

**Law on the Protection of Marine and Freshwater
Coasts, Shores and Banks**

Passed in Riigikogu on 22 February, 1995

Proclaimed by the President of the Republic by Resolution No. 517 of 13 March 1995
(Riigi Teataja Part I 199, No. 31, Art. 382) – In force from 1 April, 1995

Chapter 1
GENERAL PROVISIONS

Article 1. The Purpose of the Act

The Law shall determine the extent of coast, shore and bank areas, regulate the protection and management of their ecosystems, based on the principles of sustainable development and preservation of biological diversity.

Article 2. Coasts, Shores and Banks

(1) Coasts, shores and banks are land areas bordering the sea, lakes, rivers, reservoirs and water courses; for the purpose of this Law they are defined as starting at the mean water level line.

(2) In special cases (floods, terraces), the starting point for the coastal, shore or bank area either is considered to be the high water mark or the area is extended inland from the upper edge of a terrace.

(3) The coast of the Baltic Sea and the shores of Lake Peipsi and Lake Võrtsjärv are for the purpose of this Law referred to as coasts.

Chapter 2
EXTENT OF COASTAL, SHORE AND BANK AREA

**Article 3. The Extent of Coastal, Shore and Bank Areas
in Zones of Low Population Density**

(1) Coasts of the Baltic Sea, Lake Peipsi and Lake Võrtsjärv, shores of lakes and reservoirs with an area in excess of 10 hectares (ha), and banks along each side of rivers and water courses with a catchment area in excess of 25 square kilometers (km²), shall be 200 metres (m) wide.

(2) Shores of lakes and reservoirs with area of between 5 ha and 10 ha and banks along each side of water courses and rivers with a catchment area of between 10 km² and 25 km² shall be 100 m wide.

(3) The width of coastal, shore and bank areas of other water bodies shall be determined by the municipality. Such areas shall be at least 10 m, but not more than 25 m wide.

**Article 4. The Extent of Coastal, Shore and Bank Areas in Zones
of High Population Density**

(1) The extent of a coastal, shore and bank area in zones of high population density shall be determined by the municipality in accordance with a general plan; however, this extent may not exceed the width stipulated in Article 3 of this Law.

(2) The extension of zones of high population density in coastal, shore and bank areas shall only be permitted in accordance with the general or detailed plan approved by the municipality, which is drawn up on the basis of district planning, taking into account the restrictions stipulated in Article 9(2) of this Law.

(3) The creation of new zones of high population density in coastal, shore and bank areas is prohibited. Exceptions may be made by the Government of the Republic of Estonia upon the proposal of a municipality.

**Article 5. Coastal, Shore and Bank Lines in Zones
of Low Population Density**

(1) The mean water level line for the purpose of this Law shall be the boundary of a water body as shown on the cadastral maps.

(2) The high water mark of sea coasts is 1.5 m from the mean water level line; the high water mark for inland water bodies with large flood plains is determined according to the procedure established by the Government of the Republic of Estonia. The list of inland water bodies with large flood plains shall be approved by the Government.

(3) A natural vertical limestone or sandstone outcrop at the side of a water body, at least 5 m high, is for the purpose of this Law defined to be a terrace.

Article 6. Making Amendments to the Extent of Coastal, Shore and Bank Areas

(1) Coastal, shore and bank areas may be extended or reduced in accordance with a general plan approved by a municipality, drawn up on the basis of district planning, taking into account natural and economic conditions including homogeneous land areas, property boundaries, roads, transmission lines, engineering networks, water bodies or courses, forest breaks, categories of forest, reduction of catchment areas.

(2) Reduction of the width of coastal, shore and bank areas are subject to the approval of the Minister of the Environment.

(3) The width of a coastal, shore or bank area may be extended up to a maximum of 300 m to avoid splitting up a homogeneous land use area or to make use of a recognizable natural boundary.

Article 7. Altering the Extent of a Coastal, Shore or Bank Area

(1) The extension of a periodically flooded coastal, shore or bank area is to be considered from the high water mark towards inland.

(2) If a distance between the mean water level line and a terrace is less than 200 m, a coastal, shore and bank area will be extended inland by 100 m, starting from the upper edge of the terrace; coastal areas on islands will be extended by 200 m.

(3) The width of a bank area of a river or a water course may be reduced upstream as its catchment area decreases, in line with Article 6 of this Law.

Article 8. Recording Coastal, Shore and Bank Areas on Maps

Coastal, shore and bank areas, and the restrictions applicable to them are recorded on the cadastral maps of restrictions by the person in charge of the cadastre.

Chapter 3
RESTRICTIONS AND OBLIGATIONS

Article 9. Restrictions on the Use of Coastal, Shore and Bank Areas in Zones of Low Population Density

(1) Economic activities shall be prohibited in water protection zones of coastal, shore and bank areas, with the exception of sites stipulated in items 1, 2, 3, 6, and 7 of paragraph 8 of the present Article. The mean water level line is considered to be the starting point for a water protection zone. The width of the water protection zone shall be:

- 1) for the Baltic Sea, Lake Peipsi and Lake Võrtsjärv – 20 m;
- 2) for other lakes, reservoirs, rivers and water courses – 10 m;
- 3) for main outflow canals in land reclamation areas until their mouths at natural water bodies – 1 m.

(2) In coastal, shore and bank areas it shall be prohibited to build and expand:

- 1) enterprises and stores where hazardous substances of class, I, II or III are used, produced or stored;
- 2) enterprises which affect the state of a water protection zone or a beach.

(3) All construction activities in coastal, shore and bank construction prohibition zone shall be prohibited. A construction prohibition zone shall be defined starting from the mean water level line. The width of the zone shall be:

- 1) for the coast at Narva-Jõesuu and all islands – 200 m;
- 2) for the coast of mainland Estonia, Lake Peipsi and Lake Võrtsjärv – 100 m;
- 3) for lakes and reservoirs with an area exceeding 10 ha, and for rivers and water courses with a catchment area exceeding 25 km² – 50 m;
- 4) for lakes and reservoirs with an area between with an area between 5 ha and 10 ha and for rivers and water courses with a catchment area between 10 km² and 25 km² – 25 m.

(4) Where a terrace exists within a construction prohibition zone, the width of the zone on coasts of islands shall be extended inland by 200 m from the upper edge of a terrace, on other coasts – by 100 m, on shores and banks of lakes and rivers – by 50 m.

(5) Production restriction zones on coasts and banks of water bodies or sections of water bodies, determined as habitats and spawning areas for salmon, as set out in paragraph 2 of the present Article, are extended up to 200 m. The list of salmon habitats and spawning areas are subject to approval of the Minister of the Environment.

(6) In periodically flooded bank, shore and coastal areas construction prohibition zones shall be extended up to the high water mark if the high water mark exceeds the limits stipulated in paragraph 3 of the present Article.

(7) The extent of construction prohibition zones may be specified in accordance with the procedures and conditions specified in Article 6 of this Law.

(8) Construction prohibition shall not apply to the construction, reconstruction and renovation of the following facilities, undertaken in conformity with the general and detailed plans:

- 1) facilities for water traffic and water intake;
- 2) engineering networks;
- 3) monitoring stations and facilities of hydrographic service;
- 4) fishing and fish breeding facilities;
- 5) land reclamation facilities, except for polders;
- 6) facilities related to border guards, rescue service, and national defence;
- 7) reconstruction of existing buildings where not prohibited by paragraph 2 of the present Article;
- 8) farm buildings on their original sites where the land is to be used for agricultural or forestry purposes.

(9) The use and protection of coasts, shores and banks, as regards protected natural objects and cultural monuments or within the protection zones of the former, is governed by statutory instruments regulating the protection of the particular natural object, cultural monument, or protection zone. The provisions of this Law shall apply in cases where the restrictions contained in this Law are more severe than those of legal acts governing the protection of natural objects, cultural monuments and protection zones.

(10) It shall be forbidden to:

- 1) spread waste water sediments in periodically flooded coastal, shore and bank areas. Depending on the frequency of floods, the use of chemical pesticides and fertilizers may be prohibited in such areas, except in special cases set out in paragraph 11 of the present Article;
- 2) establish cemeteries for human use, and burial places for animals;
- 3) graze cattle in water protection zones, associated with inland water bodies, where woody plants grow.

(11) Elimination of outbreaks of plant diseases and plant pest with pesticides may be undertaken only in cases where permitted by the district government. The permission shall be applied for in each separate case.

(12) Right for construction activities concerning real estate located in coastal, shore or bank areas, the land of which is meant for use for agricultural or forestry purposes, shall be subject to approval by the Minister of the Environment.

(13) Cattle grazing, mowing and reed cutting shall be permitted:

- 1) in cases where the activity will not cause damage to soils and/or woody plants;
- 2) in cases where seasons of forbidden hunting with the aim of protection of nesting birds, established by the Minister of Environment, are complied with.

Article 10. Restrictions on the Use of Coastal, Shore and Bank Areas in Zones of High Population Density

(1) The width of the construction prohibition zone in coastal, shore and bank areas in zones of high population density, except in the coastal area of the town of Narva-Jõesuu, shall be 50 m.

(2) Construction, undertaken in conformity with the general and detailed plans, shall be permitted in the following cases:

- 1) reinforcement and maintenance of banks;
- 2) construction of waterside paths and roads for public use;
- 3) in areas with buildings to be preserved;
- 4) construction of land reclamation systems.

(3) In coastal, shore and bank areas polders may be constructed in conformity with the plan approved by a municipality and upon approval of the district government.

(4) The extent of construction activities stipulated in paragraph 2 of the present Article is determined by the general plan of the municipality.

Article 11. Restrictions on the Use of Natural Resources

(1) The extraction of mineral resources and landfill material in water protection zones is prohibited. In other coastal, shore and bank areas it is subject to the permission of the Minister of the Environment.

(2) The main function of the forests growing in the coastal areas of the Baltic Sea, Lake Peipsi and lake Võrtsjärv is to protect soil and water and to preserve recreation possibilities; these forests are classified as protective or preservation forests. Final felling of a forest in the above-mentioned areas shall only be permitted for liberation cutting.

(3) Cutting of woody plants in a water protection zone shall be prohibited except when it is necessary to repair water conduits or reservoirs, or to maintain or renew woody vegetation with the help of sanitation or liberation cutting.

(4) The main function of forests in coastal, shore and bank areas may be changed with the approval of the Minister of the Environment.

Article 12. Additional Requirements to Reduce Harmful Effects

If activities in a coastal, shore or bank area cause destruction of plants, damage to soil, or affect the state of a water body, the Minister of the Environment may apply for a change of use of a homogeneous land use area for a period not exceeding three years, or to establish for the same time period:

- 1) stricter standards for the use of pesticides, fertilizers and preservatives;
- 2) limits on the number of animals to be grazed.

Article 13. Obligations of Owners and Operators of Real Estates Located in Coastal, Shore and Bank Areas

Owners and operators of real estates located in coastal, shore and bank areas shall be obliged to keep their holdings clean, to maintain waterside paths across their holdings, and to guarantee unrestricted passage on such paths.

Article 14. The State's Right of Preemption

(1) The state may preempt the sale of real property lying wholly or in part within a construction prohibition zone to a person who is not a citizen of the Republic of Estonia. The Government of the Republic of Estonia may confine the use of right of preemption to the part of a real property which is located in the construction prohibition zone.

(2) The right of preemption shall not be used in cases of inheritance.

Chapter 4

USE OF COASTAL, SHORE AND BANK AREAS AS BEACHES

Article 15. Beaches

A beach is an area by a water body with salubrious characteristics. The main function of beaches is to offer the possibilities for public recreation.

Article 16. Beaches for Public Use

(1) The permission for establishment of a beach for public use will be given by a municipality in cases where the applicant has got permission from the property owner, and the location of the beach is not in contradiction with the general plan.

(2) Access to a public beach is free.

(3) The procedures, obligatory for an applicant for determination of an area for a public beach, its use, and maintenance are determined and made public by a municipality.

(4) The characteristics and location of facilities on a beach shall be determined by the detailed plan of a municipality; where no such plan exists, building regulations apply.

(5) Public beaches shall have no water protection zone.

Article 17. Beaches for Special Use

(1) Beaches for special use may be established for health protection purposes of infants, disabled people, or of people with poor health, in accordance with procedures established by Article 16(4) of this Law.

(2) The general public does not have access to beaches for special use. The operator of such a beach is obliged, in the event of closing off a public path, to build a new passage around the beach area, thus making it possible to pass around the shut off area.

(3) A fee may be established for access to a beach for special use by the owner of the beach.

Chapter 5

LIABILITY, ENFORCEMENT AND COMPENSATION FOR DAMAGE

Article 18. Liability

Persons violating this Law or the regulations established by virtue of this Law are subject to administrative, civil or criminal liability in accordance with procedures established by law.

Article 19. Enforcement

Enforcement of the provisions of this Law is the responsibility of the municipal and national authorities in accordance with procedures established by the Government of the Republic of Estonia.

Article 20. Compensation for Damage

(1) Land situated within a water protection zone, and of waterside paths, except for the cases stipulated in Article 9, paragraph 1(3) of this Law, is exempt from land tax in accordance with the Law on Land Tax (*Riigi Teataja* Part I 1993, No. 24, Art. 428; 1994, 13, 231; 28, 428; 94, 1609).

(2) The owner of the real property within a construction prohibition zone may apply from the state for free building title within land belonging to the state, which is located in the same region.

Chapter 6
FINAL PROVISIONS

Article 21. Implementation of the Law

(1) The width of coastal, shore and bank areas defined in this Law shall apply until a municipality shall specify it in accordance with the general plan of the municipality.

(2) The procedures established by Article 20(1) of this Law shall come into force on 1 January 1997.

Chairman of the Riigikogu Ü. NUGIS