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## Public Water Supply and Sewerage Act

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RT I 1999, 25, 363  
Entry into force 22.03.1999

Amended by the following acts

Passed	Published	Entry into force
04.05.2000	RT I 2000, 39, 238	26.05.2000
12.12.2000	RT I 2000, 102, 670	01.01.2001
13.12.2001	RT I 2001, 102, 668	10.01.2002
24.04.2002	RT I 2002, 41, 251	27.05.2002
19.06.2002	RT I 2002, 61, 375	01.08.2002
19.06.2002	RT I 2002, 63, 387	01.09.2002
15.01.2003	RT I 2003, 13, 64	01.07.2003
08.06.2005	RT I 2005, 37, 280	10.07.2005, 01.01.2006
18.12.2008	RT I 2009, 3, 15	01.02.2009
15.06.2009	RT I 2009, 39, 262	24.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24 - 26).
03.08.2010	RT I 2010, 56, 363	01.11.2010, in part 01.01.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; entry into force postponed to 01.07.2014 [RT I, 22.12.2013, 1]
19.06.2013	RT I, 05.07.2013, 1	15.07.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 3	01.01.2018, in part 23.03.2014 and 01.01.2016
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, in part 23.03.2014
13.03.2014	RT I, 01.04.2014, 2	11.04.2014, in part 01.01.2015
19.06.2014	RT I, 12.07.2014, 1	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 <sup>3</sup> (4) of the Government of the Republic Act.
16.12.2014	RT I, 23.12.2014, 14	01.01.2015
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
14.06.2017	RT I, 01.07.2017, 1	01.09.2017
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
30.01.2019	RT I, 22.02.2019, 1	01.10.2019

## **§ 1. Scope of application of Act**

(1) This Act regulates the organisation of supply of registered immovables with water and the leading off and treatment of waste water of the registered immovables, rain water, drainage water and other soil and surface water through the public water supply and sewerage system, and provides for the rights and obligations of the state, local governments, water undertakings and clients.

(1<sup>1</sup>) [Repealed – RT I, 13.03.2014, 3 – entry into force 01.01.2018]

(2) The provisions of this Act apply on equal bases to land used on the basis of the right of superficies, to land belonging to structures which are movables and to registered immovables.

(3) The provisions of this Act do not apply to public water supply and sewerage systems intended for manufacturing purposes only.

(4) The provisions of the Administrative Procedure Act apply to administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 1.01.2006]

## **§ 2. Public water supply and sewerage system**

(1) "Public water supply and sewerage system" means a system of structures and equipment by which registered immovables are supplied with water and by which waste water is led off and which is administered by a water undertaking or serving more than 50 persons. Public water supply and public sewerage system separately or both together are deemed to be public water supply and sewerage system.

(2) Structures and equipment for leading off rain water, drainage water and other soil water and surface water are deemed to be part of a public water supply and sewerage system unless the local government decides otherwise.

(3) A public water supply and sewerage system may be in the ownership of a person in public law or a person in private law. The provisions of § 158 of the Law of Property Act apply to public water supply and sewerage systems.

[RT I 2005, 37, 280 – entry into force 01.01.2006]

## **§ 3. Extent of public water supply and sewerage system**

(1) The boundary between a public water supply and sewerage system and the water supply and sewerage facilities of a registered immovable is determined by the supply point.

(2) A supply point is the connection point between a public water supply and sewerage system and the water supply and sewerage facilities of a registered immovable designated by the owner or possessor of the public water supply and sewerage system. A supply point shall be situated on public land up to one metre outside the boundary of a registered immovable. A supply point is an essential part of a public water supply and sewerage system. If the supply point cannot be designated under the conditions specified above, the supply point shall be designated with the agreement of the owner or possessor of the public water supply and sewerage system and the owner or possessor of the registered immovable.

(3) A supply point between a public sewerage system and structures for leading off rain water, drainage water and other soil and surface water from public roads, streets and squares is determined on the basis of the rules for connection to the public water supply and sewerage system approved by the local government council.

[RT I 2005, 37, 280 – entry into force 01.01.2006]

## **§ 3<sup>1</sup>. Protected zone of public water supply and sewerage system**

(1) Protected zone of public water supply and sewerage system is the land, air space or body of water surrounding the structures of public water supply and sewerage system, in which the use of the immovable has been restricted in order to ensure the protection and safety of the structures of public water supply and sewerage system.

(2) In a protection zone for public water supply and sewerage system, activities which may damage the structures of public water supply and sewerage system shall be avoided and this includes:

- 1) prevention of access to the structures of public water supply and sewerage system, and the planting of trees;
- 2) construction, storing of materials and performing of blasting, drilling, excavation, pile, extraction, filling, flooding or land drainage operations, and lifting operations near structures, without the permission of the owner of the public water supply and sewerage system;

3) to perform dredging operations or soil-removal work, sink solid substances, moor water craft, or drag anchors, chains, logs, trawls or nets near the structures of the public water supply and sewerage system located in a water body.

(3) The minister responsible for the area shall establish by a regulation the extent of a protection zone for public water supply and sewerage system on the basis of the purpose, location, installation depth and diameter of the structure.

[RT I 2005, 37, 280 – entry into force 01.01.2006]

#### **§ 4. Construction and development of public water supply and sewerage system**

(1) A public water supply and sewerage system shall be constructed on the basis of a public water supply and sewerage development plan approved by the local government council. If a local government does not have a public water supply and sewerage development plan, the public water supply and sewerage system may be constructed on the basis of a detailed plan until such development plan is prepared, on the condition that the detailed plan includes the requirements provided for in subsection (2) of this section.

(1<sup>1</sup>) A local government shall organise the preparation of a public water supply and sewerage development plan.

(2) A public water supply and sewerage development plan shall be prepared for a period of at least twelve years. The plan shall be reviewed at least once every four years and it shall be revised, if necessary. The plan shall be amended such that the duration of the specified period is again at least twelve years and the revised plan shall be re-approved. A plan shall include at least the following:

- 1) maps of the areas serviced by the public water supply and of waste water collection areas;
- 2) the basic scheme of dimensioned water and sewerage facilities, including the basic scheme of the rain water, drainage water and other soil and surface water runoff facilities of waste water collection areas;
- 3) the schedule of development measures of public water supply and sewerage system and the estimated value thereof.

(2<sup>1</sup>) A basic scheme of dimensioned water and sewerage facilities shall include at least the following:

- 1) locations of water sources and water intakes and pumping station and purification facilities, the extent and description of sanitary protection zones and pressure zones;
- 2) solutions for extraction of fire fighting water and water abstraction points;
- 3) description of sewerage systems, locations and clearances of overflow, pumping station and purification facilities and septic sludge receiving stations and outlets.

(2<sup>2</sup>) Waste water collection area is an area with enough residents or economic activity for waste water to be collected in a waste water treatment plant through a sewerage system or to be discharged to a recipient. Waste water collection area is delimited on the basis of the Water Act.

(2<sup>3</sup>) A public water supply and sewerage development plan shall be in accordance with the water management plan of the river basin.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>4</sup>) A public water supply and sewerage development plan shall be co-ordinated with the Environmental Board and the Health Board before approval.

[RT I 2009, 49, 331 – entry into force 01.01.2010]

(2<sup>5</sup>) If a public water supply and sewerage system is developed with a loan guaranteed by the state or the state funds or European Union funds, the public water supply and sewerage development plan shall, in addition to the information specified in subsections (2) and (21) of this section, include:

- 1) a review of the environmental conditions, including a review of surface water and groundwater, the status of waters, the burden on surface water and groundwater, groundwater reserves, the conditions of geological engineering and other peculiarities of the region relevant to the plan;
- 2) a description of the public water supply and sewerage service, including information concerning the water undertaking, client groups, the quantities of water consumed and to be consumed, the quantities of waste water and effluent led off, water losses due to leakage of water and sewerage systems, the estimated quantity of infiltration and other information relevant to the plan;
- 3) a description of social and economic indicators, including a forecast by a local government of average annual net income per member of a household and solvency of population for at least 12 years in terms of years;
- 4) the location of the public water supply and sewerage systems and the layout plan thereof and the technical specification of the specified systems, including bore wells and pumping stations, water treatment plants, pressure raising pumping stations, water pipelines, fire hydrants, combined and separated sewer systems, local treatment facilities, waste water pumping stations, purification facilities, sewage treatment plants, rainwater pipes and points for extracting fire fighting water, and the estimation of their condition and suitability;

5) a description of financial and economic indicators of the water undertaking and short-term and long-term investment programmes, sources for investments, a description and estimation of the status of the fixed assets necessary for the provision of the public water supply and sewerage service, a forecast of the price of the public water supply and sewerage service and the percentage of expenses on the public water supply and sewerage service in the average annual net income per member of a household of the local government for at least 12 years in terms of years;

6) a description of the technical solutions suitable for the local government proceeding from clauses 2)–5) of this subsection;

7) maps of areas to be covered by the prospective public water supply and sewerage system as determined by the local government unless these are included in the comprehensive plan of the local government.

[RT I, 01.04.2014, 2 – entry into force 01.01.2015]

(3) The area of a public water supply and sewerage system in the administrative territories of several local governments, and the terms of use of such public water supply and sewerage system shall be determined by an administrative contract between the local governments.

(4) The owner or possessor of a public water supply and sewerage system shall develop the system in the area serviced by the public water supply and sewerage system in a manner which ensures that all the registered immovables in the area are supplied with water from the public water supply system and that waste water is led off from the registered immovables to the public sewerage system.

(5) A public water supply and sewerage development plan is the basis for the development of the public water supply and sewerage system if the development is co-financed from the state budget or from a loan guaranteed by the state.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 01.01.2006]

## **§ 5. Connection to public water supply and sewerage system**

(1) The owner or possessor of a public water supply and sewerage system shall permit connection of the water supply facilities of registered immovables to the public water supply system and of the sewerage facilities of registered immovables to the public sewerage system under the conditions provided by this Act and legislation established on the basis thereof.

(2) The water supply and sewerage facilities of a registered immovable shall be connected to a public water supply and sewerage system on the application of the owner or possessor of the water supply and sewerage facilities of the registered immovable and on the basis of a contract entered into by the owner or possessor of the registered immovable and the owner or possessor of the public water supply and sewerage system.

(2<sup>1</sup>) The contract specified in subsection (2) of this section (hereinafter subscription contract) shall be entered into pursuant to the rules for connection to the public water supply and sewerage system. The rules shall be approved by the local government council and shall include:

1) the requirements set for applications for connection and the term and procedure for reviewing applications for connection;

2) the requirements set for the conditions of connection and the subscription contracts of registered immovables and the projects of water supply and sewerage facilities of registered immovables;

3) [Repealed – RT I 2010, 56, 363 – entry into force 01.11.2010]

4) the procedure for payment of connection charges.

(3) A person authorised by a decision of the local government council has the right to verify that the water supply and sewerage facilities of a registered immovable which are to be connected to a public water supply and sewerage system conform to the requirements.

(4) An application for connection shall be denied if:

1) the applicant's need for water cannot be satisfied from the public water supply system without impairing the proper functioning thereof;

2) the applicant wants to conduct waste water to the public sewerage system, but the content of hazardous substances of the waste water does not comply with the requirements;

3) the amount of waste water of the applicant cannot be conducted to the public sewerage system without damaging the system.

(5) The owner or possessor of a public water supply and sewerage system shall justify any denial of an application for connection submitted by the owner or possessor of a registered immovable in writing within thirty days as of the receipt of the application for connection.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 01.01.2006]

(6) [Repealed – RT I 2010, 56, 363 – entry into force 01.11.2010]

## **§ 6. Charges for connection to public water supply and sewerage system**

(1) The water undertaking appointed by the local government council has the right to collect justified connection charges from the parties connected to the public water supply and sewerage system, taking account of the provisions of this Act.

(2) The size of connection charges shall be calculated by the water undertaking based on the methodology for calculating connection charges. The Competition Authority or the local government has the right, pursuant to their competence, to verify the size of connection charges and whether the connection charges are reasoned and comply with the methodology.

(3) A water undertaking shall compile the methodology for calculating connection charges in conformity with the provisions of this section. If the licensed territory of a water undertaking is situated in the waste water collection area with pollution load of less than 2000 population equivalent or outside a waste water collection area, the water undertaking shall co-ordinate the methodology with the local government. If the licensed territory of a water undertaking is situated in the waste water collection area with pollution load of 2000 population equivalent or more, the water undertaking shall co-ordinate the methodology with the Competition Authority. A water undertaking shall disclose the methodology for calculating connection charges after obtaining the approval.

(4) If the licensed territory of a water undertaking is situated in the waste water collection areas with pollution loads of both less than and more than 2000 population equivalent and the same methodology for calculating connection charges are used in these territories, the methods specified in subsection (3) of this section shall be co-ordinated with the Competition Authority in respect of all waste water collection areas.

(5) The provisions of subsections 14<sup>2</sup>(3)–(13) of this Act apply to the co-ordination of the methodology for calculating connection charges.

(6) Connection charges shall ensure:

1) the development of the public water supply and sewerage system, including rain water pipes, pursuant to the public water supply and sewerage development plan in the particular development area, except development in the area specified in clause 14 (2) 6) of this Act;

2) the connecting of water supply and sewerage facilities of a registered immovable to a public water supply and sewerage system and the connecting of the system for leading off rain water, drainage water and other soil and surface water of a registered immovable, if the registered immovable has one, to rain water pipes.

(7) If the public water supply and sewerage system, including rain water pipes, is being developed outside the public water supply and sewerage development plan on the basis of an application by a party connected or a third party and upon agreement with the water undertaking and the owner of the public water supply and sewerage system, the expenses for such development and connection shall be covered to the full extent by the applicant.

(8) The expenses incurred as grant aid in constructing the public water supply and sewerage system shall be deducted from the connection charges and this must be reflected in the methodology for calculating connection charges.

(9) Connection charges may be collected only to the extent of the expenses which are incurred by the water undertaking and are necessary for connecting the water supply and sewerage facilities of a registered immovable to the public water supply and sewerage system, taking into consideration the specification provided for in clause (6) 1) of this section.

(10) Repeated or additional connection charges shall not be charged for connecting the water supply and sewerage facilities of a registered immovable to the public water supply and sewerage system even if the location or technical solution of the supply point of the water supply and sewerage facilities of the registered immovable and the public water supply and sewerage system changes due to development activities of the water undertaking or if a new water undertaking begins to serve the territory or if the owner of the public water supply and sewerage system changes.

(11) Upon reconstructing the water supply and sewerage facilities of a registered immovable or upon a change in the owner of a registered immovable, connection charges shall not be collected from the owner or possessor of the water supply and sewerage facilities of the registered immovable, unless amendment of the conditions for connection causes additional expenses for the water undertaking.

(12) A water undertaking has the right to demand additional connection charges from a client in the case of amendment of the conditions for connection of the water supply or sewerage facilities of a registered immovable of the client if this is done at the initiative of the client and the water undertaking incurs additional expenses thereby.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

## **§ 6<sup>1</sup>. Partial refund of connection charges**

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(1) If a public water supply or sewerage system has been constructed only for such client of the water undertaking who has paid the connection charges to the full extent of the expenses incurred upon connecting, because the water undertaking was not aware of any other clients to be connected in the territory, and additional clients connect to such public water supply and sewerage system within seven years, the water undertaking shall, within three months after the connecting of each new client, refund a part of the paid connection charges to the owners of registered immovables that have previously paid the connection charges.

(2) Calculation of the part of the connection charges to be refunded shall be based on the expenses made on connecting and the methodology for calculation of connection charges, taking account of the depreciation of fixed assets of the public water supply and sewerage system.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

## **§ 7. Water undertaking**

(1) For the purposes of this Act, "water undertaking" means a legal person in private law who supplies the water supply facilities of a registered immovable of a client through the public water supply system with water or organises leading off from the sewerage facilities of a registered immovable of a client and treatment of waste water, rain water, drainage water and other soil and surface water.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(1<sup>1</sup>) A water undertaking who provides services in a local government with at least 10,000 residents and who provides services through the public water supply and sewerage system to which at least 10,000 residents are connected shall be a provider of the vital services specified in clause 36 (4) 3) of the Emergency Act.

[RT I, 03.03.2017, 1 – entry into force 01.07.2017]

(1<sup>2</sup>) A water undertaking shall be a provider of services of general interest within the meaning of the General Part of the Economic Activities Code Act.

[RT I, 25.03.2011, 1 – entry into force 01.07.2014 (entry into force postponed RT I, 22.12.2013, 1)]

(2) If a public water supply and sewerage system is in the ownership or possession of a local government, the local government shall, independently or in cooperation with other local governments, organise a procedure for entry into a concession contract in accordance with the provisions of the Public Procurement Act in order to find a water undertaking. A water undertaking shall be appointed by a decision of the local government council on the basis of the results of the public procurement, which will be published in *Ametlikud Teadaanded* and in the local or county newspaper.

[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(2<sup>1</sup>) If a public water supply and sewerage system is in the ownership of a legal person in private law, the owner of the public water supply and sewerage system may make a proposal to the local government to appoint the legal person as a water undertaking within the meaning of this Act.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>2</sup>) Unless the circumstances specified in subsection (25) of this section become evident in respect of the owner of the public water supply and sewerage system who is a legal person in private law, the local government council shall, by a decision, appoint the owner of the public water supply and sewerage system as a water undertaking.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>3</sup>) A decision of the local government council on appointment of a water undertaking shall set out:

- 1) the administrative duty assigned to the legal person in private law;
- 2) the bases for financing performance of the administrative duty and the extent of financing if performance of the administrative duty is financed from the state budget or a local government budget;
- 3) the local government administrative agency or body which exercises supervision over performance of the administrative duty;
- 4) the obligation of the legal person in private law to submit an annual report;
- 5) the term of validity of the administrative act if the administrative act is granted for a specified term;
- 6) the rights of the supervisory agency or body and the obligations of the legal person in private law upon termination of the administrative act in order to ensure consistency of performance of the administrative duty, taking account of the provisions of this Act.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>4</sup>) If the owner of a public water supply and sewerage system who is a legal person in private law makes a proposal to organise a procedure for entry into a concession contract or at least one of the circumstances specified in subsection (2<sup>5</sup>) of this section becomes evident in respect of it, a water undertaking shall be appointed in accordance with subsection (2) of this section.

[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

(2<sup>5</sup>) A local government may refuse to appoint the owner of the public water supply and sewerage system who is a legal person in private law as a water undertaking in the cases provided for in subsections (2<sup>1</sup>) and (2<sup>2</sup>) of this section if:

1) the person or legal representative thereof has been punished by way of criminal or misdemeanour procedure for forming of or membership in criminal organisation, violation of the requirements for public procurements, fraud, official misconduct, money laundering or tax fraud and the punishment has not been expunged from the criminal records database pursuant to the Criminal Records Database Act or the punishment is in force pursuant to the legislation of the country of residence or seat thereof;

2) the person is bankrupt or undergoing liquidation, the business activities thereof are suspended or it is in any other similar situation pursuant to the law of the country of seat thereof;

3) compulsory liquidation or other similar proceedings have been initiated with regard to the person pursuant to the law of the country of seat thereof;

4) the person owes state taxes arising from the legislation or local taxes of the country of seat thereof or social insurance payments or interest calculated on the tax amount which has not been paid by the due date (hereinafter tax arrears) as at the date the proposal on appointment as a water undertaking is made or the tax arrears are being paid in instalments over a longer period of time than six months from the date the proposal on appointment as a water undertaking is made, except if payment of the tax arrears in instalments is secured to the full extent.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>6</sup>) State taxes or local taxes of the country of seat of a legal person which have not been paid by the legal person by the due date and interest calculated on the tax amount which has not been paid by the due date are regarded as tax arrears specified in clause (2<sup>5</sup>) 4) of this section if the amount exceeds 100 euros.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2<sup>7</sup>) The prices for water services shall not be determined in the council decision on appointment of a water undertaking specified in subsection (2<sup>3</sup>) of this section and in the public contract specified in clause (3<sup>1</sup>) 9) of this section. The prices for water services shall be established on the basis of subsections 142 (1) and (2) of this Act.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(3) The licensed territory of a water undertaking shall be established by a decision of the local government council.

(3<sup>1</sup>) At least the following information shall be presented in the source documents of the public procurement organised for finding a water undertaking:

[RT I, 01.07.2017, 1 – entry into force 01.09.2017]

1) the extent of the licensed territory of the water undertaking and technical description thereof;

2) information concerning the public water supply and sewerage development plan;

3) information concerning the rules for connection to and use of the public water supply and sewerage system;

4) the obligations of the water undertaking;

5) requirements for competence of the water undertaking in order to ensure proper functioning of the public water supply and sewerage system;

6) the terms of provision of the public water supply and sewerage service;

7) the term of the public contract;

8) the investment obligations of the water undertaking in terms of years;

9) the draft public contract to be entered into between the water undertaking and the rural municipality or city government;

10) information concerning the administrative contract specified in subsection 4 (3) of this Act in case it exists.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(3<sup>2</sup>) The term of operation of a water undertaking appointed by public procurement, the term of validity of the decision on appointment of a water undertaking and the term of the public contract shall not exceed 12 years.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(4) Until the appointment of a water undertaking and the establishment of the licensed territory thereof pursuant to this section, the undertaking which has provided the services of supplying water and leading off waste water via the public water supply and sewerage system thus far is required to continue its activities until the date specified in the contract.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 1.01.2006]

(5) If a person has not been appointed as a water undertaking pursuant to the procedure provided for in this Act, but the activity of the person complies with the provisions of subsection (1) of this section and the water supply or sewerage system in the ownership or possession of the person complies with the definition of the public water supply and sewerage system specified in subsection 2 (1) of this Act, the requirements and obligations provided for water undertakings in this Act apply to such person.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(6) A water undertaking shall, at least twelve months before suspending or terminating the offering of the services of public water supply and sewerage system, notify the local government and the Competition Authority in writing of the time schedule for suspension or termination and submit an overview of measures ensuring the performance of the requirements arising from this Act and the contracts entered into with the local government.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(7) Termination or suspension of activities is permitted only if the performance of the obligations of the water undertaking arising from this Act and the contracts entered into with the local government is ensured by another water undertaking appointed by the local government council or if the performance of the obligations of the water undertaking is ensured in another manner and the Competition Authority approves it.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

### **§ 7<sup>1</sup>. Disclosure of management report of water undertaking**

(1) For the purpose of disclosing the activities and ensuring the transparency of a water undertaking, the water undertakings shall disclose a report on their own website or on that of the local government once a year within thirty days after approval thereof by the water undertaking.

(2) The report specified in subsection (1) of this section shall include a summary of the annual report and an overview of investments made in the past year, of drinking water quality, of waste water treatment, of future developments and of planned investments for developing the public water supply and sewerage system.

(3) The requirements of this section do not release a water undertaking from compliance with the obligations of a holder of information provided by law.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

### **§ 7<sup>2</sup>. Special requirement concerning accounting**

(1) In addition to compliance with the requirement provided in § 18<sup>1</sup> of the Competition Act a water undertaking must keep separate accounts of the expenses in terms of the following activities:

- 1) supplying of water;
- 2) leading off and treatment of waste water;
- 3) leading off of rain water, drainage water and other soil and surface water;
- 4) providing of extra services related to the activities specified in clauses 1)–3) of this subsection;
- 5) connection charges for connection to the public water supply and sewerage system;
- 6) other activities.

[RT I, 05.07.2013, 1 – entry into force 15.07.2013]

(2) Any assets acquired by grant aid must be specified separately under the expenses specified in clauses 1)–4) of subsection (1) of this section.

(3) If services are provided to a client or another water undertaking in the territory of several local governments, the water undertaking must keep separate accounts in terms of the different local governments in accordance with the provisions of subsection (1) of this section unless otherwise agreed by the local governments.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

### **§ 8. Extraction of water from public water supply system and conducting waste water to public sewerage system**

(1) For the purposes of this Act, "client of a water undertaking" means the owner or possessor of a registered immovable, a user of land on the basis of the right of superficies, or the owner or possessor of a structure which is a movable, on whose registered immovable the water supply or sewerage facilities are connected to a public water supply and sewerage system through a corresponding piping connection and with whom the water undertaking has entered into a contract for abstraction of water from the public water supply system or for discharge of waste waters.

(2) In an area covered by a public water supply and sewerage system, clients have the right to receive water from the public water supply system and conduct waste water to the public sewerage system.

(3) Water shall be extracted from a public water supply system and waste water shall be conducted to a public sewerage system on the basis of a contract between a client and a water undertaking.

(4) A contract specified in subsection (3) of this section shall be entered into pursuant to the rules on use of the public water supply and sewerage systems. The rules shall be approved by the local government council and it shall include:

- 1) the procedure for measuring the water to be abstracted and for calculating the waste water;
- 2) the limit values for pollutants in the waste water and rain water discharged to the public sewerage system such that the waste water discharged from the public sewerage system conforms to the requirements established on the basis of the Water Act and the waste water discharged to the public sewerage system does not damage the functioning of the public sewerage system;



- 3) the procedure for checking the pollutant content;
- 4) the procedure for payment for the service of supply of water and sewerage;
- 5) the definition of water abstracted without authorisation and of waste water, rain water, drainage water and other soil and surface water discharged without authorisation and the procedure for determining the volume and cost thereof, taking account of the specifications provided for in subsection (4<sup>2</sup>) of this section;  
[RT I, 12.07.2014, 1 – entry into force 01.01.2015]
- 6) the procedure for interruption and restoration of the supply of water and the reception of waste water and rain water;
- 7) the procedure for restriction or suspension of supplying water and leading off waste water in the case of damage to or an accident in the public water supply and sewerage system;
- 8) the minimum permitted limit value of water pressure at the point of connection to the public water supply system depending on the overall height of buildings;
- 9) the maximum permitted limit value of headwater level at the point of connection to the public sewerage system.

(4<sup>1</sup>) A case in which the water undertaking and the client have not entered into a written contract but the water undertaking regularly submits invoices to the client for the water consumed or the waste water discharged and the client has paid the invoices in a timely manner shall not be deemed to be the reason for interruption of the supply of water and the reception of waste water and rain water specified in clause (4) 6) of this section.

(4<sup>2</sup>) Extraction of water from the public water supply system or leading off of waste water, rain water, drainage water or other soil and surface water via the public sewerage system is unauthorised if there is no legal basis therefor or one of the following violations occur:

- 1) no corresponding contract has been entered into with the water undertaking, except the case in which the water undertaking regularly submits invoices to the client for the water consumed or the waste water discharged and the client has paid the invoices in a timely manner;
- 2) seals fitted to pipeline, valves, fire fighting system or water or waste water flow meter by the water undertaking are removed or spoiled, except the cases in which removal is permitted by the rules on the public water supply and sewerage system;
- 3) a water or waste water meter verification mark is removed or spoiled;
- 4) a connection which enables water abstraction has been installed before the water meter in the water supply facilities of a registered immovable;
- 5) waste water is discharged to the public sewerage system through observation well or another well without the authorisation of the water undertaking;
- 6) readings have been distorted;
- 7) other activities are carried out which are aimed at the consumption of the service without paying the prescribed price.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

(5) If land is in common ownership, a written contract for abstraction of water of a public water supply system or discharging waste water to the public sewerage system shall be entered into on the basis of a decision of a majority of the co-owners with their authorised representative pursuant to § 72 of the Law of Property Act. The corresponding water undertaking shall be one party to the contract and all co-owners of the registered immovable through an authorised representative shall be the other party.

(5<sup>1</sup>) In case of an immovable property ownership which is divided into apartment ownerships, the client of a water undertaking is the apartment association. An apartment owner may be the client of a water undertaking if water supply and sewerage facilities thereof can be connected to a public water supply and sewerage system through the supply point which complies with the requirements of this Act.

[RT I, 13.03.2014, 3 – entry into force 01.01.2018]

(6) Water undertakings are required to accept from clients the waste water in which the concentrations of pollutants do not exceed the limit values established by the rules on use of the public water supply and sewerage systems, and the waste water for which limit values for pollutants have not been established by the specified rules but which does not damage the public water supply and sewerage system and does not cause disturbances in the purification process.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 01.01.2006]

## **§ 9. Use of public water supply and sewerage system in public interest**

(1) Extraction of fire fighting water from fire hydrants in the public water supply system and extraction of water from public water extraction points are governed by an administrative contract entered into between the water undertaking and the rural municipality or city government.

(2) The rural municipality or city government shall enter into a contract with the water undertaking concerning the conduct of rain water, drainage water and other soil and surface water from public roads, streets and squares to the public sewerage system and treatment thereof.

## **§ 10. Maintenance of public water supply and sewerage system**

(1) In its licensed territory, a water undertaking shall ensure the functioning and maintenance of the public water supply and sewerage system pursuant to the rules on use of the public water supply and sewerage system and an administrative contract entered into between the rural municipality or city government and the water undertaking.

(2) The requirements concerning hazardous substances conducted to the public sewerage system shall be established by a regulation of the minister responsible for the area.

(3) During elimination of damage caused by force majeure or an accident in the public water supply and sewerage system, a water undertaking has the right to restrict or suspend the supply of water from the public water supply system to clients or the conduct of waste water to the public sewerage system pursuant to the procedure provided by the rules on use of the public water supply and sewerage system.

[RT I 2005, 37, 280 – entry into force 10.07.2005]

## **§ 11. Water supply and sewerage facilities of registered immovables and maintenance and supervision thereof**

(1) "Water supply and sewerage facilities of a registered immovable" means a system of structures and equipment for supplying an immovable with water from the public water supply system and conducting waste water to the public sewerage system. The water supply and sewerage facilities of a registered immovable are not part of the public water supply and sewerage system.

(2) A client shall maintain the water supply and sewerage facilities of a registered immovable connected to a public water supply and sewerage system such that they do not damage the public water supply and sewerage system or hinder the provision of services.

(3) The owner of the water supply and sewerage facilities of a registered immovable shall permit the installation of water meters in the water supply facilities of the registered immovable and ensure the functioning and preservation of the water meters pursuant to the procedure and under the conditions provided by law and under the rules on use of the public water supply and sewerage system.

(4) The owner of the water supply and sewerage facilities of a registered immovable shall permit a person authorised by a decision of the local government council to verify compliance with the requirements provided for in subsection 5 (3) of this Act and in subsections (2) and (3) of this section.

(5) The sewerage facilities of registered immovables shall have protection equipment for the prevention of floods at the waste water and rain water runoffs and the drainage water runoffs located below the headwater level of the public sewerage system.

(6) A local government may establish the requirements for the building and use of the water supply and sewerage facilities of registered immovables by the rules on use of the public water supply and sewerage system, which are necessary for ensuring the functioning of the public water supply and sewerage system and for the protection of people, structures and environment.

[RT I 2005, 37, 280 – entry into force 10.07.2005; 01.01.2006]

## **§ 12. Use of water supply and sewerage system in public interest**

In order to use structures necessary for ensuring trouble-free functioning and development of the public water supply and sewerage system, local governments have the right to establish compulsory possession or to acquire, including expropriate, the structure pursuant to the procedure provided in the Acquisition of Immovables in Public Interest Act.

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

## **§ 13. Sale of services of supplying water and leading off waste water**

The service of supplying water and leading off waste water shall be sold on the basis of a contract entered into between a client and a water undertaking.

[RT I 2005, 37, 280 – entry into force 10.07.2005]

## **§ 14. Prices for water services**

(1) The following charges (hereinafter prices for water services) may be charged for the services of supplying water and leading off and treatment of waste water, rain water, drainage water and other soil and surface water:

- 1) a charge for water extracted;
- 2) a charge for leading off and treatment of waste water;
- 3) a charge for leading off and treatment of rain water, drainage water and other soil and surface water;
- 4) a basic fee.

(2) Prices for water services shall be established such that the water undertaking can:

- 1) cover justified operating expenses;
- 2) make investments in order to ensure the sustainability of the existing public water supply and sewerage systems;
- 3) comply with environmental requirements;
- 4) comply with quality and safety requirements;
- 5) ensure justified profitability of the capital invested by the water undertaking;
- 6) develop the public water supply and sewerage system, including rain water pipes, pursuant to the public water supply and sewerage development plan in specific development areas where more than 50 per cent of residential buildings for which building permits were issued before 22 March 1999 are connected to the public water supply and sewerage system.

(3) The charges specified in clauses 2) and 3) of subsection (1) of this section for leading off and treatment of waste water, rain water, drainage water and other soil and surface water may differ depending on the level of pollution of waste water, rain water, drainage water and other soil and surface water. The charge for leading off and treatment of rain water, drainage water and other soil and surface water may also differ depending on whether it is being conducted to a combined sewer system or to rainwater pipes. In addition to the prices for water services a charge for pollution exceeding the standard may be established if the content of pollutants, including hazardous substances, in the led off waste water, rain water, drainage water or other soil and surface water exceeds the maximum content of pollutants established by the rules on use of the public water supply and sewerage system or the contract on use of the public water supply and sewerage system entered into between the water undertaking and the client or the maximum limit values of hazardous substances conducted to public sewerage system established pursuant to subsection 10 (2) of this Act.

(4) The prices for water services shall not be discriminatory with regard to different clients or groups of clients.

(5) The prices for water services shall not be used to cover the expenses covered by connection charges.

(6) If a water undertaking provides water services in several different waste water collection areas, uniform prices for water services may be established for all the areas, considering the total expenses of the water undertaking specified in subsection (2) of this section.

(7) The charges specified in subsection (1) of this section may be established by different groups of clients on the basis of different expenses of the water undertaking due to different consumption volumes.

(8) The prices for leading off and treatment of waste water and rain water, drainage water and other soil and surface water led off from registered immovables shall be calculated on the basis of the volume of extracted water.

(9) The recommended principles for calculation of prices for water services shall be prepared and disclosed on its website by the Competition Authority.

(10) If state funds or European Union funds have been received for the development of the public water supply and sewerage system, the approval of prices for water services shall be based on the commitments undertaken for the receipt of grant aid.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

## **§ 14<sup>1</sup>. Establishment of prices for water services**

(1) A water undertaking shall determine the prices for water services approved in conformity with § 14<sup>2</sup> of this Act within 60 days after the adoption of the decision on approval of the prices and disclose it no later than 30 days before the prices become effective on the website of the local government or the water undertaking and once in at least one local or county newspaper.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(2) Charges specified in subsection 14 (1) of this Act may be collected by a water undertaking for the services provided to another water undertaking only if the water undertaking has submitted a separate application to set prices for this purpose and obtained an approval on the bases of and pursuant to the procedure provided in § 14<sup>2</sup>. Until obtaining the approval, a water undertaking is prohibited to terminate or suspend the provision of the service unilaterally.

(3) If a water undertaking provides the services of public water supply and sewerage system in the waste water collection areas with pollution loads of both less than and more than 2000 population equivalent and wishes to establish, in accordance with an application to set prices, uniform prices for water services in these areas based on total expenses, it shall submit an application to set prices covering all waste water collection areas for approval to the Competition Authority.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

## § 14<sup>2</sup>. Regulation of prices for water services

(1) If the licensed territory of a water undertaking is situated in the waste water collection area with pollution load of 2000 population equivalent or more, the water undertaking shall prepare an application to set prices for water services (hereinafter application to set prices) and submit it together with the price list for services related to the essential services and other documents serving as a basis for the application to set prices for approval to the Competition Authority before establishing the prices for water services. The Competition Authority shall verify that the applied prices would only include the justified expenses and justified profitability prescribed in subsection 14 (2) of this Act.

(2) If the licensed territory of a water undertaking is situated in the waste water collection area with pollution load of less than 2000 population equivalent or outside a waste water collection area, the water undertaking shall submit an application to set prices on the bases and pursuant to the procedure provided in subsection (1) of this section for approval to the rural municipality or city government which shall verify the compliance of the application to set prices with this Act and the legislation of the local government established on the basis thereof, including the public water supply and sewerage development plan. The local government shall approve the prices on the basis of this Act and the recognised principles for regulation of prices, contacting the Competition Authority for know-how if necessary.

(3) If a water undertaking finds that failure by the local government to approve the application to set prices is unjustified or upon other disputes between the local government and the water undertaking concerning the approval of the application to set prices, the Competition Authority is required to provide a reasoned opinion on the matter if the water undertaking or the local government so requests.

(4) A decision to approve the application to set prices shall be made and the reasoned opinion specified in subsection (3) of this section shall be provided within thirty days after the receipt of a conforming application. If an application is particularly complicated or requires more processing work than usual, the Competition Authority or the local government may extend the term for processing the application to up to ninety days and shall inform the applicant of the extension of the term before the original term expires.

(5) If the Competition Authority or the local government does not approve the application of a water undertaking to set prices, the water undertaking has the right to appeal the failure to approve in an administrative court.

(6) A water undertaking is required to monitor the circumstances which are not depending on its activities and affect the price of water services and notify the Competition Authority of any circumstance that may affect the price of water services by more than 5 per cent no later than thirty days as of the occurrence thereof. The Competition Authority shall decide within thirty days as of receipt of such information whether and within which term the water undertaking must submit a new application to set prices.

(7) A water undertaking shall allow the Competition Authority and an authorised person of the local government to check its accounting upon performance of their functions specified in this Act, it shall reason the grounds for the formation of the price of water services and provide necessary explanations about its economic activities.

(8) The Competition Authority and an authorised person of the local government have the right to enter the territory, rooms and civil engineering works of the water undertaking in the presence of a representative of the inspected water undertaking for on-site checks, inspect the necessary documents, other information and circumstances there and make extracts and copies.

(9) The Competition Authority and the local government have the right to require additional information from the water undertaking and natural and legal persons related to the water undertaking and representatives thereof as well as from state agencies and their officials if the information necessary for performance of the functions specified in this Act is not publicly available. The Competition Authority has the right described in this subsection also in respect of the local government and its officials.

(10) The Competition Authority is required to request an opinion of the rural municipality or city government on the compliance of the application to set prices with the public water supply and sewerage development plan.

(11) The term for processing an application to set prices shall be suspended if the Competition Authority has not received all the required information necessary for approval of the application to set prices.

(12) Upon approving an application to set prices the Competition Authority and the local government have the obligation to keep the business secret of the water undertaking on the bases of and pursuant to the procedure provided for in § 63 of the Competition Act.

(13) Upon approving an application to set prices the local government has the same rights and obligations as the Competition Authority, unless otherwise provided by this Act.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

## **§ 15. Calculation of water sold and waste water led off**

(1) Water sold to a client from a public water supply system shall be measured by a water meter installed by the water undertaking in the water supply facilities of the registered immovable unless the water undertaking and the client agree otherwise.

(2) The amount of waste water, rain water, drainage water and other soil and surface water conducted to the public sewerage system shall be calculated or measured in accordance with the rules on use of the public water supply and sewerage system.

(3) The requirements set for the methods of sampling and the reference methods for analysis established on the basis of subsection 236 (7) of the Water Act shall be taken into account upon measurement of pollutant indicators of the water discharged to the public sewerage system.

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

## **§ 15<sup>1</sup>. Unauthorised connection and use**

(1) Unauthorised connection to the public water supply and sewerage system, unauthorised extraction of water from the public water supply system, unauthorised leading off of waste water, rain water, drainage water and other soil and surface water via the public sewerage system is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

## **§ 15<sup>2</sup>. Conducting hazardous substances to public sewerage system**

(1) Conducting hazardous substances to the public sewerage system in quantities which exceed the limits provided for by or in a manner deviating from the provisions of legislation is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 32,000 euros.

[RT I, 12.07.2014, 1 – entry into force 01.01.2015]

## **§ 15<sup>3</sup>. Proceedings**

(1) Extra-judicial proceedings concerning the misdemeanours provided for in § 15<sup>1</sup> of this Act shall be conducted by the rural municipality or city government.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 15<sup>2</sup> of this Act shall be conducted by the Environmental Board.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

## **§ 15<sup>4</sup>. State supervision**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

(1) State supervision over compliance with the requirements provided by this Act and legislation established on the basis thereof shall be exercised, pursuant to their competence, by the rural municipality and city governments, the Competition Authority and the Environmental Board.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(2) Supervision over compliance of the prices for water services and the connection charges with the legislation and compliance with the requirements for establishment thereof as well as compliance of the methodology for calculation of connection charges specified in subsection 6 (3) of this Act with law shall be conducted by the Competition Authority and the rural municipality and city governments in accordance with the licensed territory of the water undertaking provided for in subsections 6 (3) and (4), 14<sup>1</sup>(3) and 14<sup>2</sup>(1) and (2) of this Act.

[RT I, 23.12.2014, 14 – entry into force 01.01.2015]

(2<sup>1</sup>) Supervision over compliance by a water taking with the requirements related to accounting and price regulation for water services provided for in this Act shall be conducted by the Competition Authority and the rural municipality and city governments in accordance with the licensed territory of the water undertaking provided for in subsections 6 (3) and (4), 14<sup>1</sup>(3) and 14<sup>2</sup>(1) and (2) of this Act.

[RT I, 23.12.2014, 14 – entry into force 01.01.2015]

(3) The Competition Authority shall exercise supplementary supervision on its own initiative, and inspection on the basis of a reasoned request of a local government authority, the Ministry of the Environment or the Environmental Board, over the connection charges and prices for water services.

(4) Compliance of the activities of a water undertaking and of a client of a water undertaking with the requirements for handling hazardous substances shall be inspected and decisions shall be made and precepts shall be issued thereon by the Environmental Board.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(5) Supervision over compliance of the activities of a water undertaking with this Act and the legislation of the local government, including the rules specified in subsections 5 (2<sup>1</sup>) and 8 (4) of this Act, the public water supply and sewerage development plan and the setting by a water undertaking of conditions not conforming to the requirements of this Act on a subscription contract or a contract specified in subsection 8 (3) of this Act shall be conducted by the rural municipality or city government.

[RT I, 23.12.2014, 14 – entry into force 01.01.2015]

(6) The rural municipality and city governments shall inspect the compliance of the prices for water services with the public water supply and sewerage development plan and require a water undertaking to submit an application to set prices if the prices for water services do not cover the expenses prescribed in the public water supply and sewerage development plan in conformity with this Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **§ 15<sup>5</sup>. Specific state supervision measures**

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in §§ 30, 31, 32, 49, 50 and 51 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act and taking account of the specifications provided for in this Act.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **§ 15<sup>6</sup>. Non-compliance levy rate**

Upon failure to comply with a precept, the maximum rate of the non-compliance levy imposed pursuant to the procedure provided for in the Substitutional Performance and Non-Compliance Levies Act is 3200 euros.

[RT I, 13.03.2014, 4 – entry into force 01.07.2014]

### **§ 15<sup>7</sup>. Use of direct coercion**

The Environmental Board is authorised to use physical force on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

### **§ 16. Implementation of Act**

(1) Until 31 December 2002 the amount of water sold from the public water supply system may be calculated in accordance with the rules on use of the public water supply and sewerage system and the standards for water usage established by the local government council.

(2) Water undertakings are required to install water meters for measuring water by the term specified in subsection (1) of this section.

(3) Contracts entered into between local governments and water undertakings and between clients and water undertakings prior to the entry into force of this Act are valid in so far as they are not contrary to this Act. The replacement of such contracts with contracts which comply with the requirements of this Act shall be completed by not later than 31 December 2002.

(4) On 1 January 2006:

1) subsection 1 (1<sup>1</sup>), § 3<sup>1</sup>, subsections 4 (1<sup>1</sup>), (2<sup>1</sup>), (2<sup>2</sup>), (2<sup>3</sup>), (2<sup>4</sup>) and (5), subsections 5 (5) and (6), subsection 7 (2<sup>1</sup>), subsection 8 (6), subsections 11 (5) and (6), clause 14 (3) 5) and subsection 14 (3<sup>1</sup>) and subsection 15 (3) of this Act enter into force;

2) subsection 1 (1), subsection 2 (1), subsection 3 (2), subsections 4 (1) and (2), subsection 5 (2<sup>1</sup>), § 6, subsections 7 (1) and (2), subsections 8 (1), (4) and (5), subsection 9 (2), subsection 14 (2) and §§ 15<sup>1</sup> and 15<sup>3</sup> of this Act enter into force in the wording of the redaction of 8 June 2005;

3) section 15<sup>2</sup> of this Act is repealed.

(5) The public water supply and sewerage development plan specified in § 4 of this Act and the rules specified in §§ 5 and 8 of this Act shall be brought into conformity with this Act by 1 July 2006.

[RT I 2005, 37, 280 – entry into force 10.07.2005]

(6) Until establishment by a water undertaking of the prices for water services conforming to the requirements of price regulation in the procedure prescribed by this Act, the services of supplying water and leading off waste water shall be provided to consumers at the prices effective on 31 October 2010 established by the local government council on the basis of subsection 14 (2) of this Act in the wording in force until 31 October 2010. The Competition Authority has the right to require at any time that a water undertaking establish the prices which are in conformity with the requirements of this Act.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(7) The bases of and procedure for calculating connection charges effective on 31 October 2010 established by the local government council in the rules for connection to the public water supply and sewerage system on the basis of clause 5 (2<sup>1</sup>) 3) and subsection 6 (1) of this Act in the wording in force until 31 October 2010 apply until implementation by a water undertaking of the methodology for calculation of connection charges pursuant to the procedure provided for in this Act. The Competition Authority and the rural municipality and city governments have at any time the right to require a water undertaking to have the methodology for calculation of connection charges approved pursuant to subsections 6 (3)–(5) of this Act.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

(8) Contracts entered into between clients and water undertakings before 1 November 2010 are valid in so far as they are not contrary to this Act.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(9) The Competition Authority may establish temporary prices for water services for a water undertaking specified in subsection 14<sup>2</sup>(1) of this Act if the water undertaking provides water services for prices which do not conform to the conditions provided for in subsection 14 (2) of this Act and has failed to comply with a precept issued by the Competition Authority. The prices established by the Competition Authority shall be effective until the water undertaking has the new prices for water services approved by the Competition Authority.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(10) The Competition Authority shall establish the prices specified in subsection (9) of this section on the basis of the current price structure of the water undertaking, the justified expenses in the financial year preceding the year of issuing the precept and the justified rate of profitability. The minister responsible for the area shall establish by a regulation the conditions of and procedure for the establishment of prices for water services on the basis of the grounds provided for in this subsection.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(11) If a local government has established lower prices for natural persons than for legal persons on the basis of § 14 of this Act in the wording in force until 31 October 2010, the water undertaking is required to bring the applied prices into conformity with the requirements of equal treatment so that the annual change in the difference between the prices for natural persons and legal persons would not be greater than 1/15 of the difference between the prices applied by the water undertaking on 31 October 2010. Upon establishment of the prices for water services in the case specified in subsection (9) of this section, the Competition Authority shall take as a basis the proportion expressed in the prices effective at the time of issuing the precept to the water undertaking.

[RT I 2010, 56, 363 – entry into force 01.11.2010]

(12) Subsection 4 (2<sup>5</sup>) of this Act enters into force on 1 January 2015.

[RT I, 01.04.2014, 2 – entry into force 11.04.2014]

§ 17.–§ 22.[Repealed – RT I 2002, 63, 387 – entry into force 01.09.2002]