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Land Reform Act

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Reception	Publication	Enforcement
10.06.2020	RT I, 01.07.2020, 1	01.01.2021; in the text of the law, the word "Agricultural Management Board" is replaced by the words "Agricultural and Food Board" in the corresponding case.
13/04/2022	RT I, 05.05.2022, 1	01.02.2023
09.11.2022	RT I, 23.11.2022, 2	01.01.2023
22.02.2023	RT I, 17.03.2023, 3	01.04.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023; On the basis of § 105.19 subsection 7 of the Act on the Government of the Republic, the word "Ministry of Rural Affairs" has been replaced by the words "Ministry of Regional and Agricultural Affairs" in the corresponding case.

Chapter 1 General settings

§ 1. Scope of the Act

(1) This Act stipulates the requirements for the design and construction of the land reclamation system and land reclamation maintenance, the grounds and procedure for the establishment and operation of the land reclamation cooperative, the grounds and scope of state and administrative supervision, and liability for violations of this Act.

(2) The provisions of the Administrative Procedure Act shall apply to the administrative procedure prescribed in this Act and the legislation established on its basis, taking into account the specifics of this Act.

§ 2. Land improvement

In the sense of this law, land improvement is the drainage and irrigation of land and the bilateral regulation of the land's water regime, as well as agro-melioration, cultural engineering and other land improvement maintenance work for the purpose of increasing the agricultural value of land for commercial purposes (hereinafter referred to as *land for commercial purposes*) and for environmental protection.

§ 3. Land improvement system

(1) The land improvement system is a collection of buildings necessary to increase the cultivation value of land for commercial use and for environmental protection, which is an important part of real estate within the meaning of § 54 (1) of the General Part of the Civil Code Act.

(2) Types of land improvement system are:

- 1) drainage system;
- 2) irrigation system;
- 3) system of bilateral adjustment of the water regime.

(3) A drainage system is a land reclamation system, the excess water of which flows from the regulating network directly or via the land reclamation system's upstream (hereinafter referred to as *the upstream*) into a watershed or a common upstream maintained by the state.

(4) For the purposes of this Act, a river is a body of water that is not a headwater. Suubla can also be a part of the earth's crust and a surface form, if it is not possible to direct excess water into the water body or it causes excessive economic costs.

(5) Irrigation system is a land improvement system through which water is extracted, including pumping, from a body of water or an aquifer and distributed to irrigated commercial land.

(6) The bilateral regulation system of the water regime is a land improvement system, the regulatory network of which allows for both drainage and irrigation of land for commercial use.

(7) A land reclamation building is a part of a land reclamation system that is put into operation at once.

(8) The land area of the land improvement system is the land area that has been drained or irrigated or whose water regime has been bilaterally regulated as a result of the operation of the land improvement system.

§ 4. Land improvement system facilities

(1) The regulatory network of the land reclamation system (hereinafter *the regulatory network*) is primarily a water pipe or a network of water pipes located on the land for the purpose of receiving excess water (hereinafter *the drainage network*) or distributing water (hereinafter *the irrigation network*) or a common network for both the reception of excess water and the distribution of water (the network for bilateral regulation of the water regime).

(2) A part of the regulatory network may also be located on land with a different purpose, if it is necessary for the functioning of the regulatory network or part of it located on land for commercial use.

(3) A headwater is a water pipeline or a regulated section of a natural water body built to divert excess water flowing from the drainage network or to supply water to the water catchment of the irrigation network, on the water level or the pipeline's capacity the proper functioning of the land improvement system depends.

(4) The types of headwaters are:

- 1) open headwaters - a watercourse such as a river, stream, canal or ditch, including a main ditch;
- 2) collector flow.

(5) Common flow is a head flow, the proper functioning of the land improvement system located on the immovable property of several owners depends on the water level or the capacity of the pipeline.

(6) For the purposes of this Act, a water pipe is a ditch, channel, drain, collector, irrigation water pipe or other facility necessary for water management belonging to the land improvement system.

(7) The road serving the land reclamation system is a forest and private road necessary for land reclamation maintenance work, which is not designated for public use.

(8) A facility necessary for environmental protection, in the sense of this Act, is a facility necessary to meet environmental protection requirements, in particular to minimize the risk of spread of diffuse load resulting from the use of land revenue and to ensure the greatest possible self-cleaning capacity of the upstream.

§ 5. Requirements of the land improvement system

(1) The regulatory network must ensure a soil water regime suitable for agriculture.

(2) The forward flow must ensure the drainage of excess water from the drainage network or the inflow of water into the irrigation network.

(3) The open front flow must have the greatest possible self-cleaning capacity.

(4) The land improvement system must minimize the risk of spread of diffuse load.

(5) The land reclamation system must be safe.

(6) The requirements for designing and building a land improvement system and land improvement maintenance provided for in this Act apply to the design and construction of a land improvement building and land improvement maintenance.

(7) In order to fulfill the requirement set forth in subsection 4 of this section, a facility that minimizes the risk of spread of diffuse load shall be designed and built in such a way that the requirement is met on the entire land area of the land improvement system.

(8) The requirements set forth in § 11 of the Building Code shall apply to the building necessary for the intended functioning of the land improvement system (hereinafter *the building of the land improvement system*).

§ 6. General requirements of the procedure

(1) The provisions established on the procedure prescribed in this Act apply to both the land improvement system and the land improvement building.

(2) The application, the result of land reclamation research, the construction project of land reclamation (hereinafter referred to as *the construction project*) and other documents or notices prescribed on the basis of this law shall be submitted to the Agriculture and Food Board electronically through the e-service environment. If it is not possible to submit the mentioned documents or notices electronically through the e-service environment, they will be submitted to the Agriculture and Food Board in another appropriate way.

§ 7. Specificity of granting a building permit

If the construction of the building planned with the construction project specified in § 5 of the Construction Code requires the construction of a land improvement system, the provisions of this Act shall apply to the construction of the land improvement system.

Chapter 2

Requirements for building a land improvement system

§ 8. Construction of land improvement system

(1) The construction of a land improvement system is the construction of a facility belonging to the land improvement system, the construction of a building or their reconstruction, and during these activities, performing cultural technical and agro-meliorative work.

(2) Reconstruction of the land reclamation system is a significant change in the plan solution of the existing land reclamation system, the drainage or irrigation method, or the construction of the building, including the replacement of an open front flow with a collector front flow, or a technological reconfiguration of the building.

(3) Cultural technical works are:

- 1) removal of woody vegetation and stumps;
- 2) cleaning of stones;
- 3) ground leveling and planning;
- 4) other such activity.

(4) Agromelioration works are:

- 1) liming of acidic soil;
- 2) deep soil loosening;
- 3) loosening of the soil layer under the plow;
- 4) construction of water furrows;
- 5) other such activity.

§ 9. Requirements for building a land improvement system

(1) The land improvement system is built on the basis of the land improvement system construction permit (hereinafter also *the construction permit*), following the requirements of the construction project of the land improvement system and the construction of the land improvement system and the principles set forth in §§ 7–10 of the Construction Code.

(2) The construction products used for the construction of the land improvement system must meet the requirements set forth in § 12 subsection 4 of the Construction Code.

(3) In case of construction of a land improvement system on agricultural land, the following technologies are applied to preserve soil and soil fertility:

- 1) removal of soil from the area under the construction;
- 2) in the case of soil spreading, prior removal of soil from the spreading area and its subsequent reinstallation, if the thickness of the soil layer covering the soil is more than ten centimeters according to preliminary calculations;
- 3) loosening of compacted soil due to the construction of the land reclamation system.

(4) Soil within the meaning of this Act is the soil humus horizon.

(5) More precise requirements for the construction of the land improvement system shall be established by a regulation of the minister responsible for the field .

§ 10. Construction documentation

(1) The construction of the land improvement system is documented by the builder.

(2) The construction documents of the land improvement system are:

- 1) diary of construction works;
- 2) act of covered works;
- 3) documents certifying the compliance of construction materials and products;
- 4) implementation drawing and registration data of the land improvement system;
- 5) other documents describing the construction.

(3) The person responsible for the construction must appear in the construction documents.

(4) Construction documents are handed over to the Agriculture and Food Board. Preference should be given to the electronic transfer of documents.

(5) More precise requirements for construction documentation and construction documents, as well as requirements for the storage and transfer of construction documents, shall be established by a regulation of the minister responsible for the field .

§ 11. Requirements for the construction of a small land improvement system

(1) A small land improvement system (hereinafter *the small system*) is built on the basis of a small system construction permit, following the requirements of the small system construction plan (hereinafter *the construction plan*) and the requirements for the construction of the land improvement system.

(2) A small system is a land improvement system that is located on one immovable property or on several immovable properties of one owner and whose land area does not exceed 50 hectares.

§ 12. Requesting the design conditions of the land improvement system

(1) Design conditions for the land improvement system (hereafter *design conditions*) are requested from the Agriculture and Food Board in order to prepare a construction project for the land improvement system.

(2) In the application for design conditions, the following shall be stated in particular:

- 1) the applicant's name, personal or registry code, if there is no personal code, date of birth, contact information, date of submission of the application and signature of the applicant;
- 2) name and basis of representation of the representative of the legal entity;
- 3) data of the real estate covered by the construction, including the cadastral code;
- 4) planned drainage or irrigation method;
- 5) planned land use method;
- 6) the location of the planned land improvement system, the area of the land and the length of the headwaters and the length of the service road;
- 7) other necessary data.

§ 13. Provision of design conditions

(1) Upon receiving a request for design conditions, the Agriculture and Food Board checks the appropriateness of the request and the feasibility of building the planned land improvement system. If it is obviously impossible to provide the design conditions, the Agriculture and Food Board will not review the application and return it to the applicant with a justification.

(2) The Agriculture and Food Board prepares a draft of the design conditions, organizes the collection of opinions and coordination of the draft.

(3) The design conditions determine:

- 1) the location of the planned land improvement system, the area of the land and the length of the headwaters, and the length of the service road;
- 2) planned drainage or irrigation method;
- 3) planned land use method;
- 4) the need to conduct land reclamation research for the preparation of a construction project for a land reclamation system or for the construction of a land reclamation system;
- 5) the data of the real estate where land reclamation research work and the land reclamation system are planned;
- 6) list of design works;
- 7) special conditions for land reclamation research and design;
- 8) the need to carry out an expert examination of the construction project;
- 9) institutions or persons with whom the construction project must be coordinated.

(4) If design conditions are requested for the construction of a new land improvement building that belongs to such a land improvement system, for which a land improvement cooperative specified in subsection 58 (1) of this Act (hereinafter *land improvement cooperative*) has been established, the owner of the immovable property shall be informed of the obligation to belong to the land improvement cooperative after the completion of the land improvement building.

(5) The Board of Agriculture and Food submits the draft design conditions, if necessary:

- 1) for approval to the authority whose statutory competence is related to the object of the request for design conditions;
- 2) to express an opinion to an institution or a person whose interests may be affected by the planned land improvement system or its construction.

(6) The Agriculture and Food Board includes in the proceedings the owner of the immovable property specified in the application, on whose immovable property construction is planned, if the owner has not submitted the application, and, if necessary, the owner of the immovable property bordering the immovable property specified in the application.

(7) The draft design conditions shall be deemed to have been approved by default by the approver, if the approval or opinion specified in subsection 5 of this section has not been received within ten days of receiving the draft design conditions, unless a longer deadline is provided by law or an extension of the deadline has been reasonably requested.

(8) If comments are submitted regarding the draft of the design conditions during the approval process or the publication of an opinion, the Agriculture and Food Board will take them into account appropriately or give reasons for not taking them into account.

(9) The Agriculture and Food Board makes a decision on granting design conditions within 30 days of receiving a proper application.

§ 14. Refusal to grant design conditions

(1) The Agriculture and Food Board refuses to grant design conditions if:

- 1) the planned land improvement system does not meet the requirements;
- 2) a plan has been initiated and a temporary construction ban has been established in connection with it;
- 3) the authority specified in § 13 (5) point 1 of this Act has failed to approve the draft design conditions based on the law, or if the owner of another building forming the protection zone of the building does not give consent to deviate from the restrictions in force in the protection zone and it is not possible to change the draft design conditions in such a way that it meets the conditions of approval, or to the restrictions in force in the protection zone of the building;
- 4) the construction planned with the request for design conditions does not comply with public law restrictions resulting from legislation or the location of the land improvement system;
- 5) the land improvement system planned on the basis of the design conditions may excessively infringe the rights of a third party;
- 6) the applicant for design conditions has knowingly provided false information that affects the decision to grant design conditions.

(2) The Agriculture and Food Board makes a decision to refuse to grant design conditions within 30 days of receiving a proper application.

§ 15. Revocation of design conditions

(1) The Agriculture and Food Board declares the design conditions invalid if:

- 1) a building ban or restrictions have been imposed on the real estate where the land improvement system is planned, which excludes the construction of the land improvement system;
- 2) the data on which the design conditions were based have changed to an extent that precludes the construction of a land improvement system;
- 3) the applicant for design conditions has knowingly submitted false information that influenced the decision to grant design conditions.

(2) The Agriculture and Food Board shall invalidate the design conditions within ten days from the date of learning of the fact that is the basis for the invalidation of the design conditions.

§ 16. Land improvement system construction project

(1) The construction project of the land reclamation system is a set of documents necessary for the construction and use of the land reclamation system, which consists of an explanatory letter explaining the purpose of the construction of the land reclamation system, technical drawings, documents reflecting the volume of work and technical calculations and, if necessary, containing the calculation of construction costs, the maintenance manual of the land reclamation system and other relevant documents.

(2) The construction project must comply with:

- 1) the design conditions of the land improvement system;
- 2) to the results of land reclamation research;
- 3) to the design standards of the land improvement system and the requirements of the construction project.

(3) The construction project must enable:

- 1) building a proper land improvement system;
- 2) check the compliance of the construction with the construction project;
- 3) check the adequacy of the land reclamation system;
- 4) use and maintain the land improvement system built on its basis.

(4) The design norms of the land improvement system and the requirements of the construction project shall be established by the minister responsible for the field by regulation.

§ 17. Land reclamation research

(1) The purpose of land reclamation research is to obtain basic data for the preparation of a construction project and the construction of a land reclamation system. Land reclamation research is carried out if it is provided for in the design conditions or if the need arises during the design process.

(2) Land reclamation research is carried out on a scale that ensures the reliability of the data necessary for the preparation of the construction project and the construction of the land reclamation system.

(3) If during the design process, it turns out that the land improvement research done is insufficient or contradictory, the designer will arrange for additional research to be done.

(4) The person who carried out the land improvement research shall submit its results to the Agriculture and Food Board within 30 days from the completion of the research.

(5) The requirements for land reclamation research shall be established by regulation of the minister responsible for the field .

§ 18. Expertise of the land improvement system construction project

(1) Expertise of a construction project is an assessment of the compliance of the construction project with:

- 1) the design conditions of the land improvement system;
- 2) to the results of land reclamation research;
- 3) to the design norms of the land improvement system and the requirements of the construction project;
- 4) to the requirements of the land improvement system.

(2) Expertise of the construction project is carried out if:

- 1) it is stipulated in the design conditions;
- 2) it is required by the coordinator specified in Clause 1 of § 13 (5) of this Act;
- 3) it is requested by the applicant of the design conditions;
- 4) The Agricultural and Food Board has justified doubts about the appropriateness of the construction project.

(3) The costs of conducting an expert examination of the construction project shall be borne by the customer of the construction project.

(4) The construction project may not be examined by the person who prepared the same construction project or checked it, or by another person related to the construction project drafter. The expert must not be related to the mentioned persons to an extent that raises doubts about his impartiality.

(5) The requirements for the expertise of the construction project shall be established by a regulation of the minister responsible for the field .

§ 19. The right to stay in real estate

In order to carry out research on land reclamation, draw up a construction project and carry out operations related to the land reclamation system or construction project expertise, an entrepreneur operating in the land reclamation field has the right to be present and perform the necessary actions on the immovable property where the land reclamation system is being built or is planned to be built, as well as on the immovable property which may be affected by the proposed land reclamation system or which may affect the planned land reclamation system (hereinafter *the neighboring property*), giving a reasonable notice.

§ 20. The right to drain excess water

(1) The owner of an immovable property must tolerate the construction of a front stream serving another immovable property on his immovable property and its location there, if the land revenue land belonging to the other immovable property cannot be used purposefully without the front stream or if its construction elsewhere causes excessive expenses.

(2) In the case provided for in subsection 1 of this section, it is possible to demand that the immovable be encumbered with a real easement.

(3) The precise content of the real easement, the location of the headwaters and the fee for bearing the headwaters are determined by agreement. If an agreement is not reached, the content of the easement, the location of the upstream, if necessary, and the fee for bearing the upstream will be determined by the court.

(4) When determining the location of the upstream, the interests of the owner of the encumbered immovable property must be taken into account.

(5) Purposeful use of land within the meaning of this Act is the use of land for commercial use that would be permitted by its perspective creditworthiness.

§ 21. Land improvement system construction permit

(1) The building permit gives the right to build a land improvement system corresponding to the construction project on the immovable property specified in the building permit.

(2) A building permit is valid for seven years, and construction must begin within two years from the day the building permit becomes valid. In justified cases, a longer term for the validity of the building permit can be stipulated or the validity of the building permit can be changed.

(3) The day of the start of construction shall be considered the first day of execution of works corresponding to the construction project.

(4) In the case provided for in § 50 subsection 5, § 51 subsection 7 and § 53 subsection 4 of this Act, the construction permit is valid until the due date for completion of the reconstruction of the land improvement system specified in the approval of the Agriculture and Food Board.

§ 22. Application for a building permit for the land improvement system

(1) In order to obtain a building permit, the following documents are submitted to the Agriculture and Food Board within three years of receiving the design conditions:

- 1) application;
- 2) construction project;
- 3) expert report, if an expert report has been made to check the appropriateness of the construction project;
- 4) other relevant documents.

(2) The following data shall be indicated in the building permit application:

- 1) the data specified in § 12 (2) points 1–5 of this Act;
- 2) the location and code of the planned land improvement system and the code and name of the land improvement building;
- 3) the surface area of the planned land reclamation system and the length of the headwaters;
- 4) class, length and, if available, name of the road serving the proposed land improvement system;
- 5) the length of the planned protective dam and the number of pumping stations;
- 6) planned facilities necessary for environmental protection and their number;
- 7) data of the persons who prepared the construction project and carried out the research work and the expertise of the construction project;
- 8) data on the payment of the state fee;
- 9) other necessary data.

(3) The Agriculture and Food Board, upon receiving an application for a building permit, checks its compliance. If it is obviously impossible to grant a building permit, the Agriculture and Food Board will not consider the application and return it to the applicant with a justification.

(4) The Agriculture and Food Board prepares a draft building permit and submits it:

- 1) for approval to the authority whose statutory competence is related to the object of the building permit application;
- 2) for approval by the Environmental Board, if the draft construction permit deals with a headwater that overlaps with a water body included in the list of spawning and habitats for salmon, river trout, sea trout and grayling established on the basis of § 51 (2) of the Nature Conservation Act;
- 3) to express an opinion to an institution or a person whose interests may be affected by the planned land improvement system or its construction.

(5) The Agricultural and Food Board includes in the proceedings the owner of the immovable property on whose immovable property construction is planned, if the owner has not submitted the application, and, if necessary, the owner of the immovable property bordering the immovable property specified in the application.

(6) The draft building permit is deemed to have been approved by default by the approver, if the approval or opinion specified in subsection 4 of this section has not been received within ten days of receiving the draft building permit, unless a longer deadline is provided for in the law or an extension of the deadline has been reasonably requested.

§ 23. Granting a building permit for the land improvement system and refusing to grant a building permit

(1) A building permit is granted if the submitted construction project meets the requirements stipulated in legislation, in particular the design conditions and the requirements of the land improvement system and its construction.

(2) The following data shall be entered on the construction permit:

- 1) type of permit requested, application number and date;
- 2) the data specified in § 12 (2) points 3–5 and § 22 (2) points 2–6 of this Act.

(3) The Agriculture and Food Board refuses to issue a building permit if:

- 1) the construction project does not meet the design conditions;
- 2) a plan has been initiated and a temporary construction ban has been established in connection with it;
- 3) the construction planned with the application for a building permit does not comply with public law restrictions resulting from legislation or the location of the land improvement system;
- 4) the construction project is not in accordance with the results of the land reclamation research, the land reclamation research has not been done or it does not meet the requirements;
- 5) the construction project does not meet the design norms of the land improvement system or the requirements of the construction project;
- 6) the construction project has been prepared by a person who has not submitted an economic activity notification for operating in the field of activity specified in § 35 (2) point 2 of this Act;
- 7) the construction project has not been prepared or checked by the responsible specialist specified in § 36 subsection 2 of this Act in the field of land improvement system design or land improvement expertise;
- 8) the authority specified in point 1 or 2 of § 22 (4) of this Act has failed to approve the draft building permit in a justified case, or if the owner of another building forming the protection zone of the building does not give consent to deviate from the restrictions in force in the protection zone, and it is not possible to change the draft building permit in such a way that it complies with the approval conditions or restrictions in the building's protection zone;

9) a significant environmental impact is unassessed, even though an environmental impact assessment is provided for, or if the land improvement system built on the basis of a building permit entails a significant environmental impact that cannot be sufficiently avoided or mitigated;

10) more than three years have passed since the design conditions were issued;

11) the applicant has knowingly provided false information in the application, which affects the decision to grant a building permit.

(4) The Agriculture and Food Board makes a decision to grant or refuse to grant a building permit within 30 days of receiving the proper documents specified in subsection 22 (1) of this Act. The relevant local government unit is notified of the granting of a building permit.

§ 24. Revocation of the construction permit of the land improvement system

(1) The Agriculture and Food Board declares the building permit invalid if:

- 1) the construction project that was the basis for the application for the building permit is changed in such a way that the land improvement system being built is dangerous to human life or health, property or the environment;
- 2) the building permit applicant has knowingly submitted false information that influenced the decision to grant the building permit;
- 3) construction has not been started within the period provided for in § 21 subsection 2 of this Act;
- 4) the owner of the immovable property, on whose immovable property the land improvement system or its part is located, has submitted a corresponding application and another person has no legitimate interest in the validity of the building permit.

(2) The Agriculture and Food Board may invalidate a building permit if:

- 1) the owner of an immovable property, on whose immovable property a land improvement system or a part thereof is located, has repeatedly failed to comply with an injunction made on the grounds and in the manner provided for in this Act;
- 2) the land improvement system or its construction does not meet the construction project or the requirements for the land improvement system or its construction.

(3) The Agriculture and Food Board shall invalidate the construction permit within ten days from the date of learning of the fact that is the basis for the invalidation of the construction permit.

§ 25. Small system construction permit

(1) The construction permit for a small system gives the right to build a small system corresponding to the construction plan on the immovable property indicated on the permit.

(2) The construction plan consists of an explanatory letter and a plan in an appropriate scale.

(3) The following data shall be noted on the construction plan plan:

- 1) scale;
- 2) north-south direction;
- 3) used contract marks;
- 4) relevant situation;
- 5) details of the plan maker;
- 6) height number of the bottom of the inlet at the confluence point of the inlet and the planned small system;
- 7) the boundary of the planned small system land area;
- 8) planned upstream and other small system buildings;
- 9) water flow direction in the upstream and drainage ditches of the proposed small system.

(4) The explanatory letter of the construction plan shall reflect the following of the planned small system:

- 1) purpose of construction;
- 2) drainage or irrigation method;
- 3) land use method.

(5) The small system construction permit is valid for three years.

(6) If the construction of a small system has started, the Agriculture and Food Board has the right to extend the validity of the construction permit by two years upon a justified request of the owner of the small system.

§ 26. Application for a construction permit for a small system and its granting and refusal

(1) In order to obtain a construction permit for a small system, an application for a construction permit for a small system and a construction plan specified in § 12 (2) points 1–5 and § 22 (2) points 2–6, 8 and 9 of this Act and containing the data of the drafter of the construction plan shall be submitted to the Agriculture and Food Board.

(2) The Agriculture and Food Board, upon receiving an application for a construction permit for a small system, checks its compliance. If it is obviously impossible to grant a construction permit for a small system, the Agriculture and Food Board will not review the application and return it to the applicant with a justification.

(3) The Agriculture and Food Board prepares a draft of a construction permit for a small system and, if necessary, submits it:

- 1) for approval to the authority whose statutory competence is related to the subject of the application for a construction permit;
- 2) to express an opinion to an institution or a person whose interests may be affected by the planned small system or its construction.

(4) The data specified in § 12 (2) clauses 3–5, § 22 (2) clauses 2–6 and § 23 (2) clause 1 of this Act shall be entered on the small system construction permit.

(5) The Agriculture and Food Board refuses to grant a construction permit for a small system if:

- 1) it is not technically possible to build the proposed small system;
- 2) the construction plan of a small system, with the exception of a small system with trench drainage, has been drawn up by a person who does not meet the requirements submitted to the responsible specialist provided for in subsections 2–5 of § 36 of this Act;
- 3) the authority specified in point 1 of subsection 3 of this section has not approved the draft of the construction permit for a small system in a justified case, or if the owner of another building causing the building's protection zone does not give consent to deviate from the restrictions in force in the protection zone, and it is not possible to change the draft in such a way that it meets the conditions

of approval or the building is in the protection zone to applicable restrictions;

4) the significant environmental impact is unassessed, even though an environmental impact assessment is provided for, or if the small system built on the basis of a small system construction permit entails a significant environmental impact that cannot be adequately avoided or mitigated.

(6) The Agriculture and Food Board makes a decision to grant or refuse to grant a construction permit for a small system within 30 days of receiving the proper documents specified in subsection 1 of this section. The relevant local government unit is notified of the granting of a construction permit for a small system.

§ 27. Revocation of a construction permit for a small system

(1) The Agriculture and Food Board declares the construction permit for a small system invalid if:

- 1) the construction plan that was the basis for the application for the construction permit for the small system is changed in such a way that the small system being built is dangerous to human life or health, property or the environment;
- 2) the applicant for a construction permit for a small system has knowingly provided false information that influenced the decision to grant a construction permit for a small system;
- 3) the owner of the small system has submitted a corresponding request.

(2) The Board of Agriculture and Food may invalidate the construction permit of a small system if:

- 1) the owner of the small system has repeatedly failed to comply with the order made on the grounds and in the manner provided for in this Act;
- 2) the small system or its construction does not meet the construction plan or the requirements of the land improvement system or its construction.

§ 28. Difference in permit processing in the case of reconstruction of the land improvement system

(1) If in the course of the coordination provided for in § 50 of this Act, it becomes clear that the land improvement system must be reconstructed in the case of planning a publicly used road or utility network or facility necessary for public interests for the immovable property on which the land improvement system is located, the land improvement system shall ensure the proper reconstruction and commissioning of the said road, utility network or a person wishing to build a facility, including submitting the necessary applications and other documents to the Agriculture and Food Board.

(2) The Agricultural and Food Board shall include in the proceedings the owner of the immovable property on whose immovable property the construction of the road, utility network or facility specified in subsection 1 of this section is planned.

(3) The costs of the reconstruction of the land improvement system shall be borne by the person constructing the road, utility network or facility specified in subsection 1 of this section.

§ 29. Obligations of the owner of the land improvement system in case of construction of the land improvement system

(1) The owner of the land improvement system:

- 1) ensures the availability of permits necessary for construction;
- 2) submits a notice of the start of construction to the Agriculture and Food Board no later than three days before the start of construction of a land improvement system or small system, which indicates the date of commencement of work, the name of the builder of the land improvement system and the name of the person supervising the owner and the responsible specialist;
- 3) ensures the construction of the land improvement system based on the building permit and in accordance with the construction project;
- 4) ensures the construction of a small system based on a small system construction permit and in accordance with the construction plan;
- 5) ensures proper owner supervision in case of land improvement system construction;
- 6) applies to the Agriculture and Food Board for its use permit after the completion of the land improvement system or for its use permit after the completion of the small system;
- 7) ensures, if necessary, that land reclamation research is carried out;
- 8) demolishes or liquidates the land reclamation system, if the land reclamation system built on the basis of the invalidated building permit is dangerous to human life or health, property or the environment;
- 9) fulfills other obligations provided for in this Act.

(2) For the purposes of this Act, the owner of a land improvement system is the owner of an immovable property whose immovable property is located on the land area of the land improvement system or whose immovable property includes a building or facility of the land improvement system.

(3) In the event of the construction of a publicly used road or a technical network or facility necessary for the public interest on the land area on which the land improvement system is located, or in the case of the management of additional water from the land improvement system for reasons of public interest, the owner of the land improvement system is obliged to bear the renewal or reconstruction of the land improvement system.

§ 30. Owner supervision

(1) The purpose of owner supervision is to ensure the construction of the land improvement system in accordance with the requirements set forth in this Act.

(2) Owner supervision may not be performed by an entrepreneur who builds a land improvement system, has prepared the construction project for this land improvement system, or has performed an expert examination on the said construction project. The owner inspector must not be related to the builder to a degree that raises doubts about his impartiality.

(3) Owner supervision has the right to demand that the designer bring the construction project into compliance with the requirements of the construction project.

(4) Owner supervision has the right to demand from the builder of the land improvement system:

- 1) certificates of conformity and other relevant documents of the construction materials and products used and the replacement of

non-compliant construction materials and products;

- 2) redoing non-compliant work;
- 3) suspension of construction in the event of a significant violation of the land improvement system and the requirements for the construction of the land improvement system or in the event of a risk of an accident;
- 4) proper and timely documentation of construction.

(5) The operator of owner supervision immediately informs the Agriculture and Food Board about the submission of the requirement provided for in subsection 3 of this section to the designer or the requirement provided for in subsection 4, point 3, to the builder.

(6) Owner supervision lasts from the beginning of the construction of the land improvement system until the completion of the land improvement system.

(7) The requirements for conducting owner supervision shall be established by a regulation of the minister responsible for the field .

(8) This section does not apply to the construction of a small system.

§ 31. Land improvement system use permit and small system use permit

(1) The Agriculture and Food Board grants a land reclamation system a use permit if the completed land reclamation system has been built in accordance with the requirements set forth in § 9 of this Act and meets the requirements of the land reclamation system.

(2) The Agriculture and Food Board grants a use permit to a small system if the completed small system has been built according to the construction plan on the basis of the construction permit for the small system and meets the requirements of the land improvement system.

(3) The use permit specified in subsections 1 and 2 of this section is indefinite.

(4) The Agriculture and Food Board declares the land improvement system and small system use permit invalid if the land improvement system or small system specified in § 51 subsection 4 and § 54 subsection 1 of this Act is deemed to have ended its purpose of use.

(5) The requirements for the land improvement system use permit and small system use permit and the content of these applications shall be established by a regulation of the minister responsible for the field .

§ 32. Applying for and granting a license to use the land improvement system

(1) The application for a land improvement system use permit and the documents specified in § 10 subsection 2 of this Act and, if available, the construction project expert report shall be submitted to the Agriculture and Food Board within 90 days from the completion of the land improvement system.

(2) The application for a land reclamation system use permit shall state the following data:

- 1) the data specified in clauses 1–3 of § 12 (2) of this Act;
- 2) drainage or irrigation method;
- 3) land use method;
- 4) the location and code of the land improvement system and the code and name of the land improvement building;
- 5) technical data of the land reclamation system by land reclamation buildings;
- 6) details of the designer, builder and owner supervisor.

(3) The Agriculture and Food Board, upon receiving an application for a land improvement system use permit, checks its compliance. If it is obviously impossible to grant a land improvement system use permit, the Agriculture and Food Board will not review the application and return it to the applicant with a justification.

(4) The Agriculture and Food Board checks the compliance of the completed land improvement system with the requirements of the land improvement system.

(5) The Agriculture and Food Board makes a decision to grant or refuse to grant a land improvement system use permit within 30 days of receiving the proper documents specified in subsection 1 of this section. The relevant local government unit is notified of the granting of a land reclamation system use permit.

(6) If the weather conditions do not allow the Agricultural and Food Board to check the land improvement system on site, the decision-making will be extended until the time when the on-site inspection is possible.

(7) The data specified in § 12 (2) point 3 and § 23 (2) point 1 and subsection 2 points 2–5 of this section shall be entered in the land improvement system use permit.

(8) If a use permit is granted for a land reclamation building belonging to a land reclamation system for which a land reclamation cooperative has been established, the Agriculture and Food Board sends a copy of the land reclamation system use permit to the relevant land reclamation cooperative.

§ 33. Application for a small system use permit and its granting

(1) The application for a small system use permit and the documents specified in clauses 2–4 of § 10 (2) of this Act shall be submitted to the Agriculture and Food Board within ten days of the completion of the small system.

(2) The data specified in clauses 12 (2) points 1–3 and § 32 (2) points 2–5 of this Act, as well as the data of the developer of the construction plan, the builder and the developer of the execution drawing, shall be indicated in the application for a small system use permit.

(3) The Agriculture and Food Board, upon receiving an application for a small system use permit, checks its compliance. If it is obviously impossible to grant a license to use a small system, the Agriculture and Food Board will not review the application and return it to the applicant with a justification.

(4) The Agriculture and Food Board checks the compliance of the completed small system with the requirements of the land improvement system.

(5) The Agriculture and Food Board makes a decision to grant or refuse to grant a small system use permit within 30 days of receiving the proper documents specified in subsection 1 of this section. The relevant local government unit is notified of the granting of a small system use permit.

(6) If the weather conditions do not allow the Agriculture and Food Board to inspect the small system on site, the decision-making will be extended until the time when on-site inspection is possible.

(7) The data specified in § 12 (2) point 3, § 23 (2) point 1 and § 32 (2) points 2–5 of this Act shall be entered in the small system use permit.

(8) The implementation drawing of a small system may be prepared by an entrepreneur specified in § 35 of this Act who is active in the field of land reclamation research, expertise or land reclamation system design, or a person who meets the requirements set forth in subsections 2 and 5 of § 36 of this Act or who has an activity license for land management works.

§ 34. Refusal to grant a land improvement system use permit and a small system use permit

(1) The Agriculture and Food Board refuses to issue a land improvement system use permit if:

- 1) the land improvement system does not meet the requirements;
- 2) the land improvement system does not meet the construction project to a significant extent, is dangerous to human life or health, property or the environment;
- 3) the invalidation of the building permit that was the basis for the construction has been initiated.

(2) The Agriculture and Food Board refuses to issue a small system use permit if:

- 1) the small system does not meet the requirements;
- 2) the small system does not comply with the construction plan to a significant extent;
- 3) the invalidation of the construction permit of the small system, which was the basis of the construction, has been initiated.

Chapter 3 Requirements for the entrepreneur

§ 35. Obligation to notify

(1) An entrepreneur is allowed to operate in the field of land improvement if he has a relevant legal relationship with the responsible specialist specified in § 36 of this Act or if the self-employed person is himself a responsible specialist.

(2) The notice of economic activity must be submitted to the register of enterprises operating in the field of land improvement in order to operate in the following areas of land improvement:

- 1) land improvement research;
- 2) land improvement system design;
- 3) owner supervision of land improvement;
- 4) land improvement expertise;
- 5) land improvement construction.

(3) In the notice of economic activity, the land improvement area provided for in subsection 2 of this section, the data provided for in § 15 subsection 1 of the General Part of the Code of Economic Activities Act, and the data provided for in § 15 subsection 2 of the same law for the responsible specialist of the entrepreneur shall be indicated.

(4) The obligation to notify provided in subsection 2 of this section does not apply to the construction of a small system. The construction plan of a small system, with the exception of a small system with trench drainage, can be drawn up by a person who meets the requirements submitted to the responsible specialist provided for in subsections 2–5 of § 36 of this Act.

(5) A road serving the land improvement system can also be built by an entrepreneur who has the right to build roads for public use based on the Construction Code.

(6) The notice of economic activity has been submitted if the register of enterprises operating in the field of land reclamation contains a confirmation of the responsible specialist who meets the requirements set forth in § 36 of this Act regarding his legal relationship with the enterprise that submitted the notice of economic activity.

(7) In the event of a break in the legal relationship between the responsible specialist and the entrepreneur, the responsible person has the right to withdraw from the confirmation. If the responsible specialist has given up the confirmation, the entrepreneur submits a notice of changes to the general data of economic activity to the Agriculture and Food Board in accordance with § 30 (5) of the General Part of the Code of Economic Activities Act. If the responsible specialist who renounced the approval is the only responsible specialist of the entrepreneur in the relevant land improvement area, it is considered that the entrepreneur has not fulfilled the notification obligation for operating in this land improvement area.

§ 36. Responsible specialist

(1) The responsible specialist is an expert who meets the requirements set forth in subsections 2–5 of this section and who performs, controls or manages work in the area of land improvement related to his competence and is responsible for it. The actions performed during owner supervision of land improvement are performed by the responsible specialist personally.

(2) A person may act as a responsible specialist in land reclamation research, land reclamation system design, land reclamation owner supervision and land reclamation expertise if he has a professional higher education and has worked in the relevant land reclamation field for at least three years.

(3) A person may act as a responsible specialist in the field of land improvement construction if he has at least a specialized secondary or vocational secondary education or a corresponding qualification and has worked in the field of land improvement construction for at least three years.

(4) A person who has acquired a foreign professional qualification may also act as a responsible specialist, if his professional qualification has been recognized in accordance with the Act on the Recognition of Foreign Professional Qualifications. The competent

authority provided for in § 7 subsection 2 of the Act on the Recognition of Foreign Professional Qualifications is the Agriculture and Food Board.

(5) Every five years, the responsible specialist specified in subsection 2 of this section must undergo further training in accordance with the requirements of the Adult Education Act and the legislation established on the basis of subsection 9 of this section at a continuing education institution on the basis of a curriculum approved by the Agriculture and Food Board.

(6) A person meeting the requirements set forth in subsection 2 of this section, who has completed the in-service training of a responsible specialist in the field of land reclamation system design or land reclamation expertise, may also act as a responsible specialist in the field of land reclamation research or land reclamation owner supervision.

(7) A person meeting the requirements set forth in subsection 2 of this section, who has completed the additional training of a responsible specialist in the field of land improvement expertise, may also act as a responsible specialist in the field of land improvement system design.

(8) The responsible specialist performs his tasks competently and with the required diligence corresponding to the specific nature of the work. The responsible specialist may not act as the responsible specialist of several companies at the same time, nor be the responsible specialist in the investigation, design, construction, owner supervision of the construction or expert examination of several land improvement systems, if his workload does not allow him to fulfill his duties properly.

(9) The requirements for further training of the specialist in charge of land reclamation research, land reclamation system design, owner supervision of land reclamation and land reclamation expertise shall be established by a regulation of the minister responsible for the field .

§ 37. Obligations of an entrepreneur operating in the field of land reclamation

(1) An entrepreneur who operates in the area of land reclamation as part of economic activities shall comply with the principles and requirements arising from the laws in his activities, including:

- 1) shall comply with the principle of expertise, shall ensure that a person with appropriate qualifications acts under his responsibility, and shall also appoint a responsible specialist who for the relevant project or object is responsible;
- 2) ensures that the activities under his responsibility and regulated by this Act are duly documented, and transfers the documents to the competent authority in accordance with the prescribed procedure;
- 3) fulfills the requirements set forth in the law of the general part of the Code of Economic Activities;
- 4) submits to the register of enterprises operating in the field of land reclamation the data on the completion of further training of the responsible specialist in accordance with the legislation established on the basis of § 36 (9) of this Act.

(2) An entrepreneur is responsible for the actions of a person acting on his behalf, if the entrepreneur uses him in the performance of his duty and the actions of the person acting on his behalf are related to the performance of this duty.

Chapter 4 Register of entrepreneurs operating in the field of land reclamation

§ 38. Register of entrepreneurs operating in the field of land reclamation

(1) The minister responsible for the field establishes a register of enterprises operating in the field of land reclamation, which is a database established in accordance with the Public Information Act.

(2) The statutes of the register of enterprises operating in the field of land reclamation shall be established by a regulation of the minister responsible for the field .

(3) The responsible processor of the register of enterprises operating in the field of land improvement is the Ministry of Regional Affairs and Agriculture and the authorized processor is the Agricultural and Food Board.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(4) The purpose of keeping a register of enterprises operating in the field of land reclamation is to provide the public with information about enterprises operating in the field of land reclamation and to enable record keeping and supervision of their economic activities.

(5) The provisions of the General Part of the Code of Economic Activities Act on the register shall apply to the register of entrepreneurs operating in the field of land improvement, taking into account the specifics of this Act.

Chapter 5 Register of land improvement systems

§ 39. Register of land improvement systems

(1) The Government of the Republic shall, upon the proposal of the minister responsible for the field, establish a register of land improvement systems, which is a database established in accordance with the Public Information Act.

(2) The basic regulations of the register of land improvement systems shall be established by a regulation of the Government of the Republic .

(3) The responsible processor of the register of land improvement systems is the Ministry of Regional Affairs and Agriculture and the authorized processor is the Agriculture and Food Board.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(4) The purpose of keeping a register of land reclamation systems is to publish information about planned, under construction and existing land reclamation systems and related procedures, and to enable record keeping and supervision of all these land reclamation systems.

(5) The data of the land improvement systems specified in § 3 of this Act shall be entered in the register of land improvement systems and on the map of objects causing restrictions in the land cadastre (hereinafter *the restriction map*).

§ 40. Data of the register of land improvement systems

- (1) The data of the register of land improvement systems are:
- 1) data of the land improvement system;
 - 2) data of the land improvement building provided for in § 3 subsection 7 of this Act;
 - 3) the first and last name, personal identification number or date of birth of the person involved in the land improvement system or its construction, or the business name and registry code of a legal entity, as well as contact information;
 - 4) data on requests, design conditions, notices, permits, end of use, prescriptions and approvals related to the land improvement system or its construction.
- (2) Land improvement system data are:
- 1) land improvement system code;
 - 2) general data;
 - 3) location data;
 - 4) construction project data;
 - 5) data on land improvement research carried out for the preparation of the construction project;
 - 6) data of the expert report of the construction project.
- (3) The data of the land improvement building are:
- 1) the name of the land improvement building;
 - 2) land improvement building code;
 - 3) technical data;
 - 4) year of initial deployment.
- (4) The composition of the data provided for in subsection 1 of this section may be specified in the statutes of the register of land improvement systems.
- (5) Data in the register of land improvement systems have an informative and statistical meaning.
- (6) The notice of commencement of construction has a legal meaning.

§ 41. Submission of data to the register of land improvement systems

- (1) The Agriculture and Food Board shall enter the data submitted to it in the register of land improvement systems within five days of receiving the data. The person who submitted the data is responsible for the correctness of the data submitted to the Agriculture and Food Board.
- (2) The data entered into the register resulting from the decision or prescription of the Agriculture and Food Board shall be entered into the register within five days from the decision being made or the prescription taking effect.

§ 42. Publication of data from the register of land improvement systems

- (1) The data of the register of land improvement systems are public and they are published on the website of the Agriculture and Food Board, with the exception of data related to a completed prescription and data of a land improvement system or building whose purpose of use has ended.
- (2) The provisions of the Personal Data Protection Act apply to the publication of personal data.

§ 43. Data exchange

Data exchange with other databases takes place through the data exchange layer of state information systems in accordance with the procedure established on the basis of § 43 9 subsection 1 point 5 of the Public Information Act .

Chapter 6 Land improvement maintenance

§ 44. Land improvement maintenance

- (1) Land improvement maintenance is the maintenance and renewal of the land improvement system and its land area, performing agromelioration and cultural technical work (hereinafter referred to as *land improvement maintenance work*) to ensure the operation of the land improvement system and to maintain and increase the cultivation value of land for commercial use. Land improvement maintenance also includes compliance with the requirements set forth in § 47 of this Act.
- (2) The owner of the land reclamation system may not obstruct the water flow in the land reclamation system or damage the environment, the land reclamation system or its operation while performing land reclamation maintenance work.
- (3) A person who has damaged a land improvement system must immediately notify the owner of the land improvement system, the Agricultural and Food Board and the Environmental Board, and eliminate the damage caused.
- (4) The owner of the land reclamation system or the land reclamation cooperative must notify the Agriculture and Food Board and the Environment Board at least five days before the start of the work about the removal of sediment from the bed of the headwaters that overlaps with the surface water body during the land reclamation storage.

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- (4) The Agriculture and Food Board must inform the Environment Board at least five days before the start of the works about the planned land improvement and conservation works on common watercourses maintained by the state that overlap with the surface water body within the meaning of the Water Act.

[RT I, 17.03.2023, 3 - enters into force. 01.04.2023]

(5) The requirements for land improvement and conservation works shall be established by a regulation of the minister responsible for the field .

§ 45. Maintenance of the land improvement system

Maintenance of the land reclamation system is the tidying up of the land reclamation system and its land area, including the removal of vegetation, as well as the removal of flow resistance, debris and sediment from the headwaters and drainage ditch to the extent specified in the legislation established on the basis of § 44 (5) of this Act.

§ 46. Renewal of the land improvement system

(1) Renewal of a land reclamation system is the replacement or addition of an outdated or dilapidated part of it with a new one, removal of sediment from the headwaters and drainage ditch in the amount specified in the legislation established on the basis of § 44 (5) of this Act, and the addition of a part of the land reclamation system without significantly changing the general parameters of the land reclamation system.

(2) In order to renew the common watercourse maintained by the state, a common watercourse renewal project shall be drawn up in accordance with the design norms of the land improvement system established on the basis of § 16 (4) of this Act. The requirements set forth in § 17 of this Act apply to the research work on land improvement carried out for the preparation of the renewal project.

28.07.2023 16:15

Error correction. Corrected an obvious inaccuracy in the word "present" on the basis of § 10 (3) of the State Gazette Act.

(3) An enterprise operating in the area of land improvement specified in clauses 2 and 4 of § 35 (2) of this Act may prepare a shared flow renewal project.

(4) The renewal project specified in subsection 2 of this section shall be coordinated with the Environmental Board, if the renewal work is planned to remove sediment from the headwaters, which overlaps with a water body included in the list of spawning and habitats for salmon, river trout, sea trout and grayling, based on § 51 subsection 2 of the Nature Conservation Act.

(5) The minister responsible for the field shall establish the requirements of the state-maintained joint flow renewal project by regulation.

§ 47. Ensuring the operation of the land improvement system

(1) It is prohibited to obstruct the flow of water and expand water in the land improvement system, if there is no permit or approval from the Agriculture and Food Board in accordance with § 50 of this Act.

(2) There must be no natural flow resistance in the land reclamation system, including beaver dams.

(3) It is forbidden to flood the land area of the land improvement system.

(4) It is prohibited to direct wastewater and rainwater and other water originating from outside the drainage area into the underground pipeline of the drainage network (hereinafter referred to as *drainage*) without the permission of the Agriculture and Food Board. If another permit is required for the management of effluent and rainwater or other water, the granting of the permit must be coordinated with the Agriculture and Food Board.

(5) It is forbidden to impregnate waste water on the drainage area and it is forbidden to establish a plantation there, if there is no permission for this from the Agriculture and Food Board. If another permit is required for the impregnation of waste water or the establishment of a plantation, the granting of the permit must be coordinated with the Agriculture and Food Board.

(6) The land use of the drainage area must not damage the drainage.

(7) The Agriculture and Food Board shall not approve the intention of the activity specified in subsections 4 or 5 of this section and shall not issue a permit for the said activity if the planned activity damages the proper functioning of the drainage or land improvement system.

(8) The polder must be used in accordance with the regime prescribed in the construction project. The mode of use of the polder stipulated in the construction project may be changed only with the permission of the Agriculture and Food Board.

(9) The Board of Agriculture and Food does not grant permission to change the mode of use of the polder if the planned activity significantly damages the polder or its proper functioning.

(10) The Board of Agriculture and Food decides whether to approve, grant a permit or refuse to grant it within ten days of receiving the relevant application.

(11) The owner of the land improvement system shall carry out the land improvement maintenance work of the land improvement system and its land area in accordance with the requirements established on the basis of § 44 (5) of this Act, so that the land improvement system meets the requirements set forth in § 5 subsections 1–5 of this Act during its use.

§ 48. Front flow protection zone

(1) The headwater protection zone is the land area below the headwater and surrounding the headwater and the facility located on it, within the limits of which the use of the real estate is restricted to protect the headwater and the facilities located on it, to ensure safety and to enable land improvement and maintenance work in the watershed.

(2) In the headwater protection zone, one must refrain from activities that may damage the headwater and the facility located on it, prevent its proper functioning or land improvement maintenance work, including the construction of high greenery or permanent fences and blocking of access to the headwater or its facility.

(3) In the upstream protection zone, another building that is not a land improvement system building or facility may be built only if its construction has been approved by the Agriculture and Food Board during the building permit procedure or the submission of a construction notice. If the construction of another building does not require the existence of a building permit or the submission of a construction notification, the other building may be built only with the permission of the Agriculture and Food Board.

(4) A plantation may not be established in the upstream protection zone if there is no permit for this from the Agriculture and Food Board. If another permit is required to establish a plantation, its granting must be coordinated with the Agriculture and Food Board.

(5) The Agriculture and Food Board shall not approve a request for the construction of another building or the establishment of a plantation, nor shall it grant a permit for the construction of another building or the establishment of a plantation, if the planned building or plantation interferes with the proper functioning of the upstream and the proper land improvement maintenance work on the upstream.

(6) In the open headwater protection zone, the land may not be cultivated closer than one meter from the edge of the headwater.

(7) Land use in the protection zone of the collector flow must not damage the collector or other drainage.

(8) Blasting, drilling, digging or other such work in the soil may not be carried out in the protection zone of the collector drainage, unless there is a permit for this from the Agriculture and Food Board. If another permit is required for blasting, drilling, excavation and other such work in the soil, the granting of the permit must be coordinated with the Agriculture and Food Board.

(9) The Agriculture and Food Board shall not approve a request for blasting, drilling, excavation or other such work in the soil in the protection zone of the collector flow, nor shall it grant a permit for the said activities, if the proposed activity damages the land reclamation system or its proper functioning.

(10) The Board of Agriculture and Food decides whether to approve, grant a permit or refuse to grant it within ten days of receiving the relevant application.

(11) Based on the type of headwater and the size of the headwater catchment area, the minister responsible for the field establishes the scope of the headwater protection zone and the procedure for operating in the protection zone by regulation.

(12) Data on the presence of the headwater protection zone, its content and spatial extent are entered on the restriction map.

§ 49. Organization of land improvement maintenance

(1) Land improvement maintenance is the responsibility of:

1) the owner of the land improvement system;

2) in the land improvement cooperative to the extent provided for in the action plan of the land improvement cooperative according to § 73 of this Act.

(2) The state, as the owner of the land improvement system, organizes land improvement maintenance on state-owned land through the administrator of state property or a person authorized for this purpose.

(3) The state may use the funds allocated from the state budget to the Ministry of Regional Affairs and Agriculture to maintain common headwaters whose catchment area is larger than ten square kilometers.

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(4) Large-scale land improvement and conservation work is primarily organized on the common watercourse maintained by the state, which ensures the drainage of excess water from the drainage network or the inflow of water to the irrigation network on the said common watercourse.

(5) The owner of the land reclamation system organizes the removal of minor flow resistance on the common main stream maintained by the state.

(6) In order to maintain the common watercourse maintained by the state, the drafter of the common watercourse renewal project and the person performing the land improvement maintenance work may stay on the immovable property on which the land improvement system is located, in the presence of the owner of the immovable property or his authorized representative or without their presence, if the time of being on the immovable property and carrying out operations has been agreed with the owner of the immovable property or his authorized representative, and perform the necessary actions there, including planning or carrying out land improvement maintenance work on the common headwaters located on the said property.

(7) At the request of the Agriculture and Food Board and to the extent indicated, the owner of the immovable property shall remove the fence and other obstructions interfering with the land improvement maintenance work on the state-maintained common watercourse located on his immovable property.

(8) In order to organize beaver hunting or beaver hunting in the state-maintained common headwater protection zone, the Agriculture and Food Board shall conclude an agreement with the owner of the immovable property, the person holding the right to use the hunting area or the person appointed by the owner of the immovable property. The owner of the real estate is obliged to tolerate beaver hunting or fishing.

(9) The list of common headwaters maintained by the state shall be established by an order of the Government of the Republic.

§ 50. Construction of another building on an immovable property on which a land improvement system is located and water level regulation on such an immovable property

(1) If another building, which is not a building or a facility of the land improvement system, is planned for the immovable property on which the land improvement system is located, based on the construction project or construction notice, the planning of the building or the intention to regulate the water level of the land improvement system or its upstream protection section shall be coordinated by the building or other permit grantor or the operator of the construction notice Agricultural and With the Food Board.

(2) The upstream protection section is considered to be the part of the drainage system's mouth, the regulation of the water level of which affects the proper functioning of the land improvement system. The extent of the protection section is determined in the land improvement conservation plan.

(3) The provisions of subsection 1 of this section do not apply to a small system.

(4) If the construction of another building specified in subsection 1 of this section and the regulation of the water level of the land improvement system and upstream protection section do not require the existence of a building or other permit or the submission of a construction notification, another building may be built on the immovable property on which the land improvement system is located or

the water level of the land improvement system or its upstream protection section may be regulated there only with the permission of the Agriculture and Food Board.

(5) The Agriculture and Food Board approves the documents and intentions specified in subsection 1 of this section or grants the permit specified in subsection 4, if the planned activity does not prevent the proper functioning of the land improvement system. If necessary, the Agriculture and Food Board determines the side conditions of the approval or permit, which ensure the operation of the land improvement system located on the immovable property and neighboring immovable property, including the obligation to reconstruct the land improvement system for the construction of another building and the due date for the completion of the reconstruction.

(6) The Agriculture and Food Board shall not approve the documents and intentions specified in subsection 1 of this section and shall not grant permission for the activities specified in subsection 4 of this section if the proper functioning of the land improvement system is harmed by the construction of a building or water level regulation.

(7) The Agriculture and Food Board shall decide whether to approve, grant a permit or refuse to grant it within ten days of receiving the relevant application.

§ 51. Land use in the land area of the land improvement system

(1) If the immovable property is located on the land area of the land improvement system, the intended purpose of this immovable property may be changed and land management operations may be performed on this immovable property based on the prior approval of the Agriculture and Food Board.

(2) The purpose of use of the immovable may be changed only with the permission of the Agriculture and Food Board. A change in the purpose of use of an immovable property within the meaning of this Act is land for profit:

- 1) conversion of cultivated land or natural grassland into forest land;
- 2) conversion of forest land into cultivated land or natural grassland;
- 3) establishing a plantation with woody plants on cultivated land or natural grassland.

(3) The provisions of subsection 1 of this section do not apply to a small system.

(4) If a regulatory network is located on an immovable property and the purpose of the immovable property is changed in such a way that the land is no longer land for land use, the purpose of use of the land improvement system on this immovable property is deemed to have ended, and an appropriate change is made to the register of land improvement systems and the restriction map.

(5) If the part of the regulatory network located on an immovable whose intended purpose is intended to be changed forms a common regulatory network with the part of the regulatory network located on land for commercial use, the Agriculture and Food Board shall coordinate the request of the owner of the immovable property considering the change of intended purpose, on the condition that:

- 1) the part of the regulatory network located on the designated purpose of land for commercial use is reconstructed to function independently, and an appropriate change is made to the register of land improvement systems and the restriction map, or
- 2) the part of the regulatory network located on the real estate with the intended purpose to be changed is left to operate together with the part of the regulatory network located on the land for commercial use.

(6) In the case specified in point 2 of subsection (5) of this section, the owner of real estate with a changed purpose has the obligation of land improvement maintenance arising from this Act.

(7) The Agriculture and Food Board approves a request to change the intended purpose of an immovable property or perform a land management operation on an immovable property, or grants permission to change the purpose of use, if this does not prevent the proper functioning of the land improvement system. If necessary, the Agriculture and Food Board determines the side conditions of the approval or permit, which ensure the operation of the land improvement system located on the immovable property and neighboring immovable property, including the obligation to reconstruct the land improvement system and the due date for the completion of the reconstruction.

(8) The Agriculture and Food Board shall not approve a request to change the intended purpose of an immovable property or to perform a land management operation, nor shall it grant a permit to change the intended use if the planned activity harms the proper functioning of the land improvement system.

(9) The Agriculture and Food Board shall decide on the approval of the request to change the purpose of the immovable property or to perform a land management operation, or to grant or refuse to grant permission for the change of use within ten days of receiving the relevant request.

§ 52. Renewal of the land improvement system resulting from the construction of a publicly used road or utility network or facility necessary for public interests

(1) If a public road or utility network or facility necessary for public interests is planned for the land area on which the land improvement system is located, and during the coordination provided for in § 50 of this Act, it becomes clear that the land improvement system needs to be updated, the Agriculture and Food Board shall designate a conditions for updating the land improvement system to ensure the operation of the land improvement system. The Agriculture and Food Board can also determine the location of the said road, utility network or facility in the land improvement system.

(2) In the case provided for in subsection 1 of this section, the land improvement system may be renewed by a person who operates in the land improvement area specified in § 35 (2) point 5 of this Act, and at the request of the Agriculture and Food Board, owner supervision of the land improvement system renewal may be performed by a person who operates in the land improvement area specified in § 35 (2) point 3 of this Act in the land reclamation area.

(3) A person carrying out works to renew the land improvement system specified in subsection 2 of this section renews the land improvement system, taking into account the construction of the road, utility network or facility specified in subsection 1 of this section, prepares a report and an execution drawing for the work performed and submits the said documents to the owner of the land improvement system and the Agriculture and Food Board within five days from the completion of the renewal works.

(4) The costs of updating the land reclamation system and the damage caused to the owner of the land reclamation system during the construction of the road, utility network or facility specified in subsection 1 of this section and the renewal of the land reclamation system shall be compensated by the person constructing the said structure.

§ 53. Management of additional water in the land improvement system

(1) The grantor of a building permit or other permit shall coordinate with the Agricultural and Food Board a construction project or application, according to which it is desired to direct water collected outside the land reclamation system (hereinafter, *additional water*) to the upstream or drainage ditch. Outside of the building permit or other permit procedure, additional water may be diverted to the upstream or drainage ditch only with the permission of the Agriculture and Food Board.

(2) If, due to the management of additional water from the land reclamation system, the catchment area of the upstream increases or the hydrological characteristics of the catchment significantly change, it is checked by calculations whether the size of the cross-section of the bed of the upstream and the drainage ditch and the size of the opening of the facility located on the upstream and the drainage ditch meet the requirements in case of control of the additional flow of the upstream or drainage ditch.

(3) If the size of the cross-section of the bed of the headwater or drainage ditch and the size of the opening of the facility located on the headwater or drainage ditch do not meet the requirements, the headwater and the drainage ditch and the facility located on them will be reconstructed at the expense of the person who wishes to divert additional water.

(4) The Board of Agriculture and Food approves the intention to manage additional water upstream or grants a permit for managing additional water, if this does not harm the proper functioning of the land improvement system. If necessary, the Agriculture and Food Board determines the side conditions of the approval or permit, which ensure the operation of the land improvement system located on the immovable property and neighboring immovable property, including the obligation to reconstruct the land improvement system and the due date for the completion of the reconstruction.

(5) The Board of Agriculture and Food does not grant a permit for the management of additional water in a headwater or drainage ditch, if the management of additional water is not in the public interest and requires the reconstruction of the land improvement system, for which consent has not been obtained from the owner of the land improvement system.

(6) The Agriculture and Food Board decides whether to approve, grant a permit or refuse to grant it within 60 days of receiving the relevant application.

(7) If the management of additional water results from public interest, which is primarily a need arising from planning, the provisions of § 28 of this Act shall apply to the procedure for the reconstruction of the land improvement system.

(8) If the headwater or drainage ditch has to be reconstructed in order to divert additional water, additional water may be diverted from the headwater or drainage ditch if, after the reconstruction works, the land improvement system has been granted a use permit.

(9) If a land improvement cooperative has been formed for the collective storage of the land improvement system into which additional water is directed, the person managing the additional water of the land improvement system participates in covering the land improvement storage costs of the land improvement system to the extent determined by the Agriculture and Food Board.

(10) The basis for determining the amount of land improvement storage costs of the person who manages the additional water of the land improvement system and the detailed procedure for paying the costs shall be established by a regulation of the minister responsible for the field.

§ 54. Termination of the purpose of use of the land improvement system

(1) The purpose of use of the land reclamation system is deemed to have ended, if the land reclamation system has become obsolete or decayed, or for some other reason has lost a significant part of its ability to function, or if the need to consider the purpose of use as terminated arises from the public interest.

(2) The owner of the land improvement system submits a request to the Agriculture and Food Board to consider the purpose of use of the land improvement system as terminated.

(3) The Agriculture and Food Board shall check the justification of the request specified in subsection 2 of this section on site as soon as possible, but no later than six months after receiving the request.

(4) The Agriculture and Food Board makes a decision to consider the purpose of use of the land improvement system as completed or to refuse it within five days of the on-site inspection.

(5) In the event that the purpose of use of the land improvement system is considered to have ended, the owner of the land improvement system may be imposed an obligation to dismantle the land improvement system as a side condition, if the land improvement system may cause danger to people, property or the environment.

(6) In the event that the purpose of use of the land improvement system is deemed to have ended, the Agriculture and Food Board shall enter the data on the designation of the purpose of use of the land improvement system to be deemed to have ended in the register of land improvement systems, and an appropriate change will be made to the restriction map.

(7) The purpose of use of the land improvement system is not considered to have ended, except in the case arising from public interest, if:

- 1) the functioning capacity of the land improvement system has not been significantly reduced or
- 2) the functioning capacity of the land improvement system can be restored by land improvement conservation work.

(8) The purpose of use of the upstream is not considered finished if the operation of the regulating network of the land improvement system located on another property depends on the functioning of the upstream.

§ 55. Land improvement conservation plan

(1) In order to organize the land improvement conservation work in a targeted manner, a watershed land improvement conservation plan (hereinafter referred to as *the land improvement conservation plan*) is drawn up, which is in accordance with the principles of the relevant water management plan (hereinafter *the water management plan*) drawn up on the basis of the Water Act.

(2) In the land reclamation conservation plan, the land reclamation conservation works performed on the land reclamation system and other measures to be implemented are planned, taking into account the water management plan, which ensure:

- 1) the possibility of targeted use of the land area of the land reclamation system;
- 2) fulfillment of the requirements set forth in subsections 1–5 of § 5 of this Act.

(3) Information reflecting land improvement systems is entered on the map contained in the land improvement management plan.

(4) The following information shall be reflected in the land improvement management plan:

- 1) actual use and recommended use of the land area of the land improvement system;
- 2) state of the common watercourse maintained by the state;
- 3) sections with a catchment area of more than ten square kilometers upstream affected by the spread of diffuse load;
- 4) financial resources necessary for land reclamation and conservation works of joint watercourses maintained by the state;
- 5) the extent of upstream protection sections.

§ 56. Preparation of a land improvement conservation plan

(1) The land improvement conservation plan is drawn up and its execution is controlled by the Agriculture and Food Board.

(2) The Agriculture and Food Board has the right to receive from other institutions and persons information necessary for the preparation of a land improvement conservation plan.

(3) The land improvement conservation plan is reviewed and, if necessary, amended at least every six years.

(4) In order to carry out the inspection of the land improvement system necessary for the preparation of the land improvement management plan or its amendment, the Agricultural and Food Board has the right to be present at the immovable property of the owner of the land improvement management system and to perform the necessary actions to collect the data necessary for the preparation of the land improvement management plan in the presence or absence of the owner of the land improvement management system or his authorized representative, if the time of the stay at the immovable property and performing the actions is agreed with the owner of the land improvement system or his authorized representative.

(5) The requirements of the land improvement conservation plan and the procedure for preparing the land improvement conservation plan shall be established by a regulation of the minister responsible for the field .

§ 57. Disclosure of the land improvement conservation plan

(1) Before publication, the land improvement conservation plan is coordinated with the Environmental Board and the local government unit located in the territory of the watershed.

(2) If possible, the land improvement conservation plan will be made public together with the water management plan in the local government unit located in the territory of the watershed, where the display and discussion of the plan will be organized. The duration of the display of the land improvement conservation plan is three months.

(3) The place, start and duration of the public display and discussion of the land improvement conservation plan will be announced by the Agriculture and Food Board at least one week before the start of the public display and discussion in the official online publication Ametlikud Teadaanded and at least in one daily newspaper with nationwide circulation.

(4) Owners of immovable property located in the territory covered by the land improvement plan, its residents and other persons have the right to submit corrections and additions to it during the presentation of the plan.

(5) The Agriculture and Food Board shall respond to the written proposal in writing within two months from the end of the public display of the land improvement conservation plan.

(6) The Agriculture and Food Board makes the necessary corrections and additions to the land improvement management plan based on the results of the public display and discussion of the land improvement management plan.

(7) The minister responsible for the field establishes a land improvement conservation plan by directive, which is published on the website of the Ministry of Regional Affairs and Agriculture.

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Chapter 7 Land improvement cooperative

Section 1 General settings

§ 58. Land improvement cooperative

(1) A land reclamation cooperative is a private legal entity established for the joint organization of land reclamation maintenance works (hereinafter *cooperative*), *whose members are the owners of one or more comprehensive land reclamation systems*.

(2) Common storage is primarily carried out at the common headwater, in the case of a polder also at the pumping station, protection dam and regulator.

(3) In addition to collective maintenance, the land improvement cooperative may carry out activities related to the operation of the land improvement system arising from the public interest or the common interest of the members of the land improvement cooperative.

§ 59. Legal capacity of land improvement cooperative

(1) The legal capacity of a land improvement cooperative arises upon its entry in the register of land improvement cooperatives and ends when the land improvement cooperative is deleted from the register if the land improvement cooperative has no assets.

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(2) A land improvement cooperative cannot be transformed into another type of legal entity.

§ 60. Area of operation of the land improvement cooperative

The area of operation of the land improvement cooperative is the land area on which one or more land improvement systems are located, for the common maintenance of which the land improvement cooperative was established.

§ 61. Name of land improvement cooperative

- (1) In the name of the land improvement cooperative, the suffix "land improvement cooperative" or the abbreviation "MPÜ" is used.
- (2) No other person may use the word "land improvement cooperative" or the abbreviation "MPÜ" in their name.

Section 2 Establishment of a land improvement cooperative

§ 62. Principles of establishing a land improvement cooperative

- (1) The provisions of Chapter 2 of the Non-Profit Societies Act apply to the establishment of a land improvement cooperative, taking into account the specifics of this Act.
- (2) A land improvement cooperative is established if more than half of the owners of the land improvement system are in favor of it at the founding meeting, or if the owners of the land improvement system are in favor of it at the repeat establishment meeting, whose immovable properties contain more than half of the land area of the land improvement system or more than half of the length of the common watercourse.
- (3) If a land improvement cooperative is established for the joint management of several land improvement systems, the establishment conditions specified in subsection 2 of this section shall apply to each land improvement system within the area of operation of the land improvement cooperative.

§ 63. Preparation for the establishment of a land improvement cooperative

- (1) In order to establish a land improvement cooperative, the owners of the land improvement system interested in its establishment (hereinafter *the initiators*) organize a preparatory meeting before the establishment of the land improvement cooperative (hereinafter *the preparatory meeting*), requesting the necessary documents for the establishment of the land improvement cooperative from the Agricultural and Food Board.
- (2) The initiators shall request the following documents from the Agriculture and Food Board:
 - 1) a map of the area of operation of the land improvement cooperative, on which the boundary of the catchment area, the land area of the land improvement system and the location of the common headwaters and other buildings of the land improvement system are marked (hereinafter *the map of the area of operation of the land improvement cooperative*);
 - 2) a statement about the owners of the land area of the land improvement system located in the area of operation of the land improvement cooperative and the common stream, in which the code of the land improvement system, the owner's name and personal or registry code, the surface area of the land improvement system located on the owner's property and the length of the common stream, and the amount of the part of the deposit obligation of the common stream are indicated (hereinafter *the statement*).
- (3) In addition to the data specified in clause 2, point 1 of this section, the following shall be indicated on the map of the area of operation of the land improvement cooperative (hereinafter *polder cooperative*):
 - 1) established for the polder drainage system: 1) the boundary of the land area from which the water will be pumped away;
 - 2) the border of the land area, the height of which exceeds the height of the ridge of the protective dam.
- (4) In addition to the data specified in point 2 of clause 2 of this section, the record of the polder cooperative shall state the data on the owners of the land improvement system, whose real estate has a pumping station, protection dam or regulator.
- (5) The owner of the land improvement system stated in the document is the main member of the land improvement cooperative.
- (6) The amount of the main member of the land improvement cooperative's share of the joint flow deposit obligation is expressed in the statement as a percentage of the total amount of the joint flow deposit obligation located in the area of operation of the land improvement cooperative and is found by multiplying the sum of the length of the common flow and the land area of the land improvement system located on its property by one hundred and dividing the result by the total length of the common flow and the total land area of the land improvement system located in the area of operation of the land improvement cooperative with the amount. When calculating the size of the share of the deposit obligation of the main member of the land improvement cooperative, one kilometer of the common flow and one hectare of the land area of the land improvement system are considered equal.
- (7) After receiving the map and the statement of the area of operation of the land improvement cooperative, the initiators determine the time and place of the preparatory meeting and inform all the main members of the land improvement cooperative about the intention to establish the land improvement cooperative and the time and place of the preparatory meeting.
- (8) At the preparatory meeting:
 - 1) the legal basis, purpose and principles of operation of the establishment of the land improvement cooperative are explained;
 - 2) the draft statute is introduced;
 - 3) the various options for the distribution of votes at the general meeting are explained;
 - 4) the time and place of the establishment meeting of the land improvement cooperative is determined;
 - 5) the deadline for submission of proposals on the articles of association is set.

§ 64. Establishment of land improvement cooperative

- (1) The founding meeting shall be held no earlier than one month and no later than four months after the preparatory meeting. The initiators shall inform all core members of the land improvement cooperative to be established at least 20 days in advance of the founding meeting.
- (2) At the founding meeting, each core member of the established land improvement cooperative has one vote. If the immovable property is owned by several persons, they have a joint vote.

(3) The establishment meeting is capable of making decisions if more than half of the main members of the land improvement cooperative to be established participate in it.

(4) A land improvement cooperative is established if more than half of the main members of the established land improvement cooperative vote in favor of the establishment.

(5) Other decisions of the founding meeting are adopted by a majority of votes in favor of the main members who participated in the founding meeting.

(6) At the founding meeting, the further distribution of votes at general meetings is decided on one of the principles provided for in subsection 1 of § 70 of this Act.

(7) At the founding meeting, the articles of association of the land improvement cooperative are adopted and the board of the land improvement cooperative is elected.

(8) Minutes shall be taken of the founding meeting. The time and place of the founding meeting, the time of the preparatory meeting and the time of notification of the founding meeting, the decisions made at the founding meeting, the names and voting results of the persons who voted for the establishment of the land improvement cooperative, and the voting results of other decisions are recorded in the minutes. The minutes are signed by the chairman of the founding meeting and the recorder. An integral part of the protocol is the list of persons who took part in the founding meeting with their signatures.

(9) If the founding meeting was not capable of making a decision, the initiators may convene a repeated founding meeting, taking into account the provisions of subsection 1 of this section. The reconstitution meeting has decision-making power regardless of the number of main members participating in it.

(10) A land improvement cooperative is established at a repeat establishment meeting, if the main members of the established land improvement cooperative vote in favor of the establishment, whose immovable properties cover more than half of the land area of the land improvement system or more than half of the length of the common watercourse.

(11) The provisions of subsections 2 and 5–8 of this section apply to the re-accountability meeting.

§ 65. Articles of association of land improvement cooperative

In addition to the provisions of the Non-Profit Organizations Act regarding the articles of association, the articles of association determine:

- 1) the bases for determining the amount of payment required for the activities specified in subsection 3 of § 58 of this Act;
- 2) division of votes at the general meeting based on one of the principles provided for in § 70 subsection 1 of this Act.

§ 66. Entry of the land improvement cooperative in the register of land improvement cooperatives and entry of the data of the area of operation of the land improvement cooperative on the restriction map

(1) In order to enter a land improvement cooperative in the register of land improvement cooperatives, the documents provided for in the Non-Profit Societies Act shall be submitted to the registrar, whereby the minutes of the founding meeting, a map of the area of operation of the land improvement cooperative, and a statement shall replace the founding agreement. If the founding decision was adopted at the repeated founding meeting, the minutes of the first founding meeting are also submitted to the registrar.

(2) The map and statement of the area of operation of the land improvement cooperative shall be submitted electronically to the registrar in accordance with the procedure established on the basis of § 7 (2) point 1 of the Business Register Act.

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(3) After entering the land improvement cooperative in the register of land improvement cooperatives, the registrar informs the Agriculture and Food Board about the entry, which forwards the data of the area of operation of the land improvement cooperative to be entered on the restriction map.

Section 3

Land improvement cooperative members and management

§ 67. Members of the land improvement cooperative

(1) A basic member of a land improvement cooperative is a member of the land improvement cooperative from the time the legal capacity of the land improvement cooperative arises.

(2) In the event of a change in the area of operation of the land improvement cooperative as a result of the expansion of the land improvement system or the performance of a land management operation, the owner of the land improvement system is deemed to be the main member of the land improvement cooperative as of the delivery of the land improvement system use permit or the registration of the immovable property in the state land cadastre and the entry of the changes resulting from the land management into the land register.

(3) A person whose immovable property does not have a land improvement system, but who benefits or will benefit from the statutory activities of the land improvement cooperative, may become a voluntary member of the land improvement cooperative. The provisions of §§ 13–17 of the Act on Non-Profit Organizations apply to the acceptance, withdrawal and exclusion of a voluntary member.

(4) In case of transfer of real estate of the main member of the land improvement cooperative, the rights and obligations of the main member of the land improvement cooperative are transferred to the acquirer from the transfer of ownership.

(5) The date on which an heir who has accepted the inheritance of a main member of a land improvement cooperative becomes a main member of the land improvement cooperative is considered to be the day of the opening of the inheritance.

(6) The membership of a member of a land improvement cooperative ends on the day when the Agricultural and Food Board makes a decision regarding the part of the land improvement system located on his property as having ended the purpose of use of the land improvement system.

(7) A member of the land improvement cooperative shall inform the land improvement cooperative of his residential or location address, as well as his telephone number and e-mail address, if available.

(8) A member of a land improvement cooperative has the obligation to support the common maintenance and other activities specified in the cooperative's action plan on his immovable property and to remove all obstacles on his immovable property that interfere with the common maintenance and other activities specified in the operational plan at the justified request of the board of the cooperative.

(9) A member of the land improvement cooperative has the right to receive information from the board about the activities of the land improvement cooperative and to consult the documents of the land improvement cooperative.

§ 68. The state as a member of a land improvement cooperative

(1) The state participates in the land improvement cooperative only as a main member.

(2) The founding and membership rights of a land improvement cooperative are exercised by the ministry or, under the authority of the minister, the authority in the area of government whose administration has the largest sum of the land area of the land improvement system and the length of the common watercourse located on state immovable properties located in the area of operation of the land improvement cooperative. When calculating the sum of the surface area of the land improvement system and the length of the common headwater, one kilometer of the common headwater and one hectare of the land area of the land improvement system are considered equal.

(3) A land improvement cooperative whose area of operation includes only the land specified in § 31 subsection 2 of the Land Reform Act in its area of operation shall be exercised by the Ministry of Regional Affairs and Agriculture or an authority in the area of government under the authority of the minister.

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(4) Membership rights are transferred to another executor of membership rights from January 1, generally at least one year after the occurrence of the circumstance that led to the transfer of membership rights.

(5) If the state immovable property in the area of operation of the land improvement cooperative is managed by several administrators of state assets, the executor of founder and membership rights shall coordinate the decisions regarding the exercise of founder and membership rights with other administrators of state assets.

(6) The Ministry of Regional Affairs and Agriculture may authorize the authority of the administrative area to exercise the rights of founder and member of the land improvement cooperative. The Ministry of Climate can authorize a governing authority or state profit-making institution to exercise the membership rights of the founder of the land improvement cooperative.

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(7) The executor of the founding rights of a land improvement cooperative has all the rights and obligations of the founder of a land improvement cooperative arising from the law, and the executor of the membership rights of a land improvement cooperative has all the rights and obligations of a member of the land improvement cooperative arising from the law.

§ 69. Management of land improvement cooperative

(1) The provisions of Chapter 4 of the Non-Profit Societies Act apply to the management of a land improvement cooperative, taking into account the specifics of this Act.

(2) If the agenda of the general meeting of the land improvement cooperative includes the amendment of the statutes, the establishment of the action plan of the land improvement cooperative or the corrected action plan of the land improvement cooperative, or the approval of the annual report, the place where it is possible to consult the statutes, the action plan of the land improvement cooperative or the draft of the corrected action plan of the land improvement cooperative or the annual report, and the said documents time.

(3) If a member of the land improvement cooperative has notified the management board of the e-mail address specified in § 67 subsection 7 of this Act, the notice of the general meeting and the documents specified in subsection 2 of this section and other relevant documents shall be sent to this address.

(4) The decisions of the general meeting are adopted by the majority of the members who participated in the general meeting.

(5) In order to hold a general meeting and to take into account the main member's common deposit obligation when the border of the land improvement system is changed and when carrying out a land management operation, the land improvement cooperative has the right to request from the Agricultural and Food Board for the issuance of a map and statement of the area of operation of the land improvement cooperative for its area of operation. The certificate also states the number of votes that belong to each main member of the land improvement cooperative, based on the distribution of votes specified in the articles of association.

§ 70. Distribution of votes at the general meeting

(1) Votes are distributed at general meetings according to one of the following principles:

1) each member of the land improvement cooperative has one vote;

2) the number of votes of a member of a land improvement cooperative depends on the size of the part of the joint deposit obligation stated in the statement;

3) a member of a land improvement cooperative has votes in proportion to the land area of the land improvement system located on his property.

(2) At the general meeting of the members of the land improvement cooperative, each member of the land improvement cooperative has at least one vote.

(3) If more than two members participate in the general meeting, one member of the land improvement cooperative may have up to two fifths of the total number of votes.

(4) If the immovable property belongs to several persons, they have a joint vote.

§ 71. Principles in mutual relations

The members of the land improvement cooperative observe the principle of good faith in their relations with each other and in their relations with the land improvement cooperative and consider each other's legitimate interests.

§ 72. Rights and obligations of the board of the Land Improvement Association

- (1) The board has the right to:
- 1) require the member to fulfill his obligations;
 - 2) apply legal means of influence against the member who has failed to fulfill his obligations.
- (2) In addition to the provisions of the Non-Profit Societies Act, the board performs the following actions:
- 1) organizes the preparation of the action plan of the land improvement cooperative;
 - 2) ensures timely and proper collective storage described in the action plan of the land improvement cooperative;
 - 3) ensures that the buildings and equipment used by the land improvement cooperative are used in a manner that takes into account the interests of the land improvement cooperative;
 - 4) provides relevant information to the member in case of legitimate interest and allows him to familiarize himself with the documents of the land improvement cooperative;
 - 5) ensures the use of the polder in accordance with the regime prescribed in the construction project.
- (3) The board may refuse to provide information and submit documents if there is reason to assume that this may significantly harm the legitimate interests of another member of the land improvement cooperative or a third party.

§ 73. Action plan of the land improvement cooperative

- (1) For the joint maintenance of the land improvement system located in the area of operation of the land improvement cooperative and to make other necessary actions more efficient, the board organizes the preparation of the action plan of the land improvement cooperative.
- (2) The action plan of the land improvement cooperative must be in accordance with the land improvement management plan established on the basis of subsection 57 (7) of this Act.
- (3) In order to prepare the action plan of the land improvement cooperative or to carry out an inspection of the land improvement system necessary to change it, the board of the land improvement cooperative or its authorized person has the right to be present and perform the necessary actions on an immovable property belonging to the area of operation of the land improvement cooperative in the presence or absence of its owner or his authorized representative, if the time of the stay on the immovable property and performing the actions is immovable property agreed with the owner or his authorized representative.
- (4) The action plan of the land improvement cooperative specifies:
- 1) buildings to be maintained in order jointly;
 - 2) volumes of collective savings by year and the amount of funds planned for them;
 - 3) collective storage schedule;
 - 4) the size of the share of the joint storage of the members' common flows;
 - 5) if necessary, the size of the share of collective storage of other land improvement system buildings of the members;
 - 6) due date for payment of members' collective storage costs;
 - 7) the term of validity of the action plan of the land improvement cooperative.
- (5) Part of the action plan of the land improvement cooperative is a map of the area of operation of the land improvement cooperative, on which the buildings of the land improvement system that are jointly maintained are marked and the relevant data regarding common maintenance are noted, including the bank of the common upstream, on which the basic common maintenance is planned, banks that can be mowed upstream and banks with woody vegetation.
- (6) The action plan of the land improvement cooperative is established by the general meeting of the land improvement cooperative.
- (7) The action plan of the land improvement cooperative is drawn up for at least two years.

§ 74. Financial year report

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In accordance with § 36 subsections 5 and 5 of the Non-Profit Societies Act, the land improvement cooperative submits the annual report electronically without data on the main business area in accordance with the procedure established on the basis of § 7 subsection 2 point 1 of the Business Register Act.
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Section 4 Payments by members of the land improvement cooperative

§ 75. Basic member's fee and member's membership fee of the land improvement cooperative

- (1) The contribution of the main member of the land improvement cooperative is a one-time payment to cover the establishment and operating costs of the land improvement cooperative.
- (2) The amount of the basic member's contribution of the land improvement cooperative is determined on the basis provided in § 63 subsection 6 of this Act.
- (3) The basic member of the land improvement cooperative shall pay the contribution according to the procedure and by the due date specified in the articles of association.
- (4) If the main member of the land improvement cooperative leaves the land improvement cooperative, the contribution will not be refunded.
- (5) The land improvement cooperative may, in its articles of association, provide for the obligation of the members of the land improvement cooperative to pay the membership fee or the procedure for its establishment.

§ 76. Land improvement storage costs

(1) The collective storage costs of the land reclamation system (hereafter *land reclamation storage costs*) are the costs necessary for collective storage based on the action plan of the land reclamation cooperative.

(2) The amount of the land improvement storage costs for the operational year of the land improvement cooperative and the main member's participation in the land improvement storage costs and the due date for the payment of the participation are determined in the action plan of the land improvement cooperative.

(3) The amount of the main member's share of the joint flow deposit obligation is determined on the basis provided for in § 63 subsection 6 of this Act.

§ 77. Storage costs of the polder cooperative's pumping station and regulator and protective dam

(1) The storage cost of the pumping station and the regulator serving the polder shall be paid by all the main members of the land improvement cooperative whose property the water is pumped from. The amount of the storage cost is determined in proportion to the size of the land area from which the water is pumped away.

(2) The maintenance cost of the polder protective dam, including the slopes, shall be paid by all the main members of the land improvement cooperative whose immovable ground height does not exceed the height of the ridge of the protective dam, in proportion to the size of the said land area.

(3) The owner of the road bears the maintenance costs of the road located on the protection dam.

§ 78. The cost of regulating the water level of the polder cooperative

(1) The cost of water level regulation shall be paid by all persons from whose immovable property water is pumped out, in proportion to the size of the land area from which the water is pumped out.

(2) The cost of water level regulation is kept separately in the accounts of the polder cooperative.

§ 79. Payment delays and unpaid payments

(1) If the owner of the immovable property delays the payment of the payments determined by this Act and the articles of association of the land improvement cooperative, the management board of the land improvement cooperative may demand the delay from him on the basis and in the amount provided in § 113 subsection 1 of the Law of Obligations Act.

(2) In case of transfer of immovable property, with the exception of enforcement and bankruptcy proceedings, the acquirer shall be liable to the land improvement cooperative as a guarantor for the liabilities that have become due due to the transferor's membership of the land improvement cooperative.

(3) In the case of paid payments and land improvement storage costs, the acquirer of the immovable property has the right of recovery against the transferor of the immovable property.

Section 5

Termination of the land improvement cooperative

§ 80. Termination of land improvement cooperative

(1) The provisions of Chapter 5 of the Non-Profit Societies Act apply to the termination of a land improvement cooperative, taking into account the specifics of this Act.

(2) The decision to terminate the land improvement cooperative has been adopted at the general meeting, if the basic members of the land improvement cooperative who together have more than two-thirds of the total number of votes of all the basic members of the land improvement cooperative have voted in favor of it.

(3) A land reclamation cooperative shall be compulsorily terminated if the purpose of use of the land reclamation system ceases in accordance with this Act.

(4) In order to initiate the forced termination of a land improvement cooperative on the basis provided in subsection 3 of this section, the Agricultural and Food Administration sends the decision to declare the purpose of use of the land improvement system as terminated to the registrar.

Section 6

Merger of land improvement cooperatives and division of land improvement cooperative

§ 81. Merger of land improvement cooperatives and division of land improvement cooperative

(1) The provisions of Chapter 6 of the Non-Profit Societies Act shall apply to the merger of land improvement cooperatives and the division of a land improvement cooperative, taking into account the peculiarities of this Act.

(2) In case of division, each acquiring land improvement cooperative must have at least one comprehensive land improvement system in its area of operation.

(3) In order to enter a merger or division in the register of land improvement cooperatives, an application must be submitted to the registrar and, in addition to the documents prescribed in the Non-Profit Societies Act, a map and statement of the area of operation of the land improvement cooperative. The certificate shall state the number of votes belonging to each main member of the land improvement cooperative, based on the distribution of votes specified in the articles of association.

Section 7

Register of land improvement cooperatives

§ 82. Keeping the register of land improvement cooperatives

(1) The register of land improvement cooperatives is a part of the register of non-profit associations and foundations, to which the provisions of legislation regarding the register of non-profit associations and foundations apply, taking into account the specifics of this Act.

(2) The register of land improvement cooperatives is kept and the entries in the register are made by the register department of Tartu County Court.

(3) [Repealed - RT I, 05.05.2022, 1 - entry into force. 01.02.2023]

(4) In order to make an entry in the register on the basis of the decision of the general meeting, the land improvement cooperative submits to the register of land improvement cooperatives, together with other documents on which the entry is based, a statement from the Agriculture and Food Board, which has not been issued earlier than seven working days before the day of the general meeting.
[RT I, 05.05.2022, 1 - enters into force. 01.02.2023]

Chapter 8

Land improvement monitoring

§ 83. Land reclamation monitoring and disclosure of its results

(1) Land reclamation monitoring is continuous monitoring of the drainage condition of drained commercial land, lime consumption of agricultural land, and the environmental impact of land reclamation and land use, which includes observations and analysis and processing of observation data.

(2) Land reclamation monitoring is organized by:

- 1) The Agriculture and Food Board - in the case of land drainage and the environmental impact of land reclamation;
- 2) An institution managed by the Ministry of Regional Affairs and Agriculture, whose task is to coordinate and develop knowledge transfer, advisory services and innovation-supporting activities in the field of agriculture and land management - in the case of land lime consumption and the environmental impact of land use.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(3) The person performing the monitoring may perform activities necessary for monitoring only with the consent of the owner of the immovable property.

(4) Samples taken during land reclamation monitoring may be analyzed by a person or institution accredited for that purpose.

(5) Costs related to sampling and analysis shall be covered in the state budget from the funds provided for this purpose to the Ministry of Regional Affairs and Agriculture.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

(6) Monitoring results are published on the websites of the institutions specified in subsection 2 of this section, and they may also be published in paper form.

Chapter 9

State and administrative supervision

§ 84. State and administrative supervision

State and administrative supervision over the fulfillment of the requirements of this Act and the legislation established on its basis is carried out by the Agriculture and Food Board (hereinafter in this chapter *the law enforcement body*).

§ 85. Special measures of state supervision

The law enforcement body may apply the special measures of state supervision provided for in §§ 30, 32 and 49–51 of the Law Enforcement Act on the basis and according to the procedure provided for in the Law Enforcement Act to carry out the state supervision provided for in this Act.

§ 86. Differences between state and administrative supervision

- (1) The law enforcement agency may, if necessary, open the covered structure during supervision.
- (2) The control sample taken during supervision is analyzed by a person or institution accredited for that purpose.

Chapter 10

Responsibility

§ 87. Failure to fulfill obligations related to the construction of the land improvement system

(1) Construction of a land improvement system by the owner of a land improvement system without a building permit or violation of owner supervision requirements -
shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 32,000 euros.

§ 88. Designing a non-compliant land improvement system

(1) For drawing up a construction project, if it has caused the improper functioning of the land improvement system built according to the project, -
shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 32,000 euros.

§ 89. Violation of the requirements for the construction of the land improvement system

(1) Violation of the requirements for the construction of the land improvement system by the builder, if this has caused the improper functioning of the land improvement system, -
shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 32,000 euros.

§ 90. Prohibited activities on the land improvement system and in the upstream protection zone

(1) For the prohibited activity provided for in § 47 or 48 of this Act on the land reclamation system or in the upstream protection zone, if it has caused the improper operation of the land reclamation system, -
shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 20,000 euros.

§ 91. Violation of requirements for land improvement and conservation work

(1) Violation of the requirements of land reclamation maintenance work, if it has caused improper operation of the land reclamation system, -
shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 20,000 euros.

§ 92. Violation of the permit requirement provided for in §§ 47, 48, 50, 51 and 53 of this Act

(1) Violation of the permit requirement provided for in § 47, 48, 50, 51 or 53 of this Act, if it has caused improper operation of the land improvement system, -
shall be punished with a fine of up to 200 fine units.

(2) For the same act, if it has been committed by a legal entity, -
shall be punished with a fine of up to 20,000 euros.

§ 93. Procedure

The out-of-court procedure for misdemeanors provided for in §§ 87–92 of this Act is the Agriculture and Food Board.

Chapter 11 Application settings

§ 94. Register of entrepreneurs operating in the field of land reclamation and register of land reclamation systems

(1) The register of enterprises operating in the field of land improvement specified in subsection 38 (1) of this Act shall be deemed to be the register of enterprises operating in the area of land improvement established on the basis of the legislation in force before the entry into force of this Act.

(2) The register of land improvement systems specified in subsection 1 of § 39 of this Act shall be deemed to be the register of land improvement systems established on the basis of legislation in force before the entry into force of this Act.

§ 95. Notification obligation of a person who operated in the field of land reclamation before the entry into force of this Act

(1) The obligation to notify provided in § 35 of this Act is deemed to have been fulfilled if the entrepreneur had fulfilled the obligation to notify in order to operate in the relevant land improvement area in accordance with the Land Improvement Act in force before the entry into force of this Act.

(2) The responsible specialist working for the entrepreneur provides confirmation of his legal relationship with the entrepreneur within 120 days from the entry into force of this Act. If the data is not submitted on time, it is considered that the notification obligation of the entrepreneur has not been fulfilled.

§ 96. Existing land improvement cooperative

(1) A land improvement cooperative established on the basis of the Land Improvement Act that was in force before the entry into force of this Act, which wishes to continue operating as a land improvement cooperative within the meaning of this Act, shall bring its statutes and operations into compliance with the requirements of this Act. The continuation of activities as a land improvement cooperative is decided by the majority of votes in favor of the main members who participated in the general meeting.

(2) The land improvement cooperative specified in subsection 1 of this section shall submit to the keeper of the register of land improvement cooperatives the articles of association, the minutes of the general meeting, the summary, the opinion of the Board of Agriculture on whether the articles of association meet the requirements of this Act, and the application for entry in the register of land improvement cooperatives by December 31, 2019.

(3) A land improvement cooperative established on the basis of the Land Improvement Act that was in force before the entry into force of this Act, which does not transform itself into a land improvement cooperative within the meaning of this Act, shall continue to operate as a non-profit association and shall change its name and articles of association by December 31, 2019, taking into account the requirements arising from this Act and the Non-Profit Societies Act.

(4) The provisions of this Act regarding land improvement cooperatives shall apply to land improvement cooperatives established on the basis of the Land Improvement Act valid before the entry into force of this Act, as of the entry into force of this Act, whereby:

1) mandatory members of the cooperative shall be considered as basic members of the cooperative within the meaning of this Act;

2) the distribution of voting rights at the general meeting, the obligations of the members of the cooperative and the annual plan are based on the provisions of the articles of association of the land improvement cooperative.

(5) The provisions of this Act regarding land improvement cooperatives shall apply to the land improvement cooperative specified in subsection 3 of this section until changes are made in the register of non-profit organizations and foundations in accordance with subsection 3, but no longer than December 31, 2019.

§ 97. Land improvement system located on land still owned by the state

In relation to the land improvement system located on the land specified in subsection 2 of § 31 of the Land Reform Act, the rights and obligations of the administrator of state property provided for in this Act are exercised by the Ministry of Regional Affairs and Agriculture or by the authority of the minister.

[RT I, 30.06.2023, 1 - enters into force. 01.07.2023]

§ 98. Use permit for the land improvement system built before the entry into force of this Act

A land improvement system built before the entry into force of this law and entered in the register of land improvement systems is deemed to have been granted a land improvement system use permit.

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(1) A land improvement system built before July 1, 2003, which is not entered in the register of land investment systems, is deemed to have been granted a use permit if:

- 1) the land improvement system is safe;
- 2) the regulatory network of the land improvement system ensures a soil water regime that is suitable for agriculture;
- 3) the upstream flow of the land improvement system ensures the drainage of excess water from the drainage network or the inflow of water into the irrigation network;
- 4) the data specified in clauses 2–6 of § 101 (1) of this Act are visible on the existing map;
- 5) the open headwaters of the land reclamation system have been entered in the Estonian topography database (hereinafter *topography database*).

(2) The requirements set forth in points 2 and 3 of subsection 1 of this section are deemed to have been fulfilled if, in the opinion of the Agriculture and Food Board, the land improvement system can be brought into compliance with the specified requirements by carrying out land improvement conservation work. If necessary, the Agriculture and Food Board coordinates the conditions of land improvement maintenance work with the authority whose legal competence is related to the object of granting the use permit.

(3) The Agriculture and Food Board shall enter the data specified in clauses 2–6 of § 101 (1) of this Act regarding the land improvement system into the register of land improvement systems and submit the data of the land improvement system for inclusion on the restriction map within five days from the assessment specified in subsection 2 of this section.

(4) The Agriculture and Food Board shall notify the owner of the land improvement system of the entry of the land improvement system specified in subsection 1 of this section into the register of land improvement systems within five days of the entry.

(5) The Board of Agriculture and Food informs the owner of the land improvement system about the land improvement system built before July 1, 2003, which is not entered in the register of land improvement systems and which, in the opinion of the Board of Agriculture and Food, should be reconstructed in order to comply with the requirements set forth in subsection 1, points 1–3 of this section, and makes proposal to the owner of the land improvement system to submit an application for design conditions for the reconstruction of the land improvement system within three months from the notification of the Agriculture and Food Board.

(6) The Agriculture and Food Board issues design conditions for the land improvement system specified in subsection 5 of this section, the headwaters of which are reflected in the topography database, if the owner of the land improvement system, who owns more than half of the total length of the common headwaters of the land improvement system or more than half of the land area of the land improvement system, has submitted this Act for the reconstruction of the land improvement system § 12 design conditions request.

(7) The Agriculture and Food Board shall enter the data specified in points 2–6 of § 101 (1) points 2–6 of this Act regarding the land improvement system specified in subsection 5 of this section, the headwater flow of which is reflected in the topography database, into the register of land improvement systems and submit the data of the land improvement system for inclusion on the map of restrictions within five days in subsection 6 of this section from the date of receipt of the application for the specified design conditions.

(8) The Agriculture and Food Board issues the design conditions within 30 days from the receipt of the request for the design conditions specified in subsection 6 of this section. With the design conditions, the Agriculture and Food Board determines the deadline for the completion of the reconstruction of the land improvement system.

(9) If, before making the decision to grant the design conditions specified in subsection 6 of this section, it is necessary to enter the open headwaters of the land reclamation system into the topography database as a data acquisition, the Board of Agriculture and Food shall make the decision to grant the design conditions within 30 days from the entry of the open headwaters into the topography database.

(10) In order to make the assessment specified in subsections 2 and 5 of this section, the Agricultural and Food Board has the right to be present and perform the necessary actions on the immovable property on which the land improvement system specified in subsection 1 of this section is located, either in the presence of the owner of the land improvement system or his authorized person, or without the presence of the specified persons, if the immovable property the time of stay is agreed with the owner or his authorized person.

§ 100. Issuance of a use permit for a land improvement system built before July 1, 2003, the data of which are not visible on the existing map and which are not entered in the register of land improvement systems

(1) If the owner of a land improvement system applies for a use permit for such a land improvement system built before July 1, 2003, for which the Agricultural and Food Board does not have the data specified in clauses 2–6 of § 101 (1) of this Act, the owner of the land

improvement system arranges for the preparation of a survey drawing of the land improvement system (hereinafter *the survey drawing*).

(2) If, in the opinion of the Agriculture and Food Board, the land improvement system for which a surveying drawing has been drawn up in accordance with § 101 of this Act meets the requirements set out in clauses 1–3 of § 99 (1) of this Act, or if the said land improvement system is safe and, in the opinion of the Agriculture and Food Board, the land improvement system can be comply with the requirements set forth in clauses 2 and 3 of § 99 (1) of the Act by carrying out land improvement maintenance work, the land improvement system use permit is deemed to have been granted. If necessary, the Agriculture and Food Board coordinates the conditions of land improvement maintenance work with the authority whose legal competence is related to the object of granting the use permit.

(3) The Agricultural and Food Board shall enter the data specified in clauses 2–6 of § 101 (1) of this Act regarding the land improvement system into the register of land improvement systems and submit the data of the land improvement system for inclusion on the restriction map within five days of the approval of the surveying drawing specified in § 101 subsection 4 of this Act.

(4) If, in the opinion of the Agriculture and Food Board, the land improvement system for which a surveying drawing in accordance with § 101 of this Act has been prepared must be reconstructed in order to comply with the requirements set out in clauses 1–3 of § 99 (1) of this Act, the Agriculture and Food Board shall issue the design conditions in subsections of § 99 of this Act 6, 8 and 9 under the conditions and procedure.

(5) The Agriculture and Food Board shall enter the data specified in § 101 (1) clauses 2–6 of this Act regarding the land improvement system into the register of land improvement systems and submit the data of the land improvement system for inclusion on the restriction map within five days of receiving the request for the design conditions specified in § 99 subsection 6 of this Act.

(6) In order to make the assessment specified in subsections 2 and 4 of this section, the Agriculture and Food Board has the right to be present and perform the necessary actions on the immovable property on which the land improvement system specified in subsection 1 of this section is located, either in the presence of the owner of the land improvement system or a person authorized by him or without the presence of the specified persons, if the immovable property the time of stay is agreed with the owner or his authorized person.

§ 101. Preparation and approval of measurement drawing

(1) The following data must be visible on the surveying drawing:

- 1) the height number of the bottom of the slope at the confluence point of the slope and the land improvement system;
- 2) buildings and facilities of the land reclamation system and the direction of water flow in the facilities;
- 3) the boundary and area of the land area of the land improvement system and the length of the headwaters;
- 4) cadastral unit boundary and cadastral identifier;
- 5) scale used;
- 6) sign of the north-south direction;
- 7) name, title and signature of the maker of the surveying drawing;
- 8) explanation of the terms used.

(2) The measurement drawing must comply with the accuracy requirements set forth in the legislation established on the basis of § 17 (5) of this Act.

(3) A surveying drawing may be drawn up by an entrepreneur who operates in the land improvement area specified in clauses 1, 2 or 4 of § 35 (2) of this Act, or a person who meets the requirements set out in subsections 2 and 5 of § 36 of this Act or who has a land management license.

(4) The Agriculture and Food Board approves a surveying drawing that meets the requirements set forth in subsection 1 of this section and which was prepared by the person specified in subsection 3.

(5) The measurement drawing is not approved if:

- 1) it was prepared by a person not named in subsection 3 of this section;
- 2) it does not reflect the data provided in subsection 1 of this section;
- 3) it does not meet the accuracy requirements set forth in the legislation established on the basis of § 17 (5) of this Act.

§ 102. Deadline for entering a land improvement system built before July 1, 2003 in the register of land improvement systems

A land improvement system built before July 1, 2003, which is not entered in the register of land improvement systems, shall be entered in the register by January 1, 2026, in accordance with the procedure provided for in §§ 99 and 100 of this Act.

§ 103. Land improvement system built before the entry into force of this Act, but not entered in the register of land improvement systems

(1) A land improvement system built after July 1, 2003, but before the entry into force of this Act, may be granted a use permit if the said land improvement system meets the requirements of the land improvement system provided for in § 5 of this Act. The granting of a use permit is based on the provisions of this Act, taking into account the differences arising from this section.

(2) The assessment of compliance with the requirements set forth in § 5 of this Act of the land improvement system shall be based on the construction project. In the absence of a construction project, the surveying drawing specified in § 100 subsection 1 of this Act is the basis for assessing compliance with the requirements.

(3) The construction project or surveying drawing specified in subsection 2 of this section must show the data necessary for entering the land improvement systems in the register.

(4) The Agriculture and Food Board includes in the use permit procedure an institution whose legal competence is related to the object of the use permit and, if necessary, an institution or person whose interests may be affected by the land improvement system.

(5) The land improvement system specified in subsection 1 of this section shall be entered in the register of land improvement systems by January 1, 2022.

§ 104. Handing over the implementation drawing of the land improvement system to the owner

(1) At the request of the owner of the land improvement system or another entitled person, the Agricultural and Food Board shall hand over to him a copy of the implementation drawing of the land improvement system (hereinafter *the implementation drawing*). The Agriculture and Food Board may charge a cost-based fee for the preparation of the said transcript.

(2) The following data must be visible on the issued execution drawing:

- 1) buildings and facilities of the land improvement system;
- 2) cadastral unit boundary and cadastral identifier;
- 3) scale used;
- 4) north-south direction indicator.

(3) An explanation of the used symbols shall be added to the execution drawing.

§ 105. Continuation of owner supervision started before the entry into force of this Act

If, prior to the entry into force of this Act, the undertaking that designed the same land improvement system has started owner supervision according to the notice of commencement of construction, then he may perform owner supervision on this land improvement system until the land improvement system use permit is issued in accordance with § 31 (1) of this Act.

§ 106. – § 110. [Omitted from this text.]

§ 111. Entry into force of the law

This law enters into force on January 1, 2019.