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Spatial Data Act¹

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Amended by the following acts

Passed	Published	Entry into force
19.02.2014	RT I, 13.03.2014, 4	01.07.2014, throughout the text of the Act, the words "state supervision" have been replaced with the words "administrative supervision"
19.06.2014	RT I, 08.07.2014, 14	18.07.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers substituted on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially 01.07.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
07.06.2016	RT I, 21.06.2016, 1	01.07.2016

Chapter 1 General Provisions

§ 1. Scope of application of Act

(1) This Act provides for the requirements for making available and sharing spatial data sets and services, the conditions of administration of the geodetic system and the address data system and acquisition and grant of use of topographic data, coordination of the development of a spatial data infrastructure and organisation of reporting, administrative supervision over the establishment of location addresses and liability for violation of the requirements for the protection of geodetic marks.
[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

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

(3) The provisions of the Public Information Act concerning databases apply to the databases containing spatial data and the maintenance thereof with the specifications provided for in this Act.

§ 2. Application of Act

(1) The requirements provided for in this Act apply to:

- 1) spatial data sets in electronic format and spatial data services related thereto which correspond to the spatial data themes listed in Annexes to Directive 2007/2/EC of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community INSPIRE (OJ L 108, 25.04.2007, p. 1–14) (hereinafter *INSPIRE Directive*);
- 2) holders of information specified in § 5 of the Public Information Act processing spatial data (hereinafter *holders of information*).

(2) The provisions of §§ 10–13, 15, 17 and 19, subsections 20 (5)–(8), §§ 78 and 81–83 apply to local governments if the obligation to maintain spatial data sets or provide spatial data services arises from law.

(3) The provisions of this Act also apply in the exclusive economic zone of Estonia.

(4) If copies of the same spatial data sets are held by different holders of information, this Act shall apply only to the spatial data set in which spatial data are collected as basic data.

(5) If the intellectual property rights of spatial data and spatial data sets are held by a third party, this Act shall apply only with the consent of the third party.

§ 3. Spatial data, spatial data sets and spatial objects

(1) For the purposes of this Act, spatial data means any data with a direct or indirect reference to a specific location or geographical area, including data administered in the databases which describe the location, characteristics and shape of spatial objects in geographic space.

(2) For the purposes of this Act, spatial data set means an identifiable collection of spatial data, including a database in which spatial data are processed, or a part of such database.

(3) For the purposes of this Act, spatial object means an abstract representation of a real-world phenomenon related to a specific location or geographical area. The geometric shape of a spatial object is the geometry of the spatial object.

(4) Depending on the level of detail for defining real-world phenomena, the accuracy of and methodology for establishing a spatial object and the manner of representing the spatial object, the data concerning the spatial object of the same phenomena defined and established in different manners are not deemed to be the same data for the purposes of subsection 43³(2) of the Public Information Act.

§ 4. Processing and acquisition of spatial data

(1) For the purposes on this Act, processing of spatial data means any operation performed on spatial data.

(2) Acquisition of spatial data means collection and recording of spatial data and arrangement, alteration and combination of spatial data which produces new spatial data, or several of the abovementioned operations, regardless of the manner in which the operations are carried out or the means used.

§ 5. Spatial data infrastructure

(1) For the purposes of this Act, spatial data infrastructure means a framework of administrative, technical and legal measures consisting of spatial data and spatial data sets, metadata thereof, network services and technologies, conditions of and agreements on sharing, access and use of data, coordination and monitoring mechanisms, administration processes and procedures.

(2) The national geodetic system, the address data system and the data in the Estonian Topographic Database are the essential elements of the spatial data infrastructure.

§ 6. Spatial data services

For the purposes of this Act, spatial data services means the operations which may be performed, by invoking a computer application, on the spatial data contained in spatial data sets or on the related metadata.

§ 7. Metadata

For the purposes of this Act, metadata means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them.

§ 8. Interoperability

For the purposes of this Act, interoperability means the ability of different databases to exchange data and the possibility for spatial data sets to be combined and for spatial data services to interact, without repetitive manual intervention, in such a way that the result is coherent and the added value of the data sets and services is enhanced.

Chapter 2

General Requirements for Spatial Data Sets and Services

§ 9. Disclosure of data in spatial data sets

Holders of information shall disclose the data in spatial data sets through network services pursuant to the procedure provided for in this Act.

§ 10. Creation and maintenance of metadata

(1) Holders of information shall provide metadata describing spatial data sets maintained and services provided thereby, enter the metadata in the information system of the Estonian geoportal and keep them up-to-date.

(2) Metadata are created and maintained pursuant to Commission Regulation (EC) No 1205/2008 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards metadata (OJ L 326, 04.12.2008, p. 12–30).

§ 11. Interoperability of spatial data sets and services

(1) Databases of holders of information containing spatial data belong to the state information system.

(2) Interoperable spatial data sets and services shall be made available for other holders of information for the performance of the duties imposed thereon by legislation.

(3) If, upon making the spatial data sets and services specified in subsection (2) of this section available, the security and evidential value of data exchange and interaction between the services must be ensured on the basis of legislation, the spatial data sets and services shall be made available through the data exchange layer of the state information systems.

(4) In order to ensure that spatial data relating to a spatial object, the location of which spans the frontier between the Republic of Estonia and another Member State of the European Union, are coherent, the description and position of such spatial object shall be decided on by a mutual agreement between the Member States.

(5) A detailed description of the interoperability and harmonisation of spatial data sets and services which correspond to the spatial data themes listed in Annexes to the INSPIRE Directive with regard to definition, classification and geo-reference of spatial objects shall be established by the implementing rules of the European Union.

Chapter 3 Network Services

§ 12. Establishment of network services

(1) Holders of information shall establish the following network services for the spatial data sets and services which correspond to the spatial data themes listed in Annexes to the INSPIRE Directive for which metadata have been created:

- 1) discovery services making it possible to search for spatial data sets and services on the basis of the content of the corresponding metadata and to display the content of the metadata;
- 2) view services making it possible, as a minimum, to display, navigate, zoom in/out, pan, or overlay viewable spatial data sets and to display legend information and any relevant content of metadata;
- 3) download services, enabling copies of spatial data sets, or parts of such sets, to be downloaded and, where practicable, accessed directly;
- 4) transformation services, enabling spatial data sets to be transformed with a view to achieving interoperability;
- 5) services which allow to invoke spatial data services, including services for the organisation of e-commerce.

(2) Transformation services shall be combined with other services specified in subsection (1) of this section in such a way that as to enable all those services to be operated in conformity with the implementing rules specified in subsection 11 (5) of this Act.

§ 13. Provision of network services

(1) Holders of information shall make the network services specified in subsection 12 (1) of this Act available to the public through their website and the Estonian geoportal, and shall ensure the relevance and performance thereof.

(2) If, upon the provision of the network services directed at the public specified in subsection 12 (1) of this Act, the security and evidential value of data exchange and interaction of services must be ensured on the basis of legislation, such services shall be provided through the data exchange layer of the state information systems.

(3) A holder of information may limit access to spatial data sets and services through the services specified in clause 12 (1) 1) of this Act only if such access adversely affects international relations, public order or national defence.

[RT I, 08.07.2014, 14 - entry into force 18.07.2014]

§ 14. Network services provided by third parties

(1) Third parties who are not holders of information for the purposes of the Public Information Act may make the provided network services available through the Estonian geoportal if the spatial data sets maintained and spatial data services provided thereby comply with the requirements of this Act, and particularly with the requirements for metadata, interoperability and network services.

(2) In order to make the network services provided by third parties available through the Estonian geoportal, a person shall submit an application to the administrator of the information system of the geoportal.

§ 15. Requirements for network services

Holders of information shall establish and maintain network services pursuant to Commission Regulation (EC) No 976/2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services (OJ L 274, 20.10.2009, p. 9–18).

Chapter 4 Estonian Geoportal

§ 16. Estonian geoportal

(1) The Estonian geoportal is a website allowing central access in the Internet environment to spatial data, and information and services related thereto.

(2) The Land Board shall ensure administration and development of the information system of the Estonian geoportal.

(3) The requirements and procedure for administration, development and use of the Estonian geoportal and the information system thereof and for making information available through the information system shall be established by a regulation of the Government of the Republic.

§ 17. Interfacing spatial data sets and services with geoportal

(1) Network services related to the spatial data sets and services which correspond to the spatial data themes listed in Annexes to the INSPIRE Directive shall be made available by holders of information through the Estonian geoportal either through the data exchange layer of the state information system or directly.

(2) Spatial data sets and services which do not correspond to the spatial data themes listed in Annexes to the INSPIRE Directive may be made available through the Estonian geoportal if the network services related to the spatial data sets and services comply with the requirements established by this Act, and particularly with the requirements for metadata, interoperability and network services.

§ 18. Making available of spatial data sets and services for European Union geoportal

The administrator of the Estonian geoportal shall ensure that the network services related to the spatial data sets and services which correspond to the themes listed in Annexes to the INSPIRE Directive are made available for the European Union INSPIRE geoportal.

Chapter 5 Making available of spatial data sets and services and sharing thereof with holders of information and institutions and bodies of European Union

§ 19. Making available of spatial data sets and services free of charge

(1) The network services provided for in clauses 12 (1) 1) and 2) of this Act are available to the public free of charge.

(2) Data made available through the view services specified in clause 12 (1) 2) of this Act may be in a form preventing their re-use for commercial purposes.

§ 20. Sharing of spatial data sets and services with holders of information and institutions and bodies of European Union

(1) For the performance of the obligations imposed on holders of information by legislation and international agreements, the data in spatial data sets and services related to spatial data sets shall be available to them free of charge.

(2) Holders of information may forward the data obtained free of charge to third parties only in the cases provided by law or based on licence agreements or other agreements.

(3) Absence of a payment obligation for making data available shall not preclude implementation of the requirements arising from legislation, licence agreements or other agreements in respect of holders of information upon the use of spatial data sets and services, provided that such requirements facilitate the sharing of spatial data sets and services between holders of information.

[RT I, 08.07.2014, 14 - entry into force 18.07.2014]

(4) The conditions of and procedure for sharing spatial data sets and services may be established by the minister of the ministry under whose area of government the maintenance of the relevant spatial data set and the provision of spatial data services belong, and a rural municipality or city council or a rural municipality or city government upon authorisation of the rural municipality or city council by a regulation in the case the maintenance of the spatial data set and the provision of spatial data services fall within the competence of the local government.

(5) The provisions of subsections (1)–(4) of this section also apply to the public authorities of other Member States of the European Union and to the institutions and bodies of the European Union for the purposes of public tasks that may have an impact on the environment.

(6) The provisions of subsections (1)–(4) of this section also apply, on a reciprocal and equivalent basis, to bodies established by international agreements to which the European Union or the Member States are parties, for the purposes of tasks that may have an impact on the environment.

(7) If spatial data sets and services are made available pursuant to subsections (5) and (6) of this section, this shall not preclude implementation of the requirements provided for in subsections (3) and (4) of this section.

(8) Upon provision of the institutions and bodies of the European Union with access to spatial data sets and services, holders of information shall comply with the Commission Regulation (EU) No 268/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions (OJ L 83, 30.03.2010, p. 8–9).

Chapter 6 Administration of geodetic system

§ 21. Geodetic system

(1) The geodetic system is a framework of administrative, technical and legal measures ensuring determination of the location of real-world phenomena in a uniform coordinate and height system, determination of gravity and common organisation of the performance of geodetic works.

(2) The geodetic system serves as a basis for the spatial data infrastructure which supports the maintenance of databases.

§ 22. Geodetic point and network

(1) A geodetic point is the location of a fixed geodetic mark on the ground, in soil or on a building in respect of which coordinates and, if necessary, heights and gravity have been determined.

(2) A geodetic network is a set of geodetic points in a uniform geodetic system.

§ 23. Installation of geodetic marks

(1) The owner of an immovable shall permit geodetic marks to be installed on the immovable on the ground, in the earth and on the building on the immovable if there is no other technically or economically more expedient possibility to install the marks.

(2) Geodetic marks installed on an immovable on a legal basis are not deemed to be essential parts of the plot of land for the purposes of subsection 54 (1) of the General Part of the Civil Code Act.

(3) The owner of geodetic marks installed in the course of national geodetic works shall be the Republic of Estonia and the owner of geodetic marks installed in the course of local geodetic works shall be the local government.

(4) The owner of an immovable shall permit maintenance work to be performed in respect of a geodetic mark and ensure access to the mark. If a geodetic mark located on an immovable is damaged or destroyed, the owner of the immovable shall immediately notify the rural municipality or city government of the location of the immovable thereof. If the damaged or destroyed geodetic mark belongs to the state, the rural municipality or city government shall notify the Land Board thereof.

(5) Installation of a geodetic mark on a building shall not cause significant damage to the appearance of the building or hinder the use of the building for intended purposes.

(6) Decrease in the value of an immovable due to the creation of the obligation to tolerate shall not be considered to be damage caused upon installation of geodetic marks.

(7) For the performance of geodetic works, temporary marks and ground control targets may be installed on an immovable without the permission of the owner of the immovable. After the completion of works, the person performing the works is required to remove temporary marks and ground control targets.

§ 24. Removal and displacement of geodetic marks

(1) If a geodetic mark does not allow an immovable to be used according to the plan and for intended purposes, the owner of the immovable may submit an application to the owner of the mark for the removal or displacement of the mark.

(2) A geodetic mark shall be removed or displaced with the consent of the owner of the mark at the expense of the applicant.

§ 25. Protection of geodetic marks

The protected zone of a geodetic mark means the area surrounding the geodetic mark where human activity is restricted due to the necessity to protect and use the geodetic mark.

§ 26. Organisation of activities within protected zone

(1) Without the permission of the owner of a geodetic mark, any activity which may damage the geodetic mark and the designation thereof, prevent access thereto or measurements related thereto is prohibited in the protected zone of the geodetic mark, in particular:

- 1) building, performing any excavation, loading, dredging, blasting or land improvement operations, planting trees or shrubs, removing trees, storing waste and causing the corrosion of the geodetic mark;
- 2) within the protected zone of the geodetic mark: operating impact mechanisms, compacting or levelling ground, constructing passageways for means of transport and mechanisms, ploughing and performing earthwork.

(2) For obtaining the permission for activities in the protected zone of a geodetic mark, the interested person shall submit an application to the owner of the mark. The owner of the mark shall decide on the grant of permission not later than within 30 days as of the receipt of the application.

(3) The procedure for designation of geodetic marks, the extent of protected zones and the procedure for application for permission for activities in protected zones shall be established by a regulation of the minister responsible for the area.

§ 27. Designation of geodetic marks

(1) In order to find the location of a geodetic mark and facilitate the perception of the restrictions arising from the mark, the owner of the mark is required to designate the location of the mark.

(2) The designation of a geodetic mark is inseparably attached to the geodetic mark and is deemed to be a part of the geodetic mark.

§ 28. Classification of geodetic networks

(1) National geodetic networks are divided into orders based on the accuracy of measurement, monumentation of geodetic marks and hierarchical structure of networks. Local networks are divided into classes.

(2) Parameters and descriptions of geodetic networks shall be provided by establishing the geodetic system.

§ 29. Composition of geodetic system

(1) The geodetic system is composed of the geodetic reference system, the planar rectangular coordinate system, the height system, the gravimetric system and corresponding geodetic networks.

(2) The geodetic system is complemented by the Global Navigation Satellite System (GNSS) permanent station network.

§ 30. Use of geodetic system

(1) Use of the geodetic system is mandatory:

- 1) to holders of information upon maintenance of databases and provision of spatial data services;
- 2) upon processing of geodetic data if the data are used in the databases of holders of information.

(2) An exception to the requirement to use the geodetic system may be made, pursuant to the procedure prescribed by the Public Information Act, concerning a database founded for the performance of the duties arising from an international agreement.

§ 31. Administrator of geodetic system

The Land Board is the administrator of the geodetic system.

§ 32. Establishment of geodetic system

The geodetic system shall be established by a regulation of the Government of the Republic. The Government of the Republic may grant the right to establish the geodetic system to the relevant minister.

§ 33. Geodetic works

(1) For the purposes of this Act, geodetic works means the establishment, reconstruction and maintenance of geodetic points and networks, and the processing of geodetic data related thereto.

(2) National spatial, horizontal, vertical and gravimetric networks, networks of GNSS stations and, if necessary, corresponding local geodetic networks shall be established as a result of geodetic works.

§ 34. Organisation of performance of geodetic works

(1) The Land Board shall organise the performance of national geodetic works.

(2) Local geodetic works shall be organised pursuant to the procedure established by a regulation of a rural municipality or city council or a rural municipality or city government upon authorisation of the rural municipality or city council.

(3) The establishment of local geodetic networks shall be based on national geodetic networks and shall supplement and densify the networks in the administrative territory of a local government. Geodetic points and networks established in the course of local geodetic works shall be connected with the national geodetic system, and the data of the points and networks shall be entered in the Geodetic Point Database.

(4) Works involving the establishment and reconstruction of local geodetic points and networks shall be approved by the Land Board at least one month prior to the commencement of works.

(5) The procedure for the performance of geodetic works shall be established by a regulation of the minister responsible for the area.

(6) The organisation of the performance of national geodetic works, approval of local geodetic works and connecting local geodetic points and networks with the national geodetic system shall be provided pursuant to the procedure specified in subsection (5) of this section

§ 35. Requirements for persons performing geodetic works

(1) Works involving the establishment, reconstruction and maintenance of geodetic points and networks may be performed by a natural person who has the qualification of a geodesist which corresponds at least to Level 5 of the qualifications framework provided by the Professions Act in the field of higher geodesy. A person who has acquired foreign professional qualifications may also perform works involving the establishment, reconstruction and maintenance of geodetic points and networks if his or her professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act is the Land Board.

[RT I, 30.12.2015, 1 - entry into force 18.01.2016]

(2) If the works involving the establishment, reconstruction and maintenance of geodetic points and networks are performed by an undertaking, the undertaking shall have a relevant legal relationship with the person specified in subsection (1) of this section, and a sole proprietor shall have the qualification of a geodesist specified in subsection (1) of this section.

§ 36. Geodetic Point Database

(1) The Geodetic Point Database (hereinafter *GPD*) is a database belonging to the state information system containing data concerning geodetic works, geodetic networks, geodetic points and marks, survey data of geodetic networks and data regarding the transformations thereto.

(2) GPD shall be established and the statutes thereof shall be approved by a regulation of the Government of the Republic.

§ 37. Submission of data to GPD

A person performing geodetic works is required to submit data concerning the geodetic works to the chief processor of GPD for registration of the geodetic works, including at least:

- 1) data concerning the person performing the works and the time of performance of the works;
- 2) data concerning the hardware and software used;
- 3) original data collected in the course of geodetic measurements;
- 4) transformations to original data made in the course of processing;
- 5) final data of geodetic points including, *inter alia*, coordinates and heights, and gravity;
- 6) sketches of geodetic points.

§ 38. Enabling access to data in GPD

(1) Data in GPD shall be published pursuant to the procedure provided for in this Act through the Estonian geoportal.

(2) Data in GPD shall be made available to holders of information for the performance of duties imposed thereon by legislation or provided for in an international agreement, if necessary through the data exchange layer of information systems, pursuant to the procedure provided for in this Act.

Chapter 7 Administration of Address Data System

§ 39. Address data system

(1) The address data system is a framework of administrative, technical and legal measures which ensures unambiguous identification of address objects in their location and in different databases, and common organisation of the establishment of location addresses and processing of address data.

(2) The address data system serves as a basis for the spatial data infrastructure and supports the maintenance of databases.

§ 40. Geographical address, geographical address object and location address

(1) A geographical address (hereinafter *address*) is a record indicating the location of an object or a characteristic for finding an object in geographical space.

(2) Geographical address object (hereinafter *address object*) is an object attached to land for which an address has been established or in respect of which the obligation or possibility to establish an address arises from legislation.

(3) A location address is a textual-numerical record of an address object based on the hierarchy of the administrative division of the territory and official place names.

§ 41. Address data

Address data means data by which the location of an address object is described and established.

§ 42. Obligation for location addresses to be established

Location addresses shall be established for land units for the purposes of the Land Cadastre Act (hereinafter *land units*), and buildings. Location addresses shall be established for parts of buildings if the parts of buildings are dwellings or if it is necessary to distinguish the parts of buildings on the basis of an address for other reasons.

§ 43. Unique address

(1) A unique address is a location address the textual-numerical form of which is unique among other address objects of the same type requiring a unique address. Different address objects of the same type requiring a unique address shall not have the same location address.

(2) The address objects requiring a unique address are:

- 1) residential buildings;
- 2) buildings containing dwellings;
- 3) buildings of registered offices of legal persons;
- 4) buildings containing access points to universal postal services and parts of the aforementioned buildings;
- 5) land units located in densely populated areas or areas where the preparation of a detailed plan is mandatory;
- 6) land units the location addresses of which include the name of an address unit.

§ 44. Address unit

An address unit is:

- 1) a road for the purposes of the Building Code (hereinafter *traffic area*) the name of which is used in the addresses of other address objects; a name of an address unit may be established also for a section of road; [RT I, 23.03.2015, 3 - entry into force 01.07.2015]
- 2) an area smaller than a settlement (hereinafter *small place*) the name of which is used in the addresses of other address objects. A road located in a small place may be used as an independent address unit within the meaning of a traffic area.

§ 45. Structure of location address

The structural elements of a location address are:

- 1) the name of the county;
- 2) the name of the local government;
- 3) the name of the settlement if the settlement is not divided into city districts formed before 1 June 2016 or the name of the city district if the city district was formed before 1 June 2016; [RT I, 21.06.2016, 1 - entry into force 01.07.2016]
- 4) the name of the small place;
- 5) the name of the traffic area;
- 6) the name of the address object;
- 7) the number of the land unit or building which is the address object (hereinafter *address number*) and, if necessary, a distinctive number or letter added thereto (hereinafter *alphabetic supplement*);
- 8) the number of the apartment or other part of the building.

§ 46. Proximate address and special supplement

(1) The elements specified in clauses 45 4)–8) of this Act are elements of a proximate address of an address object.

(2) A special supplement is part of a proximate address which consists of the address number and, if necessary, a distinctive number or letter added thereto, and the number of the apartment or other part of the building. A proximate address shall not consist only of a special supplement.

§ 47. Parallel address

Several location addresses may be established for one address object which are mutually equal parallel addresses.

§ 48. General requirements for establishment of location addresses

(1) A location address shall ensure the finding of an object in geographical space, have the shortest required length, and comply with cultural practices, language requirements and the address data system.

(2) In densely populated areas and areas where the preparation of a detailed plan is mandatory, proximate addresses shall be established for buildings, parts of buildings requiring an address and land units developed with buildings or land units to be developed with buildings by areas according to the same address unit by using one of the following manners for establishing proximate addresses:

- 1) the name of the traffic area to which a special supplement is added;
- 2) the name of the small place, if it exists, to which a special supplement is added;
- 3) if a small place includes a traffic area, the name of the small place and the name of the traffic area to which a special supplement is added.

(3) The name of an address object may be established as a parallel address for the proximate address of address objects specified in subsection (2) of this section, except in the case of parts of buildings.

(4) Establishment of a proximate address is obligatory in the case of address objects requiring a unique address.

(5) A proximate address need not be established in a low density area, if the address object does not require a unique address.

(6) Address numbers used in proximate addresses established according to traffic areas shall be established, if possible, in the manner pursuant to which land units or buildings located next to each other on one side of a traffic area have odd numbers and land units or buildings located next to each other on the other side of the traffic area have even numbers.

§ 49. Use of place names in location addresses

(1) Upon the presentation of the names of administrative and settlement units of Estonia in location addresses, only the spelling of the names occurring in the Estonian Administrative and Settlement Classification shall be used, without abbreviations.

(2) Place names used in a location address shall only be official place names for the purposes of the Place Names Act.

§ 50. Location address of land unit

(1) The location address of a land unit consists of:

- 1) the name of the county;
- 2) the name of the local government;
- 3) the name of the settlement if the settlement is not divided into city districts formed before 1 June 2016 or the name of the city district if the city district was formed before 1 June 2016; [RT I, 21.06.2016, 1 - entry into force 01.07.2016]
- 4) the proximate address.

(2) If a land unit is formed after the establishment of a location address for a building located on that land unit, the location address of the land unit shall be established based on the location address of the building.

(3) If the presentation of the proximate address of a land unit is required according to the address data system or the presentation of the proximate address is deemed necessary upon identification of the address object, the proximate address of the land unit shall be the name of the land unit or shall be presented in the manner provided for in clauses 48 (2) 1)–3) of this Act.

(4) The location address of a land unit shall not include apartment numbers or any other special supplements of the location addresses of the parts of buildings.

(5) A name may be established as a proximate address for land units located in densely populated areas and areas where the preparation of a detailed plan is mandatory, which are not developed with buildings and which shall not be developed with buildings, and land units in low density areas. Names may also be established as parallel addresses for the abovementioned land units. A land unit shall not have several names for different parallel addresses.

§ 51. Location address of building

(1) The location address of a building consists of the structural elements of the location address of the land unit under the building and the special supplements required for distinguishing the building.

(2) The location address of a building shall not include apartment numbers or any other special supplements of the proximal addresses of the parts of buildings.

(3) If several parallel addresses are established for a building, all the proximate addresses of the building shall be included also in the location address of the land unit.

(4) If there are only buildings not requiring a unique address or only one building requiring a unique address on a land unit, the location address of all the buildings on the land unit shall be formed of the structural elements of the location address of the land unit and no special supplements shall be added thereto.

(5) If the location address of a land unit consists of several parallel addresses, different proximate addresses may be used for different buildings on the land unit.

(6) If there are several buildings requiring a unique address on a land unit, the location address of a building shall be formed of the structural elements of the location address of the land unit and a special supplement which is the distinctive number of the building and, if necessary, a letter following the number.

§ 52. Location address of apartment and other parts of building

(1) The location address of an apartment and other part of a building consists of the structural elements of the location address of the land unit and the building and the special supplements required for distinguishing the apartment or the part of the building.

(2) Alphabetic supplements shall not be used as distinguishers of numbers of apartments or other parts of buildings in location addresses of apartments and other parts of buildings.

(3) If a building consists only of parts of the building not requiring a unique address or if there is only one part of the building requiring a unique address, the location address of all the parts of the building requiring a location address shall be formed of the structural elements of the location address of the building and no special supplements for distinguishing the parts of the building shall be added thereto.

(4) A location address need not be established for parts of a building not requiring a unique address.

(5) If there is only one part of a building requiring a unique address located on a land unit and there are no other buildings requiring a unique address on the same land unit, the location address of the part of the building shall be established pursuant to the provisions of subsection 51 (6) of this Act.

§ 53. Addressing procedures

Addressing procedures are the establishment, change and revocation of location addresses and alteration of address data related to location addresses.

§ 54. Establishers of location addresses

(1) Location addresses shall be established by local governments.

(2) Establishers of location addresses shall ensure:

- 1) performance of addressing procedures within the competence thereof in compliance with the requirements of this Act and the address data system;
- 2) concordance between the location addresses of a land unit, a building and a part of the building located on the land unit;
- 3) uniqueness of the location addresses of address objects requiring a unique address.

§ 55. Procedure for establishment of location addresses

(1) Addressing procedures shall be performed and relevant decisions shall be made by establishers of location addresses on their own initiative. Local governments may initiate addressing procedures also on the basis of an application of a state or local government authority and a natural or legal person.

(2) In the case of an address object in private ownership, the establisher of location addresses shall notify the owner of the address object of the intention to establish the location address for the address object or to change the location address. The owner of the address object shall present an opinion in writing within 15 days as of receipt of the notice. Upon failure to present an opinion within the term, the owner of the address object is deemed to agree to the establishment or changing of the location address.

(3) The opinion of the owner of an address object shall not be asked if the opinion of the owner can be obtained from the documents of addressing procedures.

(4) A location address shall be established for a land unit without a location address before the adoption of an administrative act of the local government concerning the forming of the address object. The location address of a new building shall be established at the latest before the building permit for erection of the building is issued, and the location address of an apartment or other part of the building shall be established at the latest before the permit for use of the building is granted.

§ 56. Registration of establishment of location addresses and validity of location addresses

(1) In order to register a new location address, the establisher of the location address shall submit data concerning the address object, the location address established for the address object and the address procedure

to the chief processor of the information system of the address data system (hereinafter *ADS information system*).

(2) The chief processor of ADS information system shall, in the course of the registration procedure, verify the compliance of the establishment of the address with the requirements of this Act and the address data system. Upon the compliance with the requirements, the new location address shall be registered in ADS information system and a corresponding confirmation shall be given through ADS information system to the establisher of the location address.

(3) If establishment of a location address does not comply with the requirements of this Act and the address data system and the aforementioned deficiencies preclude the registration of the new location address in ADS information system, the chief processor of ADS information system shall not register the new location address and shall notify the establisher of the location address of the deficiencies. If necessary, the chief processor of ADS information system shall set a term for the elimination of deficiencies.

(4) A location address is deemed to be valid and official after receipt of the confirmation provided for in subsection (2) of this section.

§ 57. Change and revocation of location addresses

(1) A location address shall be changed if:

- 1) the obligation to change the location address arises from legislation, including if the administrative or settlement division, or the place names used in the location address change;
- 2) the established location address does not comply with the requirements provided for in legislation;
- 3) the location address in use is misleading;
- 4) the extent of the address object changes.

(2) A location address may be changed if:

- 1) it is reasonable to use a different location address for finding the address object;
- 2) the owner of the address object so requests.

(3) The location address of an address object may be revoked if:

- 1) a land unit is not formed;
- 2) the land unit is eliminated in the course of planning and land readjustment;
- 3) the planned building or part of the building is not built;
- 4) the building or a part of the building is removed in the course of construction activities;
- 5) the building or a part of the building is destroyed and the owner shall not restore it.

(4) The establisher of a location address shall submit the change and revocation of the location address for registration to the chief processor of ADS information system. The provisions of § 56 of this Act apply to the registration procedure. The change or revocation of a location address enters into force upon receipt of a confirmation pursuant to the procedure provided for in subsection 56 (2) of this Act.

(5) The provisions of subsection (4) of this section also apply if a location address is not changed but the address data related to the location address are changed in the course of address procedures, including data the establisher of the location address submitted upon first registration of the location address.

(6) Upon restructuring of the address data system, changes to location addresses shall be made by the chief processor of ADS information system. The chief processor of ADS information system may, with the agreement of the establisher of location addresses, change location addresses also in the cases provided for in clauses (1) 1) and 2) of this section.

§ 58. Establishment of address data system

(1) The address data system shall be established by a regulation of the Government of the Republic.

(2) ADS information system is a part of the address data system.

(3) The following shall be established by the regulation specified in subsection (1) of this section:

- 1) requirements for the establishment and presentation of names not included in place names used in location addresses, and for use of place names;
- 2) requirements for the presentation of parallel addresses;
- 3) requirements for the application of structural elements of location addresses used upon presentation of location addresses of address objects of different type, and for the manner of presentation of proximate addresses;
- 4) requirements for the use of personal names, alphabetic supplements, numbers, separators and abbreviations in location addresses;
- 5) composition of the data to be submitted for the registration of establishment, change or revocation of location addresses, and the registration procedure;
- 6) the chief processor (administrator) of ADS information system, requirements for the maintenance of the information system, the composition of the data to be submitted to and collected in the information system,

persons submitting data and, where necessary, other organisational matters related to the maintenance of the information system.

§ 59. Use of address data system

(1) Use of the address data system is mandatory:
1) for holders of information upon maintenance of databases pursuant to the procedure provided for in the Public Information Act and upon provision of spatial data services;
2) upon establishment and change of location addresses and for holders of information upon processing of address data related to location addresses.

(2) An exception to the requirement to use the address data system may be made, pursuant to the procedure prescribed by the Public Information Act, concerning a database founded for the performance of the duties arising from an international agreement.

§ 60. ADS information system

Data concerning location addresses, address objects and addressing procedures are entered in ADS system.

§ 61. Submission of data to ADS information system

(1) The following shall submit data to ADS information system:
1) the Land Board on cadastral units;
2) the Ministry of Economic Affairs and Communications on buildings and parts of buildings;
3) the Ministry of Finance on place names;
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]
4) local governments on the establishment, change and revocation of location addresses.

(2) The Government of the Republic may, by the regulation provided for in subsection 58 (1) of this Act establishing the address data system, extend the circle of persons submitting data to ADS information system.

§ 62. Enabling access to data in ADS information system

(1) Data in ADS information system shall be published pursuant to the procedure provided for in this Act through the Estonian geoportal.

(2) Data in ADS information system shall be made available to holders of information for the performance of duties imposed thereon by legislation or provided for in an international agreement, if necessary through the data exchange layer of information systems, pursuant to the procedure provided for in this Act.

Chapter 8 Acquisition and grant of use of topographic data

§ 63. Topographic data

Topographic data means spatial data on the location, shape, characteristics and spatial relations of natural and anthropogenic real-world phenomena located physically on the ground within a certain location or area.

§ 64. Data on topographic features of general importance

Data on topographic features of general importance means topographic basic data on the location, shape, characteristics and spatial relations of such features, including data on the relief, bodies of water and hydrographic facilities, land cover and land use types, geometry of buildings and of transport and utility networks.

§ 65. Classes of topographic features

(1) Topographic features are divided into hierarchical classes based on their characteristics and properties describing them.

(2) The classification of topographic features shall be established by the administrator of the classification pursuant to the procedure prescribed in the classifications system supporting the state information system.

(3) The Land Board is the administrator of the classification of topographic features.

§ 66. Organisation of acquisition of topographic data

- (1) The Land Board shall organise the acquisition of data on topographic features of general importance.
- (2) In the cases prescribed by legislation and taking into account the provisions of subsection 3 (4) of this Act, the acquisition of data on topographic features may also be organised by another holder of information.
- (3) The Land Board shall collect data on topographic features of general importance:
 - 1) by observation and measurement, including aerial photography and aerial laser scanning;
 - 2) by processing of data collected in the course of observation and measurement;
 - 3) in the course of data exchange with other holders of information.
- (4) Topographic features of general importance and the procedure for the acquisition of topographic data shall be established by a regulation of the minister responsible for the area.
- (5) Topographic features of general importance, composition of the characteristics thereof, the procedure for establishment of corresponding spatial objects and more specific requirements for the organisation of acquisition of topographic data shall be provided pursuant to the procedure specified in subsection (4) of this section.
- (6) The Land Board may perform acquisition of data on topographic features related to the spatial data themes provided for in Annexes to the INSPIRE Directive not specified in subsection (1) of this section either with the agreement of another holder of information on the conditions and pursuant to the procedure provided for in the Administrative Co-operation Act or upon provision of international professional assistance on the basis of an international agreement, or pursuant to the procedure provided by the legislation of the European Union or on the basis of other agreements.

§ 67. Estonian Topographic Database

- (1) The Estonian Topographic Database (hereinafter *ETD*) is a database belonging to the state information system containing data on topographic features of general importance and data describing the substance, relations and context of the features.
- (2) Data in ETD shall be updated through the acquisition of topographic data.
- (3) The composition of data to be collected in ETD, the chief processor (administrator), persons submitting data and organisational matters related to the submission of data for registration shall be provided for in the statutes of ETD.
- (4) ETD shall be established and the statutes thereof shall be approved by a regulation of the Government of the Republic.

§ 68. Enabling access to data in ETD

- (1) Data in ETD shall be published pursuant to the procedure provided for in this Act through the Estonian geoportal.
- (2) Data in ETD shall be made available to other holders of information for the performance of duties imposed thereon by legislation or provided for in an international agreement pursuant to the procedure provided for in this Act, if necessary through the data exchange layer of information systems.

§ 69. Mandatory use of data in ETD

The use of existing data in ETD is mandatory for holders of information upon maintenance of databases, processing of data and provision of spatial data services if acquisition or use of information shall be based on topographic spatial data.

§ 70. Topographic maps and plans prepared based on data in ETD

- (1) The Land Board shall prepare the following digital maps and plans on the basis of the data in ETD:
 - 1) a topographic map of Estonia at the scale of 1:10 000 and topographic plan at the scale of 1:2000;
 - 2) a topographic map of Estonia at the scale of 1:50 000.
- (2) The Land Board shall prepare the following hard copy maps on the basis of the data in ETD:
 - 1) a topographic map of Estonia at the scale of 1:20 000;
 - 2) a topographic map of Estonia at the scale of 1:50 000.
- (3) The composition of data to be entered on topographic maps and plans specified in subsections (1) and (2) of this section, the conventions used, and the organisation of performance of cartographic works shall be established by a regulation of the minister responsible for the area.

§ 71. Topographic map sheet index

(1) Topographic map sheet index is the system for spreading a multi-sheet map over sheets and identifying the sheets.

(2) The topographic map sheet index shall be established by the regulation of the minister responsible for the area specified in subsection 70 (3) of this Act.

§ 72. Other maps and plans

The Land Board may prepare maps and plans not specified in § 70 of this Act, including thematic maps and maps on a scale not provided for in § 70 of this Act with the agreement of holders of information.

§ 73. Grant of use of data in ETD

(1) The data in ETD shall be granted for use as alpha-numeric data, digital or hard copy maps and plans, or spatial data sets.

(2) The maximum and minimum fees for fee-charging data and network services, which allow the grant of use of the data specified in subsection (1) of this section, are the following by types of services:

- 1) in the case of downloading or copying data, 0.01–0.1 euros per megabyte and 5–100 euros as basic fee per month;
- 2) in the case of granting use of aerial photos and orthophotos, 0.1–1 euros per megapixel;
- 3) in the case of granting use of data in ETD in raster format, 0.1–1 euros per megapixel;
- 4) in the case of granting use of data in ETD in vector format, 0.05–0.5 euros per object;
- 5) in the case of granting use of height data, 0.01–0.05 euros per thousand elevation points;
- 6) in the case of granting use of digital elevation models, 0.1–1 euros per thousand elevation points;
- 7) in the case of granting use of topographic maps and plans and thematic maps and plans in raster format, 2–20 euros per map sheet;
- 8) in the case of granting use of topographic maps and plans and thematic maps and plans in hard copy format, 2–20 euros per map sheet or 2–60 euros per map.

(3) Taking into account the provisions of subsection (2) of this section, the minister responsible for the area shall establish, by a regulation, a detailed list of fee-charging data and network services of ETD and the rates of fees, and also the conditions of the grant of use of data and the provision of services.

Chapter 9

Coordination, administrative supervision and reporting

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

§ 74. INSPIRE contact point

(1) The contact point specified in Article 19(2) of the INSPIRE Directive shall be the Land Board. The Land Board shall be responsible for contacts with the European Commission in relation to the specified Directive.

(2) Holders of information are required to cooperate with the Land Board.

§ 75. Coordination

(1) The development of the spatial data infrastructure shall be coordinated by the Ministry of the Environment or, on the authorisation of the minister responsible for the area, by an agency under the area of government of the Ministry in cooperation with the Ministry of Economic Affairs and Communications.

(2) Before establishing a database or changing the composition of the data collected in a database, introducing a database or terminating a database, the documentation of the database with regard to spatial data processed in the database shall be approved by the Ministry of the Environment or an agency under the area of government of the Ministry authorised by the minister responsible for the area.

(3) The documentation provided for in subsection (2) of this section shall be submitted for approval through the administration system of the state information system.

(4) The documentation of a database which is established only for fulfilling internal administration needs of an organisation or for inter-agency processing of documents shall not be approved by the agency specified in subsection (2) of this section.

(5) Upon the approval of the documentation of a database, the approving body shall assess and verify the compliance of organisational and information technology conditions of the database with the requirements for processing spatial data, administration of databases containing spatial data and provision of spatial data services provided for in this Act.

(6) The agency specified in subsection (2) of this section shall approve the documentation of a database or refuse to approve the documentation by providing a reasoned explanation within 20 working days from submission of the documentation of the database for approval.

(7) The agency specified in subsection (2) of this section has the right to obtain information and documents from holders of information and to give explanations concerning the issues related to the implementation of this Act.

§ 76. Supervision over establishment of location addresses

(1) Upon establishment of location addresses, the Land Board shall, within the limits of its competence, exercise administrative supervision over compliance with the requirements provided by this Act and legislation issued on the basis thereof.

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

(2) An official exercising supervision has the right to:

- 1) monitor compliance with this Act, demand submission of documents concerning the establishment of location addresses, check such documents, demand explanations and opinions, and obtain information which is of importance to the successful resolution of the matter;
- 2) issue precepts for the termination of the violation of law, elimination of the consequences of the violation of law, prevention of further violation of law or performance of acts necessary for further lawful operation.

(3) A precept provided for in clause (2) 2) of this section shall set out the following:

- 1) the name and position of the person who prepares the precept and the name and address of the supervisory agency;
- 2) the date and place of issuing the precept;
- 3) the name, and residence or registered office of the recipient of the precept;
- 4) the circumstances which are the basis for the issue of the precept or a reference to the document in which the circumstances are set out, and reference to legal grounds of the precept;
- 5) the conclusion of the precept in which the obligations of the obligated subject arising from the precept and the term for performance of the obligations are set out;
- 6) a reference to the possibility of administrative coercive measures being applied upon failure to perform the obligations set out in the precept;
- 7) the procedure and term for contesting the precept.

(4) Upon failure to comply with a precept, a supervisory official may impose a penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 1600 euros.

§ 77. Supervision over processing of spatial data, administration of databases containing spatial data and provision of spatial data services

The provisions of the Public Information Act concerning supervision over the administration of databases shall apply upon the exercise of supervision over the compliance of processing of spatial data, administration of databases containing spatial data and provision of spatial data services provided for in this Act with Acts, other legislation and technical requirements, taking into account the specifications of this Act.

§ 78. Reporting on spatial data infrastructure

(1) Holders of information shall submit reports on the development of the spatial data infrastructure, maintenance of spatial data sets and provision of spatial data services provided for in this Act pursuant to Commission Decision 2009/442/EC implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting (OJ L 148, 11.06.2009, p. 18–26).

(2) The Land Board shall compile the data and reports obtained from holders of information, make them available to the public in the Estonian geoportal and forward to the European Commission.

(3) The terms for submission of reports and a more detailed procedure for the preparation of reports and for monitoring the implementation and use of the spatial data infrastructure may be established by a regulation of the Government of the Republic.

Chapter 10

Liability

§ 79. Violation of requirements for protection of geodetic marks and damaging, destruction and unauthorised removal of marks

(1) Violation of the requirements for the protection of a geodetic mark of the state or a local government marked in the field or located on a building, or damaging, destruction or unauthorised removal of a mark 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 3,200 euros.

§ 80. Proceedings

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure shall apply to the misdemeanours provided for in § 79 of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in § 79 of this Act shall be conducted by the Land Board in matters concerning geodetic marks of the state and by a rural municipality or city government in matters concerning geodetic marks of local governments.

Chapter 11 Implementing Provisions

§ 81. Timetable for creation of metadata

Holders of information shall provide metadata describing the spatial data sets maintained and services provided thereby in accordance with the timetable provided for in the INSPIRE Directive.

§ 82. Terms for making available of spatial data sets and services

(1) Holders of information shall make established or extensively restructured spatial data sets and services available in conformity with the implementing rules specified in subsection 11 (5) of this Act within two years as of the establishment of the rules.

(2) Other spatial data sets and services in use shall be made available by holders of information in conformity with the implementing rules specified in subsection 11 (5) of this Act within seven years as of the establishment of the rules.

(3) The need to make spatial data sets and services specified in subsections (1) and (2) of this section available in an interoperable way shall be determined upon registration of the establishment of a database and commencement of the provision of services or changing the composition of the data collected in a database in the administration system of the state information system.

(4) Holders of information shall make spatial data sets available in conformity with the implementing rules specified in subsection 11 (5) of this Act either through the adaptation of existing spatial data sets or through the transformation services provided for in clause 12 (1) 4) of this Act.

§ 83. Enabling access to discovery and view services

(1) Holders of information shall enable access to discovery and view services provided for in subsection 12 (1) of this Act, except with regard to the requirements which provide for the availability of the services through the Estonian geoportal or for ensuring the quality of the services in conformity with the rules set out in Annex I to Commission Regulation (EC) No 976/2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services, no later than as of 9 May 2011.

(2) Holders of information shall, not later than as of 9 November 2011, enable access to discovery and view services provided for in subsection 12 (1) of this Act also through the Estonian geoportal, taking into account all the requirements provided by Commission Regulation (EC) No 976/2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services.

§ 84. Implementation of address data system

(1) Subsection 55 (4) and §§ 56, 57, 60, 61 and 76 of this Act shall be implemented as of 1 January 2012.

(2) Address data valid as at 1 January 2012 at 00:00 in ADS information system are deemed to be official registered address data established for the purposes of this Act.

(3) The address data system established on the basis of this Act is deemed to be functioning as of 1 January 2012 at 00:00.

(4) Upon maintenance of databases and provision of spatial data services, holders of information shall bring their databases and information systems into compliance with § 59 of this Act not later than by 1 March 2012.

¹Directive 2007/2/EC of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.04.2007, p. 1–14).