municipalities, the plan is deemed to have been approved if no reference is made in the opinion to the plan being contrary to an Act of the *Riigikogu* or the legislation enacted under such an Act.

[RT I, 23.03.2015, 3 – entry into force 02.04.2015]

(4) Proceedings regarding detailed spatial plans that were initiated before the entry into force of this Act are completed at the latest by 1 July 2018.

(5) The authority arranging the preparation of a detailed spatial plan initiated before the entry into force of this Act may terminate proceedings regarding preparation of the plan if, under the Planning Act, the preparation of a detailed spatial plan is not mandatory.

§ 2. Validity of spatial plans that were brought into effect before the entry into force of this Act

Spatial plans that were in effect before the entry into force of this Act remain in effect after the entry into force of this Act.

§ 3. Obligation to review the national spatial plan in effect before the entry into force of this Act

[Repealed – RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 4. Obligation to review national and county-wide spatial plans in effect before the entry into force of this Act

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

The Ministry of Finance reviews the national and county-wide spatial plans in effect at the latest by 1 January 2020. As of 1 January 2020, review of national and county-wide spatial plans takes place at the time provided by the Planning Act.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 5. Obligation to review comprehensive spatial plans in effect before the entry into force of this Act

(1) At the latest by 1 January 2018, municipalities conduct a review of comprehensive spatial plans that were created before the entry into force of this Act.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(1¹) At the latest by 1 July 2018, the comprehensive spatial plans of municipalities that merged in the framework of administrative reform are reviewed by the municipality that was formed as a result of the change in the administrative-territorial organisation.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(1²) The time limit for the municipal council's obligation, provided by the first sentence of subsection 1 of § 92 of the Planning Act, to review the comprehensive plan starts to run on 1 July 2018.

[RT I, 04.07.2017, 2 – entry into force 01.01.2018]

(2) In addition to what is required under the provisions of the Planning Act concerning review of a comprehensive spatial plan, an overview of any detailed spatial plans that alter the comprehensive plan is to be filed with the Minister in charge of the policy sector. In the overview, the municipality presents its opinion on whether the comprehensive plan has been significantly altered by the detailed plans and whether the comprehensive plan, as altered, remains an integral whole and is capable of implementation.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(3) The Minister in charge of the policy sector, having received the opinion mentioned in subsection 2 of this section, may recommend that the municipality initiate the creation of a new comprehensive spatial plan if, in the Minister's opinion, the comprehensive spatial plan has been significantly altered by the detailed spatial plans.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 6. Application of the Building Code and Planning Act to items of movable property

Where this is appropriate, the Building Code and the Planning Act also apply to construction works that constitute items of movable property.

§ 7. Validity and amendment of municipal building regulations

(1) Municipal building regulations that were in effect before the entry into force of this Act remain in effect insofar as they are not contrary to the Planning Act, the Building Code and this Act.

(2) Municipalities review building regulations that were in effect before the entry into force of this Act and, where necessary, bring them into conformity with the provisions of the Planning Act, the Building Code and this Act at the latest within two years.

(3) Where, before the entry into force of this Act, the nature and location of civil engineering works that service a bathing beach have been determined in municipal building regulations, those regulations are followed when building such civil engineering works.

(4) Where, before the entry into force of this Act, municipal building regulations provided a definition of the maximum authorised ground projection area to be occupied by buildings, any detailed spatial plans brought into effect before the entry into force of this Act are implemented following the definition provided by those regulations.

§ 8. Designation in a county-wide spatial plan of areas and instances in which the creation of a detailed spatial plan is mandatory

(1) Where, at the time of entry into force of this Act, the county-wide spatial plan that is in effect contains designations of areas and determinations of instances in which the creation of a detailed spatial plan is mandatory, these remain effective also after the entry into force of this Act.

(2) If, at the time of entry into force of this Act, no comprehensive spatial plan is in effect, the areas and instances in which the creation of a detailed spatial plan is mandatory may, where this is needed, be designated in the county-wide spatial plan.

(3) In a situation mentioned in subsection 2 of this section, any areas designated and instances determined in the county-wide spatial plan as areas and instances in which the creation of a detailed spatial plan is mandatory remain effective until a comprehensive spatial plan is brought into effect.

§ 9. Taking into account the pre-selection made concerning a location in a county-wide spatial plan that is in effect

(1) Where a county-wide spatial plan has been created in accordance with the Planning Act that was in force prior to the entry into force of this Act and such a plan determines the location of a construction work – or pre-selects or selects a such a location – under § 7, § 29² and § 34 of the Planning Act that was in force prior to the entry into force of this Act, a national designated spatial plan provided for by the Planning Act may be created based on the county-wide spatial plan such that proceedings commence with the preparation of a detailed solution.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(2) Based on a pre-selection made in the county-wide spatial plan or on a thematic spatial plan under the county-wide spatial plan or on a partial county-wide spatial plan, a detailed solution is only possible regarding construction works that are provided for by the Planning Act or by legislation enacted under it.

(3) Creation of a detailed solution based on the selection made concerning a location in the county-wide spatial plan – or on a thematic spatial plan under the county-wide spatial plan or on a partial county-wide spatial plan – is permitted during up to ten years following the entry into force of this Act.

(3¹) Where the strategic impact assessment report of the environmental impact assessment for a county-wide spatial plan – in which a selection has been made concerning a location in a situation mentioned in subsection 1 of this section – does not contain sufficient input information to allow a strategic environmental impact assessment report to be compiled concerning the detailed solution, a strategic environmental impact assessment programme must be drawn up to carry out strategic assessment of the environmental impact of such a solution.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(4) Where a national designated spatial plan is brought into effect based on a county-wide spatial plan or on a thematic spatial plan under a county-wide spatial plan or on a partial county-wide spatial plan, the effect of the county-wide spatial plan is suspended in the territory that falls within the planning area of the national designated spatial plan.

(5) Where a national designated spatial plan is brought into effect based on a county-wide spatial plan or on a thematic spatial plan under a county-wide spatial plan or on a partial county-wide spatial plan, the partial county-wide spatial plan or the thematic spatial plan under a county-wide spatial plan is repealed insofar as the subject matter of those plans has been dealt with by the national designated spatial plan.

(6) Based on the provisions of this section, a national designated spatial plan may also be drawn up on the basis of a spatial plan that determines the location of a construction work of national importance.

§ 10. Taking into account the pre-selection made concerning a location in a comprehensive spatial plan that is in effect

(1) Where a comprehensive spatial plan has been created in accordance with the Planning Act that was in force prior to the entry into force of this Act and that plan determines the location of a construction work – or pre-selects or selects such a location – under § 8, § 29² and § 34 of the Planning Act that was in force prior to the entry into force of this Act, a municipal designated spatial plan provided for by the Planning Act may be created based on such a selection or on a thematic plan under the comprehensive plan or on a partial comprehensive plan such that planning proceedings commence with the proceedings for a detailed solution.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(2) Based on a pre-selection made in the comprehensive spatial plan or on a thematic spatial plan under the comprehensive spatial plan or on a partial comprehensive spatial plan, a detailed solution is only possible regarding construction works that are provided for by the Planning Act or by legislation enacted under it.

(3) The preparation of a detailed solution based on the selection made concerning a location in a comprehensive plan – or on a thematic spatial plan under a comprehensive spatial plan or on a partial comprehensive plan – is permitted for up to ten years following the entry into force of this Act.

(3¹) Where, in a situation mentioned in subsection 1 of this section, the strategic impact assessment report of the environmental impact assessment for a comprehensive spatial plan in which a selection has been made concerning a location does not contain sufficient input information to allow a strategic environmental impact assessment report to be compiled concerning the detailed solution, a strategic environmental impact assessment programme must be drawn up to carry out strategic assessment of the environmental impact of such a solution. [RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(4) Where a municipal designated spatial plan is brought into effect based on a comprehensive spatial plan or on a thematic spatial plan under the comprehensive spatial plan or on a partial comprehensive spatial plan, the comprehensive spatial plan – or the thematic or partial plan – is repealed in the part that concerns the territory that falls within the planning area of the municipal designated spatial plan.

§ 11. Repeal, in their entirety, of county-wide spatial plans that are in effect

(1) When creating a new county-wide spatial plan, the thematic and partial spatial plans that have previously been created under the county-wide spatial plan that was brought into effect previously are reviewed insofar as they deal with the same area of land; where necessary, the review extends also to any spatial plan concerning the selection of location for an object that has a significant spatial impact or concerning a construction work of national importance.

(2) When repealing a county-wide spatial plan in its entirety, a decision is made on whether to:

1) include, in the county-wide spatial plan to be created, any thematic and partial spatial plans created under the county-wide spatial plan to be repealed or any spatial plan concerning the selection of location for an object that has a significant spatial impact and any spatial plan concerning a construction work of national importance;

2) in accordance with the county-wide spatial plan to be prepared, partially repeal the thematic and partial spatial plans created under the county-wide spatial plan to be repealed, or partially repeal any spatial plan concerning the selection of location for an object that has a significant spatial impact or any spatial plan concerning a construction work of national importance, if those plans require amendment in relation to the county-wide spatial plan proceedings for whose creation are pending.

(3) When a county-wide spatial plan is repealed in its entirety, and a new county-wide spatial plan is brought into effect, any thematic and partial spatial plans, or any spatial plan concerning the selection of location for an object that has a significant spatial impact and any spatial plan concerning a construction work of national importance, that have been brought into effect previously in respect of the same area of land are suspended.

(4) The repealing of a county-wide spatial plan in its entirety proceeds in cooperation with the authorities of the executive branch in whose area of government the issues raised by the repeal fall; in a situation provided for by clause 2 of subsection 2 of this section, the relevant authorities and persons whose interests or rights may be affected by the repeal are invited to participate in the proceedings.

(5) A county-wide spatial plan that is in effect may not be contested insofar as it concerns incorporation, in a new county-wide spatial plan, of any thematic or partial spatial plans – or spatial plans concerning the selection of location for an object that has a significant spatial impact or spatial plans concerning a construction work of national importance – that have been brought into effect previously.

(6) This section applies also to the creation of a county-wide spatial plan under the Planning Act that was in force before the entry into force of this Act.

§ 11¹. Proceedings on county-wide spatial plans starting from 1 January 2018

(1) Starting from 1 January 2018, proceedings on county-wide spatial plans that were initiated before 1 July 2015 will be completed by the Ministry of Regional Affairs and Agriculture and the bringing into effect of the plan will be decided by the Minister in charge of the policy sector. Subsections 6 and 7 of § 23 of the Planning Act that was in force until 20 June 2015 are not applied when creating the plan.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(2) Starting from 1 January 2018, proceedings on county-wide spatial plans that were initiated after 1 July 2015 will be completed by the Ministry of Regional Affairs and Agriculture and the bringing into effect of the plans will be decided by the Government of the Republic. Subsection 4 of § 70 of the Planning Act is not applied when creating the plans.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

(3) Starting from 1 January 2018, spatial plans of municipalities are ratified by the Minister in charge of the policy sector. Ratification proceedings opened before that date are completed by the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 – entry into force 01.07.2023]

§ 12. Repeal in entirety of comprehensive spatial plans in effect

(1) When creating a new comprehensive spatial plan, the thematic and partial spatial plans created under the comprehensive spatial plan that was previously brought into effect are reviewed insofar as they deal with the

same area of land; where necessary, the review extends also to any spatial plan concerning the selection of location for an object that has a significant spatial impact.

(2) When repealing a comprehensive spatial plan in its entirety, a decision is made – concerning any thematic or partial spatial plans created under the comprehensive spatial plan to be repealed or any spatial plan by which a location has been selected for an object that has a significant spatial impact – on whether to:

- 1) incorporate such a plan in the comprehensive spatial plan to be created;
- 2) in accordance with the comprehensive spatial plan to be created, partially repeal such a plan if the plan requires amendment in relation to the comprehensive spatial plan in respect of which proceedings are being conducted.

(3) When a comprehensive spatial plan is repealed in its entirety and a new such plan is brought into effect, any thematic or partial spatial plan – or any spatial plan concerning the selection of location for an object that has a significant spatial impact – that has been brought into effect previously in respect of the same land area is deprived of effect.

(4) The repealing of a comprehensive spatial plan in its entirety proceeds in cooperation with the authorities of the executive branch in whose area of government the issues raised by the repeal fall; in a situation provided for by clause 2 of subsection 2 of this section, the relevant authorities and persons whose interests or rights may be affected by the repeal are invited to participate in the proceedings.

(5) The comprehensive spatial plan that is to be brought into effect may not be contested insofar as it concerns incorporation, in the new comprehensive spatial plan, of any thematic or partial spatial plans – or any spatial plans concerning the selection of location for an object that has a significant spatial impact – that had been brought into effect previously.

(6) This section applies also in a situation where a comprehensive spatial plan is to be created under the Planning Act that was in force before the entry into force of this Act.

§ 13. Effect of spatial plans concerning selection of the corridor of linear construction works that run through the territory of several municipalities

(1) The bringing into effect of a county-wide spatial plan or of a comprehensive spatial plan has no impact on the effect of spatial plans concerning selection of the corridor for a linear construction work that runs through the administrative territory of several municipalities.

(2) Spatial plans concerning selection of the corridor for a linear construction work that runs through the administrative territory of several municipalities are regarded as national designated spatial plans within the meaning of the Planning Act. In such a situation, the provisions of subsection 3 of § 53 of the Planning Act do not apply to the spatial plans concerning selection of the corridor for such a construction work.

(3) Building design documentation may be created and an application for a building permit may be filed on the basis of a spatial plan concerning selection of the corridor for a linear construction work that runs through the administrative territory of several municipalities provided that the spatial plan has been created with a degree of detail sufficient for the creation of such documentation.

(4) A spatial plan concerning selection of the corridor for a linear construction work that runs through the administrative territory of several municipalities may be made more specific by issuing design specifications mentioned in § 27 of the Building Code. In addition to conditions provided for by subsection 4 of § 27 of the Building Code, the location of the linear construction work may be specified within the part of the corridor determined in the plan for the linear construction work and its protection zone.

(5) Design specifications mentioned in subsection 4 of this section are issued by the authority to issue the building permit for the construction work to be built under the spatial plan concerning selection of the corridor for the linear construction work.

(6) Where, before the entry into force of this Act, the creation of a spatial plan to select the location for a linear construction work that runs through the administrative territory of several municipalities has been initiated, and the plan is brought into effect after the entry into force of this Act, compulsory acquisition of immovables is authorised on the basis of the spatial plan for the linear construction work and of the preliminary design documentation or building design documentation for the road or railway.

[RT I, 29.06.2018, 1 – entry into force 01.07.2018]

§ 14. Special rules regarding the obligation to create a national designated spatial plan

(1) In an offshore area, the creation of a national designated spatial plan is not mandatory in the case of construction works provided for by the Planning Act if the location of the construction work has been dealt with in the county-wide spatial plan whose creation was initiated before the entry into force of this Act.

(2) Submerged cable lines that service the construction work mentioned in subsection 1 of this section are also exempt from the obligation to create a national designated spatial plan.

§ 15. Owner of the land provided for by subsection 2 of § 31 of the Land Reform Act

[RT 30.06.2015, 4 – entry into force 01.07.2015]

(1) For the purposes of the Planning Act, the owner of the land provided for by subsection 2 of § 31 of the Land Reform Act is the Ministry of Regional Affairs and Agriculture or the person authorised by the Minister in charge of the policy sector.

[RT 30.06.2023, 1 – entry into force 01.07.2023]

(2) For the purposes of the Building Code, the owner of the land provided for by subsection 2 of § 31 of the Land Reform Act is the Land Board.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

§ 16. Authorisation to operate of persons pursuing certain activities before the entry into force of this Act and qualification requirements for such persons

(1) Persons who, before the entry into force of the Building Code, were authorised to perform certain duties related to construction and whose required skills and knowledge are subject to the additional requirements set out in the Building Code, may continue to pursue their economic and professional activities subject to fulfilling the relevant preconditions in effect prior to the entry into force of the Building Code until the following dates:

- 1) 31 December 2016 in the field of architectural design;
- 2) 31 December 2017 in the fields of design work (with the exception of architectural design), expert assessment of building design documentation, site investigations, audits of construction works and owner supervision;
- 3) 30 June 2018 in the field of civil engineering.

[RT I, 15.06.2016, 2 – entry into force 16.06.2016]

(2) After the dates set out in subsection 1 of this section, the persons mentioned in that subsection may continue to operate subject to fulfilling the conditions provided for in the Building Code.

(3) Any person who, on 1 July 2014, held a Level 4 qualification of civil engineer of buildings and structures, is deemed to hold the corresponding Level 6 qualification of civil engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialisation of the design and construction of buildings within the specialisation of the engineering of buildings and structures.

(4) Any person who, on 1 July 2014, held a Level 4 qualification of civil engineer in hydrotechnical engineering, is deemed to hold the corresponding Level 6 qualification of engineer in hydrotechnical engineering that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialisation of hydrotechnical engineering within the specialisation of environmental engineering and utility systems of buildings.

(5) Any person who, on 1 July 2014, held a Level 4 qualification of civil engineer in the specialisation of sanitary engineering, is deemed to hold the corresponding Level 6 qualification of sanitary engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialisation of sanitary engineering within the specialisation of environmental engineering and utility systems of buildings.

(6) Any person who, on 1 July 2014, held a Level 4 qualification of civil engineer in the specialization of heating and ventilation, is deemed to hold the corresponding Level 6 qualification of heating, ventilation and air conditioning engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialisation of heating, ventilation and air conditioning engineering within the specialization of environmental engineering and utility systems of buildings.

(7) Any person who, on 1 July 2014, held a Level 5 qualification of diploma civil engineer in buildings and structures, is deemed to hold the corresponding Level 7 qualification of diploma civil engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialisation of the design and construction of buildings within the specialisation of the engineering of buildings and structures.

(8) Any person who, on 1 July 2014, held a Level 5 qualification of diploma civil engineer in hydrotechnical engineering, is deemed to hold the corresponding Level 7 qualification of diploma engineer in hydrotechnical engineering that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialisation of hydrotechnical engineering within the specialisation of environmental engineering and utility systems of buildings.

(9) Any person who, on 1 July 2014, held a Level 5 qualification of diploma civil engineer in the specialisation of sanitary engineering, is deemed to hold the corresponding Level 7 qualification of diploma sanitary

engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialisation of the sanitation of buildings and outdoor sanitation within the specialisation of environmental engineering and utility systems of buildings.

(10) Any person who, on 1 July 2014, held a Level 5 qualification of diploma civil engineer in the specialisation of heating and ventilation, is deemed to hold the corresponding Level 7 qualification of diploma heating, ventilation and air conditioning engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialisation of heating, ventilation and air conditioning engineering within the specialisation of environmental engineering and utility systems of buildings.

(11) Any person who, on 1 July 2014, held a Level 3 qualification in the profession of construction site manager, is deemed to hold a Level 6 qualification of civil engineer or a Level 6 qualification of sanitary engineer or a Level 6 qualification as heating, ventilation and air conditioning engineer for the occupational activity of owner supervision within the limits of the competence indicated on the professional standard and professional certificate of construction site manager, with a validity period that extends until the end of the term indicated on the professional certificate.

(12) With respect to the audit of electrical work or of electrical installations, the qualifications of the competent person may also be proved by means of a certificate of competence issued by an accredited personnel certification agency, provided the certificate is valid and has been issued under a certification scheme established under the Electrical Safety Act that was in force before the entry into force of this Code, or under a subsequent certification scheme that conforms to the previous scheme.

(13) A natural person who, at the time of entry into force of the Building Code, held a valid certificate of competence or authorisation to operate under the Roads Act, and regarding whose qualification the Building Code establishes additional requirements may continue to pursue the professional activities corresponding to that certificate or authorisation until 30 June 2018 subject to fulfilling the preconditions that were hitherto in effect.

(14) A natural person who, at the time of entry into force of the Building Code, held a valid certificate of competence or authorisation to operate under the Roads Act, and regarding whose qualification the Building Code does not establish any additional requirements may continue to pursue the professional activities corresponding to that certificate or authorisation until the expiration of the term of validity of the certificate or authorisation.

(15) After the end of the time limit mentioned in subsections 13 and 14 of this section, a natural person may pursue their professional activities subject to fulfilling the conditions provided for in the Building Code.

(16) The notification obligation provided by § 25 of the Building Code is deemed to have been fulfilled at the time of entry into force of the Building Code if, under the law that was in force at the time of entry into force of the Building Code, the undertaking had complied with the notification obligation or held a valid authorisation to operate.

(17) Any person who, on 1 July 2014, held a Level IV qualification of civil engineer of buildings and structures or in hydrotechnical engineering or in water supply and sanitation and who is registered in the register of economic activities as an authorised specialist for the area of activity of design work in the corresponding specialisation, is deemed competent to act as the authorised specialist in the specialisation of the engineering of buildings and structures, in hydrotechnical engineering or in sanitary engineering until 30 June 2019 for the occupational activity of design work within the sphere of competence of a Level-IV-qualified civil engineer.

§ 17. Calculation of the volume of construction works predating the entry into force of this Act

The particulars used to calculate the volume of construction works predating the entry into force of this Act are those recorded in the Register of Construction Works after the entry into force of the Building Act.

§ 18. Applications for written approval and for building permit filed before the entry into force of this Act

(1) Where, before the entry into force of this Act, an application for written approval or for a building permit has been filed concerning a construction work or concerning building work that, under the Building Code, is not subject to the building permit requirement or that requires the filing of a building notice, the competent authority terminates the corresponding proceedings without issuing a building permit.

(2) Where, under the Building Code, the filing of a building notice is required, the notice is deemed to have been filed by means of an earlier application for written approval or for a building permit.

§ 19. Applications for a use and occupancy permit filed before the entry into force of this Act

(1) Where, before the entry into force of this Act, an application for a use and occupancy permit has been filed concerning a construction work that, under the Building Code, is not subject to the use and occupancy permit requirement or that requires the filing of a use and occupancy notice, the competent authority terminates the proceedings without issuing the permit.

(2) Where, under the Building Code, the filing of a use and occupancy notice is required, the notice is deemed to have been filed by means of an earlier application for a use and occupancy permit.

§ 20. Validity period of building permits or use and occupancy permits and of written approvals

(1) Any building permits issued before the entry into force of this Act have an unlimited validity period, provided the corresponding building work commenced before the entry into force of this Act.

(2) Any written approvals issued before the entry into force of this Act have an unlimited validity period, provided the corresponding building work commences within two years following the entry into force of this Act.

(3) Any use and occupancy permits issued before the entry into force of this Act have an unlimited validity period.

§ 21. Exemption from the permit or notification requirement

(1) Where, before the entry into force of this Act, a construction work was exempt from the requirement to hold a building permit or written approval, and the building of such a construction work has commenced, the completion of the building of the construction work is permitted within two years following the entry into force of this Act.

(2) Where the building of a construction work has not been completed within two years following the entry into force of this Act, a building notice must be filed or a building permit applied for as required under the Building Code.

(3) Where, before the entry into force of this Act, a construction work was exempt from the requirement of the use and occupancy permit, and the use and occupancy of such a construction work has commenced, the use and occupancy of the construction work is permitted without the filing of a use and occupancy notice or without a use and occupancy permit.

§ 22. Compulsory acquisition under spatial plans that are in effect and that envisage the construction of public roads and public railways

Compulsory acquisition of an item of immovable property for the construction of public roads and public railways is authorised if required under a comprehensive spatial plan that was brought into effect before the entry into force of this Act, and under the preliminary or principal building design documentation prepared on the basis of such a plan. Where the preliminary or principal building design documentation concerning a road or railway has been prepared on the basis of a county-wide spatial plan or of a spatial plan by which a location has been selected for the corridor of a linear construction work that crosses the administrative territory of several municipalities, and the county-wide spatial plan or the spatial plan for selecting the location for the linear construction work was brought into effect before the entry into force of this Act, compulsory acquisition of registered immovables for the construction of public roads and public railways is authorised if required under such a plan that has been brought into effect and under the preliminary or principal building design documentation created on the basis of that plan.

§ 23. Requirements for existing construction works

(1) A construction work built before the entry into force of this Act must be safe.

(2) A construction work built before the entry into force of the Planning and Building Act lawfully within the meaning of the Law of Property Act Implementation Act may be used and occupied in accordance with the purpose of use stated in respect of that construction work.

(3) Where, after 1 January 2009, a construction undertaking delivers to the party that commissioned building work a building with indoor climate control or a part of such a building that may be used separately, and the building or part of building was designed, or the building permit in respect of the building or part of building issued, before 1 January 2009, the construction undertaking is not required to deliver an energy performance certificate to the commissioning party.

(4) Where a use and occupancy permit is issued, or a use an occupancy notice is filed, in respect of a building with indoor climate control whose building permit was issued before 1 January 2009, the issuing of the use and occupancy permit is not subject to the requirement of filing the energy performance certificate, and the certificate is not required to be enclosed with the use and occupancy notice.

(5) Where an energy performance certificate has been issued before 9 January 2013 as a paper document, the person who transfers the corresponding building with indoor climate control or a part of such building that can be used separately, delivers that certificate to the acquiring party, or makes it possible for the party who is interested in purchasing, for consideration, the building or part of the building, or who is interested in obtaining a right to use and occupy the building or part of the building, to acquaint themselves with the certificate.

§ 24. Private roads designated as public roads

Any contracts concluded under subsection 3 of § 4 of the Roads Act remain effective until expiry.

§ 25. Proceedings regarding applications for a superficies licence filed before the entry into force of this Act

(1) Proceedings regarding applications for a superficies licence filed before the entry into force of this Act are completed in accordance with the legislation in force at the time of the filing. Subsection 4 of § 222 and clauses 5 and 8 of subsection 1 of § 223 of the Water Act are applied also to applications for superficies licence filed before the entry into force of this Act.

[RT I, 22.02.2019, 1 – entry into force 01.10.2019]

(2) Proceedings regarding applications for a superficies licence filed before the entry into force of this Act are transferred to the Technical Regulatory Authority at the latest by 31 December 2015.

(3) [Repealed – RT I, 22.02.2019, 1 – entry into force 01.10.2019]

§ 25¹. Special rules for proceedings on superficies licence applications filed before the entry into force of Subchapter 3 of Chapter 12 of the Building Code

(1) Unless otherwise provided for by this section, proceedings on superficies licence applications filed starting from 25 May 2017 until the entry into force of Subchapter 3 of Chapter 12 of the Building Code are conducted according to the rules of procedural and substantive law that were in force at the time the application was filed.

(2) When Subchapter 3 of Chapter 12 of the Building Code enters into force, the competent authority publishes a notice concerning an application mentioned in subsection 1 of this section in the publication *Ametlikud Teadaanded*, in at least one newspaper of national circulation and on its website, and interested parties have a right to file a parallel application for a superficies licence in accordance with § 113³ of the Building Code within 60 days following publication. The authority has a right to reduce the time limit for the filing of parallel applications on the grounds and in accordance with the rules provided by subsection 2 of § 113⁷ of the Building Code.

(3) A person filing a parallel application mentioned in subsection 2 of this section files, with the competent authority, the particulars provided for by clauses 8–10 of subsection 2 of § 113³ of the Building Code within the time limit set under subsection 2 of this section.

(4) In the notice mentioned in subsection 2 of this section, the competent authority states the particulars of the applicant and of the application as well as the rules and the time limit for filing a parallel application and the particulars mentioned in subsection 3 of this section.

(5) Where, in the context of proceedings on a parallel application mentioned in subsection 2 of this section, a situation provided for by subsection 5 of § 219 of the Water Act arises, the competent authority conducts those proceedings following the provisions of subsections 2 and 3 of § 113⁹ of the Building Code and the conditions and rules laid down by a regulation enacted under subsection 4 of that section.

(6) Where, in relation to parallel applications mentioned in subsection 2 of this section, a situation provided for by subsection 1 of § 113¹⁰ of the Building Code arises, the competent authority – following the provisions of subsections 1–12 of § 113¹⁰ of the Building Code as well as those laid down by a regulation enacted under subsection 14 of that section – holds a competitive tender between the applicants. Where circumstances provided for by § 113¹¹ of the Building Code come to light during superficies licence proceedings, the authority may call off the tender and decide not to issue the licence.

[RT I, 27.07.2022, 1 – entry into force 07.05.2022]

§ 25². Application of Subchapter 4 of Chapter 12 of the Building Code

Subchapter 4 of Chapter 12 of the Building Code does not apply to a construction work that was built in a public water body before 1 January 2010 and that does not have a permanent connection to the shore or to a submerged cable line built under consent for encumbrance with such a line issued before 1 July 2015.

§ 25³. Application of subsection 1 of § 42 of the Building Code

When a building permit is issued for building a wind farm, the requirement of conformity to the spatial plan provided by subsection 1 of § 42 of the Building Code is not applied in so far as conformity of the wind farm to wind power development areas determined by a national thematic spatial plan is concerned, provided the application for a superficies licence based on which the building permit was applied for was filed before 25 May 2017 and, based on the application, superficies licence proceedings have been initiated.

[RT I, 11.06.2024, 1 – entry into force 21.06.2024]

§ 25⁴. Application of subsection 1² of § 113¹ of the Building Code

(1) The rules provided by subsection 1² of § 113¹ of the Building Code concerning offshore wind farm superficies licences are applied in superficies licence proceedings which have been initiated before 1 August 2024, in relation to which a decision has been made to initiate the proceedings and for which all of the following conditions are met:

- 1) the applicant for the licence files a corresponding application with the Consumer Protection and Technical Regulatory Authority;
- 2) the report on the assessment of environmental impacts has assessed or assesses also the impact of the envisaged construction work and of the special use of water;
- 3) the applicant for the licence pays the statutory fee according to provisions of subsection 2 of § 21513 of the Statutory Fees Act.

(2) The rules provided by subsection 1² of § 113¹ of the Building Code concerning offshore wind farm superficies licences are applied to an application for a superficies licence which has been filed before 1 August 2024 and regarding which the decision to initiate superficies licence proceedings has not been made, provided the applicant for the licence files a corresponding application with the Consumer Protection and Technical Regulatory Authority before the decision to initiate superficies licence proceedings is made. When the application has been filed, the competent authority initiates the superficies licence proceedings provided for by subsection 1² of § 113¹ of the Building Code, the proceedings are conducted in accordance with the rules in effect at the time they were initiated and the applicant pays the statutory fee.

[RT I, 11.06.2024, 1 – entry into force 21.06.2024]

§ 26. Updating the information in the Register of Construction Works and the implementation of electronic procedures

(1) The information in the Register of Construction Works is updated by 1 January 2020.

(2) In the course of the update, any construction works that were hitherto not recorded in the Register of Construction Works are to be recorded in the Register.

(3) Up-to-date orthophotographs are to be used as the basis for recording a building in the Register of Construction Works. The construction work's ground projection area and coordinates are recorded in the Register of Construction Works from the orthophotographs.

(4) The particulars obtained from the orthophotographs are compared to the information in the Register of Construction Works and the need for further scrutiny is ascertained.

(5) The provisions of the Building Code concerning the electronic filing, via the Register of Construction Works, of documents to the competent authority, concerning electronic conduct of permit proceedings via that register, and concerning the issue of permits in the register are applied starting 1 April 2016.

(6) Until 1 April 2016, any building notices and use and occupancy notices, applications for design specifications, building permit, use and occupancy permit and the related documents are filed with the competent authority. The competent authority records the information contained in the applications for building permit and for use and occupancy permit, in the building notices and use and occupancy notices, and in the building permits and use and occupancy permits in the Register of Construction Works.

(7) The information recorded in the Register of Construction Works through 31 March 2016 has informational and statistical significance.

(8) superficies licence that has been issued before 1 August 2024 is recorded by the competent authority in the Register of Construction Works within 180 days following the aforementioned date.

[RT I, 11.06.2024, 1 – entry into force 21.06.2024]

(9) Where the application for a superficies licence was filed before 1 August 2024 and the licence has not been issued or issuing the licence has not been refused, the competent authority records, within 90 days following the aforementioned date, the particulars of – as well as any documents annexed to – the application, and any decisions on acceptance of the application and on initiation of assessment of environmental impact, in the Register of Construction Works.

[RT I, 11.06.2024, 1 – entry into force 21.06.2024]

§ 27. Discovery of construction works that have been built before the entry into force of this Act and that are not recorded in the Register of Construction Works

(1) The municipality checks construction works that have hitherto not been recorded in the Register of Construction Works. When checking the construction works, the municipality follows the regulatory enforcement provisions enacted by the Law Enforcement Act and by the Building Code.

(2) In the course of the check, the following particulars are ascertained above all:

- 1) the legal basis for building the construction work;
- 2) the ground projection area of the construction work;
- 3) the purpose of use of the construction work;
- 4) the time of building of the construction work;
- 5) where this is needed, the information related to any earlier renovation, extension or demolition of the construction work;
- 6) where this is needed, the particulars related to a survey of dwelling units;
- 7) any other facts that have significance in the context of the regulatory enforcement proceedings.

(3) If the owner of the construction work does not provide sufficient evidence of the time of building of the construction work, that construction work is presumed to have been built after the entry into force of the Building Act.

(4) Based on the results of the scrutiny, the municipality decides on the need for further regulatory enforcement measures or for the gathering of additional information.

(5) Any technical infrastructure built before 1 April 1999 is deemed to be built lawfully regardless of the absence of particulars concerning that infrastructure or the lack of certain particulars in the Register of Construction Works.

§ 28. Construction works whose building predates the entry into force of the Building Act

(1) A building permit or use and occupancy permit may be issued to a construction work built before 1 January 2003, or the building, or use and occupancy, of the construction work may be deemed notified, having regard to the provisions of the Building Code without prejudice to the special rules provided by this section. A building permit or use and occupancy permit may be issued to such construction works mentioned in subsection 1 of this section – or the building, or use and occupancy, of such construction works may be deemed notified – in accordance with Annex 1 or 2 of the Building Code.

(2) Where the construction work mentioned in subsection 1 of this section is not complete, a building permit is issued to that construction work or a building notice is filed in respect of the construction work, if this is needed. Where the relevant construction work is complete and there is no need to perform any work that is subject to the building permit or building notice requirement, a use and occupancy permit may be issued – or a use and occupancy notice filed – in accordance with Annex 2 of the Building Code.

(3) Where a construction work that has not been recorded in the Register of Construction Works has been granted a legal basis that is in accordance with the Building and Planning Act or the Building Act and that permits the construction, or use and occupancy, of the construction work, that construction work is recorded in the Register of Construction Works based on the notice of particulars filed with that Register, which is provided for by subsection 5 of § 60 of the Building Code.

(4) In assessing the lawfulness of the building of a construction work, the provisions of § 14 of the Law of Property Act Implementation Act must be followed.

(5) Any construction work that is mentioned in subsection 1 of this section and that is being used and occupied at the time of entry into force of this Act must conform to the requirements established in respect of the safety of construction works. The safety of the construction work is assessed in accordance with the requirements effective at the time of its construction.

(6) The safety of a construction work is assessed based on its building design documentation. In the absence of building design documentation, an audit of the construction work is performed to assess its safety. For the purposes of proceedings concerning the issue of permits, or the filing of required notices, the audit replaces the building design documentation. The audit is commissioned by the owner of the construction work.

(7) Any construction work that was built before 1 January 2003, that is being used and occupied at the time of entry into force of this Act and in respect of which the Register of Construction Works shows no entry must be recorded in that Register.

§ 29. Construction works whose building predates the entry into force of this Act and which have not been recorded in the Register of Construction Works

(1) A building permit or use and occupancy permit may be issued to a construction work built after 1 January 2003 and before the entry into force of this Act, or the construction, or use and occupancy, of such a construction work may be deemed notified having regard to the provisions of the Building Code without prejudice to special rules provided by this section.

(2) A building permit or use and occupancy permit may be issued to the construction works mentioned in subsection 1 of this section, or the construction, or use and occupancy, of these construction works may be deemed notified in accordance with Annex 1 or 2 of the Building Code. If the construction work mentioned in subsection 1 of this section is not complete, a building permit is issued to that construction work where this is needed, or a building notice is filed in respect of the construction work. If the relevant construction work is complete and there is no need to perform any work that is subject to the building permit or building notice requirement, a use and occupancy permit may be issued or a use and occupancy notice filed in accordance with Annex 2 of the Building Code.

(3) Any construction work that is mentioned in subsection 1 of this section and that is being used and occupied at the time of entry into force of this Act must conform to the requirements provided by subsection 2 of § 11 and in § 12 of the Building Code.

(4) Where, at the time of building of the construction work, the existence of a detailed spatial plan was required in order to create building design documentation, the municipality may substitute the issue of design specifications provided for in § 26 of the Building Code for the detailed spatial plan. The design specifications are issued using the open procedure.

(5) Where, because of contravention of the comprehensive spatial plan or of other conditions emanating from a significant public interest, it is not possible to issue design specifications, a detailed spatial plan must be created in accordance with the Planning Act.

(6) The safety of a construction work is assessed based on its building design documentation. In the absence of building design documentation, an audit of the construction work is performed to assess its safety. As a result of the audit, it must be possible to record, in the Register of Construction Works, the significant technical information concerning the construction work and, where this is needed, ascertain whether the construction work is in conformity to the detailed spatial plan or design specifications. The audit is commissioned by the owner of the construction work.

(7) Based on the results of the audit, the municipality decides on the need for additional measures of regulatory enforcement, having regard, above all, to the following:

- 1) compliance with the requirements established for construction works, including the possibility of manifestation of a significant or heightened danger;
- 2) the time of building of the construction work;
- 3) the purpose of use of the construction work;
- 4) protection of the rights and interests of the owner of the item of immovable property and, where necessary, of the owners of the adjacent items.

(8) Where the audit mentioned in subsection 6 of this section ascertains the need to renovate or demolish the construction work, or another similar need, the municipality issues a compliance notice requiring the construction work to be brought into conformity with the requirements.

(9) The maximum amount of the non-compliance levy that may be imposed in order to compel performance of the obligations mentioned in subsections 6 and 8 of this section is 10,000 euro for natural persons and 100,000 euro for legal persons.

§ 30. Protection zone of existing buildings

The protection zone of construction works that exist at the time of entry into force of this Act is recorded in the Land Cadastre at the latest by the year 2020.

§ 30¹. Facilitation of deployment of high-speed electronic communications networks

(1) The network operator performs the initial determination of the area of interest mentioned in subsection 2 of § 61³ of the Building Code at the latest by 1 April 2017. An initial determination of the area of interest is deemed to have been made also where particulars concerning the protection zone of the construction work have been recorded in the Land Cadastre.

(2) The provisions of §§ 61⁴–61⁶ of the Building Code are applied starting 1 May 2017.

(3) The obligation provided by subsections 1 and 3 of § 61⁸ of the Building Code is applied to buildings in respect of which a building notice has been filed or whose building permit has been applied for starting from 1 April 2017.

[RT I, 15.12.2016, 1 – entry into force 01.01.2017]

§ 30². Application of the requirements provided by § 65¹ of the Building Code

(1) The requirements concerning installation of charging infrastructure, provided by § 65¹ of the Building Code, do not apply:

- 1) to a building in respect of which the application for a building permit for erecting the building or for undertaking a major renovation of the building, or a building notice notifying the erection of the building or the undertaking of a major renovation in respect of the building, was filed before 10 March 2021;
- 2) to a building in respect of which the application for a building permit for undertaking a major renovation of the building, or a building notice notifying such renovation, was filed on or after 10 March 2021, but the cost of the work related to the installation of charging infrastructure exceeds seven percent of the total cost of the major renovation;
- 3) to a building in whose car park charging infrastructure has been installed due to the requirements provided for by Directive 2014/94/EU of the European Parliament and of the Council on the deployment of alternative fuels infrastructure (OJ L 307, 128.10.2014, pp. 1–20);
- 4) to a non-residential building owned and used by a small or medium-sized enterprise within the meaning of Commission Regulation (EU) 651/2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.06.2014, pp. 1–78);
- 5) if the charging infrastructure to be installed is located in a micro isolated network within the meaning of the Electricity Market Act or
- 6) if the installation of charging infrastructure interferes with the operation of the existing electricity network and jeopardises the stability of supply of electricity.

(2) The charging station provided for in subsection 7 of § 65¹ of the Building Code is to be installed by 1 January 2025 and the requirement in question also applies to non-residential buildings for whose construction an application for a building permit, or a building notice, has been filed before 1 July 2020.

[RT I, 30.06.2020, 9 – entry into force 01.07.2020]

§ 30³. Application of requirements for the renovation support measure provided for by § 65² of the Building Code

The obligation provided by § 65² of the Building Code applies to renovation support measures that enter into effect after 10 June 2020.

[RT I, 30.06.2020, 9 – entry into force 01.07.2020]

§ 30⁴. Application of requirements for utility systems provided for by § 69¹ of the Building Code

(1) The requirement provided by subsection 7 of § 69² of the Building Code, to furnish the heating system of a building to be erected with self-regulation equipment, applies to buildings in respect of which the application for a building permit has been filed after 1 July 2020.

(2) The assessment, in respect of a building in existence as of 1 July 2020, of the energy performance of its heating or cooling system, provided for by subsection 2 of § 69³ of the Building Code, is performed when issuing its energy performance certificate or by 1 January 2025.

(3) By 1 January 2025, an automation system is to be installed in order to improve the energy performance of a non-residential building's heating or cooling system that is in existence as of 1 July 2020, or an assessment is to be provided stating that the installation of such an automation system is technically not feasible or is not economically justified.

[RT I, 30.06.2020, 9 – entry into force 01.07.2020]

§ 30⁵. Application of subsection 2¹ of § 131 of the Planning Act

The rules mentioned in subsection 2¹ of § 131 of the Planning Act are enacted by the municipality at the latest on 1 November 2022.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

§ 30⁶. Application of § 27¹, of subsection 8² of § 95 and of § 95¹ of the Planning Act

Section 27¹, subsection 8² of § 95 and § 95¹ of the Planning Act also apply to spatial plans whose creation has been initiated before the entry into force of these provisions and regarding which the decision to pre-select the location has not been made yet.

[RT I, 07.03.2023, 21 – entry into force 17.03.2023]

§ 30⁷. Proceedings regarding municipal designated spatial plans whose creation was initiated before the entry into force of this section

Proceedings regarding municipal designated spatial plans whose creation was initiated before the entry into force of this section are conducted in accordance with the version of the Planning Act that entered into force at the same time with this section.

[RT I, 07.03.2023, 21 – entry into force 17.03.2023]

§ 31. Repeal of Acts

The following Acts are hereby repealed:

- 1) the Building Act;
- 2) the Planning Act (RT I 2002, 99, 579);
- 3) the Roads Act.

§ 32. –§ 73.Provisions concerning amendment of other Acts – omitted from this translation.

§ 74. Entry into force of Acts

- (1) The Building Code, the Planning Act and this Act enter into force on 1 July 2015.
- (2) Subsections 2 and 3 of § 1 of this Act enter into force in accordance with regular procedure.