

Water Act

Approved on May 11, 1994 (RT I 1994, 40, 655), enforced on June 16, 1994. Changed with act approved on January 24, 1996 and enforced on February 29, 1996 (RT I 196, 13, 240). Changes are marked with line on the left margin.

Chapter 1 General Provisions

§ 1. The Task of the Act

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

(2) The Water Act regulates the use and the protection of water, and relations between landowners and water users.

(3) Insofar as the protection of water is concerned, the provisions of this Act also apply to Economic Zones.

§ 2. The Terms Used

In this Act terms are used with the following meaning:

- 1) **non-point pollution** - pollution of the water body and groundwater layer through the soil and the air;
- 2) **waste water** - used water which is discharged back into the environment;
- 3) **boundary water body** - a body of water through which runs the frontier;
- 4) **surface water** - stagnant or running water, other than sea-water, which is permanently or temporarily stored in a body of water, or water contained in a snow or ice field;
- 5) **groundwater layer** - a part of the solid earth which contains and provides sub-surface water;
- 6) **groundwater** - sub-surface water; mineral water is a category of the groundwater;
- 7) **source of pollution** - the source which causes a deterioration in water quality by pollutants, organisms, heat or radioactivity;
- 8) **sewage water** - harmfully contaminated (over the level of harmlessness) domestic or industrial water; is the category of waste water;
- 9) **inland water body** - body of water through which passes no frontier;
- 10) **recipient** - body of water or part of solid earth into which waste water runs;
- 11) **catchment area** - the area which feeds a water body or its part;
- 12) **water accident** - substantial damage causing flood, destruction of a dam or any other protective construction;
- 13) **permit for special use of water** - a document, allowing specified activities, in which are determined conditions for the amount of extracted water, recipient, the restrictions on water use and the obligations of the permit owner;
- 14) **intake structure** - a building for extraction of water from a water body or from groundwater layer;
- 15) **water discharge** - discharge of waste water into a recipient;
- 16) **impounding reservoir** - an artificial water body in a natural dip, in an excavation or between dams, made by impediment of a watercourse, pumping water into or some other way;
- 17) **water body** - a permanent or temporary surface form, filled with flowing water (watercourse - river, stream, channel etc.) or non-current water (body of standing water - sea, lake, impuonding reservoir etc.);
- 18) **dumping into water** - release or disposal of any objects, garbage, soil etc, into a water body causing deterioration in its state or impairing its use;
- 19) **water overdraft** - unpermitted activity, causing permanent and substantial decrease of flow rates, water level or water volume of the surface water body, permanent decrease of groundwater level or flow rate of a spring;
- 20) **water pollution** - a reduction in the quality of water as a result of an action by the source of pollution which leads to the restricted use of water;
- 21) **water pollution accident** - accidental discharge of any pollutant into the sea, surface- or groundwater, that might negatively affect human health, economic management or the environment.

§ 3. Regulation of Water Use

(1) At the state level are water use and protection regulated by the Government of the Republic.

(2) Within their administrative jurisdiction the local government has the authority to:

- 1) give permits for special use of water;
- 2) arrange management of water bodies which belong to the local government jurisdiction;
- 3) arrange the elimination of the results of water accidents and sudden pollution of water.

(3) The use and protection of boundary water bodies of the Republic is regulated by the international treaties of the Republic of Estonia.

Chapter 2

Ownership of a Water Body and Groundwater; Use of Water and Water Bodies

§ 4. Ownership of Water Bodies

(1) The water body situated on the immovable belongs to the owner of the immovable, unless otherwise constituted by the law.

(2) Phytobenthos is the essential part of the immovable.

§ 5. State Ownership of Water Bodies and Groundwater

(1) Groundwater is state property.

(2) The state owns:

- 1) boundary water bodies : The Narva Impoundment, Peipsi-Pihkva Lake, Pedetsi and Koiva River in parts where they meet the frontier, and the sea;
- 2) navigable water bodies : Lake Võrtsjärv, Emajõgi River, River Väike-Emajõgi from Lake Võrtsjärv to Pikasilla Bridge and the Narva River;
- 3) Water bodies of fishery importance : Nasva and Kasari River from the mouth to the mouth of Vigala River, Mullutu Bay and Gulf of Suurlaht;
- 4) Water bodies, which will remain in possession of the state as constituted by the law.

§ 6. The Use of Water and Water Bodies

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

(2) Public use of water bodies is the use by anyone without using any constructions or technical equipment that can affect the condition of water bodies, as set out in the § 7 of the present Act.

(3) Special use of water is the use with technical equipment, constructions or substances that can affect the condition of water body or groundwater layer, as set out in the § 8 of the present Act.

§ 7. Public Use of Water Bodies

(1) Public use of water bodies contains water extraction, bathing, water sports, moving on water and ice and fishing within the range constituted by the law. The conditions of ownership, as constituted by the law, must not be violated by the public use of water.

(2) List of the water bodies which are for public use will be certified by the Government of the Republic on the motion of the minister of environment. With the list shall not be linked:

- 1) body of standing water without any outlet, which belongs to the private person and situates inside the boundaries of one immovable;
- 2) body of standing water without any outlet, with total area less than five hectares, which belongs to the private person and situates inside the boundaries of several immovables;
- 3) current water body with catchment area less than 25 km² and artificial lake on it.

(3) In the case of natural catastrophe, the public use of water bodies is permitted in the region of damage.

§ 8. Special Use of Water

(1) For the special use of public and private water bodies the user must have terminal permit and in the case of using strange lands also the consent of landowner.

(2) The permit for special use of water will be necessary in case of:

- 1) water extraction from surface water body, including ice extraction, more than 30 m³/day;
- 2) groundwater extraction more than 5m³/day;
- 3) mineral water extraction;
- 4) the discharge of waste water or other water pollutants to a recipient;
- 5) barring, damming up or lowering the water level of a water body;
- 6) mining solid substances from a surface water body which affects the water flow or the condition of the water body;
- 7) drowning solid substances into a surface water body;
- 8) amendment, lowering or releading of groundwater;
- 9) water use with changing physical or chemical characteristics or biological conditions of the water body.

(3) The owner of the land does not need a permit for a special use of water for discharging domestic waste water from his own housekeeping on or into the ground within a holding.

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

§ 9. Proceeding and Termination of the Right of Special Use of Water

(1) The right of special use of water proceeds on the base of permit for special use of water. Pollution permit is the part of permit for special use of water.

(2) Permit for special use of water is terminal and it determines the allowed amount, conditions and order of water use as well as rights and obligations of water user. If several water bodies are simultaneously embraced with the special use of water, the allowed amount and conditions of water use shall be determined with one permit, following the conditions of ecological balance in water bodies.

(3) The written application of the permit for special use of water will be submitted to the publisher of the permit according to location of the water use. Application materials necessary for the issue of permit will be drawn up by the applicant on his own charge.

(4) If the special use of water goes forward on the stranger water body the applicant of special use will have to gain from the owner of water body preceding consent or conclude a contract with him, except in case constituted in paragraph 13 of present law.

(5) The publisher of permit for special use of water or minister of environment may urge the environmental impact assessment, previous to the issue of permit, or during the validity period of permit the external audit of object at the expense of applicant of the permit or possessor of object.

(6) At the issue of permit for the special use of water shall be considered the possibility of using the water through centralized water supply and sewerage. If the usable supply of water is restricted first of all will be quaranteed the drinking and domestic water demand of health, social welfare, teaching and educational institutions, as well as water demand of food industry.

(7) The permit for special use of water will not be issued, if the water resources are restricted and if there is not quaranteed the economical use of water, water protection against pollution and overdraft, protection of water body against littering and the protection of aquatic life and if other economic objects are in danger.

(8) The permit for special use of water will be revoked if the owner of the permit does not follow the provisions of the present Act and other legal acts concerning the use and protection of water, including the issuing of false or confusing data to the authorities when applying permit for special use of water as well as disobeying prescriptions of the supervision office.

(9) Publisher of the permit for special use of water will be determined and the procedure for revoking and issuing the permit for special use of water will be established by the minister of environment.

§ 10. Waterside Path

(1) Waterside path is the part of the shoreline of a public water body and a water body meant for public use and is situated in the bank zone. The width of the waterside path on the lower shore is determined from the average water level line and on the higher shore from the upper edge of the dike, including the area between water level and the upper edge of the dike.

(2) The width of the waterside path is:

- 1) 10 m for navigable water bodies;
- 2) 4 m for other water bodies;

- 3) in a case of flood, when waterside path is under water, 2 m wide publicly usable path must be permitted.
 - (3) The user of waterside path must not damage the property of bank owner by using the waterside path.

§ 11. Charges for the Use of Water and Water Body

- (1) Public use of water body is free of charge, unless otherwise constituted by the law.
- (2) Special use of water is chargeable, except:

- 1) water extraction for agricultural irrigation;
- 2) water extraction for pond-fish culture;
- 3) preventing watercourse with preventive building;
- 4) water extraction for domestic use from groundwater and from the own water body. The water, extracted for domestic use cannot be resold without paying charge for the right to use the natural resource.

§ 11¹. The Order of Payment for the Special Use of Water

(1) 50% of the payment for the special use of water will come into Environmental Fund and 50% into the budget of municipality or community on which territory the special use is going to be, except in case established in passage 8 of present paragraph. In case of the transboundary water bodies the payment for the special use will come into Environmental Fund.

(2) The council of the local government can make advantages for the payment or release the possessor of the permit for special use of water from the payment at the extent of taxes incoming into municipal or community budget.

(3) Water use without special permit need payment five-fold price of the special use of water. Five-fold price of special use will be also paid when more water is used than allowed in permit for special use.

(4) The charge for the special use of water will be paid four times in the year for 25th date of the month subsequent to each quarter.

(5) The charge for the special use of water will be collected by the state environmental services, who will divide the income taxes between the municipal and community budgets as well as the budget of the Environmental Fund.

(6) If one do not pay for the special use of water at term, he will have to pay fine for delay 0.15 percent of the sum of payment per day.

(7) If the user do not pay the charge for the special use of water in time, three months after the term of payment the Ministry of Environment will call in the amount of debt and fine for delay by the order of the court.

(8) Charges for carrying of pollutants into water and ground (recipient) will be paid according to the Pollution Charges Act (RT I 1994, 1, 2).

(9) Rates of the charge for the special use of water will be established by the Government of Republic. The order of calculation and payment of charge for the special use of water and the distribution between local budgets will be established by the minister of environment.

§ 12. Water Studies and Confirmation of Groundwater Resources

(1) Water studies, made as scientific research or monitoring or taking control samples from a water body or groundwater cannot be forbidden by a landowner or an owner of a water body.

(2) Preliminary studies of the groundwater layer are organised by the minister of environment and financed from the Environmental Fund.

(3) Estimation of groundwater resources and water studies to determine the amount of pollutants in the water or in the ground, to control the state of natural environment and to draft of permit for special use of water, will be done according the order established by the minister of environment.

(4) In foundation of groundwater layer with productivity over 500 m³ in a day, it is necessary to determine previously with studies the groundwater resources.

(5) For groundwater studies legal and physical persons must have the licence. The licence will be issued in accordance with procedures established by the Government of Republic.

(6) For determination and impact assessment studies of groundwater resources, including mineral water will be formed the groundwater commission. The statute and personnel of the groundwater commission will be confirmed

by the minister of environment. Groundwater resources will be entered into state register on the base of the order of the minister of environment.

Chapter 3 Manners of the Use of Water and Water Bodies

§ 13. Domestic Water Use

(1) Domestic water is the water that is used for drinking and other domestic needs. The quality requirements for domestic water are established by the minister of health. Domestic water use can be restricted in the interest of general public by the local government.

(2) To satisfy their needs for domestic consumption every person has the right to use surface-, ground- or marine water for public or special purposes.

(3) Water users who have a permit for special use of water have the right to treat water for domestic consumption and to sell it.

(4) Local government who owns or possesses operating domestic intake structure of watercourse or body of standing water, during the enforcement of present law must not have a consent from the owner of water body or to conclude a contract with him. For that local government will be set a usufruct to the right of special use of water, which is limited on domestic water extraction and taking care of water body.

(5) The rights and obligations resultant from usufruct mentioned item 4 of present paragraph are carried out by person appointed by the local government who owns or possesses the water intake structure. The owner of the water body must not claim compensation for setting of usufruct and must not stop from exercising the right.

(6) The list of water bodies belonging to the domestic water intake structure is confirmed by the minister of environment by the order of intake structures.

§ 14. Industrial Water Use

(1) Industrial water is the water that meets process requirements.

(2) Every person have the right for special use of surface-, ground- and marine water for the needs of industry.

(3) Water, meeting the standards established for drinking water, including groundwater, may be used in industry if required by production technology or in case of the use of other water is not economically feasible.

(4) Water user have the right to treat water to meet the standards of industrial water and to sell it.

(5) (dissaffirmed).

(6) The local government have the right to restrict the industrial use of water of drinking water quality in order to supply domestic needs in cases of emergency (natural catastrophes, water accidents).

§ 15. The Use of a Water Body as a Waste Water Recipient

(1) The discharge of waste water into a water body is considered a special use of water.

(2) Waste water may be discharged into a water body only in accordance with the requirements enacted by the Government of the Republic.

(3) An institution, appointed by the Government of the Republic or local authorities have the right to prohibite the discharge of waste water into a water body if it affects public health.

§ 16. Production of Hydroenergy

(1) The use of water for generating energy is considered a special use of water.

(2) Permit for special use of water for the production of hydroenergy is not issued if the restriction of the rights of landowners and other water users and changes in the condition of the water body is ecologically or economically unfounded.

(3) In generation of hydroenergy by damming the watercourse must be applied the requirements of § 17 of the present Act.

§ 17. Impediment of a Watercourse

(1) Impediment of a watercourse is considered special use of water.

(2) The building of watercourse impediment structures (construct a reservoir, a dam, to diverse water) requires permission of the landowner on whose territory the impediment structure is planned.

(3) Impediment of a watercourse must be done in accordance with the requirements established by the Government of the Republic.

(4) Damage caused to the owner of land, land amelioration system or technical building by the impediment activity, must be compensated by the owner of the impediment facility. The charge for damage of fish resources by the impediment activity will be paid to the Environmental Fund.

§ 18. Water Traffic

(1) Water body in public use is publicly usable waterway, unless its use is not prohibited or restricted by legal acts. The prohibition of circulation with craft on water body or restriction of traffic speed is established by governor on the base of local government proposal. Mentioned narranty does not extend on navigable water bodies.

(2) User of waterway is obliged to avoid the violation of the rights of landowner and other water users and the damage causing to aquatic life, bed and banks of a water body, hydraulic structures and technical networks.

(3) No one may endanger water traffic. The blocking up of waterway is allowed only by boat landing and marked fishing gear. The allowed extent of blocking up of waterway by boat landing and marked fishing gear is up to one third of the width of waterway.

(3¹) The requirements of using of craft and ports and regulations of water traffic are established by the Government of the Republic.

(4) The procedures for using a water body for aviation are determined in the Act of Aviation (RT I 1993, 36, 557).

§ 19. Water Use for Fire Fighting Purposes

(1) Water extraction for the use of fire fighting is not considered special use of water.

(2) The owner of the water body must not forbid water extraction for fire fighting purposes.

Chapter 4 Rights and Obligations of the Water User

§ 20. Rights of the Water User and these Protection

(1) The water user is a person, who extracts water from a water body or groundwater layer, discharges waste water to a recipient or uses a water body some other way.

(2) The water user has the right in accordance with the present Act and other legal documents ensuing from it to use water and the water body and to construct necessary facilities for it.

§ 21. Obligations of the Water User

The water user is obliged:

1) to use water efficiently and economically and not to violate water regulations;

2) not to violate the rights of other water users and landowners, nor to cause damage to public health, nature and economic resources by the water use;

3) in case of special water use to estimate the amount and the quality of used water and generated waste water;

4) to organize waste water monitoring in accordance with the order and conditions determined in the permit for special use of water;

5) to follow sanitary protection rules of intake structure.

§ 22. Restriction of the Rights of Water User in the Interests of Another Water User

The rights of one water user may be restricted by law in the interests of another water user, if it is not impairing the conditions of domestic water use.

Chapter 5

Protection of Water Bodies and Groundwater against Pollution, Dumping and Depletion

§ 23. Obligations Concerning Water Protection

(1) Every person is obliged to avoid water pollution and depletion, dumping into water bodies and wells or causing damage to aquatic life.

(2) When using water, every person is obliged to undertake technological, ameliorational, agrotechnical, hydrotechnical and sanitary measures to protect water against pollution, depletion or dumping.

(3) An owner of a water body meant for public water use is obliged to take care of it, to prevent dumping and bank erosion.

(4) Water protective requirements by building and exploitation of amelioration systems are established by the minister of environment.

(5) In sphere of influence of activity impairing the water quality is the person, who arranges activity impairing water quality obliged to observe the state of water.

§ 24. Protection of Groundwater from Waste Water Discharge

(1) The discharge of sewage water into groundwater and the discharge of waste water to the frozen ground is forbidden.

(2) Waste water may be discharged into the soil only in accordance with the requirements set by the Government of the Republic, if it does not alter the natural characteristics of the groundwater.

§ 25. Discharge of Wastes into Water Bodies or Groundwater Layer

(1) The discharge of hazardous wastes into water bodies or groundwater layer is not permitted.

(2) The discharge of noble wastes and filling materials into water bodies or groundwater layer is permitted in accordance with procedure established by the Government of the Republic. The permission for this activity in water body on the administrative territory of local government is issued by the local government, in other water bodies by the Ministry of Environment.

§ 26. Protection of the Catchment Area of the Water Body

(1) Pollution of the catchment area of the water body with oil-and chemical products, wastes and other pollutants is forbidden.

(2) The spreading norms of fertilizers, sewage sludges and silage effluents as well as technological measures for the reduction of pollution on the catchment area are established by the minister of environment.

(3) Public use or conditions for special use of water of water body, which is spawning or dwelling place of salmonids, drinking water source or needs other reason stipulations to protect water quality, may be restricted by the minister of environment.

§ 27. Protection of an Ice Cover of Water Body

(1) The pollution or dumping on the ice cover of the water body with oil-and chemical products, wastes and other pollutants is forbidden.

(2) The extraction of ice must not cause pollution or depletion of the water or dumping into water body.

§ 28. Sanitary Protection Area for Water Intake Structure

(1) A sanitary protection area for a water intake structure consists of a surrounding land and water area of a domestic water extraction place, where activities are restricted and movement limited to prevent the altering of water characteristics and to protect the structure of water intake.

(2) The extent of sanitary protection area for a water intake structure, except the cases enacted in items 3., 4. and 5., is:

- 1) 50 m from bared well, if water is extracted from groundwater layer by one bared well;
- 2) 50 m to both sides from the axis of row of bared wells, 50 m from farthest bared wells of the row and the area between bared wells in a row of bared wells, if water is extracted from groundwater layer by two or more bared wells;
- 3) 200 m upstream from water extraction place, 50 m downstream and 50 m to both sides from water extraction place along the line drawn crossways with shore of water body and passing the water extraction place, if water is extracted from watercourse;
- 4) the aquatorium of water body with bank zone as broad as 90 m, if water is extracted from the body of standing water.

(3) The sanitary protection area will not be formed, if water is extracted below 10 m³ in a day for the needs of one immovable. The care requirements of that water extraction place to protect groundwater are established by the minister of environment.

(4) The minister of environment may decrease the sanitary protection area for a water intake structure:

- 1) down to 10 m, if water is extracted below 10 m³ in a day and will be used for the needs of centralized water supply;
- 2) to 30 m, if water will be extracted more than 10 m³ in a day and the groundwater layer is well protected.

(5) The sanitary protection area may extend up to 200 m from water extraction place if water extraction from groundwater layer exceeds 500 m³ in a day. The boundaries of such kind of sanitary protection area are established by the minister of environment on the base of the project of water intake structure.

(6) The order of formation and projecting of sanitary protection area for water intake structure is established by the minister of environment. Mentioned order enacts also the informing of local government about the formation of sanitary protection area for water intake structure.

§ 28¹. Restrictions on Sanitary Protection Area of Water Intake Structure

(1) On sanitary protection area for groundwater intake structure as broad as 30 m or 50 m the economic activity is prohibited, except:

- 1) maintenance of water intake structure;
- 2) taking care of forest;
- 3) moving of grasses;
- 4) water monitoring.

(2) On sanitary protection area for groundwater intake structure as broad as 30 m or over 50 m will be applied restrictions for the use of shore and bank enacted by the law on protection of shore and bank (RT I 1995, 31, 382).

(3) On sanitary protection area for a water intake structure of watercourses and bodies of standing water will be applied:

- 1) restrictions enacted in item 1 of present paragraph on water intake structures of North-eastern Estonia and town of Narva in the river of Narva and in part of water intake structure of the town of Tallinn on the Lake Ülemiste with bank zone as broad as 90 m;
- 2) restrictions enacted by the law on protection of shore and bank for the use of shore and bank on other water bodies and on water bodies of town of Tallinn not mentioned in article 1 of present item.

(4) Possessor or owner of water intake structure may prohibit persons unattached to maintenance of structure of water intake to linger on the plants of structure of water intake and on the part of aquatorium of water body, which remains in sanitary protection area for a water intake structure.

(5) On sanitary protection area for a water intake structure having restrictions enacted in item 1 of present paragraph there is no waterside path.

§ 29. Water Protection Zone

(1) To protect water against non-point pollution and to avoid the erosion of banks of water body, on coastal area of water body will be formed a water protection zone.

(2) The range of water protection zone and restrictions of economic activities in the water protection zone will be enacted by the law on protection of shore and bank.

§ 30. The Construction, Conservation and Elimination of Drilled Wells and Holes inside Water Intake Structure

The order of construction, conservation or elimination of drilled wells and holes inside water intake structure is enacted by the minister of environment.

§ 31. Protection of Water when Using the Bed of the Water Body and Soil

(1) Mining of natural resources and material in the bottom of a water body or construction of structures leaning on the bottom must not cause damage to the water, aquatic life or banks of the water body.

(2) If the soil layer is used for purposes other than groundwater extraction, measures for groundwater protection must be taken.

(3) Mining of mineral resources on sanitary protection area for water intake structure is forbidden.

§ 32. Regulation of Construction Procedure and Determination of the Site of a Building that Affects the State of a Water Body and Groundwater Layer

(1) Water must be protected against pollution and depletion, water body against dumping, the interests of other landowners and water users must be taken into consideration and the domestic water use must be guaranteed when choosing site, designing, constructing and eliminating a new or reconstructed building as well as setting up a new technology that affects the state of a water body and groundwater layer.

(2) Permission for activities affecting the water body and groundwater layer in the water protection zone is given by the local government in agreement with the landowner and water user.

(3) If the activities, described in section 2 of present paragraph, are to be undertaken in the sanitary protection area for a water intake structure, the permission of the owner of the intake structure is needed.

§ 33. Termination of Activities and Water Use Affecting the State of Water and Water Body

(1) If water or a water body is used without a permit or permission, or if activities affecting the state of water are undertaken where a permit or permission is required, activities can be terminated in accordance with procedures established by the Government of the Republic.

(2) Disputes concerning the termination of activities are settled by the courts.

§ 34. Obligations to Avoid Damages Caused by Water

Landowner (possessor) and water user must not cause:

- 1) flood;
- 2) break-up of dam, bank or other structure;
- 3) swamping of land;
- 4) land erosion or landslide;

§ 35. Elimination of the Results of Natural Catastrophes Caused by Water

Elimination of the results of natural catastrophes caused by water is organized by the Government of the Republic.

Chapter 6 The Account of Water Resources, Water Monitoring and Plan for Water Use

§ 36. The Account of Water Resources

(1) The water resources are taken into account in order to hold and issue the data about volume, level, quality, use and users of water.

(2) The account of water resources is kept in state register as a water cadastre in accordance with procedure established by legal act regulating foundation, taking into use, keeping and liquidation of state registers.

§ 37. State Water Monitoring

(1) State water monitoring is a system of measures taken in order to collect data about volume, level and quality of surface-, ground-, waste and seawater as well as ice conditions of the water bodies.

(2) The data collected in water monitoring system are given to the state water cadastre in the course of the year following the financial year.

(3) The person who carries out water monitoring is responsible for the accuracy of the information.

(4) Water monitoring system functions in public interests. The list of monitoring points, procedure of informing the owner of immovable and the monitoring program is confirmed by the minister of environment.

(5) The owner of immovable must not damage the monitoring point, convert it to unusable state or prohibit the access of observers to it from sunrise to sunset also then, if the monitoring point situates on the land bounded and marked by the owner.

(6) The owner of immovable has right to get information about the results of monitoring taken place on his immovable.

§ 38. Planning of Water Protection and Use

(1) Measures of water protection and use will be drafted by planning.

(2) The minister of environment has right to demand the planning of water protection and use by economic regions, catchment areas or water intake structures according to the procedure enacted in the law on planning and building (RT I 1995, 59, 1006).

(3) The planning of water protection and use in economic regions and water intake structures is financed by the special wateruser.

Chapter 7

Supervision and Responsibility for the Violation of the Water Act

§ 39. Responsibility for the Violation of the Water Act

Disciplinary action or administrative, civil, or criminal procedure will be taken for violating the water act or other legal acts regulating the water protection and use.

§ 39¹. The Compensation of Damages Caused by the Violation of Water Act

(1) In case of violation of groundwater layer or waterbody are the legal and physical persons obliged to eliminate the caused damage or the danger of its rearising and to inform about it immediately the environmental service in the damage area as well as executive institution of the local government. The expenses concurrent with determination of the amount of damages are beared by the damage generator.

(2) If the culpable does not immidiately start to eliminate damages or does not follow the corresponding orders made by the supervising institution, the state environmental service may determine a third person to eliminate damage with exacting of expenses tied to elimination from culpable.

(3) In case of converting the water into unusable state, the offender compensates on a quintuple scale of charge for special use of spoiled water volume.

§ 39². Responsibility of Legal Person for the Violation of Water Act

(1) For water extraction by legal person without permit for special use of water this permit was necessary - will be amerced a fine up to 10000 estonian crowns.

(2) For the violation of claims enacted in the permit for special use of water by legal person, if for similar violation has been made order of the supervising institution during a year to avoid the violation, will be amerced a fine up to 50 000 estonian crowns.

(3) For polluting of groundwater layer or waterbody with oil products, chemicals and other dangerous substances by legal person, if it essentially impaired the natural qualities of groundwater layer or waterbody - will be amerced a fine up to 100 000 estonian crowns.

(4) In cases of delinquency mentioned in item 1.-3. of present paragraph the director of environmental service, managing director of Inspection of Scenic Preservation, managing director of Marine Inspection and administrative judge have the right to debate a case and to inflict a punishment.

(5) The director of state environmental service, managing director of Inspection of Scenic Preservation and managing director of Marine Inspection have the right to amerce a fine up to 10 000 estonian crowns in cases of delinquency mentioned in items 1. -3. of present paragraph, he bigger fine than that may be applied only by administrative judge.

(6) If an individual, acting on behalf of or in interests of legal person, violated the claims enacted in water act, may be applied a punishment at the same time to an individual and legal person within the sanction foreseen for it.

(7) Treatment of infringement case of legal person procedure according to the procedure established by §-s 39² and 39² of present act as well as in Body of Laws of Administrative Instrument.

§ 39³. Framing of the protocol of Administrative Infringement of the Law

(1) The protocol about administrative infringement of the law enacted in § 39² of present Act may be framed by the supervisor entitled according to the procedure enacted with legal act.

(2) In protocol of administrative infringement of the law disclosed in item 1 of present paragraph will be indicated:

- 1) the time and place of framing of protocol and the name and adress of this office of institution, on whose behalf the protocol will be framed;
- 2) the rank as well as first and family name of a person having framed the protocol;
- 3) the name and adress of the legal person having committed the administrative infringement of the law;
- 4) the place, time and description of administrative infringement of the law and the extent of material damages caused by violation;
- 5) reference to item of paragraph 39² of present act, which was violated and which provides responsibility for this violation of the law;
- 6) the materials proving the administrative infringement of the law, like evidences, surveys, analyses or other necessary materials to solve a case;
- 7) the explanation of administrative lawbreaker and notice, that administrative lawbreaker has been explained his right to use legal aid.

(3) The protocol is signed by the person having framed it and by the representative of the lawbreaker. If the lawbreaker refuses to sign the protocol, the author of the protocol will make an entry to it about refusing to sign the protocol. With protocol will be attached the written comments about protocol made by the representative of lawbreaker.

§ 40. State Supervision of the Water Use and Protection

(1) Supervision over water use and protection, exept water health safety, is effected by state environmental services, Inspection of Scenic Preservation and Marine Inspection.

(2) Supervision over water health safety will be effected according to the Act on Health of the People (RT I 1995, 57, 978).

(3) Supervisors of the office mentioned in item 1 of present paragraph have the right to make following obligatory prescriptions in order to quarantee water use and protection:

- 1) to demand satisfaction of claims of water use and protection;
- 2) to stop violation of the law;
- 3) to eliminate the damages caused for groundwater layer and water body.

(4) The prescription can not be changed according to the order of official supervision.

Chapter 8 Final Provisions

§ 41. Water Code

To disaffirm the Water Code of the Estonian SSR ("ENSV Teataja" 1972, 28, 276; 1980, 23, 367; 1984, 45, 537).

ÜLO NUGIS, Speaker of the Riigikogu

April 15, 1996 Unofficial Translation by

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