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Water Act[1]

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12.02.2003	RT I 2003, 26, 156	21.03.2003
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14.04.2004	RT I 2004, 28, 190	01.05.2004
21.04.2004	RT I 2004, 38, 258	10.05.2004
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07.12.2005	RT I 2005, 67, 512	01.01.2006
01.06.2006	RT I 2006, 28, 211	01.07.2006
06.12.2006	RT I 2007, 1, 1	01.02.2007
14.11.2007	RT I 2007, 62, 396	16.12.2007
22.11.2007	RT I 2007, 66, 408	01.01.2008
03.12.2008	RT I 2009, 1, 2	12.01.2009
18.12.2008	RT I 2009, 3, 15	01.02.2009
19.03.2009	RT I 2009, 20, 131	18.04.2009
15.06.2009	RT I 2009, 37, 251	10.07.2009
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		of 13 July 2010 No 2010/416/EU (OJ L 196, 28.7.2010, pp. 24–26).
16.06.2010	RT I 2010, 43, 254	17.07.2010, partially01.01.2011 and 01.01.2014
08.12.2010	RT I, 22.12.2010, 1	02.01.2011
22.02.2011	RT I, 10.03.2011, 2	20.03.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed to 01.07.2014 [RT I, 22.12.2013, 1]
16.06.2011	RT I, 08.07.2011, 4	21.08.2011
06.12.2011	RT I, 21.12.2011, 1	31.12.2011
13.12.2012	RT I, 22.12.2012, 13	01.01.2013, partially01.07.2013
24.04.2013	RT I, 16.05.2013, 1	01.06.2013
12.06.2013	RT I, 27.06.2013, 1	07.07.2013, partially01.07.2014
21.11.2013	RT I, 13.12.2013, 4	23.12.2013, partially01.01.2014
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
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24.04.2014	RT I, 06.05.2014, 3	07.05.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
20.06.2014	RT I, 08.07.2014, 3	01.08.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, titles of ministers are replaced pursuant to subsection 107^3 (4) of the Government of the Republic Act.
11.02.2015	RT I, 04.03.2015, 1	14.03.2015
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015
11.06.2015	RT I, 28.06.2015, 7	08.07.2015
11.06.2015	RT I, 30.06.2015, 4	01.09.2015
29.10.2015	RT I, 06.11.2015, 2	16.11.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
16.12.2015	RT I, 06.01.2016, 2	16.01.2016, partially01.01.2021 and 01.01.2023
15.06.2016	RT I, 21.06.2016, 26	01.07.2016
16.06.2016	RT I, 06.07.2016, 3	16.07.2016, partially01.04.2017
27.10.2016	RT I, 10.11.2016, 1	01.01.2017
13.12.2016	RT I, 27.12.2016, 2	06.01.2017, partially01.01.2018, 01.12.2018 and 01.01.2019
08.02.2017	RT I, 03.03.2017, 1	01.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
30.01.2019	RT I, 22.02.2019, 1	01.10.2019, partially 04.03.2019

Chapter 1
GENERAL PROVISIONS

§ 1. Purpose of Act

(1) The purpose of the Water Act is to guarantee the purity of inland and transboundary water bodies and groundwater, and ecological balance in water bodies.

(2) The Water Act regulates the use and protection of water, relations between landowners and water users and the use of public water bodies and water bodies designated for public use.
[RT I 2009, 37, 251 10. 07. 2009]

(3) The provisions of this Act extend also to the exclusive economic zone with regard to protection of water and construction activity in a public water body as provided for in Chapter 4^1, and to the ships and aircraft which have been registered in Estonia outside the marine area of Estonia in relation to protection of the marine environment.
[RT I, 23. 03. 2015, 3 01. 07. 2015]

§ 1[1]. Application of Administrative Procedure Act

The provisions of the Administrative Procedure Act apply to administrative proceedings provided for in this Act, taking account of the specifications provided in this Act.
[RT I 2002, 61, 375 - entry into force 01. 08. 2002]

§ 2. Terms used

The terms used in this Act are defined as follows:
1) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
2) "effluent" means used water that is discharged into the recipient;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
3) "transboundary water body" means a water body through which the state border runs;
4) "surface water" means inland waters, except groundwater; transitional waters, coastal waters and, upon assessing the chemical status, also territorial waters;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
5) "aquifer" means a subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
6) "groundwater" means sub-surface water; mineral water is a subcategory of groundwater;
7) "source of pollution" means a source that causes deterioration in water quality due to contaminants or pollutants or to organisms, heat or radioactivity;
8) "wastewater" means water that is damaged beyond the level of harmlessness and that requires purification before being discharged into the recipient;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
9) "internal water body" means a water body through which the state border does not pass;
10) "recipient" means a water body or a part of the earth's crust into which effluent runs;
11) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
12) "water accident" means a flood that causes substantial damage, or the destruction of a dam or other defences;
13) "permit for the special use of water" means a document permitting specified activities, in which conditions for the volume of water to be used, the recipient, and the obligations and restrictions concerning water use are designated;
14) "water intake" means a structure for the abstraction of water from a water body or aquifer;
15) "water discharge" means the discharge of effluent into a recipient;
16) "reservoir" means an artificial water body in a natural dip, in an excavation or between dams, which is made by barring or damming a watercourse, pumping water, or in some other way;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
17) "water body" means a permanent or temporary surface form that is filled with flowing water (a watercourse – river, stream, etc.) or slowly moving (standing) water (a standing water body – sea, lake, reservoir, etc.);
18) "littering a water body" means the release or disposal of any objects, waste, soil, etc. into a water body, causing the state of the water body to deteriorate or its use to be impaired;
19) "water depletion" means an unpermitted activity resulting in a permanent and substantial decrease in the volumetric flow rate, water level or volume of water of a surface water body, a permanent decrease in the level or pressure of groundwater, or a decrease in the volumetric flow rate of a spring;
20) "water pollution" means a reduction in water quality that is caused by a source of pollution and that leads to water use being restricted;
21) "water pollution accident" means the sudden discharge of any pollutant into the sea, surface water or groundwater that may have a negative effect on human health, economic activities or the environment;
22) "agglomeration" means an area with enough residents and economic activity for wastewater to be collected in a wastewater treatment plant through a public sewerage system or for effluent to be discharged into a recipient;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
23) "agricultural land" means areas under cultivation and natural grasslands;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]
24) "area under cultivation" means arable land and fruit and berry gardens;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]
25) "sewerage" means a system of structures and equipment for the collection or discharge into a recipient of effluent and wastewater;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]
25[1]) "body of water" means a unit of assessment of water status that may be a body of surface water, a body of groundwater, an artificial body of water or a heavily modified body of water;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
26) "body of groundwater" means a clearly distinguishable mass of water within an aquifer or aquifers;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

27) “groundwater deposit” means a part of the earth’s crust containing an approved resource of groundwater that is designated for the abstraction of groundwater;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]
28) “karst area” means a terrain where karst features (sinkholes, hollows, lakes, caves and rivers) are present and where the drainage of storm water from the surface to a watercourse is temporarily or permanently impeded;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]
29) “coastal water” means coastal seawater on the landward side of a line, every point of which is at a distance of one nautical mile on the seaward side from the nearest point of the baseline from which the breadth of territorial waters is measured;
[RT I 2007, 62, 396 16. 12. 2007]
30) “dispersant” means a mixture of surface-active agents that is used in crude oil pollution control in the composition of an organic solvent to improve dissolution of oil in seawater in order to reduce the interfacial tension between crude oil and water;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
31) “storm water” means water that has fallen as precipitation and that is collected and discharged through structures, including ditches;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
32) “pollution load of wastewater treatment plant” means the largest weekly average quantity of contaminants in population equivalents that reaches the wastewater treatment plant within a year;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
33) “pollution load of agglomeration” means the largest pollution load in population equivalents arising in the whole agglomeration, depending on the season and calculated taking account of the permanent residents, tourists, industrial and other undertakings the wastewater created by whom is discharged into a public sewerage system and also the quantity of wastewater that does not reach the public sewerage system. The pollution load does not include industrial wastewater that is treated in the undertaking’s own treatment plant and that is discharged from the treatment plant directly into the recipient;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
34) “population equivalent (hereinafter p. e.)” means the unit of average potential water pollution load caused by one person per day. The value of the p. e. expressed through the biological oxygen demand (BOD7) is 60 grams of oxygen per day;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
35) “inland water” means all standing or flowing water on the surface of the land, and all groundwater on the landward side of the baseline from which the breadth of territorial waters is measured;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
36) “transitional waters” are bodies of surface water in the vicinity of river mouths that are partly saline in character as a result of their proximity to sea but that are substantially influenced by freshwater flows;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
37) “body of surface water” means a distinct and significant element of surface water such as a lake, a reservoir, a river, stream or canal, part of a river, stream or canal, transitional water or a stretch of coastal water;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
38) “artificial water body” means a water body created by human activity;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
38^1) “artificial body of water” means a body of surface water of an artificial water body that has been designated as an artificial body of water in accordance with the procedure provided for in this Act;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
39) “heavily modified water body” means a water body that as a result of physical alterations by human activity is substantially changed;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
39^1) “heavily modified body of water” means a body of surface water of a heavily modified water body that has been designated as a heavily modified body of water in accordance with the procedure provided for in this Act;
[RT I 2010, 43, 254 - entry into force 17. 07. 2010]
40) “water services” means all services that provide, for households, state and local government authorities, legal persons in public and private law and natural persons abstraction, damming, storage, treatment and distribution of surface water or groundwater, wastewater collection into sewerage and treatment, and discharge of effluent into a recipient;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
41) “water use” means water services and any other activity identified under § $3^{18}$of this Act having significant impact on the status of water;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
42) “pollution” means the direct or indirect discharge or disposal, as a result of human activity, of substances, energy, radioactive radiation, electric and magnetic field, noise, infra- and ultrasound into the air, water or soil to such an extent that is or may be harmful to human health, living resources, seafood, maritime activities and use of marine services, or to the quality of aquatic or marine ecosystems or terrestrial ecosystems directly depending on aquatic or marine ecosystems, and consequently may cause decline of biodiversity, reduction of amenities and impairment of water quality and damage to property, or impair or interfere with legitimate sustainable uses of the environment for recreational or other purposes;
[RT I, 28. 06. 2015, 7 – entry into force 08. 07. 2015]
43) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
44) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
45) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

46) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
47) [repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]
48) “environmental quality standard“ means t he concentration of a particular pollutant or group of pollutants in water, bottom sediment or aquatic biota that may not be exceeded in order to protect human health and the environment;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
49) “river basin or catchment area district” means the area of land and marine area, made up of one or more neighbouring catchment areas along with groundwater and coastal waters, forming one whole in a circular boundary, and being the main unit for the organisation of water management;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
50) “sub-basin” means the subunit for the organisation of water management located within the boundaries of a river basin;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
51) “catchment area” means the area of land from which all surface run-off flows through a sequence of streams, rivers or lakes into the sea at a single river mouth;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
52) “sub-catchment area” means the area of land from which all surface run-off flows through a series of streams, rivers or lakes to a particular point in a water course;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
53) “water intended for human consumption or drinking water” means all water either in its original state or after treatment, intended for drinking, cooking, food preparation or other domestic purposes, regardless of its origin and whether it is supplied from a distribution network, from a tanker, or in bottles or containers. “ Drinking water” also means all water used in any food-production undertaking (the person laid down in Article 3 (3) of Regulation (EC) No 178/2002 of the European Parliament and of the Council) for the manufacture, processing, preservation or marketing of products or substances intended for human consumption unless the competent national authorities are satisfied that the quality of the water cannot affect the wholesomeness of the foodstuff in its finished form.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3. [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[1]. Combined approach in controlling point and diffuse source pressures

(1) The discharge of pollutants into surface waters shall be controlled in accordance with the combined approach pursuant to which the discharge of pollutants into surface waters is avoided or restricted at source through the implementation of environmental requirements, including best environmental practices, best available techniques and best available methods, setting and application of emission limit values and environmental quality standards. If it is not possible to achieve the environmental objectives provided in this Act despite the environmental requirements, emission limit values and environmental quality standards, additional measures provided by law, including, where appropriate, more stringent environmental requirements, emission limit values and environmental quality standards, must be applied.

(2) The combined approach shall apply to controlling point as well as diffuse source pressure, particularly in the case of:
1) wastewater;
2) pressure from agriculture;
3) hazardous substances, including substances declared as priority substances and priority hazardous substances under this Act, particularly mercury, cadmium and hexachlorocyclohexan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

Chapter 1[1]
ENVIRONMENTAL OBJECTIVES, PLANNING AND ORGANISING WATER USE AND PROTECTION

[RT I 2010, 43, 254 - entry into force 17.07.2010]

§ 3[2]. Bases for planning and organising water use and protection

(1) The objective of planning and organising water use and protection is to achieve the environmental objectives provided in this Act, including to ensure sustainable development and as natural status of water as possible and keep the quality, quantity and regime of surface water and groundwater as undisturbed by human activity as possible.

(2) The use and protection of surface water and groundwater shall be planned and organised on the basis of catchment areas in terms of river basins, taking into account the hydrological boundaries of catchment areas of water bodies.

(3) The Government of the Republic, by a regulation, shall establish river basins and sub-basins in order to plan and organise the use and protection of water in catchment areas. A river basin that consists of a catchment area that crosses or catchment areas that cross the state border shall be designated in cooperation with a relevant foreign state as a transboundary river basin.

(4) In order to organise water use and protection and integrate it with other fields, the minister responsible for the area shall form a water management committee and approve its statutes and staff.

(5) Within its administrative jurisdiction, a local government:
1) grants permission for the special use of water;
2) organises administration of the water bodies belonging to the local government;
3) organises elimination of the consequences of water accidents and sudden water pollution;
4) establishes temporary restrictions concerning the use of publicly used water bodies pursuant to section 7 (4) of this Act;
5) establishes rules for on-site treatment and transport of wastewater;
6) organises and ensures the implementation of the measures planned in the programme of measures in accordance with its competence.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{3}. Transboundary river basins

(1) The use and protection of transboundary water bodies of the Republic of Estonia and the organisation of water management in transboundary river basins are regulated by international agreements of the Republic of Estonia.

(2) When exchanging information relating to a transboundary river basin and approving documents in the cases provided in this Act, the relevant information and documents shall be forwarded to a competent authority of a foreign state by the Ministry of the Environment.

(3) The preparation of a single plan for the management of flood hazard risks covering the entire transboundary river basin shall be organised in accordance with an international agreement.

(4) In the case of transboundary river basins located in the territory of the Republic of Estonia and the Russian Federation the parties shall, if possible, cooperate in accordance with this Act and an international agreement in order to achieve the environmental objectives in the part of the transboundary river basin located in Estonia.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{4}. Recovery of costs for water services

(1) Planning water use and protection shall be based on the principle of recovery of the costs of water services, environmental and resource costs and the polluter pays principle.

(2) To apply the principles specified in subsection (1) of this section, it shall be ensured:
1) that the natural resource charges and pollution charges determined on the basis of the Environmental Charges Act provide incentives for users to use water economically, and thereby contribute to achievement of the environmental objectives provided in this Act;
2) an adequate contribution of the different water uses, particularly industry, households and agriculture, to the recovery of the costs of water services.

(3) T he results of the economic analysis of water use specified in § 3^{18}of this Act, the social, environmental and economic effects of the recovery of costs as well as the geographic and climatic conditions of the river basin shall be taken into account while applying subsection (1) of this section.

(4) An overview of measures for applying the principles specified in subsection (1) of this section and of participation in the recovery of costs of different water uses shall be presented in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{5}. Environmental objectives for protection of surface water and groundwater

(1) The status of surface water and groundwater shall not be deteriorated.

(2) Good status of surface water and groundwater, including good chemical status and good ecological potential of artificial bodies of water and heavily modified bodies of water shall be achieved by 22 December 2015.

(3) The status of surface water is good if both the ecological status and the chemical status of the body of surface water are at least good.

(4) The status of groundwater is good if both the chemical status and the quantitative status of the body of groundwater are at least good.

(5) To achieve the objectives provided in subsections (1) and (2) of this section, measures shall be applied that:
1) in order to protect the status of surface water progressively reduce pollution arising from priority substances and terminate or progressively remove the discharge and disposal of priority hazardous substances into water;
2) in order to prevent the deterioration in the status of groundwater, exclude or limit the discharge and disposal of pollutants into groundwater;
3) protect, enhance and restore the status of groundwater and ensure a balance between abstraction and recharge of groundwater;
4) reverse any significant and sustained upward trend in the concentration of any pollutant in groundwater resulting from the impact of human activity in order to progressively reduce pollution of groundwater.

(6) The environmental objectives provided in this section in terms of bodies of water and exceptions to achieving the environmental objectives applicable on the basis of §§ 3^9–$3^{12}$of this Act shall be provided for in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^6. Areas in need of protection and environmental objectives for protecting these areas

(1) An a rea in need of protection refers to an area of land or water where environmental requirements more stringent than usual and restrictions arising from these requirements apply. For the purposes of this Act, “areas in need of protection” mean:
1) the sanitary protection zones of the water intakes that are used for abstraction of drinking water and the productivity of which per day as set out in the design is over 10 m^3, or which service more than 50 people;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
2) the sanitary protection zones of the water intakes planned to be used for the purpose specified in clause 1) of this subsection;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
3) areas designated as recreational waters, including bathing waters and bathing areas;
4) nutrient-sensitive areas, including nitrate sensitive areas;
5) areas designated for the protection of habitats or species on the basis of the Nature Conservation Act where the maintenance or improvement of the status of water is an important protective factor and areas designated for the protection of economically significant aquatic species;
6) pollution sensitive effluent recipients.

(2) All effluent recipients are pollution sensitive.

(3) In areas in need of protection the fulfilment of the quality and environmental protection requirements established in respect of the areas shall be ensured by 22 December 2015, unless otherwise provided by law.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^7. Application of most stringent environmental objective

Where more than one of the environmental objectives relate to a body of water or an area in need of protection at the same time, the most stringent objective shall apply.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^8. Likely failure to achieve environmental objective

If it appears that an environmental objective provided in this Act is unlikely to be achieved:
1) the causes of the possible failure shall be investigated;
2) emission limit values and environmental quality standards established in the permit for the special use of water shall be reviewed and amended as appropriate;
3) the water monitoring programme of the river basin shall be reviewed and supplemented as appropriate;
4) the establishment and implementation of additional measures as may be necessary in order to achieve the environmental objective including the establishment of more stringent environmental quality standards shall be planned, unless the implementation of additional measures is inexpedient and the likely failure to achieve the environmental objective is the result of natural conditions or *force majeure*that are exceptional and could not reasonably have been foreseen.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^9. Extending deadline for achievement of environmental objective

(1) The deadline for achievement of an environmental objective provided in this Act may be extended for the purpose of progressive achievement of the objective if any further deterioration in the status of a body of water

is prevented and if it has been identified that it is not possible to achieve the environmental objective in the body of water for one or several of the following reasons:
1) the implementation of measures in full can only be achieved in phases exceeding the timescale for the achievement of the environmental objective, for reasons of technical feasibility;
2) the implementation of measures within the timescale is too expensive;
3) timely achievement of the environmental objective is not possible due to natural conditions.

(2) The deadline for achievement of an environmental objective may be extended while updating the water management plan, but not for a longer period than until the expiry of the period of the updated water management plan except in cases where the natural conditions in the body of water are such that the environmental objectives cannot be achieved within this period.

(3) Extending the deadline for achievement of an environmental objective and the reasons therefor, measures implemented for the progressive achievement of the environmental objective, the reasons for any significant delay in making these measures operational, and the expected timetable for their implementation shall be set out in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{10}. Setting less stringent environmental objective

(1) Less stringent environmental objectives than those provided in this Act may be set in respect of a body of water only if the status of the body of water is so bad due to natural conditions or it has been identified on the basis of the analyses and overviews performed in accordance with § $3^{18}$of this Act that the status of the body of water is so affected by human activity that the achievement of the environmental objective would be infeasible or too expensive, and if:
1) the environmental and socioeconomic needs served by such human activity cannot be achieved by other means, which are a significantly better environmental option not entailing disproportionate costs;
2) for a body of surface water, the highest ecological and chemical status possible is achieved, given the impacts that could not reasonably have been avoided due to the nature of the human activity or pollution;
3) for a body of groundwater, the possible changes to its good status are minimal, given the impacts that could not reasonably have been avoided due to the nature of the human activity or pollution;
4) it is ensured that no further deterioration occurs in the status of the body of water.

(2) Less stringent environmental objectives and the reasons therefor shall be mentioned in the water management plan and shall be reviewed when updating the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{11}. Temporary deterioration in status of body of water

(1) Temporary deterioration in the status of a body of water that is caused by natural conditions or *force majeure*and that is exceptional or could not reasonably have been foreseen, for example due to exceptional floods and prolonged droughts or accidents that could not reasonably have been foreseen, shall not be taken into account in achieving an environmental objective, if all of the following conditions have been met:
1) all steps have been taken to prevent further deterioration in the status of the body of water;
2) the conditions under which circumstances that are exceptional or that could not reasonably have been foreseen have been declared, including the adoption of the appropriate indicators, are stated in the water management plan;
3) the measures that will be and have been taken under such exceptional circumstances are included in the programme of measures and will not compromise the recovery of the status of the body of water once the circumstances are over;

(2) The effects of the circumstances that are exceptional or that could not reasonably have been foreseen are reviewed annually and, subject to the reasons set out in subsection 3^{9}(1) of this Act, all practicable measures are planned and taken with the aim of restoring the body of water to its status prior to the occurrence of those circumstances as soon as possible.

(3) A summary of the circumstances and of the measures taken or to be taken in accordance with subsection (1) of this section shall be included in an update of the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{12}. Modifications of water level of bodies of groundwater and physical properties of bodies of surface water and development activities

(1) A f ailure to achieve good status or good ecological potential of a body of water or to prevent deterioration in the status of a body of water that is the result of modification of the water level of a body of groundwater or new modifications of the physical properties of a body of surface water, or deterioration from high status to good status of a body of surface water that is the result of new sustainable development activities shall not be taken into account in achieving an environmental objective if:
1) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
2) the reasons for the modifications are set out in the water management plan and the environmental objectives are reviewed every six years;

3) the reasons for those modifications are of overriding public interest and/or the benefits to the environment and to society of achieving the environmental objective are outweighed by the benefits of the modifications to human health, to the maintenance of safety or to sustainable development;
4) the beneficial objectives served by those modifications of the body of water cannot, for reasons of technical feasibility or disproportionate costs, be achieved by other means, which are a significantly better environmental option.

(2) If the exception provided in subsection (1) of this section is applied after the approval of the water management plan, but before updating the water management plan, the information specified clause (1) 3) of this section shall be presented in the water management plan the next time that it is updated. In such case the involvement of the public in making decisions relating to the modifications set out in subsection (1) of this section shall be ensured by applying the provisions of the Administrative Procedure Act concerning open proceedings.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{13}. Application of exceptions in achieving environmental objectives

When applying the exceptions provided in sections 3^{9}–3^{12}, the following must be ensured:
1) the achievement of the environmental objectives in other bodies of water in the river basin is not compromised;
2) all other applicable environmental requirements are implemented in respect of the bodies of water;
3) the bodies of water are protected at least at the level provided for in other national and European Union legislation.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{14}. Programme of measures

(1) A programme of measures shall be prepared to achieve the environmental objectives for the protection of surface water and groundwater and areas in need of protection, setting out measures for water use and protection that must be taken into account in preparing, reviewing and amending comprehensive and detailed spatial plans of local governments and plans for the development of public water supply and sewerage system.

(2) The programme of measures shall be prepared for each river basin or for each part of a transboundary river basin located in Estonia, taking account of the analyses and overviews set out in § $3^{18}$of this Act.

(3) The preparation of the programme of measures shall be organised by the Ministry of the Environment in accordance with the provisions concerning open proceedings. The programme of measures shall be approved by the Government of the Republic.

(4) The programme of measures prepared for the part located in Estonia of the transboundary river basin located in the territory of the Republic of Estonia and the Republic of Latvia shall be coordinated, before approval, with a relevant competent authority of the Republic of Latvia in accordance with § $3^{3}$of this Act.

(5) The programme of measures shall be reviewed and updated by 22 December 2015 and at least every six years thereafter. Measures of the reviewed and updated programme of measures shall be made operational within three years after the approval of the updated programme of measures.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{15}. Content of programme of measures

(1) A programme of measures shall establish measures to:
1) prevent further deterioration in the status class of a body of surface water or groundwater, including to protect the status of such body of groundwater whose status is deemed good on the basis of subsection 3^{27}(5) of this Act;
2) prevent exceeding the environmental quality standards and plan activities in the event of exceeding the standards, including in case it is caused by transboundary pollution;
3) reverse any significant and sustained upward trend in the concentration of any pollutant in groundwater if the concentration of the pollutant amounts to 75 percent of the groundwater quality standard or the threshold value for the pollutant in a body of groundwater;
4) terminate emissions of priority hazardous substances and reduce emissions of other pollutants;
5) prevent direct discharge of pollutants into groundwater or restrict discharge of pollutants into groundwater;
6) protect such bodies of water that are or will be used in the future as drinking water intakes in order to reduce the level of purification treatment required in the production of drinking water;
7) ensure the safety of drinking water and bathing water in accordance with the Public Health Act;
8) protect wild bird species and natural habitats in accordance with the Nature Conservation Act;

9) promote efficient and sustainable water use, including ensure recovery of costs for water services in accordance with § 3^{4} of this Act.
10) ensure that good environmental practice is followed.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(2) In addition to the measures provided for in subsection (1) of this section, the programme of measures shall establish, where appropriate, measures for reversing any significant and sustained upward trend in the concentration of any pollutant if it amounts to 70 percent of the threshold value for the pollutant in a body of groundwater or of the groundwater quality standard if these measures prevent most cost-effectively, or at least mitigate as far as possible, any significant detrimental changes in the chemical status of groundwater.

(3) To implement the provisions of subsections (1) and (2) of this section, measures shall be planned in the programme of measures for:
1) ensuring safety of enterprises liable to be affected by a major accident in accordance with the Chemicals Act and for integrated prevention and control of pollution arising from environmentally hazardous activities in accordance with the Industrial Emissions Act;
[RT I, 16. 05. 2013, 1 – entry into force 01. 06. 2013]
2) assessing environmental impact and preventing environmental damage in accordance with the Environmental Impact Assessment and Environmental Management System Act;
3) reducing the impact arising from sewage sludge on the environment in accordance with the Waste Act;
4) reducing the impact arising from wastewater and effluent on the environment and reducing the pollution hazard caused by nitrates in accordance with this Act;
5) reducing the impact arising from the use of plant protection products on the environment in accordance with the Plant Protection Act;
6) reducing the impact of point sources, including prohibiting the discharge of pollutants into water or establishing conditions on discharge of pollutants into water, taking into account the combined approach and requirements for reducing pollution caused by priority substances;
7) preventing pollution from diffuse sources, including prohibiting the discharge of pollutants into water or establishing conditions on discharge of pollutants into water in accordance with this Act and in compliance with the Industrial Emissions Act;
[RT I, 16. 05. 2013, 1 – entry into force 01. 06. 2013]
8) preventing such an extensive leakage of pollutants from utility works and reducing the impact of such an accidental pollution that may, inter alia, be caused by floods, including the implementation of such systems by means of which it is possible to detect leakages and pollution and warn against these, and measures for reducing any possible impact on aquatic ecosystems in case of unforeseeable events;
9) reducing the pressure identified on the basis of § 3^{18} of this Act if this affects significantly the status of water, in particular measures to ensure that the hydromorphological conditions of the water bodies are consistent with the requirements for achieving the ecological status or good ecological potential as defined in § 3^{5} of this Act.

(4) A programme of measures may, in addition to the measures provided for in subsection (3) of this section, establish supplementary measures, including:
1) establish economic and fiscal measures;
2) prepare and enter into environmental agreements, including agreements with industrial and agricultural undertakings for preventing pollution and reducing pollution charges;
3) implement measures to prevent or restrict emissions;
4) [repealed – RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
5) take measures to restrict water abstraction and barring water bodies;
6) take measures for artificial recharge of aquifers;
7) take demand management measures, *inter alia*, promote agricultural production with restricted consumption of water such as cultivation of low water requiring crops in areas prone to drought;
8) take measures contributing to efficiency and reuse, *inter alia*, promote water-efficient technologies in industry and water-saving irrigation techniques.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{16}. Implementation of programme of measures

(1) The implementation of a programme of measures shall be organised by the water management committee.

(2) To implement a programme of measures, the Environmental Board shall prepare an action plan for implementation of the programme of measures for each river basin. The action plan shall be approved by the minister responsible for the area on the proposal of the water management committee.

(3) The local governments of the territory of the relevant river basin and other interested parties shall be involved in the preparation of an action plan by the Environmental Board.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(4) Each year t he Environmental Board shall prepare an overview of implementation of the programme of measures in accordance with the action plan for implementation of the programme of measures and submit it for approval to the water management committee by 1 March of the year following the implementation of the programme of measures.

[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[17]. Water management plan

(1) A water management plan shall be prepared for each river basin or for each part of a transboundary river basin located in Estonia.

(2) A water management plan shall set out:
1) summaries of the results of an analysis of the characteristics of the river basin specified in § 3[18]of this Act and of the economic analysis of water use, and an overview of significant pressures and impact of human activity on the status of surface water and groundwater;
2) a list and maps of areas in need of protection and a list of legislation on the basis of which the areas in need of protection have been designated;
3) maps of the monitoring networks and presentation on the map of the river basin of information about the status of surface water and groundwater and areas in need of protection obtained as a result of water monitoring as well as estimates of the level of confidence and precision of the results;
4) a list of the environmental objectives established for surface water, groundwater and areas in need of protection, also including exceptions in achieving the environmental objectives and information related to application of the exceptions;
5) a summary of the programme of measures and the measures undertaken on the basis of this Act to achieve the environmental objectives;
6) a list of such areas of land and water where water use must be restricted or further water use prevented;
7) a list of programmes and plans applicable in the river basin and specified in § 3[19]of this Act along with a summary of their contents;
8) an overview of the plan for the management of flood hazard risks in the river basin;
9) a summary of the public information measures undertaken, measures of open proceedings and amendments made to the water management plan on their basis;
10) a list of competent authorities organising water use and protection in the river basin and information about the authorities;
11) the contact details of the authorities specified in clause 10) of this subsection and procedures for obtaining the documentation and associated information specified in subsection 3[20](5) of this Act.

(3) An updated water management plan shall also include the following in addition to the information provided for in subsection (2) of this section:
1) a summary of any changes since the approval of the water management plan, including a summary of the reviews of the exceptions applied to the environmental objectives;
2) an assessment of the progress made towards the achievement of the environmental objectives, including presentation of the monitoring results for the period of the previous water management plan in map form, and an explanation for any environmental objectives that have not been achieved;
3) a summary of, and an explanation for, any measures foreseen in previous water management plans that have not been undertaken;
4) a summary of measures undertaken, including measures undertaken in the case of transboundary pollution;
5) a summary of any additional measures undertaken since the approval of the water management plan.

(4) A water management plan shall be approved by the Government of the Republic on the proposal of the minister responsible for the area.

(5) A water management plan shall be reviewed and updated by 22 December 2015 and at least every six years thereafter. Measures of the reviewed and updated water management plan shall be made operational within three years of the approval of the updated water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[18]. Analysis of characteristics of river basin, human activity and water use

(1) The preparation of an analysis of characteristics of a river basin, an overview of pressures to which the river basin is subject and that human activity applies to surface water and groundwater and an economic analysis of water use shall be organised by the Ministry of the Environment in accordance with Annexes II and III to Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy.

(2) The results of the analyses and overviews specified in subsection (1) of this section shall be reviewed and updated at least two years before the beginning of the period covered by the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[19]. Supplementary programmes and plans

(1) A water management plan may be supplemented by the production of more detailed programmes and plans for a sub-basin, sector, issue, or water use type and surface water, groundwater or seawater, to deal with particular aspects of water use and protection.

(2) A supplementary programme or plan shall be approved by the Government of the Republic or a minister authorised by the latter. Supplementary programmes and plans shall be submitted, before approval, to the water management committee for expressing its opinion thereon.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[20]. Preparation of water management plans

(1) The provisions concerning open proceedings apply to proceedings of preparation of water management plans, taking account of the specifications provided for in this Act.

(2) The preparation of a water management plan shall be initiated by the minister responsible for the area. The Ministry of the Environment shall publish a notice concerning the initiation of the preparation of a water management plan in the official publication *Ametlikud Teadaanded*and in one national daily newspaper within one month of making a relevant decision.

(3) The Ministry of the Environment shall communicate the objectives of a water management plan in one national daily newspaper within two months of making the decision to initiate the preparation of the water management plan.

(4) The local governments and residents of the territory of the relevant river basin and other interested parties shall be involved in the preparation of a water management plan. The involvement shall be organised by the Environmental Board.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(5) For the purpose of public information and consultation, the Ministry of the Environment shall prepare and make available to the public:
1) a timetable and work programme for the preparation of the water management plan, including measures for public information, consultation and discussion, at least three years before the beginning of the period covered by the water management plan;
2) an overview of the significant water management issues, including summaries of the results of the analyses and a summary of the results of implementation of the water monitoring programme of the river basin set out in § 3[18]of this Act, at least two years before the beginning of the period covered by the water management plan;
3) a preliminary flood hazard risk assessment and maps of flood hazard areas and of flood hazard risk areas, at least two years before the beginning of the period covered by the water management plan;
4) a draft water management plan, at least one year before the beginning of the period covered by the water management plan.

(6) The Ministry of the Environment shall organise the public display of the documents specified in subsection (5) of this section and the documents and information used for preparing these documents in the territory of the relevant river basin, and shall publish them on the website of the Ministry of the Environment. The duration of the public display of these documents shall be six months. Public consultations shall be organised during the public display. The time and place of the public display and the term for submission of proposals shall be communicated in the official publication *Ametlikud Teadaanded*and in a national daily newspaper.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(7) Before the public display of a draft water management plan, the plan shall be approved within 15 working days by the ministries whose area of administration the plan concerns and by the local governments situated in the territory of the relevant river basin, and the draft shall also be submitted to the water management committee for expressing its opinion thereon.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(8) During the public display everybody has the right to make proposals for and objections to the documents specified in subsection (5) of this section. The Ministry of the Environment shall respond in writing to the submitted written proposals and objections within two months after the public display has ended.

(9) Based on the results of the public display and public consultation, the Ministry of the Environment shall make necessary alterations and amendments to the documents specified in subsection (5) of this section.

(10) Water management plans shall be published on the website of the Ministry of the Environment.

(11) The requirements provided in this section also apply to updating a water management plan.
[RT I, 2010, 43, 254 – entry into force 17. 07. 2010]

(12) [Repealed – RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

§ 3[21]. Reference period for assessment of concentration of priority substances

[Repealed - RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 3[22]. Categories and subcategories of water bodies and water body type

(1) The c ategories of water bodies are:
1) watercourse – a water body in which the flow of water is noticeable;
2) inland standing water body – a water body in which the flow of water is not noticeable and which has no connection with the sea at the long-term average sea water level calculated on the basis of the data of the nearest measurement point of the sea water level;
3) the sea.

(2) The water bodies listed in clauses (1) 1)–3) of this section are divided into the following subcategories in accordance with the origin and development of the water body:
1) natural water body;
2) heavily modified water body;
3) artificial water body.

(3) "Water body type" means a set of natural properties of an entire water body or a part thereof that differentiates the entire water body or a part thereof from the remaining water body or parts thereof or from the remaining water bodies or parts thereof.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[23]. Heavily modified bodies of water and artificial bodies of water

(1) A heavily modified water body and an artificial water body or a part thereof may be designated as a heavily modified body of water or an artificial body of water when:
1) hydromorphological changes resulting from the impact of human activity do not allow the achievement of good ecological status of the water body and restoration of the hydromorphological properties of the water body would have significant adverse effects on the environment, navigation, including port facilities, or recreation, activities for the purposes of which water is stored, such as drinking water supply, power generation or irrigation, regulation of hydrological regime, flood defence, land improvement or other important sustainable human development activities;
2) the beneficial objectives served by the modified characteristics of the water body cannot, for reasons of technical feasibility or disproportionate costs, reasonably be achieved by other means, which are a significantly better environmental option.

(2) A heavily modified water body and artificial water body or a part of the water body shall be designated, in accordance with subsection (1) of this section, as a heavily modified body of water or an artificial body of water in the water management plan setting out the reasons for such designation. Designation of a water body or a part thereof as a heavily modified body of water or an artificial body of water and reasons for such designation shall be reviewed and updated as appropriate every six years.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[24]. Maintaining records of the status of surface water and groundwater

(1) Records of the status of surface water shall be maintained in terms of bodies of surface water and records of the status of groundwater shall be maintained in terms of bodies of groundwater.

(2) To assess the status of surface water, a body of surface water or bodies of surface water shall be formed on the basis of the category and subcategory of the water body, the water body type, specificity of hydrological regime and intensity of pressures and taking into account the area of the water body.

(3) To assess the status of groundwater, a body of groundwater shall be formed taking into account the existence of groundwater resources, the number of people consuming water from aquifer, the productivity of aquifer and the natural chemical composition of the groundwater as approved by the minister responsible for the area.

(4) The minister responsible for the area shall establish by a regulation:
1) procedure for the formation of bodies of surface water and a list of such bodies of surface water whose status class must be designated, status classes of bodies of surface water, values of the quality indicators complying with the status classes and the procedure for the designation of status classes;
2) procedure for the formation of bodies of groundwater and a list of such bodies of groundwater whose status class must be designated, status classes of bodies of groundwater, values of the quality indicators and conditions of the quantity indicators complying with the status classes and the procedure for the designation of status classes.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[25]. Status and status classes of bodies of surface water

(1) The status of a body of surface water shall be determined by the poorer of its ecological status and its chemical status.

(2) The status of a body of surface water shall be characterised by five status classes: high, good, moderate, poor or bad.

(3) The ecological status of a body of surface water indicates the quality of the structure and functioning of aquatic ecosystems and chemical status indicates the concentration of priority substances, priority hazardous substances and certain other pollutants in surface water and aquatic biota.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(4) The ecological status of a body of surface water shall be characterised in accordance with its ecological nature by one of five status classes: high, good, moderate, poor or bad.

(5) The chemical status of a body of surface water shall be characterised by two status classes as follows:
1) good – the concentration of priority substances, priority hazardous substances and certain other pollutants in surface water and aquatic biota does not exceed the environmental quality standards established on the basis of subsection 26[5](10) of this Act;
2) poor – the concentration of priority substances, priority hazardous substances and certain other pollutants in surface water and aquatic biota exceeds the environmental quality standards established on the basis of subsection 26 [5](10) of this Act.
[RT I 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 3[26]. Bodies of surface water at risk

A body of surface water at risk is a body of surface water in respect of which it has been identified on the basis of surveillance monitoring or the overview of pressures and impact resulting from human activity as specified in § 3[18]of this Act that it may not be in compliance with the environmental objectives provided in this Act.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3[27]. Status and status classes of bodies of groundwater

(1) The status of a body of groundwater shall be determined by the poorer of its chemical status and its quantitative status.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(2) The status of a body of groundwater shall be characterised by two status classes in accordance with its ecological nature: good and poor.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(3) The c hemical status of a body of groundwater indicates changes in the chemical composition of the groundwater resulting from the impact of human activity and the quantitative status of groundwater indicates the degree to which a body of groundwater is affected by abstractions.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(4) The chemical status of a body of groundwater is good if the concentration of pollutants in the body of groundwater does not exceed the threshold value for pollutants, the groundwater quality standard or other value of an indicator of the chemical status class of a body of groundwater in accordance with the regulation established on the basis of clause 3[24](4) 2) of this Act.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5) If the concentration of pollutants in one or more monitoring sites of a body of groundwater exceeds the threshold value for pollutants or the groundwater quality standard, the chemical status of the body of groundwater is still deemed good if it may be concluded on the basis of the results of analyses of the groundwater monitoring data and estimated forecasts and taking into account the concentration, quantity and extent of impact of pollutants on the body of groundwater and ecosystems dependent thereon that:
1) the concentration of pollutants in the body of groundwater does not pose a threat to the good chemical status of the body of groundwater or to achieving this status, or does not present a significant environmental hazard;
2) other values of the indicators of the chemical status of the body of groundwater are in compliance with the values of the indicators of the good chemical status of the body of groundwater;
3) in order to reduce the level of purification treatment required in the production of drinking water from groundwater that is or will be used as drinking water it has been ensured that the chemical status of groundwater will not deteriorate;
4) the concentration of pollutants in the body of groundwater does not deteriorate significantly the use of groundwater for human activity.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(6) In applying subsection (5) of this section, the results of the analysis of the characteristics of a river basin and of human activity and water use in accordance with § $3^{18}$of this Act, the geological-hydrogeological conditions of the body of groundwater, the impact of human activity on chemical status of groundwater, impact of surface water and other ecosystems relating to the body of groundwater on the body of groundwater and the groundwater monitoring data shall be taken into account.
[RT I 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(7) A water management plan shall set out reasons for why, in case of the circumstances specified in subsection (5) of this section, the status of a body of groundwater is still deemed good.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(8) The quantitative status of a body of groundwater is good if all the requirements for the indicators of the quantitative status established on the basis of clause 3^{24}(4) 2) of this Act have been met.
[RT I 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 3^{28}. Evaluation ofbodies of groundwater at risk and bodies of groundwater in poor status

[RT I 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(1) The Ministry of the Environment shall prepare an additional description for each body of groundwater at risk to evaluate the risks to such body of groundwater, and for each body of groundwater with poor status, to evaluate the reasons for the poor status, as well as a programme of measures to achieve the environmental objectives of the body of groundwater.

(2) For the purposes of this Act, a body of groundwater is at risk if it is probably not possible to achieve its good status due to human activity.

(3) The status of a body of groundwater is poor if its chemical or quantitative status is poor.

(4) An additional description of a body of groundwater at risk or a body of groundwater in poor status shall contain detailed information on the following indicators:
1) geological and hydrogeological conditions of the body of groundwater;
1^{1}) extent of the body of groundwater;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
1^{2}) in case of naturally occurring substances, their background levels;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
1^{3}) information on exceeding the threshold values of every pollutant concentration;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
1^{4}) environmental objectives in the area causing risk to the body of groundwater;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
1^{5}) current or future objectives and importance of use of the body of groundwater;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
2) the chemical composition of groundwater;
3) soil;
4) long-term annual average rate of recharge of groundwater;
5) impact of human activity and ecosystems on the status of the body of groundwater;
6) interactions between the the body of groundwater and the aquatic and terrestrial ecosystems associated with the body of groundwater, including direction and rate of exchange of water;
7) data of the water monitoring programme of the river basin;

(5) The additional description of a body of groundwater at risk or in poor status shall be published in the water management plan.

(6) The pollutants causing the risk or poor status or constituting indicative parameters shall be ascertained for each body or water at risk or in poor status, and the threshold values of the concentration of such pollutants shall be determined.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 3^{29}. Status and status classes of heavily modified bodies of water and artificial bodies of water

(1) The status of a heavily modified body of water and an artificial body of water shall be determined by the poorer of its ecological potential and its chemical status and relying on the type of the natural water body that most closely resembles the heavily modified or artificial water body.

(2) The ecological potential of a heavily modified body of water and an artificial body of water indicates how closely the quality of the structure and functioning of ecosystem of the body of water, as regards the water body type, resembles the most similar natural water body.

(3) The ecological potential of heavily modified bodies of water and artificial bodies of water is characterised by the four status classes as follows: maximum, good, moderate and poor ecological potential.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 3^{30}. Transboundary pollution

(1) For the purposes of this Act, “transboundary pollution” means pollution caused by a source of pollution outside the territory of the Republic of Estonia.

(2) In case of transboundary pollution a competent authority of a foreign state shall be notified of the pollution immediately and implementation of efficient measures for the reduction or removal of the impact of the pollution shall be planned in accordance with the procedure provided for in § $3^{3}$of this Act in order to ensure compliance with the environmental quality standards in the part of the transboundary river basin located in Estonia.

(3) If despite implementation of the measures, the environmental quality standards have been exceeded, the exceptions provided for in §§ 3^{9}–$3^{12}$of this Act shall apply to relevant bodies of water in the transboundary river basin.

(4) An overview of measures undertaken in the case of transboundary pollution shall be presented in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

Chapter 2
OWNERSHIP OF WATER BODIES AND GROUNDWATER, AND USE OF WATER AND WATER BODIES

§ 4. Extent of ownership to water bodies

(1) A water body situated on an immovable property belongs to the owner of the immovable property, unless otherwise provided by law.

(2) Plants (macrophytes) fixed to the bottom of a water body are an essential part of an immovable property.

§ 5. Public water bodies

(1) Public water bodies are:
1) the internal sea;
2) the territorial sea;
3) the parts of transboundary water bodies located in Estonia;
4) Lake Võrtsjärv;
5) Mullutu Bay;
6) the Gulf of Suurlaht;
7) the Emajõgi River;
8) the Narva River;
9) the Nasva River;
10) the Väike-Emajõgi River from Lake Võrtsjärv to Jõgeveste Bridge;
[RT I, 22. 12. 2010, 1 – entry into force 02. 01. 2011]
11) the Kasari River from the mouth to the mouth of the Vigala River.

(2) Public water bodies belong to the state. Public water bodies are not in commercial use.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

§ 6. Use of water and water bodies

(1) The use of water and water bodies is either public or special use.

(2) Public use of water bodies is the use of a water body by anyone without any structures or technical equipment that could affect the condition of the water body, in accordance with § 7 of this Act.

(3) Special use of water is the use of water with technical equipment, structures or substances that could affect the condition of a water body or aquifer, in accordance with § 8 of this Act.

§ 7. Public use of water bodies

(1) The public uses of a water body are water abstraction, bathing, water sports, moving on water or ice and fishing to the extent provided for by law. The provisions of law regulating the stay on the land of another shall not be violated by the public use of a water body.

(2) The list of publicly used water bodies shall be approved by the Government of the Republic on the proposal of the minister responsible for the area. The list shall not include:
1) standing water bodies without any outflow that belong to a person in private law and are located within the boundaries of one immovable property;
2) standing water bodies without any outflow and with an area of less than 5 hectares that belong to a person in private law and are located within the boundaries of several immovable properties;
3) watercourses with a catchment area of less than 25 $km^2$and reservoirs located thereon;
4) standing water bodies or parts of standing water bodies that are located in the training area of the Defence Forces and the National Defence League;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
5) water bodies or parts of water bodies that are used for abstraction of drinking water.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(2^1) The Government of the Republic may exclude, with the written consent of the local government, a standing water body with an outflow or a part of a watercourse that belongs to a person in private law and is located within the boundaries of an immovable property from the list of publicly used water bodies at a reasoned request of the owner of the immovable property.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(3) In the event of a natural disaster, the public use of water bodies shall be permitted in the disaster area.

(4) A local government may temporarily restrict the public use of a publicly used water body or a part of such water body in order to ensure human health and security with the prior written approval of the Environmental Board and, if the restriction concerns water sports or moving on water, also of the Maritime Administration.
[RT I, 22. 12. 2010, 1 – entry into force 02. 01. 2011]

(5) A local government shall publish the notice concerning a temporary restriction of use of a publicly used water body in a local or county newspaper and, if possible, in other local media at least one week before establishment of the temporary restriction.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(6) The notice shall set out at least the name and location of the publicly used water body the public use of which is to be restricted, the period during which the restriction will be in force and the reason for establishing the restriction. If the public use of a part of a water body is subject to restriction then, in addition to the information mentioned above, the notice shall set out the size of the restricted area and, where possible, the exact boundaries of this area or at least the size and location of the restricted area, and the place where the map that sets out the boundaries of the restricted area or a specific description of the boundaries is available for examination.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(7) The Ministry of Defence or a structural unit of the Defence Forces or the National Defence League authorised by the Ministry may restrict the use of the entire publicly used watercourse or a part thereof that is in the training area of the Defence Forces and the National Defence League during tactical trainings, exercises, firings and blasting and testing weapons, munitions, battle equipment and other equipment by the units of the Defence Forces and the National Defence League. The provisions of subsections (5) and (6) of this section apply to the publication of a relevant notice and to the requirements set for the content of the notice.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 8. Special use of water

(1) For the special use of water, a user shall hold a permit and, in case of using the land belonging to another person, also the consent of the landowner. The consent of the landowner is not required to use such land that is located under a water body in state ownership or that is deemed to be in state ownership in accordance with subsection 31 (2) of the Land Reform Act.
[RT I 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(2) A permit for the special use of water is necessary if:
1) water is abstracted from a surface water body, including if ice is abstracted in a volume of more than 30 m^3per day;
2) groundwater is abstracted in a volume of more than 5 m^3per day;
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

3) mineral water is abstracted;
4) effluent or other pollutants are discharged into a recipient, including to groundwater;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
5) a water body is dammed or hydro-electric energy is used;
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]
6) a water body whose water mirror area is one hectare or more is constructed, liquidated, dredged, or if disposal of dredged soil onto the bottom of such water body takes place;
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]
7) solid substances are sunk or discharged into a water body;
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]
8) groundwater is amended, lowered, redirected or discharged back;
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]
9) the physical or chemical characteristics of water or the biological properties of a water body are changed upon water use;
10) regular service or repair of ships relating to hazardous substances and regular loading or unloading of ships with hazardous substances or solid bulk cargo volatile with wind takes place;
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]
11) chemicals are used for the maintenance of a water body;
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]
12) fish are farmed with an annual increment of more than one ton or water is discharged from a fish farm into a recipient;
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]
13) water is discharged into a recipient for the extraction of mineral resources.
[RT I 2010, 43, 254 – entry into force 01. 01. 2011]

(2^1) No permit for the special use of water is required for damming if the natural level of a watercourse is raised by up to one meter, unless the damming takes place in the water bodies that need protection as spawning areas or habitats of salmon, brown trout, salmon trout or grayling, or sections of such water bodies, included in the list established under subsection 51 (2) of the Nature Conservation Act.
[RT I, 13. 12. 2013, 4 –entry into force 23. 12. 2013]

(3) A person need not hold a permit for the special use of water to discharge effluent from a personal household or effluent in a quantity of less than 5 m^3per day into the soil, but this activity shall comply with the requirements for the discharge of effluent into soil established on the basis of § 24 of this Act.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(3^1) To discharge effluent into the soil outside the boundaries of one's own plot of land, the written permission of the owner of the plot of land is required.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(4) Measures taken for the maintenance of surface water bodies are not deemed to be special use of water if chemicals are not used.

(5) The use of dispersants to control maritime pollution caused by discharge of pollutants specified in subsection 26^{14}(1) of this Act into the sea for the purpose of reducing damage arising from marine pollution is not deemed to be special use of water. To use dispersants, the user shall obtain prior consent from the Environmental Inspectorate.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 9. Permit for special use of water and temporary permit for special use of water

(1) The right to the special use of water arises on the basis of a permit for the special use of water issued for an unspecified term unless:
1) the permit is requested for a specified term;
2) the special use of water is one-off;
3) groundwater is abstracted from approved groundwater resources;
4) there are other circumstances reasoned from the point of view of water protection;
5) the permit for the special use of water is connected with another administrative act or contract for use with a specified term;
[RT I, 13. 12. 2013, 4 – entry into force 01. 01. 2014]

(1^1) The provisions concerning open proceedings apply to proceedings on applying for and issue of permits for the special use of water, taking account of the specifications provided for in this Act.

(2) Depending on the special use of water provided for in subsection 8 (2) of this Act, the following shall be entered on a permit for the special use of water:
1) the permitted amounts and time for abstraction of water by water intakes and aquifers;
2) the requirements for determination of the volume of water abstracted from a water body, quality control of water and maintaining records of the abstracted water;
3) the requirements for the quality control of groundwater and measurement of the level of groundwater;
4) the maximum permitted concentration of pollutants in discharged effluent;

5) the permitted amounts and time for discharge of pollutants into a recipient by outlets and pollutants, taking into consideration the best available techniques;
6) the requirements for the monitoring of recipients of pollutants;
7) the requirements for the monitoring of pollutants;
7[1]) as appropriate, the requirements for monitoring in case of damming of a water body;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
8) the quality requirements for recipients;
9) the measures reducing the effect of special use of water on aquifers, water bodies and recipients and the terms for application of the measures;
10) the requirements for the submission of information to the issuer of permits for the special use of water;
11) the best available techniques for the use of water and the treatment of wastewater, taking into consideration how up-to-date and efficient they are, the availability of water to special users and the financial and technical acceptability;
12) information that must be entered on the permit for the special use of water under the procedure established pursuant to subsection (14) of this section.

(3) An applicant for a permit for the special use of water shall obtain the consent of the owner of the water body if the special use of water takes place on a water body belonging to another person. The consent is not required in the case provided for in subsection 8 (1) and § 13 of this Act.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(3[1]) [Repealed – RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(4) [Repealed – RT I 2005, 15, 87 – entry into force 03. 04. 2005]

(5) Permits for the special use of water shall be issued by the Environmental Board. The Ministry of the Environment shall issue permits for the special use of water to build structures that are not permanently connected to the shore, submerged cable lines and pipelines at sea and on Lake Peipus, Lake Lämmijärv and Lake Pskov.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(5[1]) In the case set out in clause (1) 2) of this section, a permit for the special use of water shall be issued for the duration of the activity.
[RT I, 13. 12. 2013, 4 – entry into force 01. 01. 2014]

(5[2]) In the case set out in clause (1) 3) of this section, a permit for the special use of water shall not be issued for a longer period than the duration of the approved groundwater resources.
[RT I, 13. 12. 2013, 4 – entry into force 01. 01. 2014]

(5[3]) In the case set out in clause (1) 4) of this section, the term of a permit for the special use of water shall be determined by the issuing authority.
[RT I, 13. 12. 2013, 4 – entry into force 01. 01. 2014]

(5[4]) In the case set out in clause (1) 5) of this section, a permit for the special use of water shall not be issued for a longer period of time than the term of the administrative act or contract for use.
[RT I, 13. 12. 2013, 4 – entry into force 01. 01. 2014]

(6) Upon issue of permits for the special use of water, the possibility of water being used via the public water supply and the possibility of wastewater being treated and effluent being discharged through the public sewerage system shall be taken into consideration. If the supply of water being used is not sufficient, the demands of residents and health care, social welfare, educational and childcare institutions and food industry for drinking water shall be guaranteed first and foremost.

(7) An applicant shall submit a written application for a permit for the special use of water to the issuing authority that shall make a decision to commence or not to commence the environmental impact assessment. The decision to issue or to refuse to issue a permit for the special use of water shall be communicated to the applicant for the permit for the special use of water by post or using electronic means within three months from the date of accepting a due application for processing. An a pplicant shall prepare the application documents for a permit for the special use of water at his or her own expense.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(8) If prevention of pollution or damage that is greater than the existing one is impossible pursuant to a given permit for the special use of water, a temporary permit for the special use of water may be issued to a person holding the permit for the special use of water if the special use of water permitted in the temporary permit does not harm human health or cause the deterioration in the status of a recipient or aquifer to an extent that makes them unusable.

(9) A temporary permit for the special use of water shall be issued for a period that is necessary for the prevention of greater pollution or damage. The conditions specified in subsection (2) of this section shall be entered on a temporary permit for the special use of water.

(10) The issue of a permit for the special use of water shall be refused if:
1) the supply of water is not sufficient or the special use of water directly endangers human health or the environment;
2) the state of a recipient or aquifer is deteriorated to an extent that makes them unusable;
3) the activities applied for are not in accordance with legislation;
4) inaccurate information was submitted upon application for the permit;
5) [repealed – RT I 2002, 61, 375 – entry into force 01. 08. 2002]

(10^1) A permit for the special use of water shall be amended, if:
1) the name or business name, personal identification code or, in case of an undertaking, the registry code, the address or contact details of the addressee of a special user of water or the name of the responsible person has changed;
2) the legislation that constituted the basis for the requirements set by the permit for the special use of water have been amended, and the public interest that the permit for the special use of water be amended outweighs the person's certainty that the permit remains valid in its current form;
3) the environmental impact arising from an activity determined by the permit for the special use of water may cause harmful changes in the environment due to which the requirements of the permit for the special use of water are to be changed;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
4) in order to prevent accidents, measures different from those determined by the permit for the special use of water are required;
5) the holder of the permit for the special use of water has submitted a reasoned request to this effect;
6) the technology, equipment or chemical used in the special use of water has changed substantially and therefore the requirements of the permit for the special use of water have to be changed;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
7) the pollution load of an agglomeration, wastewater treatment plant or another source of pollution changes.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(10^2) A permit for the special use of water can be amended if the public interest that the permit for the special use of water be amended outweighs the person's certainty that the permit remains valid in its current form;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(11) The issuing authority shall revoke a permit for the special use of water if:
1) the person who received the permit fails to comply with the requirements prescribed by the permit for the special use of water;
2) circumstances specified in subsection (10) of this section appear in the activities of the person who received the permit.

(12) In circumstances specified in subsection (11) of this section, the issuing authority shall send a notice by post or using electronic means to the special user of water concerning the measures for a specified term, whereas non-application of these measures will bring about revocation of the permit for the special use of water.

(13) Upon failure to comply with the requirements of legislation upon issue of a permit for the special use of water or a temporary permit for the special use of water, the issuing authority may revoke such permit.
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

(14) The procedure for the issue, amendment and revocation of permits for the special use of water or temporary permits for the special use of water, the list of documents required for application for permits and the format of permits shall be established by a regulation of the minister responsible for the area.

(15) The issuing authority shall organise the collection and verification of information concerning permits for the special use of water and the forwarding of such information to the database. The issuing authority shall, at the expense of the state, exercise or organise control monitoring over the monitoring by a special user of water.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 9^1. Open proceedings upon issue of permits for special use of water, and making public the issue of temporary permits for special use of water and refusal to issue such permits

(1) The issuing authority shall publish a notice on receipt of an application for a permit for the special use of water in the publication *Ametlikud Teadaanded*within 21 days after accepting the application for proceedings, and, if necessary, in a local or county newspaper at the expense of the applicant. If the activities permitted by a permit for the special use of water may result in significant regional or national environmental disturbance, the notice shall be published in at least one national newspaper at the expense of the applicant. If necessary, the notice may also be published in a national newspaper in other cases.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(1^1) The notice set out in subsection (1) of this section shall specify:

1) the business name, registry code, if any, and seat of the applicant for a permit for the special use of water;
2) the planned location of activities;
3) a short description of the planned activities;
4) the term and addressee for the submission of proposals, objections and questions;
5) the information that everyone has to right to submit proposals and objections in open proceedings.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(2) Information concerning the composition and use of raw materials, chemicals, other materials and technology or products for the activities planned pursuant to a permit for the special use of water is confidential if the information is submitted as a separate part of the application for a permit for the special use of water and the word “ *Ärisaladus*” [business secret] is clearly indicated thereon. The issuing authority shall decide on the confidentiality of information, taking into account the requirements of legislation regulating data protection.

(2^1) Where environmental impact is assessed in the proceedings regarding a permit for the special use of water, the issuing authority may give notice of receipt of an application for a permit for the special use of water together with a notice on commencement of environmental impact assessment, taking into consideration also the requirements provided in the General Part of the Environmental Code Act when choosing the method of notification.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(2^2) The duration of public display during the proceedings for the issue of a permit for the special use of water shall be at least 14 days. The issuing authority shall determine the duration of public display depending on the complexity and volume of the matter.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(3) Every person has the right to submit written proposals and objections concerning applications for permits for the special use of water to the issuing authority during public display. Written proposals and objections shall include the reasons for the submitted proposals and objections.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(4) If this is necessary for the just adjudication of the matter or balancing contradicting interests, the issuing authority for permits for the special use of water shall hold a public session at the request of a participant in the proceedings or on its own initiative.

(5) The issuing authority shall make public the issue of a permit for special use of water and refusal to issue such a permit in the official publication *Ametlikud Teadaanded*within seven days after the issue of the permit for the special use of water or making the decision to refuse the issue thereof.

(6) A decision to issue a temporary permit for the special use of water or to refuse the issue of such a permit shall be made public in the official publication *Ametlikud Teadaanded*.

(7) The provisions concerning open proceedings do not apply to proceedings of amendment of permits for the special use of water instigated pursuant to clause 9 (10^1) 1) of this Act and to proceedings of revocation of permits for the special use of water.
[RT I 2005, 15, 87 – entry into force 03. 04. 2005]

§ 10. Shore paths

(1) [Repealed – RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(2) [Repealed – RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(3) [Repealed – RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(4) Publicly used water bodies have no shore path within:
1) ports;
2) the minimum possible service area of a water intake of production water;
3) a structure lawfully constructed on shore paths before the entry into force of the Law of Property Act;
4) a structure connected with hydrographical services and monitoring stations;
5) fish farming structure;
6) the minimum service area of hydroelectric stations.

(5) In the cases specified in subsection (4) of this section, the person who closes a shore path shall mark the territory that is closed, and enable passing by the closed territory.

(6) The minimum service area shall be determined by a detailed spatial plan coordinated with the Environmental Board.

[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

§ 11. Fee for use of water and water body

The fee for the right to the special use of water shall be paid in accordance with the Environmental Charges Act and legislation established on the basis of said Act.
[RT I 2005, 67, 512 – entry into force 01. 01. 2006]

§ 11[1].[Repealed – RT I 2005, 67, 512 – entry into force 01. 01. 2006]

§ 12. Assessment of groundwater resources

(1) Investigations shall be conducted to assess groundwater resources.

(2) Preliminary investigations of a groundwater intake shall be organised by the Ministry of the Environment.

(3) The procedure for the assessment of groundwater resources shall be established by a regulation of the minister responsible for the area.

(4) Prior to constructing a groundwater intake with a productivity of more than 500 m^3per day, investigations shall be conducted to determine the groundwater resources.

(5) A licence for the performance of hydrogeological works is required for the performance of hydrogeological works.

(6) A groundwater commission shall be established in order to determine groundwater resources, including mineral water resources, and to organise investigations and expert assessment. The statutes and staff of the groundwater commission shall be approved by the minister responsible for the area. The groundwater resources shall be entered in the state register on the basis of a decision of the minister responsible for the area.

(6[1]) The groundwater commission has the following functions:
1) organisation of determination, investigation and expert assessment of groundwater resources, including mineral water resources;
2) review of investigation reports concerning groundwater resources and making proposals to the minister responsible for the area for entry of groundwater resources in the state register;
3) assessment of the situation of the investigations, use and protection of groundwater, and determination of investigation needs and directions;
4) advising the Ministry of the Environment and the Environmental Board on activities related to use of groundwater;
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]
5) evaluation of the results of groundwater investigations, and of draft legislation concerning groundwater.

(7) Investigations of groundwater resources shall be financed by a special user of groundwater or by an applicant for a permit for the special use of groundwater.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

§ 12[1]. Water investigations

(1) "Water investigation" means taking a sample from water, aquatic biota, bottom sediment of a water body, soil and sewage sludge and oil products and other pollutants and the analysis of the sample for the purpose of assessing the water status, identifying pollution and checking the documents submitted in an application for an environmental permit. Water investigation includes also taking and analysis of a sample if this is performed by the issuing authority of permits for the special use of water for the purpose of exercising control monitoring over a special user of water or by a water undertaking.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(2) The owner or possessor of a plot of land, a means of transport or construction works shall not prohibit samples being taken from a water body, soil, groundwater, a means of transport or a structure for the purpose of performing water investigation, except in the case provided for in subsection (2[1]) of this section.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(2[1]) If it is necessary to construct a borehole to take water samples, it can be constructed only with the consent of the owner or possessor of the plot of land.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(2[2]) When taking samples for water investigation, the sampling methods established on the basis of subsection (3) of this section shall be used.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(2[3]) Samples taken for water investigation shall be analysed by testing laboratories.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(2[4]) Testing laboratories that take samples within the framework of water investigation and conduct physical-chemical and chemical analyses of water, must have been accredited in the relevant field of water investigation specified in subsection (1) of this section both in respect of sampling as well as the indicators being determined, comply with the requirements for testing laboratories established on the basis of subsection (3) of this section and participate in the comparative tests of testing laboratories in the relevant field of the water investigation at least once a year.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(3) The requirements for testing laboratories conducting investigation of physical-chemical and chemical parameters of water and for ensuring the quality of activities related to this, the requirements for the quality of analyses conducted within the framework of this investigation and the sampling methods and analysis reference methods for groundwater, surface water, seawater, effluent, wastewater and sewage sludge shall be established by a regulation of the minister responsible for the area.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(4) A comparative test of testing laboratories is the organisation of comparative analyses of samples of groundwater, surface water, seawater, effluent, wastewater and sewage sludge and assessment of the analysis results with the participation of several testing laboratories for the purpose of evaluating the competence of a testing laboratory and verifying the correctness of the results.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(5) [Repealed – RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(6) [Repealed – RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(7) Comparative tests of testing laboratories shall be organised by reference laboratories. The right to operate as a reference laboratory shall be granted to one testing laboratory in each field of water investigation.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(7[1]) A testing laboratory applying for the right to operate as a reference laboratory shall comply with the requirements of the EVS-EN ISO/IEC 17043 standard or another similar internationally recognised standard and be accredited in the field of water investigation in which the status of a reference laboratory is applied for.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(8) The right to act as a reference laboratory shall be granted by a directive of the minister responsible for the area on the basis of a written application of a testing laboratory.

(9) A reference laboratory shall, in the field of water investigation in which it has obtained the right to operate as a reference laboratory:
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]
1) perform successfully international comparative tests of laboratories that have been organised in accordance with the requirements of the EVS-EN ISO/IEC 17043 standard;
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]
2) provide testing laboratories with methodological guidance;
3) assess the compliance of the analysis methods used by the testing laboratories with the analysis reference methods established on the basis of subsection (3) of this section;
4) perform comparative tests of testing laboratories and assess their results;
5) provide in-service training.

(10) The minister responsible for the area has the right to suspend, in part or in full, the applicability of a directive that is the basis for the right to operate as a reference laboratory if the reference laboratory fails to perform the reference functions specified in subsection (9) of this section.

(11) Requirements for comparative tests of testing laboratories, including assessment of results of comparative tests, and the procedure for conduct of comparative tests of testing laboratories shall be established by a regulation of the minister responsible for the area.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(12) A reference laboratory shall perform the reference functions specified in clauses (9) 1) – 5) of this section, managed by government in the form of orders submitted by the minister responsible for the area.

(13) Water investigation, appearing to be necessary as a result of water or soil pollution shall be financed by the polluter. Where the polluter cannot be identified, the investigation of the concentration of contaminants in water, soil or sewage sludge shall be financed from the state budget.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

§ 12^{2}. Requirements for persons responsible for sampling

[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(1) If the person responsible for sampling is not an accredited testing laboratory specified in subsection $12^{1}(2^{4})$ of this Act, the person must be evaluated in the relevant field of sampling if the field is subject to evaluation on the basis of subsection (4) of this section, and use measuring and sampling equipment which is appropriate to the objective of the water investigation and for which the verification obligation has been performed or which has been calibrated in a traceable manner, or certified reference materials and adhere to relevant measurement methodology. While sampling in a field where persons responsible for sampling are not evaluated, the person responsible for sampling shall adhere to the standard covering the relevant field of sampling, and ensure that the traceability of the obtained results has been certified.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(2) The evaluation of a person responsible for sampling means the assessment of the technical knowledge, training and experience of that person, in compliance with the requirements presented in the evaluation procedure established on the basis of subsection (3) of this section.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(3) The evaluation of persons responsible for sampling shall be organised by the Ministry of the Environment. Persons responsible for sampling shall be evaluated every four years in accordance with the evaluation procedure established by a regulation of the minister responsible for the area.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(4) The fields of sampling subject to evaluation shall be determined and the requirements for persons responsible for sampling, the evaluation procedure, the format of evaluation certificates and the rules of procedure of the evaluation committee shall be established by a regulation of the minister responsible for the area.
[RT I, 08. 07. 2011, 4 – entry into force 21. 08. 2011]

(5) A person who has acquired foreign professional qualifications may act as a person responsible for sampling if his or her professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The Ministry of the Environment is the competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act.
[RT I, 30. 12. 2015, 1 – entry into force 18. 01. 2016]

§ 12^{3}. Licence requirement for persons performing hydrogeological works

An undertaking shall have an activity licence for performing the following hydrogeological works:
1) hydrogeological investigation;
2) hydrogeological mapping;
3) designing boreholes and bore wells;
4) designing boreholes and bore wells for heat systems;
5) drilling, reconstruction and demolition of boreholes and bore wells;
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
6) drilling, reconstruction and demolition of boreholes and bore wells for heat systems;
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 12^{4}. Subject of review of activity licence of persons performing hydrogeological works

(1) The activity licence for hydrogeological works set out in § $12^{3}$of this Act (hereinafter the activity licence) is granted to an undertaking if the physical person acting for the undertaking under a contract:
1) has at least two years of experience in performing hydrogeological works in the field of works regarding which the licence is applied for;
2) got his or her latest practical work experience not more than two calendar years ago;
3) has knowledge and skills, including geological knowledge in the field of hydrogeological works regarding which the licence is applied for;
4) is familiar with the requirements of legislation pertaining to hydrogeological works for the field in which he or she operates;
5) had his or her previous hydrogeological works in the field regarding which the activity licence is applied for, in compliance with the requirements deriving from legislation and the objective of work.

(2) In addition to the provisions of subsection (1) of this section, the activity licence is granted:
1) for hydrogeological investigations and hydrogeological mapping to an undertaking, if the physical person acting for the undertaking under a contract, has completed higher education in the field of geology;
2) for designing bore wells and boreholes, or bore wells and boreholes for heat systems, to an undertaking, if the physical person acting for the undertaking under a contract has completed higher education in the field of geology or environmental technology;
3) for designing or reconstructing bore wells and boreholes, or bore wells and boreholes for heat systems, to an undertaking that has in its possession a drilling machine or a bank guarantee for financing an investment for

acquiring a drilling machine in order to construct bore wells and boreholes in compliance with the requirements deriving from legislation.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

(3) A person who has acquired foreign professional qualifications may act as a person performing hydrogeological works if his or her professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The Ministry of the Environment is the competent authority provided for in subsection 7 (2) of the Recognition of Foreign Professional Qualifications Act.
[RT I, 30. 12. 2015, 1 – entry into force 18. 01. 2016]

§ 12^{5}. Secondary conditions for activity licence for hydrogeological works

The following secondary conditions may be added to an activity licence for hydrogeological works:
1) names of the authorised hydrogeological works, with the purpose of ensuring competent performance of hydrogeological works depending on the field of higher education completed by the applicant and the experience, skills and knowledge of the applicant in the field of hydrogeological works;
2) upon construction or reconstruction of bore wells and boreholes, an authorisation to drill only into a certain aquifier, into the first aquifier from the ground, or to drill only boreholes with certain marginal efficiency, with the purpose of ensuring compliance with the requirements for the protection of groundwater, depending on the drilling machine used by the applicant for the activity licence, and the technology of drilling.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

§ 12^{6}. Application for activity licence for hydrogeological works

In addition to the information set out in clauses 19 (2) 1)–5) of the General Part of the Economic Activities Code Act, the following information shall be submitted in order to obtain an activity licence for hydrogeological works:
1) the name, personal identification code, official title, and contact details of the employee of the legal person, who performs hydrogeological works, and the name of the hydrogeological work;
2) the names of the hydrogeological works regarding which the activity licence is applied for;
3) a written certificate regarding at least two years of experience in performing hydrogeological works, and at least three examples of performed works;
4) a diploma certifying higher education in the field of geology if the activity licence is applied for regarding hydrogeological investigations or hydrogeological mapping;
5) a diploma certifying higher education in the field of geology or environmental technology if the activity licence is applied for regarding designing of bore wells and boreholes, or designing of bore wells and bore holes for heat systems;
6) a copy of the technical passport of the drilling machine to be used and a description of the drilling technologies to be used if the activity licence is applied for regarding drilling or reconstruction of bore wells and boreholes, or drilling or reconstruction of bore wells and bore holes for heat systems.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

§ 12^{7}. Deciding on application for activity licence for hydrogeological works

(1) The Ministry of the Environment decides on an application for an activity licence for hydrogeological works.

(2) If the Ministry of the Environment does not decide on an application within the term provided for in the General Part of the Economic Activities Code Act or within an extended term, the activity licence shall not be deemed to be granted to the undertaking by default upon expiry of the term.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

§ 12^{8}. Specification of revocation of activity licence

In addition to the cases provided in § 37 of the General Part of the Economic Activities Code Act, the issuing authority of the activity licence shall revoke the licence in case the holder of the licence has violated the requirements for the protection of groundwater that has led to depletion or pollution of groundwater or a danger thereof, or has caused damage to a bore well or borehole or a danger thereof by his or her activities.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

Chapter 3

CLASSES OF USE OF WATER AND WATER BODIES

§ 13. Domestic water use

(1) " Drinking water" means water used for drinking, preparing food and other domestic needs. Local governments may limit the use of drinking water if there is an insufficient supply to meet the needs of people and medical and educational institutions for water to drink or prepare food.

(2) Drinking water quality and control requirements and methods of analysis shall be established by a regulation of the minister responsible for the area.

(3) In order to satisfy the needs for water to drink or prepare food and for other domestic needs, every person has the right to use surface water, groundwater and seawater pursuant to the procedure for public use of a water body or special use of water.

(4) The quality and control requirements for groundwater and surface water used or intended to be used as drinking water shall be established by a regulation of the minister responsible for the area, taking into account the water treatment methods used to produce drinking water.

(5) A treatment operator of drinking water shall, at the operator's own expense, verify that the quality requirements established on the basis of subsections (2) and (4) of this section and the requirements arising from subsection 13^2(2) of this Act are met.
[RT I 2007, 1, 1 – entry into force 01. 02. 2007]

(6) A special user of water has the right to treat water to produce drinking water and to sell such water.

(7) A local government that owns or possesses an operational drinking water intake on a watercourse or a standing water body during the period when this Act enters into force needs not obtain the consent of the owner of the water body or conclude a contract with such owner. A usufruct over the right to the special use of water, which is limited to the abstraction of drinking water and maintenance of a water body, shall be established for the benefit of such local government.

(8) A person appointed by a local government that owns or possesses a water intake shall exercise the rights and perform the obligations resulting from a usufruct specified in subsection (7) of this section. The owner of a water body shall not charge a fee for the establishment of a usufruct and shall not prevent such rights from being exercised.

(9) The minister responsible for the area shall approve the list of water bodies belonging to a drinking water intake in terms of water intakes.

§ 13^1. [Repealed – RT I 2010, 43, 254 – entry into force 01. 01. 2014]

§ 13^2. Functions of treatment operators of drinking water

(1) A treatment operator of drinking water is an undertaking, whose activity involves the production, collection, processing or packaging of drinking water or other operations as a result of which drinking water is available to consumers or another undertaking that has to use drinking water in its activities either for a charge or free of charge. A treatment operator of drinking water is not deemed to be a person who abstracts water from an individual water abstraction point in an average quantity of less than 10 m^3per day or for the use of less than 50 people, unless the supply with drinking water forms a part of economic activities or activities governed by public law.

(2) A treatment operator of drinking water shall guarantee the conformity of drinking water to the requirements of this Act and the Public Health Act and with the requirements of legislation established for drinking water on the basis of these Acts up to a point where drinking water becomes available to another treatment operator or consumer, unless the treatment operator of drinking water and the owner of registered immovable agree otherwise.

(3) A treatment operator of drinking water shall:
1) prepare a plan for drinking water inspection and coordinate the plan with the Health Board. A plan for drinking water inspection shall be updated at least every five years and coordinated with the Health Board;
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017 – to be implemented from 28 October 2017]
2) submit to the Health Board data about the execution of the plan for drinking water inspection and, at the request of a supervisory official, copies of test protocols or, as an extract from the database, survey data on a quarterly basis either in writing or digitally;
[RT I 2009, 49, 331 – entry into force 01. 01. 2010]
3) at the request of a supervisory official perform additional investigations in case of pollution or a suspicion of pollution of drinking water;

4) investigate reasons for non-compliance of drinking water with quality requirements, apply required measures to remove the shortcomings and immediately notify consumers and the Health Board of the treatment location of the shortcomings;
[RT I 2009, 49, 331 – entry into force 01. 01. 2010]
5) give information to consumers and supervisory officials about the compliance with the requirements of the drinking water being treated in accordance with the procedure provided for in the Public Information Act;
6) notify the Health Board of each case of pollution of drinking water or of interruption in water supply exceeding 24 hours;
[RT I 2009, 49, 331 – entry into force 01. 01. 2010]
7) organise studies of microbiological, chemical and indicator parameters in an accredited laboratory.

(4) The activities provided for in subsection (3) of this section shall be performed by the treatment operator of drinking water at its own expense.
[RT I 2007, 1, 1 – entry into force 01. 02. 2007]

§ 14. Industrial water use

(1) Industrial water is water that meets industrial needs.

(2) Every person has the right to the special use of surface water, groundwater and seawater for industrial needs.

(3) Water that meets the standards established for drinking water, including groundwater, may be used for industrial needs if so required by production technology or if the use of other water is economically infeasible.

(4) A water user has the right to treat water to produce industrial water and to sell such water.

(5) [Repealed – RT I 1996, 13, 240 – entry into force 29. 02. 1996]

(6) In extraordinary circumstances (natural disasters, water accidents), local governments have the right to restrict industrial use of water that has drinking water quality in order to satisfy the domestic needs of the population.

§ 15. [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 15^{1}. Dredging of water bodies

(1) Dredging of a water body for the purposes of this Act is removal of mineral soil from the bottom of a water body.

(2) The need for and volume of dredging at the current moment of time and in the future shall be taken into account, if possible, upon determination of the necessary dredging volume, in such manner as to affect the water body as minimally as possible.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 16. Generation of hydro energy

(1) [Repealed – RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(2) A permit for the special use of water to generate hydro energy shall not be issued if the restriction of the rights of landowners and other water users and the changes to the condition of a water body are ecologically or economically unjustified.

(3) T he requirements of § 17 of this Act shall apply upon generation of hydro energy by barring and damming a watercourse.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 17. Damming of water bodies

[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(1) The person who plans damming must obtain written consent for damming a water body from the landowner, the humidity regime of whose land will be affected by damming.

(2) Damming of a water body means an activity whereby the natural water level of a watercourse is raised by more than 0. 3 metres by the works built in the watercourse (hereinafter the dam).

(3) A building permit conforming to the Building Code is required for building a dam.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) The passage of fish both up- as well as downstream shall be ensured by the owner or possessor of a dam on the dam built on a water body that has been approved as a spawning area or habitat of salmon, brown trout, salmon trout or grayling or on a stretch thereof on the basis of subsection 51(2) of the Nature Conservation Act.

(4^1) The Environmental Board may, considering a good reason, alleviate the performance of the obligation to ensure passage of fish as set out in subsection (4) of this section by issue of a permit for the special use of water or by exempting the owner of the dam from performance of such obligation.
[RT I, 21. 06. 2016, 26 – entry into force 01. 07. 2016]

(5) The owner or possessor of the dam is required to:
1) ensure a good technical condition of the dam and its maintenance when necessary;
2) ensure protection of fish fauna on the dam, including to ensure, on the demand of the Environmental Board, the passage of fish both up- as well as downstream in water bodies not referred to in subsection (4) of this section;
3) ensure environmental flow or natural outflow, if the natural outflow is smaller than the environmental flow, in the natural streambed below the hydraulic structure;
4) immediately inform the Environmental Inspectorate or Rescue Board about an accident or accident hazard at the dam;
5) eliminate the accident or accident hazard at the dam.

(6) A “hydraulic structure” means civil engineering works that enable use of water from a river or lake, sea water or groundwater, or prevent the destructive effect of water.

(7) “Environmental flow” is the volumetric flow rate that ensures the functioning of the ecosystem.

(8) A local government shall approve an application for design specifications for building a dam and the design specifications with the Environmental Board before the issue of the design specifications. The Environmental Board approves an application for design specifications and the design specifications within 30 days after receipt thereof. The time-limits of proceedings provided for in the Building Code at the time of approval shall be extended by the time limit provided for the issue of the approval in this subsection.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(9) The Environmental Board has the right to demand that the passage of fish be ensured in water bodies not referred to in subsection (4) of this section, taking into account the expert opinion or results of environmental impact assessment.

(10) The specific r equirements for damming a water body, environmental monitoring related to damming, protection of aquatic biota, and dams, as well as the methods for determining the environmental flow shall be established by a regulation of the minister responsible for the area.
[RT I 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 17^1. Lowering of water level and liquidation of damming

(1) The conditions for lowering of the water level of a water body shall be determined in a permit for the special use of water.

(2) “Lowering of the water level of a water body“ means lowering the existing water level of a watercourse by more than 0. 3 metres.

(3) If a permit for the special use of water is not required for damming, the requirements established on the basis of subsection (9) of this section shall be observed in the lowering of water level and liquidation of damming.

(4) If the owner or possessor of a dam has not applied for a permit for the special use of water as required by legislation or if the issuing authority of permits for the special use of water refuses to issue the permit, the owner or possessor of the dam shall liquidate damming.

(5) The owner or possessor of a dam shall clear up the damming area upon liquidation of damming.

(6) If a permit for the special use of water is required for damming and it is planned to liquidate such damming or to lower the water level up to the level for which the permit for the special use of water is no longer required, the owner or possessor of the dam shall submit a written notice to the Environmental Board which shall specify:
1) the name and personal identification code or registry code of the owner and user of the dam;
2) contact details, including the telephone number and address;
3) the cadastral code of the registered immovable of the location of the dam;
4) the time of liquidation of damming or lowering of water level;
5) data on the normal damming level in case of lowering of water level;
6) the position of a local government.

(7) The Environmental Board shall make a decision on the liquidation of damming or lowering of water level or refuse to make the decision with good reason within 20 working days after the day of submission of the notice.

(8) In making the decision set out in subsection (7) of this section, the Environmental Board may establish conditions for environmental protection for uniform lowering of water level, or to avoid direction of sludges and litter into a streambed below the dam, and to clear up the damming area.

(9) The specific r equirements for lowering the water level of a water body and liquidation of damming shall be established by a regulation of the minister responsible for the area.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 18. Water traffic

(1) The use of a public or publicly used water body for navigation is permitted unless it is limited by an Act or other legislation.

(2) If a water body owned by a person in private law is not designated for public use, navigation on the water body is subject to the permission of the owner.

(3) A navigator on a body of water shall not violate the rights of the landowners and other users of the water body and users of water or cause damage to aquatic biota, the bed or banks of the water body, hydraulic structures and utility networks, and shall meet the requirements established to prevent the spread of any adverse effects.

(4) Navigation is prohibited on water bodies or parts of water bodies designated as bathing areas, except for watercraft being used to perform duties.

(5) A local authority has the right to prohibit, with an order, navigation on public and publicly used water bodies, establish a speed limit and prohibit traffic in ice conditions if the navigation, the high speed of the watercraft or the traffic on ice:
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]
1) endangers water traffic;
2) damages or may damage the condition and banks of the water body or its shoreline;
3) damages or may damage fish resources or the condition of spawning area;
4) disturbs other users of the water body;
5) endangers persons on the ice.

(6) Orders of a local authority issued pursuant to subsection (5) of this section shall be made public and enter into force on the day following their publishing in the official publication *Ametlikud Teadaanded*.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(6^1) The signals regulating the traffic of watercraft required for implementing the orders deriving from subsection (5) of this section shall be installed by the person issuing the order. The installation shall be coordinated with the Maritime Administration.
[RT I, 22. 12. 2010, 1 – entry into force 02. 01. 2011]

(7) No one shall endanger water traffic. Up to one-third of the width of a watercourse that is used for navigation may be barred by boat landings and marked fishing gear.

(8) The requirements for the keeping and use of watercraft in public and publicly used inland water bodies, except navigable water bodies, shall be established by a regulation of the minister responsible for the area.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(9) The use of water bodies for aviation purposes is regulated by the Aviation Act.

§ 18^1. Water traffic on ship canals and use of ship canals

(1) Water traffic in a fairway that is constructed on a legal basis by dredging the bottom of a publicly used water body and which is located outside the boundaries of a port basin (a ship canal) shall be managed by the master of the ship canal. The master of a ship canal is the owner of the water body or the person to whom the right to manage the ship canal has been granted in a contract pursuant to the procedure prescribed by legislation.

(2) The “use of a ship canal” means navigation along the ship canal by a ship that due to its draught is unable to navigate on the water body without using the ship canal.

(3) The master of a ship canal has the right to charge a fee for the use of the ship canal. The fee shall cover the necessary expenses for the construction and maintenance of the ship canal and ensure safe vessel traffic in the ship canal.

§ 19. Use of water for firefighting purposes

(1) Water abstraction for firefighting purposes does not constitute special use of water.

(2) The owner of a water body shall not prohibit water abstraction for firefighting purposes.

Chapter 4
RIGHTS AND OBLIGATIONS OF WATER USERS

§ 20. Rights of water users and protection of rights

(1) A water user is a person who abstracts water from a water body or aquifer, discharges effluent into a recipient or uses a water body in some other way.

(2) Water users have the right, in accordance with this Act and other legislation resulting from the Act, to use water and water bodies and to build necessary structures for this.

§ 21. Obligations of water users

Water users are required to:
1) use water efficiently and economically and comply with the requirements established for water use;
2) avoid violating the rights of other water users and landowners and avoid causing damage to public health, nature and industrial facilities as a result of water use;
3) in case of special use of water, maintain records of the water used and the amount and properties of the effluent, and in case of soil removed from the bottom of the sea by dredging (hereinafter the dredging spoils) and dumping, maintain records of the composition and volume of the dumped waste or other substances or objects;
4) organise monitoring of the effluent, monitoring of the use of water and water body under the conditions and pursuant to the procedure determined in the permit for the special use of water, and submit the monitoring report to the issuing authority by the due date set out in the permit;
5) follow the sanitary protection requirements for water intakes;
6) submit, at least once a year, a report on the amount of used water and effluent, amount of contaminants discharged into a recipient, economic indicators of water use, and the composition and volume of the substance removed, relocated and dumped in the course of dredging of the sea and dumping to the issuing authority of permits for the special use of water.

(2) The format for the report, extent of requested information and procedure for submission of the report set out in clause (1) 6) of this section shall be established by a regulation of the minister responsible for the area.
[RT I, 22. 12. 2012, 13 – entry into force 01. 07. 2013]

§ 22. Restriction of rights of water user in interests of other water users

The rights of a water user may be restricted by law in the interests of another water user if this does not cause the conditions for the use of drinking water to deteriorate.

Chapter 4[1]
ENCUMBERING PUBLIC WATER BODIES WITH STRUCTURES

[RT I 2009, 37, 251 - entry into force 10.07.2009]

Division 1
General Provisions

[RT I 2009, 37, 251 - entry into force 10.07.2009]

§ 22[1]. General requirements for encumbering public water bodies with structures

(1) Encumbering the bottom of a public water body with a structure that does not form a part of an immovable property on shore is permitted only in the cases, under the conditions and pursuant to the procedure provided by law.
[RT I 2009, 37, 251 – entry into force 10. 07. 2009]

(2) The owner of an immovable property that is adjacent to the shore of a public water body shall have the right to encumber the public water body with a structure that cross-bordering the immovable property is permanently

connected to the shore and rests on the bottom of the public water body under the conditions and pursuant to the procedure provided by law.
[RT I 2009, 37, 251 – entry into force 10. 07. 2009]

(3) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) [Repealed – RT I 2010, 8, 37 – entry into force 27. 02. 2010]

Division 2
Encumbering Public Water Bodies with Submerged Cable Lines

[RT I 2009, 37, 251 - entry into force 10.07.2009]

§ 22^2. Consent for encumbering with submerged cable lines

[Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

Division 3
Fee for Encumbering Public Water Bodies with Structures that are Permanently Connected to Shore

[RT I 2009, 37, 251 - entry into force 10.07.2009]

§ 22^3. Fee for encumbering public water bodies with structures that are permanently connected to shore

(1) When encumbering a public water body with a structure that is permanently connected to the shore if the encumbrance leads to an alteration of the shoreline and an enlargement of the immovable property on shore, the owner of the immovable property on shore shall pay the one-off state fee in the amount of 1/2 of the taxable value of the increased part of the land. The taxable value of the increased part of the land shall be calculated on the basis of the taxable value of the immovable property on shore.
[RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) When encumbering a public water body with a structure or with a part thereof that is permanently connected to the shore if the encumbrance does not lead to an alteration of the shoreline or an enlargement of the immovable property on shore, the owner of the immovable property on shore shall pay an annual user fee for the ground projection area under the structure or a part thereof, the size of which is 4% of the estimated taxable value of the part of the public water body encumbered with the structure or a part thereof. The calculation of the estimated taxable value shall follow the conditions and procedure for calculating the taxable value of immovable properties located on shore.
[RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) The fee provided for in subsections (1) and (2) of this section shall not be charged for building the following structures:
1) a temporary structure;
2) a structure occupying a ground projection area of up to 60 m^2;
3) landing stages in small-craft harbours for the purposes of the Ports Act.
[RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3^1) If a public water body is encumbered with a structure that is permanently connected to the shore and one part whereof leads to an alteration of the shoreline and enlargement of the immovable property on shore, and the other part does not, the owner of the immovable property on shore shall pay the fee indicated in subsection (1) of this section for the part of the structure by which the immovable property on shore was enlarged, and the fee indicated in subsection (2) of this section for the remaining part of the structure.
[RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3^2) The tax exemption referred to in clause (3) 2) of this section covers a structure permanently connected to the shore built in a public water body within the boundaries of a single immovable property on shore, occupying a ground projection area of up to 60 m^2.
[RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) [Repealed – RT I 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22^4. Procedure for payment of fee for encumbering public water bodies with structures that are permanently connected to shore

(1) The fee indicated in subsection 22^3(1) of this Act shall be paid before a use permit in respect of the structure is issued. The fee shall be calculated and a relevant payment notice shall be issued by the Consumer Protection and Technical Regulatory Authority after the alteration of the boundaries of the immovable property is registered in the land register. The term for payment of the fee shall be three months.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(2) The fee specified in subsection 22^3(2) of this Act shall be paid on the basis of a payment notice issued by the Consumer Protection and Technical Regulatory Authority not later than by 1 July of the current calendar year. The first payment of the fee shall be made not later than by 1 July of the year following the receipt of the use permit.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(3) The fee specified in subsection 22^3(2) of this Act shall be calculated as of the date following the date of issue of a use permit in respect of the structure

(4) The payment notice issued in respect of the fees indicated in subsections 22 ^{3}(1) and (2) of this Act shall specify:
1) the given name, surname and position of the official preparing the payment notice;
2) the date of preparing the payment notice;
3) the name and address of the payer;
4) the amount of the payable fee;
5) the legal and factual basis for issuing the payment notice, including bases for calculation of the payable fee;
6) the due date for payment;
7) compulsory enforcement warning in the case of failure to pay the fee on time.

(5) The payment notice specified in subsection (4) of this section is an administrative act with the purpose of executing a financial obligation in public law under clause 2 (1) 21) of the Code of Enforcement Procedure.

(6) The fees indicated in subsections 22^3(1) and (2) of this Act shall accrue to the state budget.
[RT I 2009, 37, 251 – entry into force 10. 07. 2009]

Division 4
Encumbering Public Water Bodies with Structures that Are Not Permanently Connected to Shore

[RT I 2010, 8, 37 - entry into force 27.02.2010]

§ 22^5. Superficies licence

(1) The superficies licence is the right to encumber a delimited part of a public water body with structures that are permanently connected to the bottom of the water body and are not permanently connected to the shore for a specified term. A state authority is not required to apply for a superficies licence to encumber a public water body with a structure.

(2) A structure built pursuant to a superficies licence, to which the superficies licence applies, shall form an essential part of the superficies licence and shall belong to the holder of the superficies licence on the basis of the right of ownership. Any other structures that are permanently connected to the bottom of a public water body and are not permanently connected to the shore constitute essential parts of the public water body and belong to the state on the basis of the right of ownership.

(3) The superficies licence shall not replace other permits prescribed by law that are required for building and using the structure forming an essential part of the superficies licence, unless otherwise provided by law.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

(4) This Division does not apply to the dredging of public water bodies or aids to navigation installed in public water bodies.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22^6. Applying for superficies licence

(1) An application for a superficies licence shall be submitted to the Consumer Protection and Technical Regulatory Authority (hereinafter *the competent authority*).
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(2) An application for a superficies licence shall contain the following information:

1) the purpose of use of the structure;
2) the maximum height and depth of the structure and other important technical data;
2[1]) the number of structures on the encumbered area, and the ground projection area occupied by the structures;
3) the coordinates of the encumbered area of the public water body and the size in square metres of the encumbered area;
4) the description of the investigation to be conducted before granting a superficies licence;
5) the applied term of the superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) If law has established additional requirements for holders of superficies licences, the application shall also include the confirmation of the applicant that he or she complies with the requirements. Documents certifying compliance with the requirements shall be annexed to the application.

(4) A map of the location of the planned structure and of the civil engineering works required for servicing the works, including submerged cable lines, and other documents relevant to encumbering a public water body with a structure shall be annexed to the application. After the investigation carried out as required by the competent authority and the environmental impact assessment the applicant shall submit the investigation reports and environmental impact assessment reports to the competent authority. If, after investigations and environmental impact assessment, the documents initially annexed to the application have been concretized, the applicant shall submit these again.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5) Specifications of applications for superficies licences for encumbering a public water body with a wind power plant shall be provided for in the Electricity Market Act.

(6) The minister responsible for the area may establish, by a regulation, the format of an application for superficies licence and specifying requirements for the application and annexes thereto.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[7]. Commencement of proceedings on superficies licence

(1) Commencement of proceedings on a superficies licence shall be decided by the competent authority.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(1[1]) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) The competent authority shall make a decision to commence or not to commence the proceedings on a superficies licence after obtaining the opinion from the authorities concerned. The person expressing an opinion shall substantiate the opinion. The term for expressing an opinion shall be 30 days. If the person expressing an opinion does not submit the opinion within the aforesaid term, it shall be deemed that the person has no objections to the application for superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) If no circumstances precluding the commencement of the proceedings on a superficies licence become evident, the competent authority shall publish a notice in the official publication *Ametlikud Teadaanded*, in at least one national daily newspaper and on its website before commencing the proceedings. The notice shall set out data about the applicant and application for a superficies licence. The obligation of publishing a notice as provided in this subsection shall not apply to the construction works set out in subsection 104 (3) of the Building Code.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) Within twenty days of publishing the notice, other interested parties shall have the right to submit their application for a superficies licence for encumbering a part of the same public water body with a structure. The application shall comply with the requirements provided in § 22 [6]of this Act. If several applications are submitted in respect of one area of a public water body, and the structure requested to be encumbering the public water body are substantially different from the structure set out in the first application, the competent authority shall submit also the other applications for obtaining an opinion pursuant to the procedure provided in subsection (2) of this section.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5) If several applications for a superficies licence concerning one area of a public water body have been submitted to the competent authority in case of which the bases provided in section 22[10]of this Act are lacking, the proceedings on a superficies licence shall be commenced on the basis of the application that is the most appropriate to the social and economic needs of the Estonian society as a whole, the strategic development plans of the state, and the spatial plans for the district. The competent authority refuses to commence proceedings in respect of other applications, unless it is possible to issue a second superficies licence in respect of the area

concerned due to the nature of the structure. If, in the case of several applications, it is not possible to make a decision due to the lack of adequate considerations, the competent authority shall organise a competition by written auction among the respective applicants in order to commence the proceedings on a superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^1) To select an application for a superficies licence by way of a competition in order to commence proceedings on the superficies licence, the competent authority may determine:
1) the base price for the auction in an amount of up to 1,000,000 euros;
2) the participation fee for participating in the competition.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^2) The participation fee shall be equal for the participants in the auction (hereinafter the bidder) and shall not exceed the base price for the auction determined in accordance with clause (5^1) 1) of this section. The participation fee shall be returned after the winner of the auction is ascertained, and upon failure of the auction. The participation fee paid by the winner of the auction shall be taken into account as partial payment of the amount bid at the auction. If the winner of the auction does not pay the amount bid at the auction, the participation fee shall not be returned.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^3) The competent authority does not qualify a bidder if the bidder has not paid the participation fee for participating in the competition on time or if the bidder has not submitted the information or documents necessary for participating in the competition.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^4) The competent authority rejects a bid if the bid is not in compliance with the requirements applicable to the bid.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^5) The competent authority declares an auction to have failed if:
1) only one bidder is qualified;
2) only one bid in compliance with the requirements was submitted;
3) no bidders are qualified;
4) no bids, or no bids in compliance with the requirements were submitted;
5) there is another reason that affected or may have affected the result of the auction to a substantial extent.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^6) If an auction is declared to have failed in the cases provided in clauses (5^5) 3) – 5) of this section, the competent authority may organise a new auction within 30 days after the day of opening the bids.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5^7) In case of an auction, the proceedings on a superficies licence shall be commenced in respect of the bidder that bids the highest price at the written auction and pays the amount bid at the auction by the due date set out in the competition notice. If the winner of the competition does not pay the amount bid at the auction on time, or withdraws the application for the superficies licence, the bidder who made the next best bid shall be deemed the winner of the auction and the proceedings on the superficies licence shall be commenced in respect of such bidder, if the bidder pays the amount bid at the auction by the due date determined by the competent authority. If an auction is declared to have failed for the reason provided in clauses (5^5) 1) and 2) of this section, the proceedings on the superficies licence shall be commenced in respect of the bidder that was the only one to be qualified or to submit a bid in compliance with the requirements.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(6) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(6^1) If the encumbered area indicated in an application is changed before the decision to commence proceedings on the superficies licence is made, the competent authority shall ask an opinion from the authorities concerned pursuant to the procedure provided in subsection (2) of this section. In justified cases the encumbered area indicated in the application can be changed after having published a notice in the official publication *Ametlikud Teadaanded*pursuant to subsection (3) and after the proceedings pursuant to subsection (5). If the encumbered area indicated in the application is changed after having published a notice in the official publication *Ametlikud Teadaanded*pursuant to subsection (3) and after the proceedings pursuant to subsection (5) and to a larger extent than by 33 percent, the notice conforming to subsection (3) of this section shall be published in the official publication *Ametlikud Teadaanded,*and upon submission of competing applications, the proceedings conforming to subsection (5) of this section shall be conducted.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(7) When commencing proceedings on a superficies licence, the competent authority shall determine:
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
1) the person on the basis of whose application the proceedings shall be carried out;
2) whether to commence or not to commence environmental impact assessment;

3) if necessary, the investigations to be conducted by the applicant for the decision to issue a superficies licence, and the deadline for conducting these investigations;
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
3[1]) if necessary, the conditions that shall be taken into account if other proceedings on a superficies licence has been commenced in respect of the area applied for, or if another superficies licence is valid for encumbering the area applied for;
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
4) other necessary conditions.

(8) The competent authority may, at a reasoned request of the applicant for a superficies licence, extend the term for conducting the investigations determined upon commencement of the superficies licence and change other conditions.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(9) The procedure and conditions for organising a competition specified in subsection (5) of this section shall be established by a regulation of the minister responsible for the area.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[8]. Refusal to commence proceedings on superficies licence

(1) The competent authority shall refuse to commence proceedings on a superficies licence if the issue of the superficies licence is clearly impossible.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) The competent authority shall also refuse to commence proceedings on a superficies licence if:
1) proceedings on another superficies licence have already been commenced in the area applied for, and it is not possible to issue a second superficies licence for the relevant area due to the nature of the structure to be built on the basis of the superficies licence to be issued as a result of such proceedings;
2) the drawing up of a spatial plan has been initiated and the planning proceedings have not been completed;
3) a National Special Spatial Plan has to be prepared in order to build the planned structure
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) The provisions of clause (2) 2) of this section shall not apply if the applicant agrees that the superficies licence is issued for the period of validity provided in subsection 22[11](4) of this Act.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[9]. Issue of superficies licence

(1) A superficies licence shall be issued by the competent authority.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) When issuing a superficies licence, the following conditions of the superficies licence shall be determined:
1) the holder of the superficies licence;
2) the coordinates and size in square metres of the encumbered area of the public water body, including the area to be occupied by the structure;
3) the purpose of use of the structure;
4) the maximum height and depth of the structure and other important technical data of the structure;
5) the maximum number of structures permitted, and the maximum ground projection area that the structure may occupy;
6) the term of the superficies licence;
7) restrictions on the use of the superficies licence;
8) other necessary conditions.
[RT I, 23. 12. 2015, 3 – entry into force 01. 07. 2015]

(3) An encumbered area of a public water body shall consist of the area under the structure itself and the structures required for servicing the structure. In the case of a set of structures to be built on the basis of one superficies licence, the encumbered area shall also include a distance of up to 1 000 metres between single structures, calculated on the basis of the width dimensions of the structures.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]
3[1]) In the proceedings on a superficies licence, relying mainly on the results of the conducted investigations and environmental impact assessment, the encumbered area of a public water body may be shifted or increased upon the issue of the superficies licence to a maximum extent of up to 33 percent in comparison with the encumbered area determined in the decision to commence the proceedings on the superficies licence. The encumbered area may be decreased to a greater extent than by 33 percent. The encumbered area may not be shifted or increased in respect of an area where the proceedings on another superficies licence have been commenced.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5) A superficies licence shall be issued to a person who is not a citizen of Estonia or a Contracting Party to the European Economic Area or a legal person of Estonia or a Contracting Party to the EEA, only in accordance with national essential interests.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

§ 22[10]. Refusal to issue superficies licence

(1) The competent authority shall refuse to issue a superficies licence if:
1) the applicant for a superficies licence has not fulfilled the requirements determined in the decision to commence the proceedings on the superficies licence and has not applied for an additional deadline for fulfilling these requirements;
2) the conditions of the superficies licence applied for are contrary to an applicable superficies licence;
3) the conditions of the superficies licence applied for are contrary to an applicable spatial plan;
4) the conditions of the superficies licence applied for are contrary to the interests of national security;
5) there is a significant negative environmental impact that cannot be sufficiently avoided or alleviated;
6) the structure forming an essential part of the superficies licence would disturb air traffic, vessel traffic in a fairway or port basin, or safe berthing of water craft;
7) the applicant for the superficies licence does not comply with the requirements established for the holder of the superficies licence;
8) it is necessary, based on the results of the proceedings, to change the encumbered area of a public water body applied for, and the applicant does not agree to the changing of the encumbered area.

(2) The competent authority may also refuse to issue a superficies licence if there is a doubt in respect of the applicant that the applicant may endanger public order, social safety or national security.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[11]. Term of superficies licence

(1) A superficies licence shall be valid for 50 years. The competent authority may, taking into account the type and purpose of use of the structure, establish also a shorter term for a superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) The competent authority may, at the request of the holder of a superficies licence, extend the term of a superficies licence by up to 50 years. An application for extending a superficies licence shall be submitted at least three months before the expiry of the term of the superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) The provisions on amending the conditions of a superficies licence shall apply to extending the term of a superficies licence.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

(4) If the proceedings on a superficies licence have been commenced in respect of an area, on which also a spatial plan has been initiated, and if the planning proceedings have not been completed, the superficies licence issued on the basis of the given proceedings on the superficies licence shall be valid for one year after the adoption of the spatial plan.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[12]. Amendment of conditions of superficies licence

(1) The competent authority may, at the request of the holder of a superficies licence or on its own initiative, amend the conditions of a superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) The competent authority may, at the request of the holder of a superficies licence, transfer the superficies licence to another person.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(4) The competent authority shall refuse to amend the conditions or data of a superficies licence if there are bases for refusal to issue a superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5) The competent authority may amend the conditions of a superficies licence on its own initiative if there are bases for revocation of the superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[13]. Transfer of superficies licence to universal successor

(1) If a superficies licence has transferred to another person in accordance with the universal succession procedure, the competent authority shall amend the data of the holder of the licence at the request of the universal successor or on its own initiative.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) Upon transfer of a superficies licence to a universal successor, the other conditions of the superficies licence shall remain unchanged.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

§ 22[14]. Revocation of superficies licence

(1) The competent authority may revoke a superficies licence on its own initiative or at the request of the holder of a superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) The competent authority shall decide on the revocation of a superficies licence after it has issued a precept to the holder of the superficies licence for removal of shortcomings, but the holder of the superficies licence has failed to observe the precept. A proposal for removal of shortcomings need not be issued if it is clearly impossible to observe this.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(3) The competent authority shall revoke a superficies licence if:
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
1) the holder of the superficies licence applies for that;
2) the holder of the superficies licence has submitted incorrect information in its application or in the proceedings on the superficies licence that had a significant impact on the decision to issue the licence;
3) the holder of the superficies licence has significantly violated the conditions of the superficies licence;
4) the holder of the superficies licence has not submitted an application for a building permit or applied for an additional term for applying for a building permit within two years of the issue of the superficies licence;
5) the holder of the superficies licence has not submitted an application for a building permit or applied for an additional term for applying for a building permit within two years after structure forming an essential part of the superficies licence was destroyed or became unfit for use;
6) the structure forming an essential part of the superficies licence poses a threat to human life, health or property or to the environment,
7) the holder of the superficies licence has delayed payment of superficies charge on three consecutive due dates;
8) the holder of the superficies licence does not comply with the requirements established on the holder of the superficies licence any longer.

(4) The competent authority may revoke a superficies licence also in case after issuing the superficies licence the bases provided in Section 22[10](2) of this Act become evident.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(5) [Repealed – RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[15]. Replacing superficies licence with right of superficies

(1) If, during the term of a superficies licence, the part of the public water body encumbered with a superficies licence turns permanently into land, the superficies licence shall become invalid as of the formation of a cadastral unit.

(2) The holder of a superficies licence has the right to require the establishment of a right of superficies on the created immovable property under the same conditions as set out in the superficies licence. Applications for the establishment of a right of superficies shall be processed by the competent authority.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22[16]. Removal of structure from water body upon expiry of superficies licence

(1) Upon expiry of a superficies licence, the holder of a superficies licence shall remove the structure forming an essential part of the superficies licence from a public water body, unless the conditions of the superficies licence determine otherwise.

(2) If the structure is not removed by the prescribed date, the Consumer Protection and Technical Regulatory Authority shall organise the removal of the structure from the public water body in accordance with the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

Division 5
Superficies Charge

[RT I 2010, 8, 37 - entry into force 27.02.2010]

§ 22^{17}. Superficies charge

(1) Upon encumbering a public water body with a structure that is not permanently connected to the shore, the owner of the structure shall pay an annual superficies charge. The superficies charge shall amount to 4 percent of the price determined on the basis of Estonian average value of the land with the intended purpose corresponding to the intended use of the structure, calculated on the basis of the size of the encumbered area of the public water body. The average value of land shall be established on the basis of the results of regular valuation of land conducted pursuant to the Land Valuation Act.

(2) The amount of the superficies charge upon encumbering a public water body with a wind power plant is provided for in the Electricity Market Act.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

(3) This Division does not apply to the following structures:
1) the excavation constructed by dredging a public water body;
2) the aids to navigation installed in a public water body;
3) the sports or recreational facilities servicing a bathing area.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 22^{18}. Procedure for payment of superficies charge

(1) The superficies charge shall be calculated as of the day following the day of issue of a building permit on the basis of a superficies licence. The superficies charge shall be paid until the expiry or revocation of the superficies licence. If a structure is removed from a public water body after the expiry or revocation of the superficies licence, the superficies charge shall be paid until the removal of the structure from the public water body. The superficies charge shall be calculated by the Consumer Protection and Technical Regulatory Authority.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(2) The superficies charge during the period from the issue of the building permit up to the moment the structure is to begin operation in accordance with the intended purpose shall amount to 10 percent of the rate established in subsection 22^{17}(1) of this Act. The superficies charge shall be paid in full from the moment the structure begins operation in accordance with the intended purpose.

(3) The procedure provided for in subsections 22^{4}(2) and 22^{4}(4)–(6) of this Act shall apply to payment of the superficies charge.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

Chapter 5
PROTECTION OF WATER BODIES AND GROUNDWATER AGAINST POLLUTION, LITTERING AND DEPLETION

§ 23. Obligations concerning water protection

(1) Every person is required to avoid polluting and depleting water, littering water bodies and wells, and damaging aquatic biota.

(2) When using water, persons are required to implement technological, land improvement, agrotechnical, hydrotechnical and sanitary measures to protect water against pollution and depletion or a water body against littering.

(3) The owner of a water body designated for public use is required to carry out maintenance work to prevent littering and shore erosion of the water body.

(4) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(5) A person who organises an activity that adversely affects water quality is required to monitor the water status in the area affected by the activity.

(6) [Repealed – RT I 23. 03. 2015, 6 – entry into force 01. 07. 2015]

§ 24. Protection of water against wastewater and effluent pollution

(1) The discharge of wastewater into groundwater and the discharge of wastewater and effluent onto frozen soil are prohibited.

(2) Requirements for and limits of wastewater treatment and discharging effluent and storm water into a recipient and the measures to be taken to verify that the requirements are met shall be established by a regulation of the Government of the Republic. The established requirements shall depend on the pollution load arising in the agglomeration and on the status class of the water body. If there is no agglomeration for the purposes of this Act, the requirements shall depend on the pollution load of the wastewater treatment plant and on the status class of the water body.

(3) Wastewater shall be treated before discharging into a recipient up to the limits or treatment levels established by the regulation specified in subsection (2) of this section on the spot, or transported or discharged into a wastewater treatment plant.

(4) A special user of water discharging effluent into a recipient shall take the measures established by the regulation specified in subsection (2) of this section at its own expense.

(5) When discharging effluent into a recipient whose status class is poor or bad, the issuing authority of permits for the special use of water may impose requirements that are up to 30 percent more stringent than those established by the regulation of the Government of the Republic specified in subsection (2) of this section on effluent discharged to the recipient.

(6) When discharging effluent into a recipient whose quality indicators deteriorate due to discharging effluent to the recipient and there is a threat that the status class of the water body will deteriorate, the issuing authority of permits for the special use of water may impose requirements that are up to 15 percent more stringent than those established by the regulation of the Government of the Republic specified in subsection (2) of this section.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(7) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 24^{1}. Water protection requirements in agglomeration

(1) The criteria for designation of wastewater collection areas shall be established by a regulation of the Government of the Republic, taking into account the groundwater and surface water protection status as well as the socioeconomic aspects.

(2) Agglomerations shall be approved by a directive of the minister responsible for the area.

(3) A local government shall enter the boundaries of the agglomerations approved by a directive of the minister responsible for the area in the comprehensive plan along with the area to be covered with a public sewerage system in the future and not designated as an agglomeration, within six months after approval.

(4) A local government shall, in order to protect groundwater in an agglomeration, ensure the existence of a public sewerage system for discharging wastewater into a wastewater treatment plant and for discharging effluent into a recipient, except in an agglomeration with a pollution load of less than 2 000 p. e. and in the case specified in subsection (5) of this section.

(5) If establishment of a public sewerage system in an agglomeration involves unreasonably high costs, it is permitted to use leak-tight collection tanks in agglomerations with a pollution load of 2 000 p. e. or more.

(6) In an agglomeration with a pollution load of less than 2 000 p. e. the construction of a public sewerage system is not obligatory, but in case of an existing public sewerage system and wastewater treatment plant they must be maintained in a good technical condition to ensure proper wastewater treatment.

(7) In the region of an agglomeration with no public sewerage system the wastewater producer shall collect wastewater into a leak-tight collection tank and organise its transport to a discharging circuit designated in the plan of the local government for the development of public water supply and sewerage system.

(8) In an agglomeration with a pollution load of less than 2 000 p. e. with no public sewerage system, at least biologically treated wastewater may be properly soaked into the soil in addition to what is provided in subsection (7) of this section.

(9) In an agglomeration with a pollution load of 2 000 p. e. or more, the use of on-site treatment plants, except pretreatment facilities and industrial wastewater treatment plants, and soaking effluent into the soil are prohibited.

(10) In an agglomeration with a pollution load of 2 000 p. e. or more, the establishment of wastewater treatment plants is permitted if at least 50 people are connected to the public sewerage system of each wastewater treatment plant being established.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 25. Sinking or discharging waste into water body or disposal of waste in water

[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(1) Waste may be sunk or discharged into an internal water body or disposed of in groundwater only if the changes that occur in the waste or the effect of the waste in water do not create a risk of environmental pollution or threat to human health.

(2) A p ermission to sink or discharge waste into a water body or aquifer is granted by the Environmental Board with the agreement of the relevant local government and, if the water body is private property, also with the agreement of the owner of the water body.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 26. Protection of catchment areas against water pollution

(1) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(2) In a catchment area, the possessor of a source of pollution shall prevent such a status of the source of pollution that creates an environmental hazard, and take appropriate precautionary measures to minimise the environmental risk deriving from the source of pollution.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(3) In order to prevent pollution, minimise the impact of pollution on human health and the environment and obstruct the deterioration of water status, the Government of the Republic shall establish, by a regulation, water protection requirements for the planning, construction and use of potentially dangerous sources of pollution for each group, and specified clearances of sewerage facilities and storage facilities for oil products.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(3^1) For the purposes of this Act, a clearance of a sewerage facility is the smallest permitted distance of a sewerage facility, except pipeline, from a residential building, accommodation, medical treatment, sports, educational, commercial and service building as well as from a transport building that regularly services people, and from a dug well and bore well.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(3^2) For the purposes of this Act, a clearance of a storage facility for oil products is the smallest permitted distance of the exterior surface or the fill pipe or outlet of a tank of a storage facility for oil products from an enterprise liable to be affected by a major accident, well without a sanitary protection zone, residential building, accommodation, medical treatment, sports, educational, commercial and service building as well as from a transport building that regularly services people.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(4) The sources of pollution involving an environmental risk are as follows:
1) sewerage facilities;
2) storage facilities for oil products;
3) storage facilities for silage;
4) storage facilities for manure;
5) storage facilities for fertilisers.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(5) If a source of pollution that is not listed in subsection (4) of this section may cause a direct adverse impact on human health, the minister responsible for the area has the right to designate the source of pollution as a source of pollution with environmental risk and establish water protection requirements in respect of it.
[RT I, 08. 07. 2014, 3 – entry into force 01. 08. 2014]

(5^1) A clearance of a sewerage facility shall be at least 5 meters, but not more than 500 meters, depending on the designed pollution load of the wastewater treatment plant, manner of treatment of the wastewater and sewage sludge, and flow of wastewater directed to the wastewater pump room.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(5^2) The distance between the infiltration system constituting the on-site sewage treatment plant and the drinking water dug well shall depend also on the soil that constitutes the recipient and the characteristics thereof as well as on the slope of the ground, in addition to what is provided in subsection (5^1) of this section.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(5^{3}) Buildings necessary for servicing a sewerage facility, industrial and storage buildings and transport buildings not specified in subsection (3^{1}) of this section may be situated within the boundaries of the clearance of a sewerage facility.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(5^{4}) A clearance of a storage facility for oil products shall be at least 25 meters but not more than 150 meters depending on the capacity of the storage facility.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(5^{5}) Buildings necessary for servicing a sewerage facility, industrial, storage and agricultural buildings and transport buildings not specified in subsection (3^{2}) of this section may be situated within the boundaries of the clearance of a storage facility for oil products.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(5^{6}) If a storage facility for oil products services an enterprise liable to be affected by a major accident, the buildings of the enterprise liable to be affected by a major accident can be situated within the boundaries of the clearance of a storage facility for oil products or the clearance may extend to the sanitary protection zone of a water intake.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(6) If a sewerage facility set out in clause (4) 1) of this section, except pipeline, has been or will be established in the territory of a manufacturing enterprise with the aim of purifying industrial wastewater, but due to the configuration or smallness of the territory it is not possible to ensure the clearance limits established by a regulation of the Government of the Republic on the basis of subsection (3) of this section, the minister responsible for the area may reduce the clearance provided that upon purifying industrial wastewater the best possible technology that does not pose a threat to human health or the surrounding environment is applied and other requirements for the selection of the location of the treatment plant are met.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 26^{1}. Protection of catchment areas against pollution arising from agricultural production

(1) In order to protect groundwater and surface water by preventing or restricting pollution arising from agricultural production (hereinafter agricultural pollution), requirements for the storage and use of manure, silage and other fertilisers, and the measures to be taken to verify that the requirements are met shall be established by a regulation of the Government of the Republic.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(1^{1}) For the purposes of this Act, a “fertiliser” means a substance or preparation the purpose of use of which is to provide growing plants with nutrients. For the purposes of this Act, manure, liquid manure, silage, compost and other organic substances of vegetable or animal origin that are incorporated directly or in their processed form into the soil for fertilising purposes are also deemed to be fertilisers.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(1^{2}) The estimated values of nutrients of different types of manure, and the methods for calculating the capacity of manure storage facilities shall be established by a regulation of the minister responsible for the area.
[RT I, 27. 06. 2013, 1 – entry into force 01. 07. 2013]

(1^{3}) For the purposes of this Act, “manure” means animal faeces and mixture of animal faeces and litter, including in their processed form.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(2) Requirements for the use of sewage sludge in agriculture, green area creation and recultivation shall be established by a regulation of the minister responsible for the area. For the purposes of this Act, “sewage sludge” means a suspension separated from wastewater by using physical, biological or chemical methods.

(3) Persons engaged in agriculture are recommended to follow good agricultural practice. For the purposes of this Act, “good agricultural practice” means commonly accepted production techniques and methods that, when followed correctly, do not endanger the environment.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(4) It is permitted to spread such an annual amount of nitrogen with fertilisers to crops per hectare of land under cultivation as established on the basis of subsection (1) of this section.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^1) It is permitted to spread up to 170 kg of nitrogen with manure, including the nitrogen in manure left on the land by livestock upon grazing per annum per hectare of land under cultivation.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^2) [Repealed – RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^3) In areas under cultivation, fertilisers shall not be spread on the ground if the inclination of the ground is more than 10 percent. If the ground has an inclination of 5–10 percent, spreading fertilisers on the surface is prohibited from 1 October to 20 March. As an exception, spreading fertilisers on the ground in an area with the inclination of ground is permitted in the cases provided for on the basis of subsection (4^{11}) of this section.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^4) Mineral fertilisers containing nitrogen shall not be spread from 15 October to 20 March and liquid manure shall not be spread from 1 November to 20 March or at any other time when the ground is covered with snow, frozen or periodically flooded or saturated with water.
[RT I, 27.12.2016, 2 - entry into force 01.12.2018]

(4^5) Manure on a field where currently no crops grow must be incorporated into the soil within 48 hours.
[RT I, 27. 06. 2013, 1 – entry into force 01. 07. 2014]

(4^6) Manure can be spread on the land under cultivation covered with growing crops from 1 November to 30 November provided that it is incorporated into the soil within 48 hours.
[RT I, 27. 06. 2013, 1 – entry into force 01. 07. 2014]

(4^7) Solid and deep litter manure and other organic fertilisers shall not be spread from 1 December to 20 March or at any other time when the ground is covered with snow, frozen or periodically flooded or saturated with water.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^8) It is permitted to spread up to 25 kg of phosphorus, including the phosphorus in manure left on the land by livestock upon grazing, per annum per hectare of land under cultivation. It is permitted to increase or decrease the amount of phosphorus spread on the land under cultivation with the consideration that the amount of phosphorus spread as an average over the period of five years shall not exceed 25 kg per hectare.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^9) It is prohibited to use fertilisers on natural grassland, except the nitrogen and phosphorus in manure left on the land by livestock upon grazing, the amount of which shall not exceed the maximum levels of nitrogen and phosphorus provided in subsections (4^1) and (4^8) of this section.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^{10}) For the purposes of this Act, a "natural grassland" is the grassland that has not been affected by people by fertilising, cultivation, insemination or other means. Natural grasslands include rough grazing lands and natural meadows, including grasslands on mineral soil, wooded meadows, coastal meadows, alvars, flooded meadows, wet meadows and wooded pastures.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^{11}) The bases for determining and verifying the inclination of ground, and the exceptions for fertilising areas with inclination shall be established by a regulation of the minister responsible for the area.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^{12}) The inclination of ground shall be determined on the basis of the elevation data entered in the Estonian Topographic Database of the Estonian Land Board.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^{13}) The minister responsible for the area may establish, by a regulation, the requirements for minimising the environmental risk and preventing environmental hazard deriving from outdoor grazing of farm animals.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4^{14}) The spreading of liquid manure by a broadcast spreader is prohibited from 20 September to 20 March and at any other time when the ground is covered with snow, frozen or periodically flooded or saturated with water.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(4^{15}) Considering the weather and vegetation conditions, the Environmental Board may establish the start of the prohibition of spreading liquid manure specified in subsection (4^4) of this section from 15 October.
[RT I, 27.12.2016, 2 - entry into force 01.12.2018]

(5) I t is prohibited to use fertilisers and plant protection products and to engage in any other activities endangering water quality in areas surrounding springs and sinkholes and in a range of 10 meters from the waterline or from the edge of a sinkhole.

(6) It is permitted to keep, as an annual average, livestock in numbers corresponding to up to two livestock units per hectare of agricultural land. It is permitted to keep livestock in numbers corresponding to more than two livestock units per hectare if there are storage facilities for manure or for manure and liquid manure with the necessary capacity or if a contract on manure spreading or manure sales contract has been entered into. The coefficients needed for the calculation that enables the number of farm animals to be expressed in the form of livestock units shall be established by a regulation of the minister responsible for the area.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(7) The minister responsible for the area may establish, by a regulation, a list of specified data to be entered in a field record.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(8) A person engaging in agriculture shall keep a field record in which the following information, *inter alia*, shall be entered:
1) the name and personal identification code or registration code in the commercial register or register of taxable persons;
2) a list of agricultural parcels, including a map of the agricultural parcel on a scale of 1:10000, and in case of agricultural parcels with an area of less than 0. 5 meters, a map of the agricultural parcel on a scale of 1:5000, or in their absence a cadastral map or other appropriate map material;
3) the number and area of the field;
4) the crops or plant species cultivated on the field, or another manner of using the agricultural land;
5) in case of grazing animals, the data on the grazing period, the species and number of grazed animals, location and area of the grazing land;
6) the quantities of fertilisers, including of the solid and liquid manure used, their contents of nitrogen and phosphorus, time of usage and the name and quantity of soil amendments;
7) the start and end dates of formation of manure stacks, the date of spreading manure or compost from the stacks, and the location of manure stacks on the map of the agricultural parcel;
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]
8) the data set out in subsection 78 (6) of the Plant Protection Act;
9) the date of performance of work;
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]
10) the actual yield after harvesting of the relevant crops specified in the requirements for the use of manure established pursuant to subsection (1) of this section.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(9) The data set out in clauses (8) 4)–10) of this section shall be entered in a field record in respect of each field.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(10) A person may enter other relevant data related to agricultural activities in a field record.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(11) Data on performed work shall be entered in a field record within ten calendar days after the performance or completion of the work.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(12) Upon transfer of an agricultural parcel or a part thereof to a new possessor, the part of a field record containing data on the agricultural parcel or part thereof shall be delivered to the new possessor who shall continue maintaining the respective part of the field record.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(13) The data entered in a field record shall be stored for ten years after the entry of the data in the field record.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(14) A person engaging in agriculture who uses 50 hectares or more of arable land and uses fertilisers containing nitrogen shall prepare a fertilising plan every year before sowing, or in case of perennial crops, before the beginning of a vegetation period.
[RT I, 27.12.2016, 2 - entry into force 01.01.2019]

(15) The following information shall be entered in the fertilising plan:
1) the crops cultivated and the planned yield thereof;
2) the type and quantity of the fertiliser planned to be used, and the fertiliser’s content of nitrogen taken in by plants;
3) the consumption of nitrogen necessary for the cultivated crop and the planned yield thereof pursuant to the relevant requirements established pursuant to subsection (1) of this section;

4) the effect of the preceding crops pursuant to the relevant requirements established pursuant to subsection (1) of this section;
5) the delayed effect of manure pursuant to the relevant requirements established pursuant to subsection (1) of this section;
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(16) A fertilising plan may be kept in a field record.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(17) The data of a fertilising plan shall be stored for ten years.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

§ 26^{2}. Requirements for storage of manure and liquid manure

(1) All livestock buildings where more than ten livestock units of livestock are kept shall have storage facilities for manure or for manure and liquid manure, depending on the type of manure.

(2) The storage facilities for manure or for manure and liquid manure shall enable the storage of manure and liquid manure excreted by the livestock during a period of at least eight months, and if necessary, depending on the technology used in the livestock building, also the storage of wastewater from the building. The quantities of manure left by the livestock on the grazing land during the grazing period can be excluded for the purpose of calculating the capacity of a storage facility for manure.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(3) A livestock building where livestock is kept on deep litter and which enables the storage of the quantity of manure set out in subsection (2) of this section, need not have a manure storage facility. If a livestock building does not enable the storage of the quantity of manure set out in subsection (2) of this section, it is necessary to have a storage facility enabling the storage of the remaining quantity.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(3^{1}) If a keeper of animals transfers, on the basis of a contract, manure for storage or processing to a storage or processing facility of another person, a leak-tight storage facility holding a manure quantity of at least one month must be ensured when using the livestock building.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(3^{2}) Storage facilities for manure or for manure and liquid manure and livestock buildings with deep litter shall be leak-tight and their structure shall ensure safety and prevention of leaks upon operation of the storage facility, including upon filling and discharging the facility.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(3^{3}) If there are ten or less livestock units of livestock kept in a livestock building and solid manure or deep litter manure is created there, such manure can be stored, temporarily before spreading or before taking it to a manure stack, in an area with a water-proof bottom and protected against storm water, next to the building.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4) [Repealed – RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(5) On land under cultivation, it is permitted to keep only solid manure in stacks for up to two months before spreading, if the solids content of the manure is at least 20 percent and if it does not exceed the quantity of use of one vegetation period.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(6) It is permitted to keep deep litter manure in stacks for up to eight months, if the solids content of the manure is at least 25 percent and if its quantity does not exceed the quantity of use of one vegetation period, while notifying the Environmental Board about it at least 14 days before starting to set up a stack.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(7) The storage of solid and deep litter manure in stacks is prohibited from 1 November to 31 December.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(8) A manure stack shall be situated on flat land, at a distance of at least 50 meters further from a surface water body, a well or a sinkhole. A manure stack shall not be set up above a drainage pipe of a land improvement system, or in an area with unprotected groundwater, in a waterlogged area or an inundated area.
[RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(9) For the purposes of this Act, composting of manure means the process of aerobic decomposition of manure, during which organic substances are decomposed by the effect of micro and macroorganisms. For the purposes of this Act, composting of manure does not mean composting by composting equipment.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(10) Manure may be composted, in particular, in a manure storage facility or in a stack on arable land. The quantity of manure to be composted outside a manure storage facility of an enterprise shall not be taken into account as a part of the capacity of the manure storage facility.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(11) Deep litter manure can be composted in a stack only if the solids content of the manure is at least 25 percent when setting up the stack. The solids content of manure to be composted shall be determined from manure produced by similar technology at the expense of the producer before starting to set up the stacks at least once in every two years from one sample by an accredited laboratory analysis method.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(12) The Environmental Board shall be notified of formation of a composting manure stack at least 14 days before starting to set up a stack.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(13) Composting in a stack in the field is permitted in a volume not exceeding the limits for nutrients that are permitted to be spread in the same field pursuant to subsections (4^1) and (4^8) of section § $26^1$of this Act. The height of a composting manure stack at the time of setting up the stack can be 2 meters in maximum, and the form of the stack shall preclude accumulation of rain water on the stack.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(14) The manure to be composted shall be spread from a stack on to the field not later than within 24 months after starting to set up a stack.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(15) After removal of compost from a stack, vegetation shall be planted on the ground of the stack located on grassland, not later than by the beginning of the next vegetation period. A new composting manure stack shall not be set up in the same spot for a period of five successive years after the spreading.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

§ 26^3. Protection of catchment areas against agricultural pollution in nitrate sensitive areas

(1) In order to protect groundwater and surface water, nitrate sensitive areas shall be designated in areas of agricultural production. An area where agricultural activities have caused or may cause the concentration of nitrate ions in groundwater to be greater than 50 mg/l or where surface water bodies are eutrophic or in danger of becoming eutrophic due to agricultural activities is deemed to be a nitrate sensitive area.

(2) Nitrate sensitive areas and limestone and karst areas that are located therein and that have unprotected groundwater and a soil depth of less than 2 m shall be designated and the extent of restrictions that apply in such areas pursuant to subsections (5) and (6) of this section shall be established by the protection rules provided in a regulation of the Government of the Republic.

(3) [Repealed – RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(4) [Repealed – RT I, 06. 01. 2016, 2 – entry into force 16. 01. 2016]

(5) In nitrate sensitive areas of unprotected groundwater and a soil depth of up to 2 m, and in karst areas, it is permitted to restrict the following on the basis of the protection rules:
1) nitrogen spread with mineral fertilisers during one year to an average of 100 kg per hectare of land under cultivation;
2) keeping livestock to 1. 5 livestock unit per hectare of land under cultivation;
3) the use of sewage sludge.

(6) In areas surrounding springs and sinkholes and in a range of up to 50 m from the waterline or from the edge of a sinkhole, it is prohibited to use fertilisers and plant protection products and to keep manure in a manure stack, unless otherwise provided in the protection rules, and to engage in other activities that endanger water quality and are specified in the protection rules. The range of the area of 50 m subject to restrictions may be reduced by the protection rules.

(7) From 1 November until 31 March, at least 30 percent of the land under cultivation situated in a nitrate sensitive area and used by a person engaged in agriculture shall be under plant cover. One-third of the above percentage may be substituted by the autumn ploughing in ground of the straw of cereals, rapeseed or turnip rapeseed. For the purposes of this Act, “plant cover” means winter crops such as winter cereals, winter oil rapeseed, winter turnip rapeseed, herbaceous grasses, leguminous crops, and culinary and medicinal plants.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(8) [Repealed – RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(9) A monitoring program shall be approved by the minister responsible for the area in order to assess the efficiency of water protection measures implemented in a nitrate sensitive area.

(10) Restrictions and obligations established in the nitrate sensitive area shall be revised every four years on the basis of monitoring results.

(11) [Repealed – RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(12) In order to reduce the effect of pollution arising from agricultural production on surface and ground water, an action plan for a nitrate sensitive area containing appropriate measures shall be prepared. The Ministry of the Environment shall arrange the preparation of the action plan out of funds allocated for such purpose from the state budget, and the action plan shall be approved by the Government of the Republic. The action plan for a nitrate sensitive area shall be revised as appropriate every four years on the basis of monitoring results concerning surface and ground water.
[RT I 2005, 37, 280 – entry into force 10. 07. 2005]

(13) The provisions concerning open proceedings apply to proceedings of preparation of an action plan for a nitrate sensitive area, taking account of the specifications provided for in this Act.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(14) The preparation of an action plan for a nitrate sensitive area shall be initiated by the minister responsible for the area. The Ministry of the Environment shall publish a notice concerning the initiation of the preparation of an action plan for a nitrate sensitive area in the official publication *Ametlikud Teadaanded*and in one national daily newspaper within one month of making a relevant decision.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(15) Local governments, representative organisations of agricultural and aquacultural producers and other interest groups from the territory of the nitrate sensitive area shall be involved in the preparation of a draft action plan for the nitrate sensitive area.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(16) Before the public display, a draft action plan for the nitrate sensitive area shall be coordinated with the ministries whose area of administration the action plan concerns, and it shall be sent to the local governments and representative organisations of agricultural and aquacultural producers from the territory of the nitrate sensitive area for expressing their opinion thereon. The time provided for coordination and expressing an opinion shall be at least 15 working days.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(17) After the coordination of a draft action plan for a nitrate sensitive area in accordance with subsection (16) of this section, it shall be displayed on the website of the Ministry of the Environment. The duration of the public display shall be at least 30 days. Information on the time and place of the public display and term for submission of proposals shall be published in the official publicaton *Ametlikud Teadaanded*and in one national daily newspaper.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(18) During the public display, everyone has the right to submit proposals and objections in respect of the draft action plan for a nitrate sensitive area. The authority arranging the preparation of the action plan shall respond to the submitted proposals and objections in writing within two months after the expiry of the term for submission of proposals.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(19) The decision on the approval of an action plan for a nitrate sensitive area and the action plan shall be published on the website of the Ministry of the Environment.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 26^4. Administrator and administration of nitrate sensitive area and validity of restrictions

[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(1) The administrator of a nitrate sensitive area is the Environmental Board that is authorised to administer a nitrate sensitive area to the extent and pursuant to the procedure provided in this Act.
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

(2) The administration of a nitrate sensitive area means coordination of the implementation of protection measures provided for in the protection rules.

(3) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(4) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(5) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(6) Upon transfer of an immovable property, the transferor is required to notify the new owner if the immovable property is situated in a nitrate sensitive area.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(7) The owner of an immovable property shall submit an application to the land registry for entering termination of or changes to lawful restrictions and obligations in the land register.

(8) Upon transfer of the possession of an immovable property, the contract between the owner and the possessor shall contain the restrictions and obligations resulting from the protection rules.

§ 26^5. Prevention and reduction of pressure and pollution caused by hazardous substances and other pollutants in catchment area

(1) It is prohibited to overload a catchment area with hazardous substances or other pollutants to such an extent that this may cause deterioration in the status of surface water or groundwater.

(2) A " pollutant" or "contaminant" means any substance liable to cause pollution. Pollutants are particularly the following substances:
1) organohalogen compounds and substances that may form such organohalogen compounds in the aquatic environment;
2) organophosphorus compounds;
3) organotin compounds;
4) substances and preparations, or the breakdown products of such, which possess carcinogenic or mutagenic properties or properties that may affect endocrine-related functions in or via the aquatic environment;
5) persistent hydrocarbons and persistent and bioaccumulable organic toxic substances;
6) cyanides;
7) metals and their compounds;
8) arsenic and its compounds;
9) biocides and plant protection products;
10) suspended solids;
11) substances that contribute to eutrophication (in particular, nitrates and phosphates);
12) substances that have an unfavourable influence on the oxygen balance.

(3) For the purposes of this Act, a "hazardous substance" means an element or a compound that due to toxicity, stability or bioaccumulation causes or may cause danger to human health or damages or may harm other living organisms or ecosystems.

(4) "Priority substance" means a hazardous substance that presents a significant danger to the aquatic environment or via the aquatic environment to human health or harms or may harm other living organisms or ecosystems and the discharge of which into the aquatic environment is restricted in accordance with this Act for the purpose of reducing the discharge of the substances into the aquatic environment.

(5) "Priority hazardous substance" means a hazardous substance that presents a significant risk to the aquatic environment or via the aquatic environment to human health or harms or may harm other living organisms or ecosystems and the discharge of which into the aquatic environment is prohibited or restricted in accordance with this Act for the purpose of terminating or progressively removing the discharge of the substances into the aquatic environment.

(6) [Repealed – RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(7) [Repealed – RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(8) Discharge to surface water of priority hazardous substances and direct discharge to groundwater of the aforesaid substances and other pollutants is prohibited, except in exceptional cases on the basis of a permit for the special use of water. Discharge to surface water and groundwater of priority substances is permitted on the basis of a permit for the special use of water in accordance with § $26^{11}$of this Act.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(9) "Direct discharge to groundwater" means the discharge of the substances specified in this Act to groundwater without percolation throughout the soil or subsoil or discharge of such substances to an unprotected groundwater area.

(10) The list of priority substances and priority hazardous substances, the environmental quality standards of priority substances, priority hazardous substances and certain other pollutants, and methods for application of environmental quality standards, the environmental quality standards of river basin specific pollutants, the watch list of substances, and the limit values for concentrations of hazardous substances in the soil shall be established by a regulation of the minister responsible for the area.

[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(11) [Repealed – RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 26[6]. Groundwater pollutants and their threshold values

(1) The threshold value for a groundwater pollutant indicates the concentration of the groundwater pollutant in a body of groundwater exceeding which entails a risk of failing to meet the requirements for a good chemical status class of groundwater.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(2) The groundwater pollutants and their threshold values shall be determined for each body of groundwater, considering:
1) the background levels of the concentration of pollutants in groundwater;
2) the hydrogeological conditions of the body of groundwater;
3) the status of water bodies, terrestrial ecosystems and wetlands dependent on the body of groundwater and their mutual connection and extent of interactions;
4) possible impact of current or future legitimate interference in the use or functions of groundwater;
5) human activity, including pollutants from diffuse sources;
6) the origin of pollutants, their possible natural occurrence, toxicity and their tendency to spread, stability and potential for bioaccumulation.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(3) For the purposes of this Act, "background level" means the concentration or indicator value of a pollutant in a body of groundwater with no, or only very minor, anthropogenic alterations to undisturbed conditions that would alter the chemical composition of the body of groundwater.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(4) A list of groundwater pollutants, the threshold values of such pollutants broken down by bodies of groundwater, and the methods for determining the background levels shall be established by a regulation of the minister responsible for the area.
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

(4[1]) In the case of a transboundary body of groundwater, the threshold values for groundwater pollutants shall be coordinated with a competent authority of a foreign state in accordance with § 3[3]of this Act before being established.
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

(5) The following shall be published in the water management plan:
1) a list of the bodies of groundwater at risk with a description of the bodies of groundwater;
2) a list of groundwater pollutants and their threshold values;
3) a summary of the proceedings for establishment of the threshold values;
4) the ratio of the threshold value for a naturally present groundwater pollutant to its background level;
5) the ratio the threshold value of a pollutant and the standards for groundwater and surface water established by legislation to the data on the toxicity, ecotoxicity, stability and potential for bioaccumulation of other pollutants and their tendency to spread;
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]
6) reasons why threshold values have not been established for a pollutant and its quality indicators set out in Annex II Part B of Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration (OJ L 372, 27. 12. 2006, pp 19-31), amended by Directive 2014/80/EU (OJ L 182, 21. 06. 2014, pp 52-55);
7) a summary of the methods for determining the background levels;
8) the ratio of the threshold value of a pollutant to the environmental quality standards of the aquatic and terrestrial ecosystems relating to the body of groundwater established on the basis of this Act;
9) the ratio of the threshold value of a pollutant to the water protection targets and the environment and drinking water quality standards valid at the EU Member States level or at the international level;
10) the main stages of assessment of the chemical status of groundwater, including information on the organisation and time of conduct of monitoring and collection of data, and the methods for calculating the permitted level of exceeding the quality indicators;
11) relevant reasons if the information set out in § 3[28]and in this section of this Act is not provided in the water management plan.
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

§ 26[7]. Amending list of groundwater pollutants and their threshold values

(1) The list of groundwater pollutants and their threshold values shall be amended and supplemented in the interests of human health and environmental protection in accordance with new information on pollutants.

(2) A pollutant may be removed from the list of groundwater pollutants if the pollutant does not affect the good chemical status of a body of groundwater any longer.

(3) An overview of amendments to the list of groundwater pollutants and their threshold values shall be set out in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 26^{8}. Groundwater quality standards

(1) The groundwater quality standard indicates the concentration of a pollutant in groundwater, which may not be exceeded in the interests of human health and the environmental protection.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(1^{1}) If the application of groundwater quality standards to a body of groundwater does not ensure achievement of the environmental objectives of a body of surface water dependent on the body of groundwater, or causes a substantial deterioration in the ecological or chemical status of the body of surface water or harm to the terrestrial ecosystem dependent on the body of groundwater, the minister responsible for the area shall establish threshold values that are stricter than the quality standards for the respective groundwater pollutants.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(2) The groundwater quality standards of groundwater pollutants, including active substances of nitrates and pesticides, to be considered when determining hazardous substances and the chemical status class of a body of groundwater shall be established by a regulation of the minister responsible for the area.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(3) In the case provided in subsection (1^{1}) of this section, the minister responsible for the area shall establish by a regulation the threshold values that are stricter than the quality standards for the groundwater pollutants.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 26^{9}. Significant and sustained upward trend in concentration of pollutants in groundwater

(1) A s ignificant or sustained upward trend in the concentration of pollutants in groundwater indicates any statistically and environmentally significant increase of concentration of a pollutant in a body of groundwater at risk. For such an upward trend in the concentration of pollutants, the trend shall be reversed and the starting point for trend reversal shall be defined.

(2) A "significant upward trend in the concentration of pollutants in groundwater" means an increase by more than 20 percent of the baseline level in the annual average concentration of pollutants in a body of groundwater at risk during two consecutive years.

(3) A "sustained upward trend in the concentration of pollutants in groundwater" means an increase compared to the baseline level in the annual average concentration of pollutants in a body of groundwater at risk during six consecutive years.

(4) The "baseline level" means the average concentration of pollutants in a body of groundwater measured from 2007 to 2009 during groundwater monitoring.

(5) A significant upward trend in the concentration of pollutants in bodies of groundwater at risk shall be identified every two years and a sustained upward trend every six years and these shall be published in the water management plan.

(6) If the impact of pollution from a point source or contaminated soil on groundwater poses a threat to the good chemical status of a body of groundwater or to achieving this status, additional assessments of a significant and sustained upward trend in the concentration of pollutants shall be carried out in order to determine the extent of pollution and impact of the pollution on the environment or take measures to avoid the extension of pollution to a larger area, avoid danger to human health and the environment, significant adverse effects on the chemical status of groundwater and any delay in achieving the environmental objectives. An overview of the results of the additional assessments of a significant and sustained upward trend in the concentration of pollutants shall be published in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 26^{10}. Starting point for reversal of upward trend in concentration of pollutants in groundwater

(1) The starting point for reversal of an upward trend in the concentration of pollutants in groundwater indicates that the concentration of a pollutant in a body of groundwater at risk has increased to 75 percent of the threshold value for the pollutant or of the groundwater quality standard and appropriate measures shall be taken to reverse the significant or sustained upward trend in the concentration of pollutants.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(2) The starting point for reversal of an upward trend in the concentration of pollutants in groundwater may be less or more than 75 percent of the threshold value for the pollutant or of the groundwater quality standard if:
1) such a starting point for reversal of an upward trend in the concentration of pollutants enables significant detrimental changes in the chemical status of groundwater to be prevented most cost-effectively, or at least mitigated as far as possible;
2) the detection limit of the concentration of pollutants does not allow for establishing the presence of a starting point for reversal of an upward trend in the concentration of pollutants in groundwater at 75 percent of the threshold value for the pollutant or groundwater quality standard.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(3) The starting point for reversal of an upward trend in the concentration of pollutants in groundwater may be more than 75 percent of the threshold value for the pollutant or of the groundwater quality standard in accordance with clause (2) 1) of this section if this does not lead to any delay in achieving the environmental objectives.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(4) The starting point for reversal of an upward trend in nitrates in a nitrate sensitive area shall be 40 mg/l.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5) The starting points for reversal of an upward trend in the concentration of pollutants in groundwater provided in subsection (1) of this section or defined pursuant to subsections (2) and (3) of this section shall apply in those bodies of groundwater where a significant or sustained upward trend in the concentration of pollutants has been identified in accordance with § $26^{9}$of this Act. The definition of such points shall be organised by the Ministry of the Environment.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(6) The starting points for reversal of an upward trend in the concentration of pollutants in groundwater shall be published every six years in the water management plan. Said points shall not be changed during the six-year period of a water management plan.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

§ 26^{11}. Water discharge containing hazardous substances on basis of permit for special use of water

(1) W ater discharge containing hazardous substances is permitted in case of holding a permit for the special use of water.

(2) Upon issue of a permit for the special use of water, the issuing authority shall take into account the results of the water investigation, including the forecast impact of a water discharge containing hazardous substances on the status of a recipient.

(3) In case of a water discharge containing hazardous substances, the following shall be entered on a permit for the special use of water:
1) the maximum permitted concentration of hazardous substance in effluent, i. e. the emission limit value;
2) the permitted quantity of emission of hazardous substances during a period determined in the permit for the special use of water;
3) the permitted volume of emission of hazardous substances per raw material or production unit, taking into consideration the best available techniques;
4) the conditions for discharging effluent containing hazardous substances into a recipient;
5) the requirements for the monitoring of water discharge containing hazardous substances;
6) the requirements for the monitoring of the recipient of effluent containing hazardous substances;
7) the limit value of hazardous substances in the recipient;
8) the measures that reduce the impact of hazardous substances on the recipient.

(4) The conditions for discharging hazardous substances from industrial undertakings or other undertakings using hazardous substances to the public sewerage system shall conform to the provisions of subsection (3) of this section.

(5) A special user of water shall communicate the results of monitoring carried out on the basis of a permit for the special use of water to the issuing authority that shall forward the information concerning the water discharge containing hazardous substances to the relevant database.

(6) [Repealed – RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 26^{1}. Water discharge into groundwater on basis of permit for special use of water

(1) Groundwater that has passed though the heat exchanger in the geothermal system may be discharged directly into groundwater on the basis of a permit for the special use of water, if groundwater is redischarged into the same aquifer and outside the radius of influence of a groundwater intake.

(2) If it does not compromise achievement of the environmental objective of a body of groundwater, it is permitted to do the following under the conditions provided in a permit for the special use of water:

1) to discharge effluent that may not contain any other pollutants except the pollutants that have arisen during exploration and extraction of combustible mineral resources, into the layers of geological deposits from which the combustible mineral resources or other substances were extracted or into other layers of geological deposits that cannot be used, due to natural factors, permanently for other purposes;
2) to discharge water that has been pumped out from mines and quarries or water pumped out in connection with construction or maintenance work, into groundwater;
3) to discharge natural gas or liquefied petroleum gas (LPG) for storage purposes into the layers of geological deposits that cannot be used, due to natural factors, permanently for other purposes;
4) to discharge natural gas or liquefied petroleum gas for storage purposes into the layers of geological deposits if this is indispensable in order to ensure the security of natural gas supply and if, during storage, any further deterioration in the status of the receiving groundwater or a threat thereof in the future is prevented;
5) to discharge substances into groundwater for scientific purposes in order to describe, protect or improve the status of surface water and groundwater, in a quantity that is indispensable for the purpose set out above.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 26[13]. Groundwater protection status

(1) The "g roundwater protection status" means the coverage of an aquifer with an aquifuge or a soil layer that has poor drainage.

(2) The a quifer protection status shall be assessed taking into account the composition of soil and all the aquifuges resting above the aquifer.

(3) In accordance with the aquifer protection status, areas shall be divided as follows:
1) " unprotected groundwater areas" means karst areas and alvars and areas where the aquifer is covered by a moraine layer up to 2 metres thick or a sand or gravel layer up to 20 metres thick;
2) " weakly protected groundwater areas" means areas where the aquifer is covered by a moraine layer 2–10 metres thick or a clay or loam layer up to two metres thick or a sand or gravel layer 20–40 metres thick;
3) " groundwater areas of medium protection" means areas where the aquifer is covered by a moraine layer 10–20 metres thick or a clay or loam layer 2–5 metres thick;
4) " relatively protected groundwater areas" means areas where the aquifer is covered by a moraine layer more than 20 metres thick or a clay or loam layer more than 5 metres thick;
5) " protected groundwater areas" means areas where the aquifer is covered by a regional aquifuge.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 26[14]. Discharge of pollutants from ships into sea

[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(1) "Discharge of pollutants into the sea" means the discharge from ships into the sea of the substances provided in Annex I (oil and oil mixture) and Annex II (noxious liquid substances in bulk) to the International Convention for the Prevention of Maritime Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter MARPOL), for any reason, including the leakage and pumping out of such substances.
[RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

(2) The discharge of pollutants from ships into the sea is prohibited.
[RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

(3) In a marine area, straits used for international navigation and in high seas the discharge of pollutants into the sea is not deemed to be violation of the prohibition specified in subsection (2) of this section if:
1) the discharge of pollutants into the sea is necessary for the purpose of securing the safety of a ship or saving human lives at sea;
2) pollutants are discharged into the sea to control pollution for the purpose of minimising the damage caused by pollution and there is a consent as defined in subsection 8 (5) of this Act for using the pollutants in the marine area, and in any other cases there is the permission or consent of a competent authority of the country of location where the discharge will occur;
3) it is in compliance with the provisions of Regulations 15 or 34 of Annex I or Regulation 13 of Annex II to MARPOL.
[RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

(4) A d ischarge of pollutants into the sea shall not be regarded as a violation of law committed by the operator, the master or the crew acting under the responsibility of the master in straits used for international navigation, an exclusive economic zone or high seas if the discharge of pollutants into the sea results from damage to a ship or its equipment and all reasonable precautions have been taken after the occurrence of the damage or discovery of the discharge for the purpose of preventing or minimising the discharge.

(5) The exception provided for in subsection (4) of this section shall not apply if the discharge of pollutants into the sea resulted from an intentional or negligent act of the operator or the master.

(6) The prohibition provided for in subsection (1) of this section shall not apply to any warship, naval auxiliary or other ships owned or operated by a State and used only on non-commercial service.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 26[15]. Environmental damage caused by discharge of pollutants from ships into sea or by another prohibited activity on sea

(1) “Damage caused to water or to specimens of animal or plant species by discharge of pollutants from ships into the sea or by another prohibited activity at sea (hereinafter environmental damage)” means a directly or indirectly measurable adverse change in indicators characterising the quality of water or the animal or plant species communities, including in the specimen habitat quality or in the behaviour or status of specimens.

(2) In respect of coastal waters, damage caused to water is deemed to be such an adverse change in the quality of water that deteriorates the status of coastal waters in such manner that the status class of coastal waters changes.

(3) If environmental damage has been caused by discharge of pollutants from ships into the sea or by another prohibited activity, and the related liability is not regulated by the International Convention on Civil Liability for Oil Pollution Damage, 1992, the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, or the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, the provisions of the Environmental Liability Act shall apply to the marine area, taking account of the specifications of this Act upon determination of environmental damage.
[RT I, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

§ 26[16]. Determination of environmental damage and original status

[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(1) The original status and the provisions of subsections (3) and (4) of this section shall be taken into account upon determination of environmental damage caused by discharge of pollutants from ships into the sea or by another prohibited activity at sea.
[RT I, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

(2) The “original status” means the condition of natural resources and the benefits brought by natural resources that would exist if no environmental damage had been caused.

(3) The environmental damage specified in subsection 26[15](1) of this Act shall be determined on the basis of the hazardousness of the pollutant involved to the environment, the quantity of pollutants discharged into the sea and their concentration in seawater (exceeding the maximum levels), the size of the population of species and distribution area, changes in the habitat quality, migration, reproductive behaviour and physiological status of specimens of the species, the duration and geographical scope of the change caused by discharged pollutants into the sea or by another prohibited activity at sea, the quantity of the communities and populations affected by the change, the irreversibility of the change and the regeneration ability and regeneration period of elements of the affected ecosystem.
[RT I, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

(4) For the purposes of subsection 26[15](1) of this Act, environmental damage may be deemed not to include an adverse change that is smaller than a natural change that is considered normal in the case of a specific habitat, species or protected area and that has occurred due to natural factors or in the course of ordinary management, or if the habitat, species or protected area reaches the original status or an equivalent or better status as compared to the original one within a short period of time and without intervention.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5) If the status class of coastal waters has not been assessed previously, the damage caused to water shall be determined on the basis of the provisions of subsection (3) of this section and, where appropriate, an expert opinion, taking account of the reference conditions that are type-specific to the relevant body of coastal waters, the existence of pressures and their likely impact, the overall impression of the body of coastal waters and the general description of the ecological status.

(6) The extent of damage shall be determined on the basis of the following:
1) the damage is significant if the changes are extensive and cover a larger area or a greater quantity of communities and populations, but the damaged environment recovers within a certain period of time (one to five years);
2) the damage is major if the changes are irreversible or the recovery of the status prior to the damage takes more than five years.

(7) Environmental damage caused by discharge of pollutants from ships into the sea or by any other prohibited activity at sea shall be identified by the Environmental Inspectorate. The Environmental Inspectorate will be

entitled to require information related to the environmental damage or threat of environmental damage and other information required for the determination of the damage from the person who caused damage.
[RT I, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

(8) The minister responsible for the area shall establish, by a regulation, a list of those species and groups of species, the adverse change affecting which is deemed to be damage caused to water or to specimens of animal or plant species or parts thereof for the purposes of subsection 26^{15}(1).
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(9) [Repealed – RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

§ 26^{17}. Involvement of experts

[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(1) The Environmental Inspectorate may involve experts and the Environmental Board in assessment of damage.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(2) An expert may be a natural person who has long-term experience in investigation of natural resources and their benefits and who has provided reliable assessments on matters pertaining to the protection or sustainable use of the relevant natural resource.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(3) If an environmental damage may affect human health, the Environmental Inspectorate shall select an expert on the basis of the opinion of the Ministry of Social Affairs concerning the criteria that an expert should meet in the given case.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 27. Protection of ice cover of water body

(1) The ice cover of a water body shall not be polluted or littered by oil products, chemicals, waste or other contaminants.

(2) The abstraction of ice shall not cause water pollution or depletion, or littering of a water body.

§ 28. Sanitary protection zones of water intakes

(1) The “sanitary protection zone of a water intake” means an area of land and water surrounding a place where drinking water is abstracted, and where activities and movement are restricted to prevent the deterioration of water quality and protect the water intake facilities.

(2) The extent of a sanitary protection zone of a water intake, except the cases provided in subsections (3)–(5^1) of this section, shall be:
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
1) 50 m from a bore well if water is abstracted from an aquifer using one bore well;
2) 50 m to either side of the axis of a row of bore wells, 50 m from the outermost bore wells of the row, and the area between bore wells in a row of bore wells, if water is abstracted from an aquifer using two or more bore wells;
3) 200 m upstream from the water abstraction point, 50 m downstream, and 50 m to either side of the water abstraction point along a line drawn across the banks of the water body and passing through the water abstraction point, if water is abstracted from a watercourse;
4) the water area of a water body with a 90 m wide riparian zone, if water is abstracted from a standing water body.

(3) A sanitary protection zone shall not be formed if less than 10 m^3 of water is abstracted from an aquifer per day for the needs of one immovable property. The maintenance requirements for such a water abstraction point shall be established by the minister responsible for the area.

(4) The Environmental Board may reduce the sanitary protection zone of a water intake:
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]
1) to 10 m from a bore well if less than 10 m^3 of water is abstracted from an aquifer per day and the water is used for the needs of up to 50 people;
2) to 30 m from a bore well if more than 10 m^3 of water is abstracted from an aquifer per day and the aquifer is well protected;

3) to 10 m from a bore well if less than 50 m^3 of water is abstracted from an aquifer per day and the aquifer is well protected in accordance with an expert assessment on the water intake and groundwater status, prepared by a person holding a licence for hydrogeological investigation, and written consent for the reduction of the sanitary protection zone has been obtained from the Health Board.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

(5) A sanitary protection zone may reach up to 200 m from the water abstraction point if more than 500 m^3 of water is abstracted from the aquifer per day. The boundaries for such a sanitary protection zone shall be established by the Environmental Board on the basis of a water intake project.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(5^1) The "sanitary protection zone of a water intake of a water body" means the water area of a water body along with the riparian zone with the extent of at least 90 metres if more than 500 m^3 of water is abstracted per day. The boundaries for such a sanitary protection zone shall be established by the Environmental Board on the basis of a water intake project or a project of the sanitary protection zone of the water intake.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(5^2) The extent of the riparian zone of the sanitary protection zone specified in subsection (5^1) of this section may be less than 90 meters if the historical boundary of the sanitary protection zone has been closer than 90 meters to the water area of the water body.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(6) The procedure for the formation and design of sanitary protection zones of water intakes shall be established by the minister responsible for the area. The procedure shall also set out that local governments shall be informed of the formation of a sanitary protection zone of a water intake.

§ 28^1. Restrictions in sanitary protection zones of water intakes

(1) Economic activities are prohibited in the sanitary protection zone of a groundwater intake with a width of either 30 m or 50 m, except:
1) servicing water intake facilities;
2) forest maintenance;
3) mowing grasses;
4) water monitoring.

(2) T he restrictions on the limited management zone of the shore or bank provided for by the Nature Conservation Act shall apply in the sanitary protection zone of a groundwater intake with a width of more than 30 m.
[RT I 2004, 38, 258 – entry into force 10. 05. 2004]

(3) In the sanitary protection zone of a water intake on a watercourse and standing water body, the following shall apply:
1) the restrictions provided for in subsection (1) of this section in respect of water intakes in Northeastern Estonia and the city of Narva, on the Narva River, and, to the water intake of the city of Tallinn on Lake Ülemiste;
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]
2) the restrictions provided for by the Nature Conservation Act on the limited management zone of the shore or bank in respect of other water bodies and of water bodies of the water intake of the city of Tallinn not specified in clause 1) of this subsection.
[RT I 2004, 38, 258 – entry into force 10. 05. 2004]

(4) The owner or possessor of a water intake may prohibit the presence of persons not connected with servicing the water intake facility at the equipment of the water intake facility and in that part of the water area of a water body that is inside the sanitary protection zone of the water intake.

(5) There shall be no shore path in the sanitary protection zone of a water intake that is subject to the restrictions provided in subsection (1) of this section. Only people who perform duties related to environmental supervision, health protection, servicing water intake facilities, forest maintenance, mowing grasses and water monitoring may be present in a sanitary protection zone.

(6) If it is necessary to carry out work not specified in subsection (1) of this section in the sanitary protection zone of a water body to maintain the water body or the sanitary protection area itself, permission for this shall be granted by the relevant local government in agreement with the Environmental Board.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

§ 29. Water protection zones

(1) In order to protect water against diffuse pollution and to avoid the erosion of the banks of a water body, a water protection zone shall be formed in the area of the banks of the water body.

(2) The extent of water protection zones from the usual boundary of the water shall be:

1) 20 m on the Baltic Sea, Lake Peipus, Lake Lämmijärv, Lake Pskov and Lake Võrtsjärv;
2) 10 m on other lakes, reservoirs, rivers, brooks, springs, main ditches and canals, and artificial recipients of land improvement systems;
3) 1 m in artificial recipients of land improvement systems with a catchment area of less than 10 km^2.

(3) For the purposes of this Act, the "usual boundary of the water" means the boundary of the water body as set out in the base map.

(4) The following is prohibited within a water protection zone:
1) extraction mineral resources and earth substances, and prospecting;
2) cutting layers of trees and shrubs without the consent of the Environmental Board, except cutting carried out in artificial recipients of land improvement systems for the performance of work to manage land improvement systems;
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]
3) economic activities, except for removing flora that has been washed out of the water, mowing grass, cutting reed, removing grass and reed, and grazing under the conditions provided for in §§ 29[1] and 29[2] of this Act;
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]
4) use of fertilisers, chemical plant protection products and sewage sludge, and setting up manure storage facilities or manure stacks. The use of plant protection products is permitted only for the purpose of clearing the outbreak site in the event of a plant disease or pest outbreak, and the permission of the Environmental Board shall be obtained for each separate occasion.
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

(5) The restrictions provided for in clauses (4) 1)–3) of this section shall not extend to an artificial water body that has arisen as a result of extraction of mineral resources or earth substances and is located in a deposit, a mining claim or a mine service plot until the obligation of restoration of mined land is declared to be performed in accordance with the procedure provided in the Earth Crust's Act.
[RT I, 10. 11. 2016, 1 – entry into force 01. 01. 2017]

(6) [Repealed – RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

§ 29[1]. General requirements for grazing in water protection zones

(1) Grazing in a water protection zone shall not cause:
1) erosion of the banks or littering of a water body;
2) damage to the aquatic biota or spawning grounds;
3) negative impact on the public use of a water body or use of a shore path;
4) damage to a water body subject to nature conservation or a water body of cultural value;
5) other significant environmental nuisance in a water body;
6) harm to the proper functioning of a land improvement system.

(2) No supplementary feed, except mineral feed, shall be given to the livestock grazed on a grazing land in a water protection zone.

(3) As an exception to subsection (2) of this section, supplementary feeding is permitted during transition to pasture in the springtime, and in case of pasture grass shortage deriving from disadvantageous conditions.

(4) The livestock feeding areas shall be located outside a water protection zone.

(5) A strip of shore of at least five meters per one livestock unit shall be ensured along the coast of a water body, except at the sea.

(6) If the cattle consists of ten units of livestock or more, the person planning grazing shall notify the Environmental Board of the planned activities once a vegetation period at least 14 days before the start of grazing by sending a notice to the Environmental Board via the information system.
[RT I, 06. 07. 2016, 3 – entry into force 01. 04. 2017]

(7) Specified data to be set out in the notice and the procedure for submission of the notice shall be established by a regulation of the minister responsible for the area.
[RT I, 06. 07. 2016, 3 – entry into force 01. 04. 2017]

(8) If within 14 days after receipt of a notice, the Environmental Board does not notify the person submitting the notice about a requirement for amending or verifying the data set out in the notice, grazing in the water protection zone can be started.
[RT I, 06. 07. 2016, 3 – entry into force 01. 04. 2017]

(9) If it turns out in the course of grazing that the requirements for grazing as set out in subsections (1)–(6) of this section and § 29[2]are not met, the Environmental Board may establish supplementary conditions in respect of grazing or prohibit grazing.

(10) A person grazing less than ten livestock units shall adhere to the requirements provided in subsections (1)–(5) of this section and § 29[2], and subsection (9) of this section may be applied to such person.
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

§ 29[2]. Supplementary requirements for grazing in water protection zone of water body, except the sea

(1) Grazing in the water protection zone of a water body, except the sea, is prohibited from 31 October to 30 April.

(2) Grazing is prohibited:
1) in the water protection zone of the important springs and karst areas indicated in the protection rules for the nitrate-sensitive area of Pandivere and Adavere-Põltsamaa;
2) in the sections of water bodies constituting the habitat for the freshwater pearl mussel (*Margaritifera margaritifera*);
3) on forest land in a water protection zone within the meaning of clause 3 (2) 2) of the Forest Act.

(3) As an exception to clause (2) 3) of this section, livestock is permitted to have an access to water on forest land in a water protection zone, if there is a strip of forest in the water protection zone to the extent of the whole grazing area between the grazing land and water body.
[RT I, 06. 07. 2016, 3 – entry into force 16. 07. 2016]

§ 30.–§ 30[6].[Repealed – RT I, 23.03.2015, 3 – entry into force 01.07.2015]

§ 31. Water protection upon use of bed of water body and earth's crust

(1) Extraction of mineral resources and earth substances from the bottom of a water body or the building of the structures supported by the bottom of a water body shall not cause damage to the water, aquatic biota or banks of the water body.

(2) If the earth's crust is used for purposes other than groundwater abstraction, measures shall be taken to protect groundwater.

(3) Extraction of mineral resources in the sanitary protection zone of a water intake is prohibited.

§ 32. Choice of location for structures affecting status of water body and aquifer, and work procedure

(1) When the location of a new or reconstructed structure that affects the status of a water body or aquifer is being chosen or such a structure is undergoing design, building or demolition, and when new technology that affects the status of a water body or aquifer is being developed, water shall be protected against pollution and depletion, the water body shall be protected against littering, the interests of other landowners and water users shall be taken into consideration, and the supply of drinking water shall be guaranteed.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(2) Permission to perform work affecting the condition of a water body or aquifer on the water body and in a water protection zone shall be granted by the relevant local government with the consent of the landowner and water user.

(3) If the work described in subsection (2) of this section is performed in the sanitary protection zone of a water intake, permission is required from the owner of the water intake.

§ 33. Termination of work and water use affecting status of water and water body

(1) If water or a water body is used without a relevant permission or consent or if environmental protection requirements are violated when performing work that affects the water status, such activities may be suspended pursuant to the procedure provided by law.

(2) Disputes concerning the suspension of activities shall be settled by a court.

Chapter 5[1]
ASSESSMENT AND MANAGEMENT OF FLOOD HAZARD RISKS

[RT I 2010, 43, 254 - entry into force 17.07.2010]

§ 33[1]. Floods and flood hazard risks

(1) “Flood” means the temporary covering by water of land not normally covered by water, including floods caused by rising water levels of water bodies. Flood does not include floods caused by sewerage systems.

(2) “Flood hazard risk” means the combination of the probability of a flood event and of the potential adverse consequences for human health, property, the environment, cultural heritage and economic activity associated with a flood event.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33[2]. Management of flood hazard risks

(1) To manage flood hazard risks, a preliminary flood hazard risk assessment shall be organised and maps of areas with flood hazard (flood hazard areas) and of areas with flood hazard risks (flood hazard risk areas) and a flood hazard risk management plan shall be prepared. The preliminary flood hazard risk assessment shall be performed and the flood hazard risk management plan shall be prepared in terms of river basins.

(2) The activity specified in subsection (1) of this section shall be organised by the Ministry of the Environment in cooperation with the Ministry of Rural Affairs, Ministry of Finance and Ministry of the Interior. The Ministry of the Environment shall involve local governments in the work.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(3) A preliminary flood hazard risk assessment and maps of flood hazard areas and of flood hazard risk areas shall be approved by the minister responsible for the area. A flood hazard risk management plan shall be approved by the Government of the Republic.
[RT I, 03.03.2017, 1 - entry into force 01.07.2017]

(4) The preliminary flood hazard risk assessment, maps of flood hazard areas and of flood hazard risk areas and the flood hazard risk management plan shall be reviewed, and if necessary updated, every six years at the same time with updating the water management plan. The likely impact of climate change on the occurrence of floods shall be taken into account in updating the preliminary flood hazard risk assessment and management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33[3]. Preliminary flood hazard risk assessment

(1) To assess flood hazard risks, a preliminary flood hazard risk assessment shall be prepared for each river basin or for each part of a transboundary river basin located in Estonia.

(2) A preliminary flood hazard risk assessment shall be prepared on the basis of available derivable information, taking account of the results of investigations about how climate change affects the occurrence of floods. The assessment shall include at least the following information and documents:
1) a map of the river basin on an appropriate scale including the boundaries of the sub-basins, catchment areas or sub-catchment areas and coastal areas, showing topography and land use;
2) a description of the known floods that have occurred in the past and which had significant adverse consequences for human health, property, the environment, cultural heritage and economic activity if the likelihood of similar future events is still relevant;
3) a description of the extent and conveyance routes specified in clause 2) of this subsection and an assessment of the adverse consequences they have entailed;
4) a description of the significant floods that have occurred in the past and that did not have significant adverse consequences, but where such consequences of similar future events might be envisaged;
5) an assessment of the potential adverse consequences of future possible floods for human health, property, the environment, cultural heritage and economic activity, taking into account as far as possible issues such as the topography, the position of watercourses and floodplains and their general hydrological and geo-morphological properties, the effectiveness of man-made flood defence infrastructures, if any, the position of populated areas, areas of economic activity and long-term developments including impacts of climate change on the occurrence of floods.

(3) When assessing flood hazard risks in a transboundary river basin, the information described in subsection (2) of this section shall be exchanged with a competent authority of a foreign state in accordance with § 3[3]of this Act and data obtained during such exchange of information shall be taken into account in preparing a preliminary flood hazard risk assessment for the transboundary river basin.

(4) On the basis of a preliminary flood hazard risk assessment, areas where significant flood hazard risks exist or might be considered likely to occur (hereinafter significant risk area) shall be identified. In determining whether a flood hazard risk is significant, it shall be assessed whether the flood involves, *inter alia*:
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]
1) in the riparian zone of a river or in a coastal area of the sea, harm to human health and property;
2) erosion or denudation of a riverbed or coast;
3) destruction of natural or cultivated plant communities caused by coverage with alluvial materials transported with water or water flow;
4) impediment to the use of ownership, cut-off of access routes or significant deterioration in access conditions.

(5) The location of significant risk areas in a transboundary river basin shall be coordinated with a competent authority of a foreign state in accordance with § 3^3 of this Act prior to identification of significant risk area.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^4. Maps of flood hazard areas and of flood hazard risk areas

(1) Maps of flood hazard areas and of flood hazard risk areas shall be prepared, on the level of the river basin, on a scale that is appropriate for risk management in significant risk areas.

(2) A map of a flood hazard area shall show areas where the following could occur:
1) flood with a low probability – once in 1 000 or more years, or flood caused by extreme events;
2) flood with a medium probability – once in 100 or more years;
3) flood with a high probability – at least once in less than 100 years.

(3) A map of a flood hazard area shall show information about the floods specified in clauses (2) 1)–3) of this section concerning the flood extent, water depths or water level and, where appropriate, the flow velocity or the volumetric water flow.

(4) A map of a flood hazard risk area shall show information about the potential adverse consequences of the floods specified in clauses (2) 1)–3) of this section and areas in need of protection and potentially affected by the floods as follows:
1) the approximate number of inhabitants potentially affected by the flood;
2) type of economic activity of the area potentially affected by the flood;
3) installations in the categories of activities specified in subsection 19 (2) of the Industrial Emissions Act that may cause accidental pollution in case of flooding;
[RT I, 16. 05. 2013, 1 – entry into force 01. 06. 2013]
4) water bodies that are used for abstraction of drinking water and whose productivity per day as set out in the design is more than 10 m^3 or that service more than 50 people and water bodies planned to be used for said purpose in the future;
5) areas designated as recreational waters, including bathing waters and bathing areas;
6) areas designated for the protection of habitats or species on the basis of the Nature Conservation Act where the maintenance or improvement of the status of water is an important protective factor, including areas of the Natura 2000 network;
7) [repealed – RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(5) A map of a flood hazard risk area shall also show, in addition to the information specified in subsection (4) of this section, other information necessary to determine significant flood hazard risks, including information about other significant sources of pollution.

(6) In the case of a significant risk area inside a transboundary river basin, information shall be exchanged with a competent authority of a foreign state in order to prepare maps of flood hazard areas and of flood hazard risk areas.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^5. Disclosure of documents concerning flood hazard risk

A preliminary flood hazard risk assessment and maps of flood hazard areas and of flood hazard risk areas shall be disclosed in the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^6. Flood hazard risk management plan

(1) To manage flood hazard risks, a flood hazard risk management plan (hereinafter risk management plan) shall be prepared for significant risk areas of each river basin, the objective of which is to reduce the potential adverse consequences of flooding for human health, property, the environment, cultural heritage and economic activity, and reduce the likelihood of flooding with similar adverse consequences.

(2) To achieve the objective provided in subsection (1) of this section, the risk management plan shall cover all risk management aspects, including risk prevention, protection against and preparedness for floods, flood forecasts and early warning systems. For this purpose, the risk management plan may plan leaving floodplains

out of use, promotion of sustainable land use practices and other measures for the prevention or flood hazard risks that are not related to the establishment of infrastructures.

(3) A risk management plan shall contain:
1) the results of the preliminary flood hazard risk assessment concerning a river basin on a map showing significant risk areas of the river basin;
2) maps of flood hazard areas and of flood hazard risk areas and the conclusions drawn from those maps;
3) a description of the objectives of flood hazard risk management;
4) a summary of the planned measures in their order of priority aiming to achieve the objectives of flood hazard risk management, including flood related measures taken under this Act, the Chemicals Act and the Environmental Impact Assessment and Environmental Management System Act;
5) for a transboundary river basin, a description of the methods of cost-effectiveness used to assess measures with transboundary effects;
6) a description of the implementation of the risk management plan, indicating, in the order of priority, a description of the measures for monitoring success in the implementation of the measures, a summary of the public information and consultation measures, a list of authorities involved in the implementation of the risk management plan, a description of cooperation implemented in the case of a transboundary river basin, and connection of the management plan with the water management plan.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(4) A risk management plan shall be prepared taking into account, *inter alia*, costs and benefits relating to the plan, flood extent and flood conveyance routes, potentially flooded areas (floodplains, wetlands), the environmental objectives provided for in accordance with this Act, soil use and protection requirements, water management, spatial planning, land use, nature conservation, navigation and port infrastructure.

(5) When assessing flood hazard risks in a transboundary river basin, the information described in subsections (3) and (4) of this section shall be exchanged with a competent authority of a foreign state in accordance with § 3^{3} of this Act and data obtained during such exchange of information shall be taken into account in preparing a risk management plan.

(6) Measures established in a risk management plan shall not, by their extent and impact, significantly increase flood hazard risks upstream or downstream of a territory of a foreign state in a transboundary river basin, unless these measures have been coordinated with competent authorities of the state in accordance with § 3^{3} of this Act and an agreed solution has been found.

(7) In the case of a transboundary river basin, a risk management plan shall be prepared about the part of the river basin located in Estonia, coordinating the management plan before its approval with competent authorities of a foreign state, or about the entire transboundary river basin in cooperation with a competent authority of the foreign state in accordance with the procedure provided for in § 3^{3} of this Act. Where appropriate, a more detailed risk management plan shall be prepared at the level of a transboundary sub-basin.

(8) The requirements, specifications and restrictions established in the risk management plan and the need to implement appropriate measures shall be taken into account in preparing a water management plan, a management plan for land improvement systems, comprehensive and detailed spatial plans, and crisis management plans on the national as well as local government levels.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^{7}. Preparation and disclosure of flood hazard risk management plan

(1) A flood hazard risk management plan shall be prepared, in accordance with § 3^{20} of this Act, at the same time with the preparation of a water management plan.

(2) The Ministry of the Environment shall ensure preservation of the information and materials collected during preparation of the risk management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^{8}. Updating of risk management plan

(1) A risk management plan shall be updated taking into account any changes since the previous approval of the risk management plan that have been determined as a result of updating the preliminary flood hazard risk assessment and maps of flood hazard risk areas and of flood hazard areas.

(2) An updated risk management plan shall also include, in addition to that provided for in subsection 33^{6}(3) of this Act, the following:

1) an overview of any changes referred to in subsection (1) of this section and of updates of the risk management plan since the plan was last approved, including an overview of impacts of climate change on the occurrence of floods;
2) an assessment of the progress made towards the achievement of the objectives of the risk management plan;
3) a description of any measures established in the risk management plan that have not been taken forward and an explanation of the reasons for not taking them;
4) a description of any additional measures taken since the previous approval of the risk management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^{9}. Implementation of risk management plan

(1) The implementation of a flood hazard risk management plan shall be organised by the Ministry of the Environment, Ministry of Finance and Ministry of the Interior in cooperation with other ministries and local governments.
[RT I, 30. 06. 2015, 4 – entry into force 01. 09. 2015]

(2) Preparedness for floods shall be ensured in accordance with the procedure provided for in the Rescue Act and the Emergency Act pursuant to emergency plans and flood hazard risk management plans.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 33^{10}. Prohibition to cause flood and paludification of land and to redirect and bar floodwaters

(1) Landowners (possessors of land) and water users may not cause by their acts or omissions the following:
1) flood;
2) destruction of embankment protection, embankment, dam or other engineering works;
3) erosion of soil or landslide;
4) paludification of land.

(2) To avoid damage and other adverse consequences of flood, any unauthorised redirecting and barring of floodwaters in a significant risk area are prohibited.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 34. [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

Chapter 5^{2}
USE AND PROTECTION OF MARINE ENVIRONMENT

[RT I, 22.12.2012, 13 - entry into force 01.01.2013]

§ 34^{1}. Marine area

(1) For the purposes of this Act, the “marine area” covers the inland sea, the territorial sea and the exclusive economic zone altogether, including the seabed and earth’s crust thereunder to the extent established by the Maritime Boundaries Act and by international agreements of the Republic of Estonia.

(2) “Marine area region” means a part of the marine area that differs from the remaining marine area, *inter alia*, by its biota, hydrological, marine and biogeographic features and pollution load.
[RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

§ 34^{2}. Environmental status and good environmental status of marine area

(1) “Environmental status of marine area” means the overall state of the environment in the marine area, taking into account the structure, function and processes of the constituent marine ecosystems along with natural, geo-morphological, geographic, biological, geological and climatic factors as well as physical, acoustic and chemical conditions, including those resulting from human activities inside or outside the marine area.

(2) “Good environmental status of marine area” means the environmental status of marine area where this preserves ecologically diverse and dynamic marine area that is clean, healthy and productive within its intrinsic conditions and the use of the marine area is sustainable, thus safeguarding the potential for uses and activities by current and future generations, particularly if:
1) the structure, functions and processes of the marine ecosystems and the associated geo-morphological, geographic, geological and climatic factors, allow those ecosystems to function fully and to maintain their resilience to human-induced environmental change, marine species and habitats are protected, human-induced decline of biodiversity is prevented and biological components function in balance;
2) hydro-morphological, physical and chemical properties of the marine ecosystems, including those properties that result from human activities in the area concerned, support the ecosystems as described in clause 1) of this subsection and anthropogenic inputs or disposals of substances and energy, including noise, into the marine environment do not cause pollution effects.

(3) The g ood environmental status of the marine area shall be maintained or achieved by the year 2020 at the latest.
[RT I, 10. 03. 2011, 2 – entry into force 20. 03. 2011]

§ 34[3]. Prohibition to store carbon dioxide in marine areas

(1) For the purposes of this Act, "storage of carbon dioxide in marine areas" means placing carbon dioxide into a water column in a marine area or onto the seabed or storage of carbon dioxide in geological formations under the seabed.

(1[1]) For the purposes of this Act, a "water column" means the vertically continuous mass of water from the surface to the bottom sediments of a water body.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(1[2]) For the purposes of this Act, a "geological formation" means a lithostratigraphical subdivision within which distinct rock layers can be found and mapped.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(2) The storage of carbon dioxide in marine areas is prohibited.
[RT I, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

§ 34[4]. Dumping

(1) For the purposes of this Act, "dumping" means:
1) any intentional discharge into the sea or sea-bed insertion of waste or other substances or objects from a ship or aircraft, platform or any other maritime installation;
2) intentional discharge of ships, aircraft, platforms or other maritime installations into the sea;
3) abandoning or toppling of platforms or other maritime installations in the sea, at their site of use for the purpose of disposal.

(2) For the purposes of this Act, the following is not deemed to be dumping:
1) discharge of waste or other substances or objects into the sea of that is accidental or incidental to normal use of ships, aircraft, platforms or other maritime installations and equipment thereof, unless it is waste or other substances or objects that are carried by ships or aircraft for the purpose of sinking them into the sea or for the purpose of processing, or that are created on such ships, aircraft, platforms or other maritime installations in the course of processing of such waste, substances or objects, or that are transported to platforms or other maritime installations for dumping;
2) discharge of waste or other substances or objects into the sea for any other purpose than their intentional disposal;
3) disposal into the sea or sea-bed insertion of waste or other substances or objects directly deriving from or related to the exploration or use of mineral resources and related processing carried out in the high seas.

(3) Dumping is prohibited, except in the cases set out in subsections (4) and (5) of this section.

(4) Only dredging spoils may be dumped in the Baltic Sea, and it shall not endanger vessel traffic.

(5) Outside the Baltic Sea, also other substances and objects may be dumped in the sea.

(6) If a permit for dumping set out in subsection (5) of this section is not prescribed pursuant to the legislation of a Coastal State, the Ministry of the Environment shall issue a permit for the special use of water to this end. Said permit shall be issued on the basis of international agreements, particularly the requirements deriving from the 1996 Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972. The conditions of the location of dumping, *inter alia*, shall be taken into account upon the issue of a permit for the special use of water.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 34[5]. Issue of permit for special use of water for dumping

(1) The issuing authority shall refuse to issue a permit for the special use of water for the purpose of dumping also, in addition to the cases set out in subsection 9 (10) of this Act, in case:
1) there are alternatives for using the dredging spoils or for depositing dredging spoils onto land in a manner that does not pose a threat to human health or the environment and does not entail disproportionate costs;
2) the impact of dumping on human health or the environment cannot be determined with an acceptable level of accuracy.

(2) While determining a dumping site, the physical, biological and chemical characteristics of the potential dumping site in the water column and on the sea bed, the mineral deposits located at the dumping site, other

methods of use of the dumping site and the activities carried out at the dumping site, the potential use of the dumping site for other economic activities, and the potential impact of dumping on protected marine areas and protected species or related ecosystems shall be taken into account.

(3) The issuing authority shall coordinate the dumping site to be set out in a permit for the special use of water with the Maritime Administration before issuing the permit.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 34⁶. Incineration

(1) For the purposes of this Act, "incineration" means combustion of waste or other substances or objects by way of incineration for the purpose of intentional disposal thereof onboard a ship, a platform or any other maritime installation at sea.

(2) For the purposes of this Act, incineration is not deemed to be combustion of waste or other substances or objects onboard a ship, a platform or any other maritime installation on the sea if such waste or other substances has resulted from normal use of the ship, platform or any other maritime installation.

(3) Incineration of waste and other substances and objects is prohibited at sea.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 34⁷. Dumping and incineration in exceptional circumstances

(1) The prohibition of dumping provided in subsection 34⁴(3) and the prohibition of incineration provided in subsection 34⁶(3) of this Act shall not apply, if due to *force majeure*caused by severe weather conditions there is an imminent threat to human life, to a ship, aircraft, platform or any other maritime installation, and:
1) it is necessary to ensure their safety or prevent damage, and
2) dumping or incineration is the only measure to avoid such threat, and the damage caused by dumping or incineration is likely to be smaller than the damage arising in case of avoiding dumping or incineration.

(2) In the case set out in subsection (1) of this section, measures shall be taken upon dumping or incineration, in order to minimise as far as possible any risk of causing harm to human lives, human health and the environment.

(3) The prohibition of dumping provided in subsection 34⁴(3) and the prohibition of incineration provided in subsection 34⁶(3) of this Act shall not apply in a situation where the threat to human health and safety or to the environment is critical, and there is no other reasonable solution to solve the problem. In such case, any damage caused to the environment by dumping and incineration shall be prevented as far as possible, considering the time during which measures shall be taken for eliminating the respective threat.

(4) A person shall immediately, and if possible, beforehand inform the Environmental Inspectorate about a necessity for applying the exceptions set out in subsection (3) of this section.

(5) While applying the exceptions set out in subsections (1) and (3) of this section, a person shall immediately communicate information about the circumstances that caused the application of the exceptions, and the detailed data on dumping and incineration to the Environmental Inspectorate.

(6) The Environmental Inspectorate shall immediately inform the Ministry of the Environment about the cases of application of the exceptions set out in subsections (1) and (3) of this section. The Ministry of the Environment shall organise, if possible, prior coordination of dumping or incineration with the competent authorities of the states that are affected or may be affected by the dumping or incineration, or their immediate notification about dumping or incineration that has already taken place, and shall also immediately inform the International Maritime Organisation about the situation.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 34⁸. Installation of submerged cable lines and pipelines

(1) Submerged cable lines and pipelines can be installed in the sea, if they do not hinder normal use of the water body and will not depreciate in an inexpediently short period of time, the principle being that the water body shall be affected as little as possible.

(2) Submerged cable lines and pipelines shall be operated in such manner as to prevent the threat of environmental damage, and to damage the environment as little as possible.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 34⁹. Marine strategy

(1) A marine strategy shall be prepared for the whole marine area of Estonia in order to protect the marine area and to achieve and maintain its good environmental status.

(2) The marine strategy shall consist of the following parts:

1) initial assessment of the marine area, comprising the important features and parameters of the current environmental status of the marine area, including physical and chemical characteristics, habitat types, biological characteristics and hydromorphology, pressures that have impact on the environmental status of the marine area, including pressures with cumulative effects, and the economic and social analysis of the use of the marine area and of the costs arising from deterioration of the state of the marine environment, which shall be prepared on the basis of the indicative list of elements set out in Annex III to Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy (OJ L 164, 25. 06. 2008, pp 19-40, hereinafter the Marine Strategy Framework Directive);
2) determination of the good environmental status of the marine area which enables maintaining an ecologically diverse and dynamic marine area which is clean, healthy and productive, and where the use of the marine environment is at a level that is sustainable, thus safeguarding the potential for uses and activities by current and future generations, on the basis of the qualitative descriptors set out in Annex 1, and the elements set out in Annex III of the Marine Strategy Framework Directive, the criteria and methodological standards established for applying them, and the specific features of the ecosystems;
3) environmental targets for achieving the good environmental status of the marine area, containing a description of the desired status of various components of the marine area expressed through quality or quantity, a description of the pressures affecting the marine area and their impact as well as a description of associated indicators, taking into consideration the list of pressures and impacts set out in Table 2 of Annex III and the indicative list of characteristics set out in Annex IV to the Marine Strategy Framework Directive;
4) a monitoring program for on-going assessment of the environmental status of the marine area, based on the initial assessment of the marine area set out in clause 1), and the environmental targets set out in clause 3) of this subsection, and the indicative list of elements set out in Annex III, and the list set out in Annex V to the Marine Strategy Framework Directive;
5) a programme of measures for the marine area, designed to achieve or maintain good environmental status, based on the initial assessment of the marine area set out in clause 1), and the environmental targets set out in clause 3) of this subsection, and taking into consideration the types of measures listed in Annex VI to the Marine Strategy Framework Directive, sustainable development, and economic and social impact of the measures.

(3) The marine strategy shall be prepared, taking account of the relevant existing national, European Union and international assessments, environmental targets, monitoring programmes and programmes of measures, as well as transboundary impacts and specific features, and co-operating with other Member States of the European Union in order to ensure coherence and comparability of different parts of the marine strategy. The marine area shall be assessed, the relevant monitoring programmes and programmes of measures shall be prepared, and the environmental targets shall be established, if necessary, for separate regions of the marine area, ensuring coherence among different regions.

(4) The provisions concerning open proceedings apply to the preparation, amendment and revocation of the marine strategy.

(5) The marine strategy shall be updated every six years after the approval or updating thereof.

(6) The preparation of the marine strategy shall be organised by the Ministry of the Environment.

(7) An initial assessment of the marine area and determination of good environmental status, environmental targets for achieving the good environmental status of the marine area and the associated indicators, as well as a monitoring programme for on-going assessment of the environmental status of the marine area shall be approved by an administrative act of the minister responsible for the area.

(8) A programme of measures for the marine area to achieve or maintain its good environmental status shall be approved by an order of the Government of the Republic as a part of the plan of implementation of a strategic development document comprising maritime policy.
[RT I, 28. 06. 2015, 7 – entry into force 08. 07. 2015]

§ 34^{10}. Application of exceptions in achievement of environmental targets

(1) A failure to achieve the good environmental status of the marine area set out in clause 34^{9}(2) 2) of this Act and a total failure to achieve the environmental targets set out in clause 34^{9}(2) 3) of this Act by planned measures is permissible, if it is caused by:
1) acts or omissions for which the state authorities obliged to achieve or maintain the good environmental status of the marine area, or to achieve the environmental targets, are not responsible;
2) natural causes;
3) *force majeure*;
4) modifications or alterations to the physical characteristics of the marine area brought about by actions taken for reasons of overriding public interest which outweigh the negative impact on the environment, including any transboundary impact;
5) natural conditions which do not allow improvement in the status of the marine waters concerned on time.

(2) A failure to achieve the good environmental status of the marine area or its environmental targets on time if it is due to natural causes, and therefore the timely achievement of the good environmental status of the marine area is not possible.

(3) Application of the exception set out in clause (1) 4) of this section is permitted only in case it is ensured that the modifications or alterations to the physical characteristics of marine area do not permanently preclude or compromise the achievement of the good environmental status of the marine area, in the respective region of the marine area or in the marine area of other Member States of the European Union.

(4) In case of the exceptions set out in subsections (1) and (2) of this section, temporary measures shall be prescribed to contribute to the achievement of good environmental status, and in case of the reasons set out in clauses (1) 2)–4), to prevent further deterioration of the status of the marine area and alleviate the negative impact.

(5) The exceptions in respect of achieving the good environmental status of the marine area or its environmental targets, as set out in this section, can be specified, if necessary, in the programme of measures set out in clause 34^9(2) 5) of this Act.
[RT I, 28. 06. 2015, 7 – entry into force 08. 07. 2015]

§ 35. [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

Chapter 5^3
MAKING CONTRIBUTIONS TO INTERNATIONAL FUNDS FOR COMPENSATION FOR OIL POLLUTION DAMAGE

[RT I, 22.12.2012, 13 - entry into force 01.01.2013]

§ 35^1. The international oil pollution compensation funds

(1) The international fund of 1992 was established pursuant to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (hereinafter the 1992 Fund Convention).

(2) The international supplementary fund was established pursuant to the Protocol of 2003 to the 1992 Fund Convention (hereinafter the Supplementary Fund Protocol).
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 35^2. Submission of data on contributing oil

(1) "Contributing oil" means crude oil and fuel oil within the meaning of Article 1, paragraph 3 of the 1992 Fund Convention.

(2) The "receiver of contributing oil" is the person that has actually received contributing oil, after it has been carried by sea, as a terminal operator, operator of a storage tank located in a port or terminal, or a keeper of a warehouse located in a port or terminal.

(3) The receiver of contributing oil shall submit the following information to the Environmental Inspectorate by 1 February each year:
1) the name, registry code and address of the receiver of oil;
2) the volume of oil received during the previous calendar year.

(4) The receiver of contributing oil shall enable a supervisory official verify the accuracy of the information submitted in accordance with subsection (3) of this section, and assist the official in such verification in every way.

(5) The procedure for submission of the data set out in subsection (3) of this section, the report form, and the indicative list of types of contributing oil shall be established by a regulation of the minister responsible for the area.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 35^3. Receipt of contributing oil

(1) Contributing oil shall be deemed received within the meaning of subsection 35^2(2) of this Act if:
1) it has been received in a port or terminal installation immediately after it was carried by sea from other states, and off the coast by a ship or cabotage from offshore terminals, floating storage units, oil wells in the high seas, or in any such manner;

2) it has been received after it was shipped from a non-Contracting State to the 1992 Fund Convention and the Supplementary Fund Protocol, in whose port or terminal installation contributing oil was received after it had been carried by sea;
3) it was discharged into a floating storage unit in the marine area irrespective of whether the unit is or is not linked to shore-based facilities via a pipeline;
4) was transferred from one ship to another that has carried such oil to a shore-based facility.

(2) Transport of oil within the boundaries of the same port area is not deemed to be carriage of oil by sea within the meaning of clause (1) 1) of this section.

(3) Oil shall not be deemed received within the meaning of subsection 35^2(2) of this Act if it has been transferred from one ship to another and such transfer:
1) takes place in a port area or in the marine area, except in the case set out in clause (1) 4) of this section;
2) takes place only by using the equipment of the ships or via a land pipeline;
3) takes place between two seagoing vessels or between a seagoing vessel and a vessel used in inland waterways.

(4) A ship that is not suitable for marine navigation or that is permanently or semi-permanently anchored is also deemed to by a floating storage unit set out in clause (1) 3) of this section.

(5) In the case set out in clause (1) 4) of this section, if oil is transferred to a storage unit before loading onto another ship, the oil in such storage unit shall be deemed as received oil.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 35^4. Making contributions to international funds

(1) The receiver of contributing oil that has received over 150 000 tons of contributing oil in accordance with Article 10 of the 1992 Fund Convention and Article 10 of the Supplementary Fund Protocol during a calendar year specified in Article 12, paragraph 2 (a) or (b) of the 1992 Fund Convention, and in Article 11, paragraph 2 (a) or (b) of the Supplementary Fund Protocol, shall make a contribution to the International Fund of 1992 and to the International Supplementary Fund by the date and in the amount set out in an invoice sent by the Director of these Funds.

(2) The amount of a contribution to the Funds per one ton of contributing oil shall be calculated in accordance with Article 12 of the 1992 Fund Convention and Article 11 of the Supplementary Fund Protocol.
[RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

Chapter 6
RECORDS OF WATER RESOURCES AND AREAS IN NEED OF PROTECTION, AND WATER MONITORING

[RT I 2010, 43, 254 - entry into force 17.07.2010]

§ 36. Records of water resources

(1) Records of w ater resources shall be kept for the volume, level, properties, use and users of water, and for boreholes, water intakes and groundwater deposits in compliance with the requirements provided in the Environmental Register Act or legislation established on the basis thereof.
[RT I 2005, 15, 87 – entry into force 03. 04. 2005]

(2) Until transfer of the data specified in subsection (1) of this section to the environmental register, records of water resources shall be kept in the state register as a water cadastre in accordance with the procedure provided for in legislation regulating the establishment, introduction, maintenance and liquidation of state registers.
[RT I 2005, 15, 87 – entry into force 03. 04. 2005]

(3) To apply the principle of recovery of the costs of water services, records shall be kept for the environmental and resource costs in the field of household, industry and agriculture.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 36^1. Records of areas in need of protection

(1) In order to protect species directly depending on surface water or groundwater and their habitats and for the purpose of additional protection of surface water or groundwater in certain areas, records of areas in need of protection as specified in subsection 3^6(1) of this Act shall be kept in the environmental register.

(2) The list of areas in need of protection shall be reviewed at least once every six years before updating the water management plan.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 37. River basin water monitoring

(1) River basin water monitoring shall be performed in accordance with the procedure provided for in the Environmental Monitoring Act.

(2) To organise river basin water monitoring, the Ministry of the Environment shall prepare the following in respect of each part of a river basin or a transboundary river basin located in Estonia:
1) a long-term water monitoring programme for one period of a water management plan, whereas the first water monitoring programme shall be prepared for the years from 2010 to 2015;
2) a short-term water monitoring programme for one year.

(3) In the case of presence of pollutants accumulating in aquatic biota or bottom sediment, in addition to or instead of water analyses, the concentration of pollutants in aquatic biota or bottom sediment may be determined in order to identify any long-term changes in the concentration of pollutants and collect information for taking measures in order for the concentration of pollutants in aquatic biota or bottom sediment not to increase significantly.

(4) Requirements for the water monitoring programmes specified in subsection (2) of this section shall be established by a regulation of the minister responsible for the area.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 38. Planning water protection and use

(1) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(2) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(3) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(4) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^1) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(5^2) [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(5^3) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^4) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^5) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^6) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^7) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(5^8) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(6) The status of polluted, i. e. poor or bad, water shall be remedied by the polluter or, if it is not possible to determine the polluter, by the owner of the water body or, in the case of an aquifer, by the state.
[RT I 2004, 28, 190 – entry into force 01. 05. 2004]

(7) The minister responsible for the area shall establish, by a regulation, a list of the water bodies to be protected as habitats for salmonidae and cyprinidae, and the requirements for the quality and monitoring of such water bodies.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(8) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(9) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(10) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(11) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(12) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(13) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(14) [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 38^{1}. [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

§ 38^{2}. [Repealed – RT I 2010, 43, 254 – entry into force 17. 07. 2010]

Chapter 6^{1}
LIABILITY

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 38^{3}. Causing flood or prohibited reduction of volume of water in water body

(1) Causing a flood, paludification or prohibited reduction of the volume of water in a water body or the aquifer is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 – entry into force 01. 01. 2011]

§ 38^{4}. Violation of requirements for use of water

(1) Abstraction of water without a permit for the special use of water, where such permit is required, or violation of the requirements of a permit for the special use of water is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 – entry into force 01. 01. 2011]

§ 38^{5}. Violation of procedure for water protection and use

(1) Violation of the procedure for water protection and use is punishable by a fine of up to 100 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 2000 euros.
[RT I 2010, 22, 108 – entry into force 01. 01. 2011]

§ 38^{6}. [Repealed – RT I 2003, 26, 156 – entry into force 21. 03. 2003]

§ 38^{7}. Violation of quality and control requirements for drinking water

(1) Violation of the quality and control requirements for drinking water established on the basis of subsections 13 (2) and (4) of this Act is punishable by a fine of up to 300 fine units.
[RT I 2003, 26, 156 – entry into force 21. 03. 2003]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01. 01. 2011]

§ 38^{8}. [Repealed – RT I 2010, 43, 254 – entry into force 01. 01. 2014]

§ 38^{9}. [Repealed – RT I 2009, 1, 2 – entry into force 12. 01. 2009]

§ 38^{10}. Violation of prohibition to discharge pollutants from ships into sea and prohibition to store carbon dioxide in marine areas

(1) Prohibited discharge of pollutants from ships into the sea and prohibited storage of carbon dioxide in marine areas 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, 21. 12. 2011, 1 – entry into force 31. 12. 2011]

§ 38^{11}. [Repealed – RT I, 22. 12. 2012, 13 – entry into force 01. 01. 2013]

§ 38^{12}. Failure to submit data on contributing oil

(1) Failure to submit the mandatory information to the Environmental Inspectorate by a receiver of contributing oil as set out in subsection 35^{2}(3) of this Act 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, 22. 12. 2012, 1 3 – entry into force 01. 01. 2013]

§ 38^{13}. Failure to make contributions to international funds

(1) Failure to make a contribution to the International Fund of 1992 and to the International Supplementary Fund by a receiver of contributing oil as set out in subsection 35^{4}(1) of this Act 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, 22. 12. 2012, 1 3 – entry into force 01. 01. 2013]

§ 38^{14}. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the proceedings concerning the misdemeanours provided in §§ 38^{3}–38^{5}, 38^{7}, 38^{8}, 38^{10}, 3812 and $38^{13}$of this Act.

(2) The Environmental Inspectorate is the extra-judicial body which conducts proceedings in matters of misdemeanours provided in §§ 38^{3}–38^{5}, 38^{10}, $38^{12}$and 3813 of this Act.

(3) The Health Board is the extra-judicial body which conducts proceedings in matters of misdemeanours provided in §§ $38^{7}$and 388of this Act.
[RT I, 22. 12. 2012, 1 3 – entry into force 01. 01. 2013]

Chapter 7
COMPENSATION FOR DAMAGE AND SUPERVISION

[RT I 2002, 63, 387 - entry into force 01.09.2002]

§ 39. [Repealed – RT I 2002, 63, 387 – entry into force 01. 09. 2002]

§ 39^{1}. Compensation for damage caused by violation of Water Act

(1) If legal or natural persons damage an aquifer or a water body, such persons are required to eliminate the damage caused or the danger of such damage being caused again, and to inform the Environmental Board and the enforcement authority of the local government promptly thereof. The expenses arising in connection with assessing the extent of the damage shall be covered by the person who caused the damage.
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

(2) If the offender does not promptly start to eliminate the damage or does not comply with the relevant order issued by a supervisory authority, the Environmental Board may appoint a third party to eliminate the damage and collect the consequent expenses from the offender.
[RT I 2009, 3, 15 – entry into force 01. 02. 2009]

(3) If water becomes unusable, the offender shall compensate for the volume of water damaged by paying a five-fold charge for the special use of water.

§ 39^{2}. [Repealed – RT I 2002, 63, 387 – entry into force 01. 09. 2002]

§ 39^{3}. [Repealed – RT I 2002, 63, 387 – entry into force 01. 09. 2002]

§ 39^{4}. State supervision

(1) State supervision over compliance with the requirements of this Act and the legislation established on the basis thereof shall be exercised by the Environmental Inspectorate, the Health Board, the Veterinary and Food Board, the Environmental Board and the Ministry of the Environment.
[RT I, 29. 06. 2014, 1 – entry into force 01. 07. 2014]

(2) The Environmental Inspectorate shall exercise state supervision in respect of compliance with the environmental requirements.

(3) The Health Board shall exercise state supervision over compliance with the requirements established under subsections 13 (2) and (4) of this Act and the requirements set out in §§ 13^{1} and 13^{2} of this Act, and over the health safety of drinking water in accordance with the Public Health Act and Food Act.

(4) The Veterinary and Food Board shall exercise state supervision over the health safety of water in accordance with the Food Act.
[RT I, 13. 03. 2014, 4 – entry into force 01. 07. 2014]

(5) The Environmental Board shall exercise supervision over the compliance with the requirement provided in subsection 17 (9) of this Act in case a permit for the special use of water is not required.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(6) In addition to the Environmental Inspectorate, also the Environmental Board and the Ministry of the Environment shall exercise state supervision over the compliance with the requirements provided in §§ 12^{3}–12^{8} of this Act.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 39^{5}. Special measures of state supervision

(1) The Environmental Inspectorate may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided in §§ 30, 31, 32, 45, 49, 50 and 51 of the Law Enforcement Act on the grounds and in accordance with the procedure provided for in the Law Enforcement Act.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

(2) The Environmental Board and the Ministry of the Environment may, for the purpose of exercising the state supervision provided for in this Act, take special measures of state supervision provided in §§ 30–32, 50 and 51 of the Law Enforcement Act on the grounds and pursuant to the procedure provided for in the Law Enforcement Act.
[RT I, 06. 11. 2015, 2 – entry into force 16. 11. 2015]

§ 39^{6}. Specifications concerning state supervision

For the purpose of exercising supervision, a law enforcement authority may, using a vehicle, including an off-road vehicle or a water craft, enter and move in a land or water area even if legislation prohibits or restricts entry to and movement in such area for environmental protection purposes.
[RT I, 13. 03. 2014, 4 – entry into force 01. 07. 2014]

§ 39^{7}. Use of direct coercion

The Environmental Inspectorate is authorised to use physical force on the basis of and pursuant to the procedure provided in the Law Enforcement Act.
[RT I, 13. 03. 2014, 4 – entry into force 01. 07. 2014]

§ 39^{8}. Penalty payment rate

Upon failure to comply with a precept, the upper limit of penalty payment pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 32,000 euros.
[RT I, 13. 03. 2014, 4 – entry into force 01. 07. 2014]

§ 40. State supervision over water use and protection

[Repealed – RT I, 13. 03. 2014, 4 – entry into force 01. 07. 2014]

§ 40^{1}. Implementation of Act

(1) Testing laboratories holding certificates of approval shall be accredited not later than by 1 April 2004.

(2) The requirement provided in subsection 24^{1}(4) of this Act shall be complied with in agglomerations where pollution load is 10 000 p. e. or more by 31 December 2009 and in agglomerations where pollution load is 2 000–9 999 p. e. by 31 December 2010.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(3) The requirement provided in subsection 26^{3}(7) of this Act shall be complied with from 1 April 2002.

(4) Water management plans in accordance with subsection 38 (1) of this Act shall be prepared not later than by 1 April 2008.

(5) Sections 9^{1}, 13^{1} and 26^{5} of this Act shall enter into force on 1 April 2002.

(6) Until 1 April 2002, the issue, amendment and revocation of permits for the special use of water may be based on the provisions of § 9 in force before 1 April 2001.

(7) A permit for the special use of water issued before the entry into force of this Act shall be valid until the date of expiry provided therein, unless, arising from law, there is a basis for revocation of the permit earlier, except in the case provided in subsection (8) of this section.

(8) The issuing authority has the right to amend a permit for the special use of water issued before 1 April 2002 during the term of the permit if this is necessary in order to implement the requirements provided in §§ 15 and 24 of this Act regarding sources of pollution with a pollution load exceeding 2 000 population equivalents.

(9) An evaluation certificate, issued before 1 May 2004, of a person responsible for sampling who conducts water investigation, may be extended for a period of up to two years by the issuing authority.

(10) The owner or possessor of a dam who has constructed a dam or has obtained possession of a dam and has started damming before the entry into force of this Act and the purpose of whose dam is not the use of hydro-electric energy and who has not held a permit for the special use of water during the validity of this Act shall acquire a permit for the special use of water not later than by 1 January 2012.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(11) [Repealed – RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(12) An owner or possessor of a dam constructed on a water body approved on the basis of subsection 51 (2) of the Nature Conservation Act as a spawning area or habitat of salmon, brown trout, salmon trout or grayling or on a stretch thereof who has constructed a dam or has obtained possession of a dam and has started damming before the entry into force of this Act and the purpose of whose dam is not the use of hydro-electric energy and who has not held a permit for the special use of water during validity of this Act shall acquire a permit for the special use of water not later than by 1 January 2010.
[RT I 2009, 20, 131 – entry into force 18. 04. 2009]

(13) The passage of fish shall be guaranteed both up- as well as downstream on a dam constructed on a water body, or on a stretch thereof, approved on the basis of subsection 51 (2) of the Nature Conservation Act as a spawning area and habitat of salmon, brown trout, salmon trout or grayling, by 1 January 2013.
[RT I 2009, 1, 2 – entry into force 12. 01. 2009]

(14) Division 3 of Chapter 4^{1} of this Act shall not apply to the following structures that are permanently connected to the shore in a public water body:
1) structures built on legal basis within the meaning of the Law of Property Act Implementation Act;
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]
2) structures for which a building permit has been obtained before 1 July 2009.
[RT I, 22. 12. 2010, 1 – entry into force 02. 01. 2011]

(14^{1}) Division 5 of Chapter 4^{1} of this Act shall not apply to structures that were built before 1 January 2010 and that are not permanently connected to the shore in a public water body, and to submerged cable lines built on the basis of a consent for encumbering with submerged cable lines issued before 1 July 2015.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

(15) The combined approach provided for in § 3^{1} of this Act shall apply from 22 December 2012 at the latest.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(16) The overview specified in subsection 3^{4}(4) of this Act shall be published not later than by 31 December 2010.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(17) The programme of measures specified in § 3^{14} of this Act shall be made operational not later than on 22 December 2012.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(18) The preliminary flood hazard risk assessments specified in § 33^{3} of this Act shall be prepared not later than by 22 December 2011 and reviewed, and if necessary updated, by 22 December 2018.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(19) The maps of flood hazard areas and of flood hazard risk areas specified in § $33^4$of this Act shall be prepared and made available to the public not later than by 22 December 2013 and reviewed, and updated if necessary, by 22 December 2019.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(20) The flood hazard risk management plans specified in § $33^6$of this Act shall be approved not later than by 22 December 2015 and reviewed, and updated if necessary, by 22 December 2021.
[RT I 2010, 43, 254 – entry into force 17. 07. 2010]

(21) The Health Board may issue the permits specified in subsection 13^1(3) of this Act for a term extending until 1 January 2014.
[RT I 22. 12. 2012, 13 – entry into force 01. 01. 2013]

(22) The extent of a clearance provided for in subsection 26 (5^1) of this Act shall not be applied to sewerage facilities built before 1 January 2002 in case the extent of the clearance cannot be ensured due to the existing residential buildings, accommodation, medical treatment, sports, educational, commercial and service buildings as well as transport buildings that regularly service people, and dug wells and bore wells, located within the boundaries of the clearance, and in case the requirements for preventing and minimising the impact of pollution from sewerage facilities, established on the basis of subsection 26 (3) of this Act, have been complied with.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(23) The extent of a clearance provided in subsection 26 (5^4) of this Act shall not be applied to storage facilities for oil products built before 1 January 2002.
[RT I, 27. 06. 2013, 1 – entry into force 07. 07. 2013]

(24) The permits for the special use of water issued before 1 January 2014 shall be valid until the expiry of the term set out in these permits, except the permits for the special use of water issued for discharge of effluent and rainwater into a recipient, which shall be valid until the expiry of the term under the conditions set out in the permit before the entry into force of the regulation established under subsection 24 (2) of this Act, but not longer than until 1 January 2015.
[RT I, 13. 12. 2013, 4 – entry into force 23. 12. 2013]

(25) A licence for the performance of hydrogeological works issued before the entry into force of the General Part of the Economic Activities Code Act shall be valid until the expiry of the term of the licence.
[RT I, 04. 03. 2015, 1 – entry into force 14. 03. 2015]

(26) The provisions of clause 13^2(3) 1) of this Act shall be implemented from 28 October 2017.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(27) The plans for drinking water inspection prepared and coordinated before 28 October 2017 shall be valid until the expiry of the term indicated therein. These plans can be amended after 28 October 2017 with the consent of the Health Board.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

Chapter 8
FINAL PROVISIONS

§ 41. [Omitted from this text.]

§ 42. Structures built in public water body before 1 January 2010 that are not permanently connected to shore

(1) In the case of structures that were built in a public water body before 1 January 2010 and that are not permanently connected to the shore, a superficies licence shall be applied for not later than by 31 December 2019.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(2) An application for a superficies licence shall include the information specified in clauses 22^6(2) 1)–3) and 5) and subsection 22^6(3) of this Act, and a map of the location of the structure shall be annexed to the application. The application shall be submitted to the authority responsible for processing superficies licences. The provisions of this Act concerning the commencement of proceedings on a superficies licence shall not apply upon the processing of an application, except for subsection 22^7(2) of this Act.
[RT I 2010, 8, 37 – entry into force 27. 02. 2010]

(3) The Consumer Protection and Technical Surveillance Authority shall check the conformity of the structure to the established requirements and shall issue a precept for elimination of the defects related to the structure to the applicant for a superficies licence, where appropriate.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(4) The Consumer Protection and Technical Surveillance Authority shall refuse to issue a superficies licence on the bases provided in § $22^{10}$of this Act or if the applicant for a superficies licence does not bring the structure into compliance with the established requirements by the due date determined in the precept. When refusing to issue a superficies licence, the provisions of clause 131 (3) 1) of the Building Code shall apply to the structure.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

§ 43. Consent for encumbering with submerged cable lines issued before 1 July 2015

(1) In order to replace consent for encumbering with submerged cable lines issued before 1 July 2015 with a superficies licence, the superficies licence shall be applied for not later than by 31 December 2019.
[RT I, 27. 12. 2016, 2 – entry into force 06. 01. 2017]

(2) An application for a superficies licence shall include the information specified in clauses 22^6(2) 1)–3) and 5) and subsection 22^6(3) of this Act, and a map of the location of the structure shall be annexed to the application. The provisions of this Act concerning the commencement of proceedings on a superficies licence shall not apply upon the proceedings on an application.

(3) The Consumer Protection and Technical Surveillance Authority shall issue a superficies licence on the same conditions as the consent for encumbering with submerged cable line, considering the requirements set out in subsection 22^9(2) of this Act in respect of the contents of the superficies licence. A superficies licence shall be issued for a term of 50 years unless the applicant applies for a different term.
[RT I, 12.12.2018, 3 - entry into force 01.01.2019]

(4) Consent for encumbering with submerged cable line issued before 1 July 2015 shall be valid until the issue of the superficies licence.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

§ 44. Changing encumbered area of public water body set out in application for superficies licence

For an application for a superficies licence submitted before 1 July 2015, in respect of which a decision on the commencement of a procedure for a superficies licence has not been made, the encumbered area of the public water body set out in the application can be changed before commencement of the proceedings on the superficies licence, if the change of the encumbered area is due to the results of investigations and environmental impact assessment carried out after the submission of the application for a superficies licence, and the encumbered area differs to the extent of up to 33% from the encumbered area set out in the application. The obligation of publishing in the official publication *Ametlikud Teadaanded*as set out in subsection 22^7(3) of this Act shall not apply upon changing the encumbered area.
[RT I, 23. 03. 2015, 3 – entry into force 01. 07. 2015]

[1]Council Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, pp. 6–12); Council Directive 91/271/EEC concerning urban wastewater treatment (OJ L 135, 30.5.1991, pp. 40–52); Council Directive 91/414/EEC concerning placing plant protection products on the market (OJ L 230, 19.8.1991, pp. 1–32); Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 375, 31.12.1991, pp. 1–8); Council Directive 98/83/EEC on the quality of water intended for human consumption (OJ L 330, 5.12.1998, pp. 32–54); Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, pp. 1–73), amended by Directive 2013/39/EU of the European Parliament and of the Council (OJ L 226, 24.08.2013, pp. 1–17); Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, pp. 11–21), last amended by Directive 2009/123/EC (OJ L 280, 27.10.2009, pp. 52–55); Directive 2006/11/EC of the European Parliament and of the Council on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (OJ L 64, 4.3.2006, pp. 52–59); Directive 2006/118/EC of the European Parliament and of the Council on the protection of groundwater against pollution and deterioration (OJ L 372, 27.12.2006, pp. 19–31), amended by Directive 2014/80/EU (OJ L 182, 21.06.2014, pp. 52–55); Directive 2007/60/EC of the European Parliament and of the Council on the assessment and management of flood risks (OJ L 288, 6.11.2007, pp. 27–34); Directive 2008/105/EC of the European Parliament and of the Council on environmental quality standards in the field of water policy, amending and subsequently repealing Council Directives 82/176/EEC, 83/513/EEC, 84/156/EEC, 84/491/EEC, 86/280/EEC and amending Directive 2000/60/EC of the European Parliament and of the Council (OJ L 348, 24.12.2008, pp. 84–97), amended by Directive 2013/39/EU (OJ L 226, 24.08.2013, pp. 1–17); Directive 2008/56/EC of the European Parliament and of the Council establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) (OJ L 164, 25.06.2008, p. 19–40), amended by Directive (EU) 2017/845 (OJ L 125, 18.05.2017, p. 27–33); Commission Directive 2009/90/EC laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring water status (OJ L 201, 1.8.2009, pp. 36–38); Directive 2009/31/EC of the European Parliament and of the Council on

the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006 (OJ L 140, 5.6.2009, pp. 114–135); Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 1985/337/EEC and 1996/61/EC (OJ L 156, 25.06.2003, pp. 17–25); Commission Directive (EU) 2015/1787 amending Annexes II and III to Council Directive 98/83/EC on the quality of water intended for human consumption (OJ L 260, 7.10.2015, pp. 6–17).
[RT I, 22.02.2019, 1 - entry into force 04.03.2019]