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Land Improvement Act

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Chapter 1 General provisions

§ 1. Scope of application of this Act

(1) This Act makes provision for the requirements for designing, building and management of land improvement systems, for the grounds and procedure for the foundation and operation of land improvement associations, for the grounds for, and scope of, the exercise of state and administrative supervision and for liability for violations of this Act.

(2) Administrative procedures prescribed by this Act and any enactments adopted under it are subject to the provisions of the Administrative Procedure Act without prejudice to the special rules established in this Act.

§ 2. Land improvement

For the purposes of this Act, land improvement means the drainage or irrigation of land and the two-way regulation of the water regime of soils, as well as soil improvement, agricultural engineering and other work to manage land improvement systems that is done to increase the cultivation value of land zoned for agricultural or forestry use (hereinafter, 'agricultural or forestry land'), or to protect the environment.

§ 3. Land improvement system

(1) 'Land improvement system' means a set of construction works that is needed to increase the cultivation value of agricultural and forestry land or to protect the environment and that constitutes an essential part of the immovable within the meaning of subsection 1 of section 54 of the General Part of the Civil Code Act.

(2) The types of land improvement systems are:

- 1) drainage systems;
- 2) irrigation systems;
- 3) systems for the two-way regulation of the water regime of soils.

(3) 'Drainage system' means a land improvement system through whose regulating network excess water flows directly or through the artificial recipient of the land improvement system (hereinafter, 'artificial recipient') into the of the land improvement system or into a jointly used natural recipient maintained by the State.

(4) For the purposes of this Act, 'natural recipient' means a water body that is not an artificial recipient. The natural recipient may also be part of the Earth's crust or a landform, provided it is not possible to direct water to a water body, or provided directing water to a water body would involve expenditure that is economically excessive.

(5) 'Irrigation system' means a land improvement system through which water is drawn, including pumped, from a water body or an aquifer, and distributed over agricultural or forestry land to be irrigated.

(6) 'System for the two-way regulation of the water regime of soils' means a land improvement system whose regulating network makes it possible to drain as well as irrigate agricultural or forestry land.

(7) 'Land improvement construction work' means a part of the land improvement system that is commissioned at a specific point in time as a single whole.

(8) 'Territory of the land improvement system' means the area which is drained or irrigated, or whose water regime is subjected to two-way regulation, as a result of the operation of the land improvement system.

§ 4. Civil engineering works of land improvement systems

(1) The regulating network of a land improvement system (hereinafter, the 'regulating network') means, primarily, a water conduit or a network of water conduits that are located on agricultural or forestry land and that serve to receive excess water (hereinafter, 'drainage network') or to distribute water (hereinafter, 'irrigation network'), or a joint-use network for both receiving excess water and for distributing water (network for the two-way regulation of water regime).

(2) A part of the regulating network may be located on land zoned for other purposes, where this is necessary for the operation of a regulating network located on agricultural or forestry land or of a part of such network.

(3) 'Artificial recipient' means a water conduit built to receive excess water from a drainage network, a water conduit built to transfer water to the water intake of an irrigation network, or a regulated section of a natural water body on whose water level or on whose water pipe's water flow capacity the proper functioning of the land improvement system depends.

(4) The types of artificial recipient are:

- 1) artificial open recipient – a lotic water body such as a river, stream, canal or ditch, including collector ditch;
- 2) artificial collector recipient.

(5) 'Jointly used recipient' means an artificial recipient on whose water level or on whose water pipe's water flow capacity the proper functioning of a land improvement system located on the registered immovables of several owners depends.

(6) For the purposes of this Act, 'water conduit' means a ditch, canal, drain, collector, irrigation pipe or other civil engineering work that is part of a land improvement system and that is necessary for directing water flow.

(7) 'Road that services the land improvement system' means a forest or private road that is required for managing the land improvement system and that is not designated for public use.

(8) For the purposes of this Act, 'civil engineering work required to protect the environment' means a civil engineering work required for complying with environmental protection requirements, primarily in order to minimize the risk of the spread of nonpoint source pollution resulting from the use of agricultural or forestry land and to ensure the greatest possible self-purification capacity of the artificial recipient.

§ 5. Requirements for land improvement systems

(1) The regulating network must ensure a water regime suitable for the cultivation of crops.

(2) The artificial recipient must ensure the draining of excess water from the drainage network or the flow of water to the irrigation network.

(3) An artificial open recipient must have the greatest possible self-purification capacity.

(4) A land improvement system must minimize the risk of nonpoint source pollution.

(5) The land improvement system must be safe.

(6) The designing and building of a construction work that serves land improvement purposes and the management of land improvement systems are subject to the requirements provided in of this Act concerning the designing, building and management of land improvement systems.

(7) In order to meet the requirement provided in subsection 4 of this section, the civil engineering work to minimize the risk of nonpoint source pollution is designed and built such that the requirement is met on the entirety of the territory of the land improvement system.

(8) A building required for the purposive functioning of the land improvement system (hereinafter, 'land improvement system building') is subject to the requirements provided in section 11 of the Building Code.

§ 6. General requirements of procedure

(1) The provisions established concerning the procedures provided in this Act apply to the land improvement system as well as to construction works that serve land improvement purposes.

(2) Any applications, any results of land improvement investigations, the building design documentation of any land improvement construction work (hereinafter, also 'building design documentation') and any other documents or notices required under this Act are submitted to the Agricultural Board electronically through the e-service environment. Where it is not possible to submit the aforementioned documents or notices through the e-service environment, those documents or notices are to be submitted to the Agricultural Board by other relevant means.

§ 7. Special rule regarding the granting of building permits

Where the building of a construction work envisaged in the building design documentation described in section 5 of the Building Code requires the building of a land improvement system, the building of the land improvement system is subject to the provisions of this Act.

Chapter 2

Requirements for the building of land improvement systems

§ 8. The building of land improvement system

(1) 'Building a land improvement system' means the construction of civil engineering works or erection of buildings that are part of the land improvement system, or the reconstruction of such civil engineering works or buildings, as well as the performance, in the course of building work, of agricultural engineering or soil improvement work.

(2) 'Reconstruction of a land improvement system' means the making of significant alterations to the plan of an existing land improvement system or to the methods of drainage or irrigation of that system or to the structure of a construction work in the system, including the replacement of an artificial open recipient by an artificial collector recipient, or the technological readjustment of a construction work in that system.

(3) Agricultural engineering work includes:

- 1) the clearing of woody flora and stumps;
- 2) the removal of stones;
- 3) the levelling and grading of ground;
- 4) other such activities.

(4) Soil improvement work includes:

- 1) the liming of acid soils;
- 2) the deep loosening of soil;
- 3) the loosening of subsoil;
- 4) the cutting of drainage furrows;
- 5) other such activities.

§ 9. Requirements for the building of land improvement systems

(1) A land improvement system is built in accordance with the building permit for the land improvement system (hereinafter, the 'building permit'), having regard to the building design documentation of that system, the requirements for building land improvement systems and the principles provided in sections 7–10 of the Building Code.

(2) The building products used to build the land improvement system must conform to the requirements provided in subsection 4 of section 12 of the Building Code.

(3) When building a land improvement system on land zoned for agricultural use, the following techniques are used for preserving the soil and maintaining soil fertility:

- 1) removal of soil from the area to be occupied by a construction work;
- 2) in the case of site levelling, prior removal of soil from the area to be levelled and its subsequent return to that area, provided the thickness of the layer of earth covering the soil exceeds ten centimetres according to preliminary calculations;
- 3) loosening of the soil compacted due to the building of the land improvement system.

(4) For the purposes of this Act, 'soil' means topsoil.

(5) The minister responsible for the area makes regulations to establish specific requirements for building land improvement systems.

§ 10. Documentation of building work

(1) The documentation to reflect the work performed to build the land improvement system is prepared by the builder.

(2) The documents to reflect the building of a land improvement system include:

- 1) the journal of building operations;
- 2) reports of covered work;
- 3) documents certifying the conformity to requirements of the building materials and building products;

- 4) as-built drawings and marking-out data concerning the land improvement system;
- 5) other documents that describe the building work performed.

(3) The documents reflecting the building work performed must show the person responsible for such work.

(4) The documents reflecting the building work performed are handed over to the Agricultural Board. The documents should preferably be handed over in an electronic format.

(5) The minister responsible for the area makes regulations to establish specific requirements concerning the documentation of building work and the documents to reflect such work, as well as requirements for preserving and handing over such documents.

§ 11. Requirements for building small-scale land improvement systems

(1) A small-scale land improvement system (hereinafter, 'small-scale system') is built in accordance with the corresponding building permit, following the plan for building the small-scale system (hereinafter, 'building plan') and the requirements for building land improvement systems.

(2) 'Small-scale system' means a land improvement system that is located on a single registered immovable or on several registered immovables belonging to the same owner and whose territory does not exceed 50 hectares.

§ 12. Requesting design specifications for land improvement systems

(1) To prepare the design documentation for a land improvement system, design specifications for that land improvement system are to be requested from the Agricultural Board (hereinafter, 'design specifications').

(2) The application requesting design specifications sets out primarily:

- 1) the applicant's name, personal identification code or registration number (in the absence of the personal identification code, the applicant's date of birth), contact information, the date of submitting the application and the applicant's signature;
- 2) the name of the representative of the legal person and the basis for representation;
- 3) the particulars of the registered immovables to which building work is envisaged to extend, including their cadastral code;
- 4) the envisaged method of drainage or irrigation;
- 5) the envisaged type of land use;
- 6) the location of the envisaged land improvement system, the surface area of the territory of that system and the length of its artificial recipient, as well as the length of the road servicing the system;
- 7) other necessary particulars.

§ 13. Issuing of design specifications

(1) When it receives an application requesting design specifications, the Agricultural Board scrutinizes that application for conformity with the requirements, and for the feasibility of building the land improvement system envisaged. Where it is clearly impossible to issue design specifications, the Board refuses to consider the application and returns it to the applicant together with a statement of its reasons.

(2) The Agricultural Board prepares a draft of design specifications and arranges the collection of opinions and endorsements concerning those specifications.

(3) The design specifications determine:

- 1) the location of the envisaged land improvement system, the surface area of the territory of that system and the length of its artificial recipient, as well as the length of the road servicing the system;
- 2) the envisaged method of drainage or irrigation;
- 3) the envisaged type of land use;
- 4) the need to carry out land improvement site investigations in order to prepare the building design documentation of the land improvement system or to build the land improvement system;
- 5) the particulars of the registered immovable on which land improvement site investigations are envisaged to be conducted or and on which the land improvement system is envisaged to be built;
- 6) a list of building design operations to be performed;
- 7) special conditions concerning land improvement investigations and building design work;
- 8) the need to conduct an expert assessment of the building design documentation;
- 9) the authorities or persons whose endorsement the building design documentation requires.

(4) When design specifications are applied for in order to build a new construction work that is to serve land improvement purposes and that is part of a land improvement system for whose management a land improvement association referred to in subsection 1 of section 58 of this Act (hereinafter, 'land improvement association') has been established, the owner of the registered immovable is notified of the obligation, upon the completion of the construction work serving land improvement purposes, to be a member of that land improvement association.

(5) Where this is necessary, the Agricultural Board presents the draft design specifications:

- 1) for approval to the authority in which the law has vested competencies related to the subject matter of the application for design specifications;
- 2) to the authority or person whose interests may be affected by the envisaged land improvement system, or by the building of that system, inviting them to state their opinion in the matter.

(6) Unless the application has been submitted by them, the Agricultural Board invites the owner of the registered immovable which has been identified in the application and on which it is envisaged to build, to participate in the proceedings and, where this is necessary, also invites the owner of any registered immovable adjoining the registered immovable identified in the application.

(7) The draft design specifications are deemed to be tacitly endorsed by the party whose endorsement is sought if the endorsement or opinion referred to in subsection 5 of this section has not been received within ten days from the date on which that party received the draft design specifications, excepting cases where the law provides a longer time-limit or an extension of the time-limit has been applied for with valid reasons.

(8) If observations are made during the process of endorsement or of expressing opinions, the Agricultural Board takes them into account where they are relevant, or states its reasons for refusing to do so.

(9) The Agricultural Board makes its decision concerning the issue of design specifications within 30 days from receiving an application that meets the requirements.

§ 14. Refusal to issue design specifications

(1) The Agricultural Board refuses to issue design specifications if:

- 1) the envisaged land improvement system does not meet the requirements;
- 2) the preparation of a spatial plan has been initiated and, in relation to that, a temporary ban has been imposed on building activities;
- 3) the authority referred to in clause 1 of subsection 5 of section 13 of this Act has lawfully refused to endorse the draft design specifications, or the owner of another construction work that has a protection zone does not agree to derogating from the restrictions applicable in the protection zone and it is not possible to modify the draft design specifications such that they comply with the conditions of the endorsement or with the restrictions applicable in the protection zone of the other construction work;
- 4) the building work envisaged by the application for design specifications does not comply with public-law restrictions applicable by virtue of legislation or because of the location of the land improvement system;
- 5) the land improvement system envisaged on the basis of the application for design specifications may excessively impinge on the rights of a third party;
- 6) the applicant requesting design specifications has knowingly submitted false information that has an impact on deciding the issue of design specifications.

(2) The Agricultural Board makes the decision refusing the issue of design specifications within 30 days from receiving the application meeting the requirements.

§ 15 Revocation of design specifications

(1) The Agricultural Board revokes the design specifications if:

- 1) the registered immovable on which it is envisaged to build the land improvement system is subject to a building ban or to restrictions that rule out the building of the land improvement system;
- 2) the particulars on the basis of which design specifications were issued have changed to the extent that rules out the building of the land improvement system;
- 3) the applicant requesting design specifications has knowingly submitted false information that has had an impact on the decision to issue design specifications.

(2) The Agricultural Board revokes the design specifications within ten days from learning of the circumstance that constitutes grounds for the revocation.

§ 16. Building design documentation of land improvement systems

(1) The building design documentation of a land improvement system is the set of documents that are necessary for the building and use of the land improvement system, including the explanatory memorandum that describes the aim of building the land improvement system, technical drawings, documents that reflect the volume of the work involved, the technical calculations performed and, if necessary, include the calculation of building costs, maintenance instructions for the land improvement system and other relevant documents.

(2) Building design documentation must conform to:

- 1) the design specifications of the land improvement system;
- 2) the results of the land improvement site investigation;
- 3) the design standards for land improvement systems and the requirements for building design documentation.

(3) Building design documentation must make it possible:

- 1) to build a land improvement system that meets the requirements;
- 2) to check the conformity of building work to the building design documentation;
- 3) to check the conformity of the land improvement system to the requirements;
- 4) to use and maintain the land improvement system built in accordance with such documentation.

(4) The minister responsible for the area makes regulations to establish design standards for land improvement systems and the requirements for building design documentation.

§ 17. Land improvement site investigations

(1) The aim of land improvement site investigations is to obtain input information for the preparation of building design documentation and for the building of the land improvement systems. Land improvement site investigations are conducted if they are required in the design specifications or if the need for such investigations arises in the course of design work.

(2) Land improvement site investigations are conducted to a degree that ensures the reliability of the data needed for the preparation of building design documentation and of the building of the land improvement system.

(3) If, in the course of design work, it is revealed that the land improvement site investigation that has been performed is insufficient or contradictory, the designer arranges for conducting additional investigations.

(4) The person who performed the land improvement site investigation presents the results of that investigation to the Agricultural Board within 30 days from concluding the investigation.

(5) The minister responsible for the area makes regulations to establish the requirements for land improvement site investigations.

§ 18. Expert assessment of building design documentation

(1) Expert assessment of building design documentation means assessment of the conformity of the building design documentation to:

- 1) the design specifications of the land improvement system;
- 2) the results of the land improvement site investigations;
- 3) the design standards for land improvement systems and the requirements for building design documentation;
- 4) the requirements applicable to the land improvement system.

(2) Expert assessment of building design documentation is to be performed where:

- 1) this is required by the design specifications;
- 2) this is demanded by the approving authority referred to in clause 1 of subsection 5 of section 13 of this Act;
- 3) this is demanded by the applicant requesting design specifications;
- 4) the Agricultural Board has reason to doubt whether the building design documentation meets the requirements.

(3) The person who commissioned the building design documentation bears the costs related to the performance of expert assessment.

(4) Expert assessment of building design documentation may not be performed by the person who prepared or verified that building design documentation, or by any other person involved with the person who prepared the building design documentation. The person who performs the expert assessment may not be involved with the aforementioned persons to an extent that raises doubts as to his or her impartiality.

(5) The minister responsible for the area makes regulations to establish the requirements for expert assessment of building design documentation.

§ 19. Right to enter upon immovable property

In order to conduct land improvement site investigations, to prepare building design documentation or to perform acts related to the expert assessment of a land improvement system or of building design documentation, an undertaking operating in the field of land improvement has the right to enter upon, and carry out the necessary operations on, the immovable property on which a land improvement system is being built or is envisaged to be built, or upon any immovable property that may be affected by the envisaged land improvement system or that may affect the envisaged land improvement system (hereinafter, the 'neighbouring property'), giving reasonable notice of such entry, or of the carrying out of such operations.

§ 20. Right to drain excess water

(1) The owner of a registered immovable must tolerate the building, on their immovable, of an artificial recipient servicing another immovable, and tolerate the artificial recipient's remaining there, if the other immovable contains agricultural or forestry land and it is not possible to use such land for its intended purpose without that artificial recipient, or if the building of the artificial recipient at another location causes inordinate expenditure.

(2) In the case described in subsection 1 of this section, application may be made for encumbrance of the registered immovable with a real servitude.

(3) The specific conditions of the real servitude, the location of the artificial recipient and the fee for tolerating that recipient are determined by agreement between the parties. Should the parties fail to reach agreement, the conditions of the real servitude, the location of the artificial recipient – in cases where this is necessary – and the fee for tolerating the recipient will be determined by the court.

(4) When determining the location of the artificial recipient, the interests of the owner of the servient immovable must be taken into account.

(5) For the purposes of this Act, ‘use of land for its intended purpose’ means such use of agricultural or forestry land as would be possible having regard to its prospective versatility.

§ 21. Building permit for land improvement system

(1) The building permit grants the right to build, on the immovable property specified in the building permit, a land improvement system that conforms to the building design documentation.

(2) The building permit is valid for seven years; building work must commence within two years from the entry into effect of the building permit. Where valid reasons exist, an extended period of validity of the building permit may be provided, or modifications may be made concerning the validity of the permit.

(3) The first day on which operations corresponding to the building design documentation are performed is deemed the day on which building work commenced.

(4) In the cases described in subsection 5 of section 50, subsection 7 of section 51 and subsection 4 of section 53 of this Act, the building permit remains valid until the completion date specified in the approval granted by the Agricultural Board for the reconstruction of the land improvement system.

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

(1) In order to obtain the building permit, the following documents are to be presented to the Agricultural Board within three years from receiving the design specifications:

- 1) the corresponding application;
- 2) the building design documentation;
- 3) expert assessment report, where an expert assessment has been conducted to check whether the building design documentation complies with the requirements;
- 4) other relevant documents.

(2) The application for the building permit states the following particulars:

- 1) the particulars referred to in clauses 1–5 of subsection 2 of section 12 of this Act;
- 2) the location of and code of the envisaged land improvement system and the code and name of the construction work to serve land improvement purposes;
- 3) the surface area of the territory of the land improvement system and the length of its artificial recipient;
- 4) the category, length and, where one exists, name, of the road envisaged to service the land improvement system;
- 5) the length of the protection dyke and the number of pumping stations;
- 6) the envisaged civil engineering works required for protection of the environment and the number of such civil engineering works;
- 7) the particulars of the persons who prepared the building design documentation, who carried out land improvement site investigations, and who performed the expert assessment of the building design documentation;
- 8) information concerning payment of the state fee;
- 9) other relevant information.

(3) When it receives the application for the building permit, the Agricultural Board verifies whether that application meets the requirements. Where it is clearly impossible to issue the permit, the Board refuses to consider the application and returns it to the applicant with a statement of reasons.

(4) The Agricultural Board draws up a draft building permit and presents it:

- 1) for approval to the authority in which the law has vested competencies related to the subject matter of the application for the building permit;
- 2) for approval to the Environmental Board, where the draft building permit concerns an artificial recipient that coincides with a water body that is included in the list of habitats and spawning grounds of salmon, river trout, sea trout and grayling established under subsection 2 of section 51 of the Nature Conservation Act;
- 3) to the authority or person whose interests may be affected by the envisaged land improvement system, or by the building of that system, inviting them to state their opinion in the matter.

(5) Unless the application has been submitted by them, the Agricultural Board invites the owner of the registered immovable on which it is envisaged to build to participate in the proceedings and, where this is necessary, also invites the owner of any registered immovable adjoining the registered immovable identified in the application.

(6) The draft building permit is deemed to be tacitly approved by the party whose approval is sought if the approval or opinion referred to in subsection 4 of this section has not been received within ten days from the date on which that party received the draft building permit, excepting cases where the law provides a longer time-limit or an extension of the time-limit has been applied for with valid reasons.

§ 23. Issuing of the building permit for a land improvement system and refusal to issue the building permit

(1) The building permit is issued if the building design documentation that has been submitted complies with the requirements provided in legislation, above all to the design specifications and to the requirements for land improvement systems and for the building of such systems.

(2) The following particulars are shown in the building permit:

1) the type of the permit applied for, the number and date of the application;
2) the particulars mentioned in clauses 3–5 of subsection 2 of section 12 and clauses 2–6 of subsection 2 of section 22 of this Act.

(3) The Agricultural Board refuses to issue the building permit, if:

1) the building design documentation does not conform to the corresponding design specifications;
2) the preparation of a spatial plan has been initiated and, in relation to that plan, a temporary building ban has been imposed;
3) the building work envisaged by the application for the building permit does not comply with public-law restrictions applicable by virtue of legislation or because of the location of the land improvement system;
4) the building design documentation is not compatible with the results of the land improvement site investigation, the investigation has not been carried out or does not comply with the requirements;
5) the building design documentation does not conform to the design standards for land improvement systems or to the requirements for building design documentation;
6) the building design documentation has been prepared by a person who has not presented a notice of economic activities for operating in the area of activity referred to in clause 2 of subsection 2 of section 35 of this Act;
7) the building design documentation has not been prepared or verified by the specialist referred to in subsection 2 of section 36 of this Act, who is authorized to design land improvement systems or to perform expert assessment of land improvement work;
8) the authority referred to in clause 1 or 2 of subsection 4 of section 22 of this Act has refused to approve the draft building permit for valid reasons, or the owner of another construction work that has a protection zone does not agree to derogating from the restrictions applicable in the protection zone and it is not possible to modify the draft building permit such that it complies with the conditions of the approval or with the restrictions applicable in the protection zone of the other construction work;
9) significant environmental impact has not been assessed, although assessment of environmental impact is prescribed, or if the building of the land improvement system for which the building permit is sought causes a significant environmental impact that cannot be sufficiently avoided or alleviated;
10) more than three years have elapsed since the issue of the design specifications;
11) in the application, the applicant has knowingly submitted false information that has an impact on deciding the issue of the building permit.

(4) The Agricultural Board decides the issue of the building permit or refuses to issue such permit within 30 days from receiving the documents that are referred to in subsection 1 of section 22 of this Act and that meet the requirements. The issue of the building permit is notified to the relevant local authority.

§ 24. Revocation of the building permit for a land improvement system

(1) The Agricultural Board revokes the building permit if:

1) the building design documentation that served as the basis for the application for the building permit is modified such that the land improvement system that is being built represents a danger to the life or health of humans, to property or to the environment;
2) the applicant requesting the building permit has knowingly submitted false information that had an impact on the decision to issue the building permit;
3) building work has not commenced within the time-limit provided in subsection 2 of section 22 of this Act;
4) the corresponding application is submitted by the owner of the registered immovable on which the land improvement system or a part of such system is situated, and no other party has a legitimate interest in the validity of the building permit.

(2) The Agricultural Board may revoke the building permit if:

1) the owner of the registered immovable on which the land improvement system or a part of such system is situated has repeatedly failed to comply with an enforcement order made on the grounds and following the procedure provided in this Act;

- 2) the land improvement system, or the building of such system, is not compatible with the building design documentation or with the requirements for land improvement systems or for the building of such systems.
- (3) The Agricultural Board revokes the building permit within ten days from learning of the circumstance that constitutes grounds for the revocation.

§ 25. Building permit for small-scale system

- (1) The building permit for a small-scale system grants the right to build, on the registered immovable identified in the permit, a small-scale system that corresponds to the building schedule.
- (2) The building schedule consists of the explanatory memorandum and of the suitably scaled plan.
- (3) The plan that is part of the building schedule sets out the following particulars:
 - 1) the scale;
 - 2) the north-south axis;
 - 3) the symbols used;
 - 4) the relevant situation;
 - 5) the particulars of the person who prepared the schedule;
 - 6) the recipient and, at the point where the small-scale system feeds into the recipient, the height value of the recipient's floor;
 - 7) the boundary of the territory of the envisaged small-scale system;
 - 8) the envisaged artificial recipient and other construction works of the small-scale system;
 - 9) the direction of the flow of water in the artificial recipient and in the drainage ditches of the envisaged small-scale system.
- (4) The memorandum that is part of the building schedule reflects, in respect of the envisaged small-scale system:
 - 1) the purpose of building the system;
 - 2) the method of drainage or of irrigation;
 - 3) the type of land use.
- (5) The building permit for a small-scale system has a validity period of three years.
- (6) Where the building of the small-scale system has commenced, the Agricultural Board, on the basis of a substantiated application of the owner of the small-scale system, has the right to extend the validity period of the building permit by two years.

§ 26. Applying for the building permit for a small-scale system, the issuing of such permit or refusal to issue it

- (1) In order to obtain the building permit for a small-scale system, an application for the building permit for such system, together with the corresponding building schedule, mentioned in clauses 1–5 of subsection 2 of section 12, and in clauses 2–6, 8 and 9 of subsection 2 of section 22 of this Act and containing the particulars of the person who prepared the building schedule, is to be presented to the Agricultural Board.
- (2) When it receives an application for the building permit for a small-scale system, the Agricultural Board scrutinizes it for compliance with the requirements. Where it is clearly impossible to issue the building permit for the small-scale system, the Agricultural Board refuses to consider the application and returns it to the applicant together with a statement of its reasons.
- (3) The Agricultural Board draws up a draft building permit for the small-scale system and presents it:
 - 1) for approval to the authority in which the law has vested competencies related to the subject matter of the application for the building permit;
 - 2) for approval to the authority or person whose interests may be affected by the envisaged small-scale system, or by the building of that system, inviting them to state their opinion in the matter.
- (4) The particulars mentioned in clauses 3–5 of subsection 2 of section 12 and clauses 2–6 of subsection 2 of section 22 and in clause 1 of subsection 2 of section 23 of this Act are shown on the building permit for the small-scale system.
- (5) The Agricultural Board refuses to issue the building permit for the small-scale system, if:
 - 1) technically, it is not possible to build the envisaged small-scale system;
 - 2) the building schedule of the small-scale system, except in the case of a ditch-drainage small-scale system, has been prepared by a person who does not meet the requirements provided with respect to authorized specialists in subsections 2–5 of section 36 of this Act;
 - 3) the authority referred to in clause 1 of subsection 3 of this section has refused to approve the draft building permit for the small-scale system for valid reasons, or the owner of another construction work that has a

protection zone does not agree to derogating from the restrictions applicable in the protection zone and it is not possible to modify the draft permit such that it complies with the conditions of the approval or with the restrictions applicable in the protection zone of the other construction work;

4) significant environmental impact has not been assessed, although assessment of environmental impact is prescribed, or if the building of the small-scale system for which the corresponding building permit is sought causes a significant environmental impact that cannot be sufficiently avoided or alleviated.

(6) The Agricultural Board decides the issue of the building permit for the small-scale system or refuses to issue such permit within 30 days from receiving the documents that are referred to in subsection 1 of this section and that meet the requirements. The issue of the building permit for the small-scale system is notified to the relevant local authority.

§ 27. Revocation of the building permit for small-scale system

(1) The Agricultural Board revokes the building permit for the small-scale system if:

1) the building schedule that served as the basis for the application for the building permit is modified such that the small-scale system that is being built represents a danger to the life or health of humans, to property or to the environment;

2) the applicant requesting the building permit for the small-scale system has knowingly submitted false information that had an impact on the decision to issue the building permit for the system;

3) the corresponding application is submitted by the owner of the small-scale system.

(2) The Agricultural Board may revoke the building permit for the small-scale system if:

1) the owner of the small-scale system or has repeatedly failed to comply with an enforcement order made on the grounds and following the procedure provided in this Act;

2) the small-scale system, or the building of such system, is not compatible with the building schedule or with the requirements for land improvement systems or for the building of such systems.

§ 28. Special rule concerning permit proceedings in cases of reconstruction of land improvement systems

(1) If, during the approval proceedings referred to in section 50 of this Act, it is revealed that, in the case where a public road or a utility line or utility civil engineering work required in the public interest is envisaged to be built on the registered immovable, the land improvement system must be reconstructed, the person who wishes to build the aforementioned road, utility line or civil engineering work ensures that the land improvement system is reconstructed, and commissioned, in accordance with the requirements, including the presentation of the necessary applications and other documents to the Agricultural Board.

(2) The Agricultural Board invites the owner of the registered immovable on which it is envisaged to build the road, utility line or utility civil engineering work referred to in subsection 1 of this section to participate in the proceedings.

(3) The cost of reconstructing the road, utility line or utility civil engineering work is borne by the person who builds the road, utility line or utility civil engineering work referred to in subsection 1 of this section.

§ 29. Obligations of owners of land improvement systems when building such systems

(1) The owner of the land improvement system:

1) ensures the existence of permits required for building work;

2) presents, to the Agricultural Board, at the latest three days before commencement of building work on the land improvement system or small-scale system a notice of the commencement of building work which shows the day on which building operations are to commence, the name of the builder of the land improvement system, the name of the person who performs owner supervision, and the name of the authorized specialist;

3) ensures that the land improvement system is built on the basis of the corresponding building permit and according to the building design documentation;

4) ensures that the small-scale system is built on the basis of the corresponding building permit and according to the building schedule;

5) in the case of building a land improvement system, ensures the performance of owner supervision in accordance with the requirements;

6) applies to, and obtains from, the Agricultural Board, the use permit for the land improvement system, or for the small-scale system, upon completion of that system;

7) where necessary, ensures the carrying out of land improvement site investigations;

8) demolishes or eliminates the land improvement system, where the land improvement system being built on the basis of a building permit that has been revoked represents a danger to the life or health of humans, to property or to the environment;

9) performs other obligations provided in this Act.

(2) For the purposes of this Act, 'owner of the land improvement system' means the owner of the registered immovable that is located in the territory of the land improvement system, or of the registered immovable on which a building or a civil engineering work of the land improvement system is situated.

(3) In the case where, on the territory on which the land improvement system is located, a public road or a utility line or civil engineering work required in the public interest is built, or in the case where, for reasons of

public interest, additional water is directed to the land improvement system, the owner of the land improvement system is obligated to tolerate the renovation or reconstruction of the land improvement system.

§ 30. Owner supervision

(1) The purpose of owner supervision is to ensure that the land improvement system is built in accordance with the requirements provided in this Act.

(2) Owner supervision may not be performed by the undertaking that is building the land improvement system, who has prepared the building design documentation for the system or who has performed expert assessment of that building design documentation. The person who performs owner supervision may not be involved with the builder to a degree that raises doubts as to his or her impartiality.

(3) The person who performs owner supervision has the right to demand that the designer bring the building design documentation into conformity with the requirements for building design documentation.

(4) The person who performs owner supervision has the right to demand, from the builder of the land improvement system:

- 1) the certificates of conformity of any building materials used, as well as other relevant documents, and to demand that any building materials or products that do not conform to the requirements be replaced;
- 2) that any work that does not conform to the requirements be redone;
- 3) in the case of material violation of the requirements for land improvement systems or for the building of such systems, or where a risk of emergency has arisen, that building work be halted;
- 4) that building work be documented according to the requirements and in a timely manner.

(5) The person who performs owner supervision notifies the Agricultural Board without delay of making, to the designer, the demand provided in subsection 3 of this section, or to the builder, the demand provided in clause 3 of subsection 4 of this section.

(6) Owner supervision runs from commencement of the building of the land improvement system to completion of that system.

(7) The minister responsible for the area makes regulations to establish the requirements for performing owner supervision.

(8) This section does not apply to the building of a small-scale system.

§ 31. Use permits for land improvement systems and for small-scale systems

(1) The Agricultural Board grants a use permit to the land improvement system if the completed system has been built following the requirements provided in section 9 of this Act, and complies with the requirements for land improvement systems.

(2) The Agricultural Board grants a use permit to the small-scale system if the completed system has been built on the basis of the building permit for the small-scale system in accordance with the corresponding building schedule, and complies with the requirements for land improvement systems.

(3) The use permit mentioned in subsections 1 and 2 of this section is issued for an indefinite term.

(4) The Agricultural Board revokes the use permit of the land improvement system or of the small-scale system when the useful purpose of that system is deemed to have ceased in accordance with subsection 4 of section 51 or subsection 1 of section 54 of this Act.

(5) The minister responsible for the area makes regulations to establish requirements concerning substantive content of the use permit of the land improvement system, the use permit of a small-scale system, and the corresponding applications.

§ 32. Applying for the use permit of a land improvement system and issuing the permit

(1) The application for the use permit of a land improvement system and the documents mentioned in subsection 2 of section 10 of this Act, and where one exists, the expert assessment report concerning the building design documentation, are presented to the Agricultural Board within 90 days from completion of the land improvement system.

(2) The application for the use permit of the land improvement system states the following particulars:

- 1) the particulars mentioned in clauses 1–3 of subsection 2 of section 12 of this Act;
- 2) the method of drainage or irrigation;
- 3) the type of land use;

- 4) the location and code of the land improvement system and the location and code of any construction works serving land improvement purposes;
- 5) the technical data of the land improvement system by each construction work serving land improvement purposes;
- 6) the particulars of the designer, builder and performer of owner supervision.

(3) When it receives an application for the use permit of a land improvement system, the Agricultural Board verifies whether that application conforms to the requirements. Where it is clearly impossible to issue the use permit, the Agricultural Board refuses to consider the application and returns it to the applicant with a statement of its reasons.

(4) The Agricultural Board verifies whether the completed land improvement system complies with the requirements for land improvement systems.

(5) The Agricultural Board makes the decision on issuing the use permit for the land improvement system or refusing to issue the permit within 30 days from receiving the documents that are mentioned in subsection 1 of this section and that meet the requirements. The issuing of the use permit is notified to the relevant local authority.

(6) Where weather conditions prevent the Agricultural Board from conducting an on-site inspection of the land improvement system, the time-limit for making the decision is extended until on-site inspection becomes possible.

(7) The use permit of the land improvement system shows the particulars mentioned in clause 3 of subsection 2 of section 12, clause 1 of subsection 2 of section 23 of this Act and clauses 2–5 of subsection 2 of this section.

(8) Where the use permit is granted for a construction work serving land improvement purposes which is part of the land improvement system and for whose management a land improvement association has been founded, the Agricultural Board transmits a copy of the use permit of the land improvement system to that land improvement association.

§ 33. Applying for use permit for a small-scale system and issuing the permit

(1) The application for the use permit of a small-scale system and the documents mentioned in clauses 2–4 of subsection 2 of section 10 of this Act are presented to the Agricultural Board within ten days from completion of the small-scale system.

(2) The application for the use permit of the land improvement system states the particulars mentioned in clauses 1–3 of subsection 2 of section 12 and clauses 2–5 of subsection 2 of section 32 of this Act, as well as the particulars of the person who prepared the building schedule, of the builder and of the person who made the as-built drawing.

(3) When it receives an application for the use permit of a small-scale system, the Agricultural Board verifies whether that application conforms to the requirements. Where it is clearly impossible to issue the use permit, the Agricultural Board refuses to consider the application and returns it to the applicant with a statement of its reasons.

(4) The Agricultural Board verifies whether the completed small-scale system complies with the requirements for land improvement systems.

(5) The Agricultural Board makes the decision on issuing the use permit or refusing to issue the permit of the small-scale system within 30 days from receiving the documents that are mentioned in subsection 1 of this section and that meet the requirements. The issuing of the use permit is notified to the relevant local authority.

(6) Where weather conditions prevent the Agricultural Board from conducting an on-site inspection of the small-scale system, the time-limit for making the decision is extended until on-site inspection becomes possible.

(7) The use permit of the small-scale system shows the particulars mentioned in clause 3 of subsection 2 of section 12, clause 1 of subsection 2 of section 23 and clauses 2–5 of subsection 2 of section 32 of this Act.

(8) The as-built drawing of the small-scale system may be prepared by an undertaking who is referred to in section 35 of this Act and who operates in the area of land improvement site investigations, expert assessment of land improvement work or the designing of land improvement systems, or a person who meets the requirements provided in subsection 2 and 5 of section 36 of this Act, or holds an authorization for land consolidation operations.

§ 34. Refusal to issue the use permit for land improvement system or for small-scale system

- (1) The Agricultural Board refuses to issue the use permit of the land improvement system if:
- 1) the land improvement system does not meet the requirements;
 - 2) the land improvement system is to a material degree incompatible with the building design documentation, represents a danger to the life or health of humans, to property or to the environment;

3) revocation proceedings have been initiated in respect of the building permit that served as the basis for building the system.

(2) The Agricultural Board refuses to issue the use permit of the small-scale system if:

- 1) the small-scale system does not meet the requirements;
- 2) the small-scale system is to a material degree incompatible with the building schedule;
- 3) revocation proceedings have been initiated in respect of the building permit that served as the basis for building the system.

Chapter 3

Requirements for undertakings

§ 35. Notification obligation

(1) An undertaking is authorized to operate in an area of land improvement if it holds the corresponding legal relationship with an authorized specialist described in section 36 of this Act, or where the sole proprietor themselves are the authorized specialist.

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

- 1) land improvement site investigations;
- 2) designing of land improvement systems;
- 3) owner supervision of land improvement work;
- 4) expert assessment of land improvement work;
- 5) building work in the field of land improvement.

(3) The notice of economic activity states the area of land improvement work provided in subsection 2 of this section, the particulars mentioned in subsection 1 of section 15 of the General Part of the Code of Economic Activities Act, as well as, with respect to the undertaking's authorized specialist, the particulars mentioned in subsection 2 of section 15 of that Act.

(4) The notification obligation provided in subsection 2 of this section does not apply to the building of small-scale systems. The building schedule of a small-scale system, except for a ditch-drainage system, may be prepared by a person who meets the requirements provided in subsections 2–5 of section 36 of this Act in respect of authorized specialists.

(5) A road to service the land improvement system may also be built by an undertaking who, under the Building Code, has the right to build public roads.

(6) The notice of economic activity has been submitted when the register of undertakings operating in the field of land improvement contains the confirmation, by the authorized specialist meeting the requirements provided in section 36 of this Act, concerning their legal relationship with the undertaking submitting that notice.

(7) In the case where the legal relationship between the undertaking and the authorized specialist ceases to be, the authorized specialist has the right to withdraw their confirmation. If the authorized specialist has withdrawn their confirmation, the undertaking presents, to the Agricultural Board, a notice of change in the general particulars of economic activity in accordance with subsection 5 of section 30 of the General Part of the Code of Economic Activities Act. If the authorized specialist who withdrew their confirmation is the undertaking's only authorized specialist in the particular area of land improvement work, the undertaking is deemed not to comply with the notification obligation for operating in that area of land improvement work.

§ 36. Authorized specialist

(1) 'Authorized specialist' means an expert who meets the requirements provided in subsections 2–5 of this section and who performs, supervises or directs operations in the area of land improvement work related to their competency, and is responsible for such operations.

(2) A person may operate as the authorized specialist in the areas of land improvement site investigation, the designing of land improvement systems, owner supervision of land improvement work or expert assessment of land improvement work provided they have a higher education in the corresponding specialization and have been engaged in the corresponding area of land improvement work for at least three years.

(3) A person may operate as the authorized specialist in the area of building work in the field of land improvement provided they have at least a secondary specialized education or a vocational secondary education in that specialization, or the corresponding qualification, and they have been engaged in that area for at least three years.

(4) A person who has acquired the professional qualification abroad may operate as the authorized specialist provided his professional qualification has been recognized in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 2 of section 7 of the Recognition of Foreign Professional Qualifications Act is the Agricultural Board.

(5) The authorized specialist referred to in subsection 2 of this section must, after every five years, at a continuing education institution, pass the continuing education course which meets the requirements of the Adult Education Act and of the legislative act established under subsection 9 of this section and whose curriculum has been approved by the Agricultural Board.

(6) A person who meets the requirements provided in subsection 2 of this section and who has passed the continuing education course for authorized specialists in the specialization of the designing of land improvement systems or of expert assessment of land improvement work, may also operate as the authorized specialist in the areas of land improvement site investigation and owner supervision of land improvement work.

(7) A person who meets the requirements provided in subsection 2 of this section and who has passed the continuing education course for authorized specialists in the specialization of expert assessment of land improvement work may also operate as the authorized specialist in the area of the designing of land improvement systems.

(8) The authorized specialist carries out their duties in a professional manner and with the due diligence that corresponds to the particular nature of their work. The authorized specialist may not, at the same time, operate as the authorized specialist of several undertakings, or be assigned as the authorized specialist to site investigation, designing, building, owner supervision over building, or expert assessment of several land improvement systems, if their workload does not permit them to discharge their obligations in accordance with the requirements.

(9) The minister responsible for the area makes regulations to establish the requirements for continuing education courses for authorized specialists in the specializations of land improvement site investigations, the designing of land improvement systems, owner supervision in the field of land improvement, and expert assessment in the field of land improvement.

§ 37. Obligations of undertakings operating in the field of land improvement

(1) An undertaking who operates in the field of land improvement as part of its economic activities, observes in its activities the principles and requirements emanating from the laws, including:

- 1) observes the principle of professionalism, ensures that operations for which it is responsible are performed by individuals holding the relevant qualifications, and appoints an authorized specialist who is responsible for the particular project or site;
- 2) ensures that any work for which it is responsible and which is regulated by this Act is documented in accordance with the requirements, and hands the documents over to the competent authority following prescribed procedure;
- 3) complies with the requirements provided in the General Part of the Code of Economic Activities Act;
- 4) enters in the register of undertakings operating in the field of land improvement the information concerning the passing, by the authorized specialist, of the continuing education course in accordance with the legislative act adopted under subsection 9 of section 36 of this Act.

(2) The undertaking is responsible for the actions of any person working for it, provided the undertaking uses the person in order to fulfill its obligation and the actions of that person are related to the performance of that obligation.

Chapter 4 Register of undertakings operating in the field of land improvement

§ 38. Register of undertakings operating in the field of land improvement

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

(2) The minister responsible for the area makes regulations to establish the constitutive regulations of the register of undertakings operating in the field of land improvement.

(3) The data controller of the register of undertakings operating in the field of land improvement is the Ministry of Rural Affairs and the data processor is the Agricultural Board.

(4) The aim of keeping the register of undertakings operating in the field of land improvement is to provide information to the public concerning the undertakings operating in the field of land improvement, and to make it possible to keep account of and exercise supervision over their economic activities.

(5) The register of undertakings operating in the field of land improvement is subject to the provisions concerning registers in the General Part of the Code of Economic Activities Act without prejudice to the special rules provided in this Act.

Chapter 5

Register of land improvement systems

§ 39. Register of land improvement systems

(1) At the proposal of the minister responsible for the area, the Government of the Republic establishes a register of land improvement systems, which is a database established in accordance with the Public Information Act.

(2) The Government of the Republic makes regulations to establish the constitutive regulations of the register.

(3) The data controller of the register of land improvement systems is the Ministry of Rural Affairs and the data processor is the Agricultural Board.

(4) The aim of keeping the register of land improvement systems is to disseminate information concerning land improvement systems that are envisaged, that are being built or that exist, and concerning proceedings related to them, and to make it possible to keep account of, and exercise supervision over, all these systems.

(5) The particulars of the land improvement systems mentioned in section 3 of this Act are entered in the register of land improvement systems and on the cadastral map of objects causing restrictions.

§ 40. Data in the register of land improvement systems

(1) The data in the register of land improvement systems are:

- 1) particulars of the land improvement system;
- 2) particulars of the construction works serving land improvement purposes referred to in subsection 7 of section 3 of this Act;
- 3) the first name, surname, personal identification code or date of birth of the persons connected to the land improvement system or to the building of that system, or in the case of legal persons, their trade name, registration number and contact information;
- 4) the particulars of any applications, design specifications, notices, permits, decisions concerning cessation of useful purpose, enforcement orders and approvals related to the land improvement system or to the building of that system.

(2) The particulars of the land improvement system are:

- 1) the code of the land improvement system;
- 2) general particulars;
- 3) location information;
- 4) particulars of the building design documentation;
- 5) particulars of the land improvement site investigation performed in order to prepare the building design documentation;
- 6) particulars of the expert assessment of the building design documentation.

(3) The particulars of the construction works serving land improvement purposes are:

- 1) the name of the construction work serving land improvement purposes;
- 2) the code of the construction work serving land improvement purposes;
- 3) technical information;
- 4) the year of initial commissioning.

(4) The constitutive regulations of the register of land improvement systems may make specific provision concerning the particulars mentioned in subsection 1 of this section.

(5) The data in the register of land improvement systems bear informational and statistical significance.

(6) The notice of commencement of building work bears legal significance.

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

(1) The Agricultural Board enters the particulars that have been presented to it in the register of land improvement systems within five days from receiving those particulars. Responsibility for the accuracy of the particulars presented to the Agricultural Board lies with the person who presented them.

(2) Any particulars to be entered in the register as a result of a decision or enforcement order by the Agricultural Board are entered in the register within five days from the making of the decision or from the entry into effect of the enforcement order.

§ 42. Dissemination of the particulars of the register of land improvement systems

(1) The particulars of the register of land improvement systems are public information and are disseminated on the website of the Agricultural Board, except for particulars related to enforcement orders that have been complied with and for particulars of land improvement systems, or construction works serving land improvement purposes, whose useful purpose has ceased.

(2) The dissemination of personal data is subject to the Personal Data Protection Act.

§ 43. Exchange of data

The exchange of data with other databases takes place through the data exchange layer of the State's information systems following the procedure established on the basis of clause 5 of subsection 1 of section 43⁹ of the Public Information Act.

Chapter 6 Management of land improvement systems

§ 44. Management of land improvement systems

(1) 'Management of land improvement system' means maintenance and renewal of land improvement systems and of the territory of such systems, and the performance of soil improvement and agricultural engineering work (hereinafter, 'management work') to ensure the functioning of the land improvement systems and to maintain and increase the cultivation value of agricultural or forestry land. The management of land improvement systems also includes observance of the requirements provided in section 47 of this Act.

(2) When performing management work, the owner of the land improvement system may not obstruct the flow of water in that system or harm the status of the environment, or damage the system or the functioning of the system.

(3) Any person who damages a land improvement system must without delay notify this to the owner of the system, to the Agricultural Board and to the Environmental Board, and eliminate the damage caused.

(4) The owner of a land improvement system, or the land improvement association, must, when managing the land improvement system, notify any removal of sediments from the bed of an artificial recipient that coincides with a body of surface water and that is designated as such under legislation adopted under the Water Act to the Agricultural Board and to the Environmental Board at least five days before commencing removal work.

(5) The minister responsible for the area makes regulations to establish requirements for management operations.

§ 45. Maintenance of land improvement systems

'Maintenance of land improvement system' means keeping the system and its territory in good condition, including the clearing of any plants, as well as the removal, from the artificial recipient or drainage ditch, of obstructions impeding the flow, of debris and, to the extent provided in the legislative act adopted under subsection 5 of section 44 of this Act, of sediments.

§ 46. Renewal of land improvement systems

(1) 'Renewal of the land improvement system' means replacement of any parts of the system that have become obsolete or that have decayed with new ones, or the making of additions to those parts, as well as removal, to the extent provided in the legislative act adopted under subsection 5 of section 44 of this Act, of sediment from the artificial recipient or drainage ditch, and the making of additions to any part of the system without significantly altering the general parameters of that system.

(2) To renew a jointly used recipient whose maintenance is arranged by the State, renewal design documentation is prepared in accordance with the design standards for land improvement systems established under subsection 4 of section 16 of this Act. Any land improvement site investigations that are to be performed in order to prepare the renewal design documentation are subject to the requirements provided in section 17 of this Act.

(3) The renewal design documentation regarding the jointly used recipient may be prepared by an undertaking operating in the area of land improvement work set out in clauses 2 or 4 of subsection 2 of section 35 of this Act.

(4) The renewal design documentation referred to in subsection 2 of this section is to be submitted for approval to the Environmental Board if the envisaged renewal work consists in the removal of sediments from an artificial recipient that coincides with a water body included in the list of spawning grounds or habitats of salmon, river trout, sea trout or grayling on the basis of subsection 2 of section 51 of the Nature Conservation Act.

(5) The minister responsible for the area makes regulations to establish requirements for renewal design documentation regarding jointly used recipients whose maintenance is arranged by the State.

§ 47. Ensuring the functioning of land improvement systems

(1) It is prohibited to obstruct the flow of water, and to dam up water, in the land improvement system without the corresponding authorization or approval from the Agricultural Board in conformity with section 50 of this Act.

(2) The land improvement system may have no natural obstruction of flow either, including beaver dams.

(3) It is prohibited to cause flooding on the territory of the land improvement system.

(4) It is prohibited to direct wastewater or storm water, or any other water from outside the territory of the drainage network into the underground system of conduits of that network (hereinafter, 'drainage') without authorization from the Agricultural Board. Where another authorization is required in order to so direct wastewater or storm water, or other water, the granting of that authorization must be approved by the Agricultural Board.

(5) In the territory of the drainage, it is prohibited to arrange the soaking of wastewater or the creation of a plantation without authorization from the Agricultural Board. Where another authorization is required in order to soak wastewater or create a plantation, the granting of that authorization must be approved by the Agricultural Board.

(6) The use of the territory of the drainage must not damage that drainage.

(7) The Agricultural Board does not approve any intention to engage in the activity referred to in subsections 4 and 5 of this section, or grant an authorization for such activity, if the envisaged activity detrimentally affects the proper functioning of the drainage or of the land improvement system.

(8) A polder must be used according to the use mode prescribed in the corresponding building design documentation. The use mode prescribed for the polder in its building design documentation may only be changed if this is authorized by the Agricultural Board.

(9) The Agricultural Board does not grant the authorization to change the use mode of the polder if the envisaged activity results in significant harm to the polder or to its proper functioning.

(10) The Agricultural Board decides the issue of approval or the grant or refusal of authorization within ten days from receiving the corresponding application.

(11) The owner of the land improvement system performs management operations, which meet the requirements established under subsection 5 of section 44 of this Act, on the land improvement system and on the territory of that system to ensure that, during use, the system complies with the requirements provided in subsections 1–5 of section 5 of this Act.

§ 48. Protection zone of artificial recipient

(1) 'Protection zone of the artificial recipient' means the territory occupied by the artificial recipient as well as the territory surrounding the artificial recipient and the civil engineering work located on that recipient, within the boundaries of which the use of the registered immovable is restricted in order to protect the artificial recipient and the civil engineering works located on that recipient, to ensure safety and to make it possible to perform management work on the artificial recipient.

(2) In the protection zone of the artificial recipient, activities that may damage the artificial recipient or the civil engineering works located on that recipient, interfere with the proper functioning of the recipient or civil engineering works, or with the performance of management work; among other things it is prohibited to plant trees, erect a permanent fence or bar access to the artificial recipient or the civil engineering works of that recipient.

(3) In the protection zone of the artificial recipient, the building of another construction work that is not a building or civil engineering work of the land improvement system is only allowed if the building of that construction work has been, in the course of proceedings for the issue of the building permit or the submission

of the building notice, approved by the Agricultural Board. If the building of the other construction work does not require the existence of a building permit or the submission of the building notice, such construction work may only be built with the authorization of the Agricultural Board.

(4) No plantations may be established in the protection zone of the artificial recipient, if the Agricultural Board has not authorized this. If the establishment of the plantation requires another permit, the issue of that permit must be approved by the Agricultural Board.

(5) The Agricultural Board does not approve any application to build another construction work or to establish a plantation, or grant the authorization to build another construction work or the establishment of a plantation, if the envisaged construction work or plantation interferes with the proper functioning of the artificial recipient or the performance, on the artificial recipient, of land improvement system management work in accordance with the requirements.

(6) In the protection zone of an artificial open recipient, tillage must not be performed closer than one metre to the edge of the bank of that recipient.

(7) In the protection zone of an artificial collector recipient, land use must not damage the collector or other drainage structures.

(8) In the protection zone of an artificial collector recipient, no blasting, drilling, excavation or other such operations may be performed in the soil, if this has not been authorized by the Agricultural Board. If the blasting, drilling, excavation or other such operations require another permit, the issue of that permit must be approved by the Agricultural Board.

(9) The Agricultural Board does not approve any application for the performance, in the soil of the protection zone of an artificial collector recipient, of blasting, drilling, excavation or other such operations, or grant authorization to perform such operations, if the envisaged operations detrimentally affect the land improvement system or the proper functioning of that system.

(10) The Agricultural Board decides the approving or authorizing or refuses approval or authorization within ten days from receiving the corresponding application.

(11) Having regard to the type of the artificial recipient and the size of the catchment area of that recipient, the minister responsible for the area makes regulations to establish the boundaries of the protection zone of the artificial recipient and the procedure for activities in that zone.

(12) The information concerning the existence of the protection zone of the artificial recipient, its substantive content and spatial boundaries are entered in the map of restrictions.

§ 49. Organization of management work on land improvement system

(1) The obligation to perform management work on the land improvement system lies with:

- 1) the owner of the land improvement system;
- 2) the land improvement association, to the extent prescribed in the activity plan of the land improvement association conforming to section 73 of this Act.

(2) The State, in the capacity of owner of the land improvement system, arranges management work on that system on the land owned by the State through the administrator of state assets or through another person having the corresponding authority.

(3) The State may, out of the funds allocated to the Ministry of Rural Affairs for this purpose, perform the maintenance of jointly used recipients whose catchment area is larger than ten square kilometres.

(4) On the jointly used recipient whose maintenance is arranged by the State, large-scale management work is primarily undertaken to ensure, on that recipient, the draining of excess water from the drainage network or the flow of water to the irrigation network.

(5) On the jointly used recipient whose maintenance is arranged by the State, removal of minor obstructions of the flow is arranged by the owner of the land improvement system.

(6) To perform maintenance work on the jointly used recipient whose maintenance is arranged by the State, the person preparing the renewal design documentation and the person carrying out management work may enter upon, and remain on, the registered immovable on which the land improvement system is located, in the presence of the owner of that immovable, or their authorized representative, or without such presence, if the time of entry and of remaining has been agreed with that owner or their authorized representative, and perform the necessary operations, including to plan or to perform land improvement system management work on the jointly used recipient located on that immovable.

(7) At the demand of the Agricultural Board and to the extent shown by the Board, the owner of the registered immovable removes the fence or other impediment that interferes with the performance of management work on the jointly used recipient whose maintenance is arranged by the State.

(8) In order to arrange the hunting or live trapping of beavers in the protection zone of the jointly used recipient whose maintenance is arranged by the State, The Agricultural Board concludes the corresponding agreement with the owner of the registered immovable, the person holding the right to use the corresponding hunting district or the person designated by the owner of the immovable. The owner of the immovable is obligated to tolerate the hunting or live trapping of beavers.

(9) The Government of the Republic makes directives to establish the list of jointly used recipients whose maintenance is arranged by the State.

§ 50. Building another construction work on the registered immovable on which a land improvement system is located, and regulating the water level on that immovable

(1) If another construction work, which is not a building or civil engineering work of a land improvement system, is envisaged to be built on the registered immovable on which the land improvement system is located, the person to issue the building permit or other permit concerning the plan to build that construction work or concerning the intention to regulate the water level of the land improvement system or of a protection area of the artificial recipient of that system, or the person who conducts proceedings regarding the corresponding building notice, obtains the approval of the Agricultural Board regarding that plan or intention.

(2) The protection area of the artificial recipient is considered to be the part of the recipient of the drainage system, whose water level, when subjected to regulation, affects the proper functioning of the land improvement system. The extent of the protection area is determined in the management plan for land improvement systems.

(3) The provision of subsection 1 of this section does not apply to small-scale systems.

(4) Where the building of the other construction work or the regulation of the water level of the land improvement system or of a protection area of the artificial recipient of that system, as referred to in subsection 1 of this section, does not require the existence of the corresponding building permit or other permit, or the submission of the corresponding building notice, the building, on the registered immovable on which that system is located, of such construction work or the regulation, on that immovable, of the water level of the system or of a protection area of the artificial recipient of that system, is only allowed if authorized by the Agricultural Board.

(5) The Agricultural Board approves the documents or intentions mentioned in subsection 1 of this section, or issues the authorization referred to in subsection 4, if the envisaged activity does not interfere with the proper functioning of the land improvement system. Where this is necessary, the Agricultural Board lays down ancillary conditions to the approval or authorization, which are to ensure the functioning of the land improvement system located on the registered immovable and on the adjacent immovable, including the obligation to reconstruct the land improvement system in order to build the other construction work, and the completion date for the reconstruction.

(6) The Agricultural Board does not approve the documents or intentions referred to in subsection 1 of this section, or authorize the activities referred to in subsection 4 of this section if the building of the construction work or the regulation of the water level detrimentally affects the proper functioning of the land improvement system.

(7) The Agricultural Board decides the approval, authorization or refusal to approve or authorize within ten days from receiving the corresponding application.

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

(1) If the registered immovable is located in the territory of the land improvement system, the purpose of use of that immovable may only be changed, or land consolidation operations may only be performed on that immovable, subject to prior approval by the Agricultural Board.

(2) The purpose of use of the registered immovable may only be changed if this is authorized by the Agricultural Board. For the purposes of this Act, 'changing the purpose of use of the registered immovable' means, with respect to agricultural or forestry land:

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

(3) The provision of subsection 1 of this section does not apply to small-scale systems.

(4) Where the part of the regulating network a regulated network is located in the registered immovable, and the purpose of use of that immovable is changed such that that land no longer constitutes agricultural or forestry land, the useful purpose of the land improvement system on that immovable is deemed to have ceased and the corresponding amendment is entered in the register of land improvement systems and on the map of restrictions.

(5) Where the part of the regulating network located on the registered immovable whose purpose of use it is envisaged to change, together with the part of the regulating network located on agricultural and forestry land, forms a joint regulating network, the Agricultural Board approves the application of the owner of that immovable for changing the purpose of use on the condition that:

1) the part of the regulating network located on land zoned for agricultural or forestry use is reconstructed such that it becomes independently functional, and that the corresponding modification is entered in the register of land improvement systems and on the map of restrictions;

2) the part of the regulating network located on the registered immovable whose purpose of use is to be changed continues to function together with the part of the regulating network located on land zoned for agricultural and forestry use.

(6) In the case referred to in clause 2 of subsection 5 of this section, the owner of the registered immovable whose purpose of use was changed remains subject to the obligation provided in this Act to perform management work on the land improvement system.

(7) The Agricultural Board approves the application to change the purpose of use of the registered immovable, or to perform the land consolidation operations with respect to that immovable, or authorizes the change of the purpose of use, provided such change or operations do not impede the proper functioning of the land improvement system. Where this is necessary, the Agricultural Board lays down ancillary conditions to the approval or authorization, which are to ensure the functioning of the land improvement system located on the immovable and on an adjacent immovable, including the obligation to reconstruct that system, and the completion date for the reconstruction.

(8) The Agricultural Board does not approve the application to change the purpose of use of the registered immovable, or to perform land consolidation operations with respect to that immovable, and does not authorize the change in the purpose of use, if the envisaged activity detrimentally affects the proper functioning of the land improvement system.

(9) The Agricultural Board decides to approve the application to change the purpose of use of the registered immovable, or to perform land consolidation operations with respect to that immovable, or to authorize the change in the purpose of use, or refuses the corresponding approval or authorization, within ten days from receiving the corresponding application.

§ 52. Renewal of the land improvement system due to building a public road or a utility line or civil engineering work required in the public interest

(1) Where a public road or a utility line or civil engineering work required in the public interest is envisaged on the territory on which a land improvement system is located and, in the course of approval procedure provided in section 50 of this Act it is revealed that the land improvement system must be renewed, the Agricultural Board lays down the conditions of renewal of that system, which are to ensure the functioning of the system located on the registered immovable and on an adjacent immovable. The Agricultural Board may also determine the location of such road, utility line or civil engineering work in the land improvement system.

(2) In the case described in subsection 1 of this section, the land improvement system may be renewed by a person who operates in the area of land improvement work set out in clause 5 of subsection 2 of section 35 of this Act and, at the demand of the Agricultural Board, owner supervision over renewal of that system may be performed by a person who operates in the area of land improvement work set out in clause 3 of subsection 2 of section 35 of this Act.

(3) The person who is referred to in subsection 2 of this section and who performs renewal work on the land improvement system renews that system, taking into account the building of the road, utility line or civil engineering work mentioned in subsection 1 of this section, draws up the report of the work performed and prepares the as-built drawing, and presents these documents to the owner of the system and to the Agricultural Board within five days from completion of renewal work.

(4) The cost of renewing the land improvement system and the harm caused to the owner of that system in the course of building the road, utility line or civil engineering work referred to in subsection 1 of this section is compensated by the person building such construction work.

§ 53. Directing additional water to the land improvement system

(1) The person to issue the building permit or other permit obtains the approval of the Agricultural Board for any building design documentation or application seeking to direct water collected outside the land improvement system (hereinafter, 'additional water') to its artificial recipient or drainage ditch. Outside the context of proceedings for the issue of building permit or other permit, additional water may only be directed to the artificial recipient or drainage ditch with the authorization of the Agricultural Board.

(2) Where, due to the directing of additional water to the land improvement system, the catchment area of its artificial recipient increases, or a significant change occurs in the hydrological characteristics of the catchment area, calculations are performed to check whether the area of the cross-section of the artificial recipient or drainage ditch, and the dimensions of the opening in the civil engineering work located on the artificial recipient or drainage ditch meet the requirements if an additional quantity of flow is directed to that recipient or ditch.

(3) If the area of the cross-section of the artificial recipient or drainage ditch, and the dimensions of the opening in the civil engineering work located on the artificial recipient or drainage ditch, do not meet the requirements, that recipient or ditch, and the civil engineering works located on them, are reconstructed at the expense of the person wishing to direct additional water to the recipient or ditch.

(4) The Agricultural Board approves the intention to direct additional water to the artificial recipient or issues the authorization to direct additional water to that recipient if this does not detrimentally affect the proper functioning of the land improvement system. Where this is necessary, the Agricultural Board lays down ancillary conditions to the approval or authorization, which are to ensure the functioning of the land improvement system located on the registered immovable and on an adjacent immovable, including the obligation to reconstruct that system, and the completion date for the reconstruction.

(5) The Agricultural Board does not authorize the directing of additional water to the artificial recipient or drainage ditch if such directing does not emanate from the public interest and requires reconstruction of the land improvement system, for which the owner of that system has not given their consent.

(6) The Agricultural Board decides to approve or authorize, or refuses the approval or authorization within 60 days from receiving the relevant application.

(7) If the directing of additional water arises from the public interest, which primarily means the need arising from a spatial plan, proceedings concerning the reconstruction of the land improvement system are subject to the provisions of section 28 of this Act.

(8) Where the artificial recipient or drainage ditch must be reconstructed in order for additional water to be directed to that recipient or ditch, such water may be directed to the recipient or ditch if the corresponding use permit has been issued to the land improvement system upon completion of reconstruction work.

(9) If a land improvement association has been founded to perform joint management work on the land improvement system to which additional water is directed, the person who directs such water to that system participates in covering the costs of management work on that system to the extent determined by the Agricultural Board.

(10) The minister responsible for the area makes regulations to establish the principles for determining the amount of the costs of management work to be charged to the person who directs additional water to the land improvement system, and specific procedure for the payment of those costs.

§ 54. Cessation of useful purpose of the land improvement system

(1) The useful purpose of the land improvement system is deemed to have ceased if the land improvement system has become obsolete, has decayed or where the need to deem such useful purpose to have ceased is dictated by the public interest.

(2) The owner of the land improvement system submits, to the Agricultural Board, the application for deeming the useful purpose of the land improvement system to have ceased.

(3) At the earliest opportunity, but not later than when six months have elapsed from receiving the application referred to in subsection 2 of this section, the Agricultural Board conducts an on-site inspection to verify whether or not the application is justified.

(4) Within five days from conducting the on-site inspection, the Agricultural Board makes the decision to deem the useful purpose of the land improvement system to have ceased, or to refuse to do so.

(5) When deeming the useful purpose of the land improvement system to have ceased, as an ancillary condition, the obligation may be imposed on the owner of the land improvement system to demolish that system, provided the system may endanger humans, property or the environment.

(6) When it deems the useful purpose of the land improvement system to have ceased, the Agricultural Board enters the corresponding information in the register of land improvement systems, and the corresponding modification is made on the map of restrictions.

(7) The useful purpose of the land improvement system is not deemed to have ceased, except in the case this is dictated by the public interest, if:

- 1) the functionality of the land improvement system has not significantly decreased, or
- 2) it is possible to restore the functionality of the land improvement system by management work on that system.

(8) The useful purpose of the artificial recipient is not deemed to have ceased if the functioning of the regulating network of a land improvement system located on another registered immovable depends on the functioning of that recipient.

§ 55. Management plan for land improvement systems

(1) In order to increase the coherence of arrangements for management work on the land improvement system, a management plan is prepared for the land improvement systems of the river basin (hereinafter, 'management plan for land improvement systems') in conformity with the principles of the relevant river basin management plan established under the Water Act (hereinafter, 'river basin management plan').

(2) The management plan for land improvement systems, having regard to the river basin management plan, makes provision for management work on the land improvement system and for other measures that ensure:

- 1) the possibility of intended use of the territory of the land improvement system;
- 2) fulfilment of the requirements provided in subsections 1–5 of section 5 of this Act.

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

(4) The following information is shown in the management plan for land improvement systems:

- 1) actual and recommended use of the territory of the land improvement systems;
- 2) the status of the jointly used recipients whose maintenance is arranged by the State;
- 3) in relation to artificial recipients with a catchment area exceeding ten square kilometres, the areas affected by the spread of non-point source pollution;
- 4) the funds required for management work on jointly used recipients whose maintenance is arranged by the State;
- 5) the extent of the protection areas of the artificial recipients.

§ 56. Preparation of the management plan for land improvement systems

(1) The management plan for land improvement systems is prepared, and its implementation verified, by the Agricultural Board.

(2) The Agricultural Board has the right to receive, from other authorities and persons, the information that is necessary for preparing the management plan for land improvement systems.

(3) The management plan for land improvement systems is reviewed and, where this is necessary, amended, at least after every six years.

(4) In order to conduct the inspection required to prepare, or amend, the management plan for land improvement systems, the Agricultural Board has the right to enter upon, and remain on, the registered immovable of the owner of the land improvement system in the presence of the owner of that immovable or their authorized representative, or without such presence, if the time of entry and of remaining has been agreed with that owner or their authorized representative, and to perform the operations necessary for the preparation of the management plan or for collecting the data required for the preparation of such plan.

§ 57. Dissemination of management plan for land improvement systems

(1) Before the management plan for land improvement systems is disseminated, approval for that plan is obtained from the Environmental Board and from the local authorities located in the territory of the relevant river basin.

(2) Where this is possible, the management plan for land improvement systems is disseminated together with the river basin management plan at the local authority located in the territory of that river basin, arranging the display and discussion of the management plan for land improvement systems.

(3) The place, time and duration of the display and discussion of the management plan for land improvement systems are announced by the Agricultural Board in the official online publication *Ametlikud teadaanded* [Official announcements] and in at least one daily newspaper of national circulation at least one week prior to the commencement of the public display and discussion.

(4) The owners of the registered immovables that are located in the territory dealt with by the management plan for land improvement systems, the local residents and other individuals have the right to make proposals to rectify or supplement the plan.

(5) Within two months from the end of the public display, the Agricultural Board provides a written reply to any written proposal.

(6) Based on the results of the public display and discussion, the Agricultural Board makes the necessary rectifications and additions to the management plan for land improvement systems.

(7) The minister responsible for the area makes the directive to render effective the management plan for land improvement systems, which is disseminated through the website of the Ministry of Rural Affairs.

Chapter 7

Land improvement associations

Division 1

General provisions

§ 58. Land improvement association

(1) ‘Land improvement association’ means a legal person in private law which is founded in order to jointly undertake management work (hereinafter, ‘joint management work’) and whose members are the owners of one or several complete land improvement systems.

(2) Joint management work is primarily undertaken on the jointly used recipient or, in the case of polders, also at the pumping station, protection dyke and regulator sluice.

(3) In addition to joint management work, the land improvement association may engage in activities emanating from the public interest in the functioning of the land improvement system or from the members’ common interest.

§ 59. Passive legal capacity of the land improvement association

(1) The passive legal capacity of a land improvement association arises with the entry of that association in the register of land improvement associations and ceases when the association is removed from the register.

(2) A land improvement association may not be reorganized into another type of legal person.

§ 60. Area of operation of the land improvement association

The area of operation of the land improvement association is the territory in which the land improvement system or several land improvement systems for the joint management work on which the association is founded.

§ 61. Name of land improvement association

(1) The name of the land improvement association employs the modifier *maaparandusühistu* (‘land improvement association’) or the acronym *MPÜ* (‘LIA’).

(2) No other person may, in their name, employ the word *maaparandusühistu* [land improvement association] or the acronym *MPÜ* [LIA].

Division 2

Founding of land improvement association

§ 62. Principles for founding a land improvement association

(1) The founding of a land improvement association is subject to the provisions of Chapter 2 of the Non-Profit Associations Act without prejudice to the special rules provided in this Act.

(2) The land improvement association is founded when, in the founding meeting, this is supported by more than one-half of the owners of the corresponding land improvement system or when, at a second attempt to hold the founding meeting, this is supported by owners of the land improvement system on whose registered immovables more than one-half of the territory of that land improvement system is located, or whose registered immovables account for more than one-half of the length of the artificial recipient.

(3) If the land improvement association is being founded to undertake joint management work on several land improvement systems, the founding conditions mentioned in subsection 2 of this section apply to each of the land improvement systems that belong to the area of operation of that association.

§ 63. Preparations to found the land improvement association

(1) In order to found the land improvement association, the owners of the corresponding land improvement system who are interested in founding the association (hereinafter, 'initiators') arrange to hold a preparatory meeting preliminary to the founding (hereinafter, 'preparatory meeting'), and apply to the Agricultural Board for the documents necessary to found the association.

(2) The initiators apply to the Agricultural Board for the following documents:

1) a map of the area of operation of the land improvement association, which shows the boundary of the relevant catchment area, the territory of the land improvement system and the layout of its jointly used recipient as well as of other construction works of that system (hereinafter, 'map of the area of operation of the land improvement association');

2) a certificate concerning the owners of the territory of the land improvement system and of its jointly used recipient, located in the area of operation of the land improvement association, stating the code of the land improvement system, the name and personal identification code or registration number of the owner, the surface area of the territory of the land improvement system and the length of its jointly used recipient located on that owner's registered immovable as well as the owner's share of the management obligation (hereinafter, 'certificate of owners').

(3) In addition to the particulars mentioned in clause 1 of subsection 2 of this section, the map of the area of operation of the land improvement association to be founded on a polder drainage system shows:

1) the boundary of the area from which water is pumped off;

2) the boundary of the area whose elevation exceeds the height of the crest of the protection dyke.

(4) In addition to the particulars mentioned in clause 2 of subsection 2 of this section, the certificate of owners of the polder association states the particulars of the owners of the corresponding land improvement system on whose registered immovables the pumping station, protection dyke or regulator sluice are located.

(5) The owner of the land improvement system stated in the certificate of owners is a principal member of the land improvement association.

(6) The proportion of the share of the principal member's management obligation with respect to the jointly used recipient is expressed in the certificate of owners as a percentage of the total share of the management obligation concerning the jointly used recipient located in the area of operation of the land improvement association, and is determined by multiplying the sum of the length of the jointly used recipient and of the surface area of the part of the territory of the land improvement system located on the owner's registered immovable by 100 and dividing the product by the sum of the total length of the jointly used recipient and the total surface area of the territory of the land improvement system. When calculating the proportion of the share of the principal member's management obligation with respect to the jointly used recipient, one kilometre of the jointly used recipient is deemed to equal one hectare of the territory of land improvement system.

(7) Upon receiving the map of the area of operation of the land improvement association and the certificate of owners, the initiators determine the time and place of holding the preparatory meeting, and notify the intention to found the land improvement association, and the time and place of holding the preparatory meeting to all principal members of the land improvement association to be founded.

(8) At the preparatory meeting:

1) explanations are provided concerning the legal basis of founding the land improvement association, its aims and principles of operation;

2) the draft of the articles of association is introduced;

3) explanation is provided concerning the different options for the division of votes in the general meeting;

4) the time and place of holding the founding meeting of the land improvement association are set;

5) the due date is established for receiving proposals concerning the articles of association.

§ 64. Founding the land improvement association

(1) The founding meeting is held at the earliest one month and at the latest four months after the holding of the preparatory meeting. The initiators give all principal members of the land improvement association at least 20 days' notice of holding the founding meeting.

(2) At the founding meeting, each principal member of the land improvement association to be founded has one vote. Where a registered immovable belongs to several persons, those persons have a joint vote.

(3) The founding meeting is competent to transact business provided more than one-half of the principal members of the land improvement association participate in that meeting.

(4) The land improvement association is founded if more than one-half of the principal members of the land improvement association to be founded vote in favour of founding.

(5) Any other resolutions of the founding meeting are taken by a majority of votes in favour of the principal members who participate in the meeting.

(6) The founding meeting resolves the selection of one of the options provided in subsection 1 of section 70 of this Act for the future allocation of votes in general meetings.

(7) The founding meeting adopts the Articles of Association of the land improvement association and elects the association's management board.

(8) Minutes are taken of the proceedings at the founding meeting. The minutes record the time and place of holding the founding meeting, the time of holding the preparatory meeting, the time when notification was made of the holding of the founding meeting, the resolutions adopted at the founding meeting, the names of the persons who voted in favour of founding the land improvement association and the results of the corresponding vote, and the results of the votes concerning any other resolution. The minutes are signed by the chair of the meeting and the person who took those minutes. The list of persons who participated in the meeting, together with their signatures, constitutes an integral part of the minutes.

(9) If the founding meeting was not competent to transact business, the founders may convene a second founding meeting, having regard to the provisions of subsection 1 of this section. The second founding meeting is competent to transact business regardless of the number of principal members who participate.

(10) The land improvement association is founded at the second founding meeting if the principal members on whose registered immovables a total of more than one-half of the territory of that land improvement system is located, or whose registered immovables account for more than one-half of the length of the artificial recipient, vote in favour of the founding.

(11) The second founding meeting is subject to the provisions of subsections 2 and 5–8 of this section.

§ 65. Articles of association of the land improvement association

In addition to what is required under the provisions of the Non-profit Associations Act, the articles of association also lay down:

- 1) the principles for determining the amount of the contribution required for the activity referred to in subsection 3 of section 58 of this Act;
- 2) the allocation of votes at the general meeting, corresponding to one of the options provided in subsection 1 of section 70 of this Act.

§ 66. Entry of land improvement association in the register of land improvement associations and of particulars of the area of operation of that association in the map of restrictions

(1) In order to enter the land improvement association in the register of land improvement associations, the documents provided for in the Non-profit Associations Act are submitted to the registrar, with the proviso that the minutes of the founding meeting, together with the map of the area of operation of the land improvement association and the certificate of owners, are substituted for the Memorandum of Association. In the case that the founding decision was taken at the second founding meeting, the minutes of the first founding meeting are also submitted to the registrar.

(2) The map of the area of operation of the land improvement association and the certificate of owners are submitted to the registrar in an electronic format following the procedure established under clause 1 of subsection 4 of section 67 of the Commercial Code.

(3) Having entered the land improvement association in the register of land improvement associations, the registrar notifies the entry to the Agricultural Board, who transmits the particulars of the area of operation of the land improvement association for entry in the map of restrictions.

Division 3

Founding of land improvement association

§ 67. Members of land improvement association

(1) The principal members of the land improvement association are members of that association as of the acquisition by the association of passive legal capacity.

(2) In the case of amendments to the area of operation of the land improvement association resulting from an extension of the land improvement system or from land consolidation operations, the owner of the land improvement system is deemed a principal member of the association as of being served with the use permit of the land improvement system, or as of the registration, in the National Land Cadastre, of the corresponding immovable, or of the entry in the Land Register of the amendments resulting from the land consolidation operations.

(3) The owner of a registered immovable to which the land improvement system does not extend but who gains benefit, or will subsequently gain benefit, from the activity prescribed in the articles of the association may become a voluntary member of the land improvement association. The acceptance, resignation and exclusion of voluntary members is subject to the provisions of section 13–17 of the Non-profit Associations Act.

(4) In the event of the transfer of a registered immovable whose owner is a principal member of the land improvement association, the rights and obligations of the principal member vest in the person acquiring the immovable as of the transfer of title to that immovable.

(5) The successor who accepts the estate of a principal member of the land improvement association is deemed to have become principal member of the association as of the date on which the succession opened.

(6) The membership of a member of the land improvement association lapses on the day on which, with respect to the part of the land improvement system which is located on their registered immovable, the Agricultural Board makes the decision to deem the useful purpose of the land improvement system to have ceased.

(7) Members of the land improvement association notify to the association the address of their residence or location, and, if applicable, their telephone number or email address.

(8) A member of the land improvement association is obligated to tolerate, on their registered immovable, the performance of the joint management work prescribed in the association's activity plan as well as of other activities stated in that plan, and to eliminate, on that immovable, at the justified demand of the association's management board, any impediments that interfere with the performance of the joint management work and with other activities stated in the plan.

(9) A member of the land improvement association has the right to receive information from the management board concerning the activities of the association and to inspect the association's documents.

§ 68. The State as a member of land improvement association

(1) The State may only participate in the land improvement association as a principal member.

(2) The founder's or member's rights in the land improvement association are exercised by the ministry or, where authorized by the minister, the authority in the area of government of the minister that administrates the registered immovables belonging to the State which are located in the area of operation of the land improvement association, and which account for the greatest sum of the surface area of the territory of the land improvement system and of the length of the jointly used recipient. When calculating the surface area of the territory of the land improvement system and the length of the jointly used recipient, one hectare of the surface area of the territory of the land improvement system is deemed equivalent to one kilometre of the length of the jointly used recipient.

(3) The Ministry of the Environment exercises membership rights in the land improvement association whose area of operation, of the land belonging to the State, only extends to the land referred to in subsection 2 of section 31 of the Land Reform Act.

(4) Membership rights are transferred to be exercised by another administrator starting 1 January generally at least one year after the circumstance that triggered the transfer became apparent.

(5) Where, in the area of operation of the land improvement association, the registered immovables belonging to the State are administered by several administrators of state assets, the administrator exercising founder's or membership rights obtains the approval of the other administrators for any decisions concerning the exercise of such rights.

(6) The Ministry of the Environment may authorize an authority or profit-seeking agency in its area of government to exercise founder's or membership rights.

(7) The person who exercises founder's rights in the land improvement association has all the rights and duties that the law vests in the founders of such associations, and the person who exercises membership rights in the land improvement association has all the rights and duties that the law vests in the member of such associations.

§ 69. Management of land improvement association

(1) The provisions of Chapter 4 of the Non-profit Associations Act apply to the management of land improvement associations without prejudice to the special rules provided in this Act.

(2) If one of the items on the agenda of the general meeting of the land improvement association is amendment of the articles of association, adoption of the association's activity plan or amended activity plan, or approval of the association's annual report, the notice convening the general meeting states the place where it is possible to inspect the draft articles of association, activity plan, amended activity plan or the annual report, and the procedure for inspection of those documents.

(3) If the member of the land improvement association has notified to the management board an email address as mentioned in subsection 7 of section 67 of this Act, the notice of the holding of the general meeting and the documents mentioned in subsection 2 of this section, as well as any other relevant documents are transmitted to that address.

(4) Resolutions of the general meeting are adopted by a majority of the votes cast in favour of the resolution by the members participating in the meeting.

(5) In order to implement the general meeting and to keep account of the principal members' management obligation concerning the jointly used recipient in cases of change of the boundary of the land improvement system or of land consolidation operations, the land improvement association has the right to request from the Agricultural Board, regarding its area of operation, a map of the area of operation of the land improvement association, and the certificate of owners. The certificate also states the number of votes held by each principal member of the association in accordance with the allocation of votes determined in the articles of association.

§ 70. Allocation of votes in the general meeting

(1) In the general meeting, the votes are allocated in accordance with one of the following options:

- 1) each member of the land improvement association has one vote;
- 2) the number of votes held by the member depends on the proportion of the share of the management obligation concerning the jointly used recipient, as stated in the certificate of owners;
- 3) the number of votes that a member of the land improvement association has is proportional to the surface area of the territory of the land improvement system that falls on their registered immovable.

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

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

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

§ 71. Principles in relationships inside the association

Members of the land improvement association observe the principle of good faith in their relationships with one another and with the association, and give due consideration to one another's legitimate interests.

§ 72. Rights and obligations of the management board of the land improvement association

(1) The management board has the right to:

- 1) require that members perform their obligations;
- 2) apply the sanctions available under the law with respect to members who fail to perform their obligations.

(2) In addition to those provided in the Non-profit Associations Act, the management board performs the following actions:

- 1) arranges the preparation of the activity plan of the land improvement association;
- 2) ensures that the joint management work described in the activity plan of the association is performed in time and complies with the requirements;
- 3) ensures that any construction works and equipment that the association has a right to use are used in a way that gives due regard to the interests of the association;
- 4) provides members having a legitimate interest in a matter with relevant information and allows them to inspect the association's documents;
- 5) ensures that any polders are used in accordance with the use mode prescribed in the building design documentation.

(3) The management board may refuse to provide information or to present documents, if there is reason to believe that this may substantially harm the legitimate interests of another member of the land improvement association or a third party.

§ 73. Activity plan of land improvement association

(1) The management board arranges the preparation of an activity plan for the land improvement association in order to perform joint management work on the land improvement system in the association's area of operation and to purposefully carry out other necessary operations.

(2) The activity plan of the land improvement association must be in conformity with the management plan for land improvement systems established under subsection 7 of section 57 of this Act.

(3) In order to perform an inspection of the land improvement system that is necessary for the preparation, or amendment, of the land improvement association's activity plan, a member of the management board or a person authorized by them have the right to enter upon, remain on, and perform the necessary operations on, any registered immovable that is located in the area of operation of the land improvement association, in the presence of the owner of that immovable or their authorized representative, or without such presence, if the time of entry and remaining, and of performance of operations, has been agreed with that owner or their authorized representative.

(4) The activity plan of the land improvement association determines:

- 1) the construction works subject to joint maintenance;
- 2) the volume of joint management work by year and the amount of funds to be set aside for these;
- 3) the schedule of joint management work;
- 4) the proportion of the share that each member has in the joint management work on the jointly used recipient;
- 5) where this is necessary, the proportion of the share that each member has in the joint management work on other construction works of the land improvement system;
- 6) the due date for members' payment of the costs of joint management work;
- 7) the validity period of the association's activity plan.

(5) The map of the area of operation of the land improvement association constitutes a part of the activity plan of the association, shows the construction works subject to joint maintenance and states the relevant information concerning joint management work, including the bank of the jointly used recipient on which principal management work operations are envisaged, the banks of the artificial recipient that are to be mowed and the banks with woody plants.

(6) The activity plan of the land improvement association is adopted by the general meeting of the association.

(7) The activity plan of the land improvement association is prepared at least for a period of two years.

§ 74. Annual report

The land improvement association submits its annual report in accordance with subsection 5 of section 36 and subsection 3 of section 78 of the Non-profit Associations Act without the particulars concerning its principal activity.

Division 4

Payments by members of land improvement association

§ 75. Membership contribution of principal members and membership fee of members

(1) The contribution of a principal member is a one-off payment towards covering the land improvement association's founding and operating costs.

(2) The amount of the contribution of principal members is determined on the basis of subsection 6 of section 63 of this Act.

(3) The principal member of the land improvement association pays their contribution following the procedure and by the due date provided in the articles of association.

(4) The membership contribution is not repaid when the principal member resigns from the land improvement association.

(5) The land improvement association may, in the articles of association, provide the obligation for members to pay a membership fee, or provide a procedure by which such an obligation may be established.

§ 76. Management costs

(1) 'Costs of joint management work' (hereinafter, 'management costs') means the costs required for joint management work according to the activity plan of the land improvement association.

(2) The amount of management costs of an activity year of the land improvement association and the share of principal members in those costs as well as the due date for the payment of their contribution are determined in the activity plan of the land improvement association.

(3) The proportion of the share of the principal member of the land improvement association in the management obligation of the jointly used recipient is determined on the basis provided in subsection 6 of section 63 of this Act.

§ 77. Management costs of polder association's pumping station, regulator sluice and protection dyke

(1) The management costs of the pumping station and regulator sluice that service the polder are paid by all principal members of the land improvement association from whose registered immovables water is pumped off. The amount of the costs is determined proportionally to the surface area of land from which water is pumped off.

(2) The management costs of the polder's protection dyke, including any slopes, is paid by all principal members of the land improvement association the elevation of whose registered immovables do not exceed the height of the crest of the protection dyke, proportionally to the surface area of the corresponding land.

(3) The management costs of the road located on the protection dyke are borne by the owner of that road.

§ 78. Polder association's costs of regulating the water level

(1) The costs of regulating the water level are paid by all persons from whose registered immovable water is pumped off, proportionally to the size of the land area from which water is pumped off.

(2) The costs of regulating the water level are recorded separately in the polder association's accounts.

§ 79. Late interest and outstanding payments

(1) If the owner of the registered immovable delays making the payments required under this Act and under the articles of association of the land improvement association, the management board of the association may demand that they pay late interest on the grounds and at the rate provided in subsection 1 of section 113 of the Law of Obligations Act.

(2) In the case that the registered immovable is transferred, except for transfers in the course of enforcement and bankruptcy proceedings, the transferee is liable to the land improvement association as a surety for any obligations that have arisen to the transferor as a result of their membership in the land improvement association and that have become enforceable.

(3) For payments made and for management costs paid, the transferee of the registered immovable has a right of recourse against the transferor.

Division 5 Winding-up of land improvement association

§ 80. Winding-up of land improvement association

(1) The provisions of Chapter 5 of the Non-profit Associations Act apply to the winding-up of the land improvement association without prejudice to the special rules established in this Act.

(2) The decision to wind up the land improvement association is taken in the general meeting when the principal members of that association whose votes together account for more than two-thirds of the total number of votes of the principal members of the association have voted in favour of this.

(3) The land improvement association subject to compulsory winding-up when the useful purpose of the land improvement system ceases in accordance with this Act.

(4) To initiate compulsory winding-up proceedings with respect to the land improvement association on the ground provided in subsection 3 of this section, the Agricultural Board transmits to the registrar the decision by virtue of which the useful purpose of the corresponding land improvement system is deemed to have ceased.

Division 6 Merger of land improvement associations and division of land improvement association

§ 81. Merger of land improvement associations and division of land improvement association

(1) The provisions of Chapter 6 of the Non-profit Associations Act apply to the merger of land improvement associations and to division of the land improvement association without prejudice to the special rules provided in this Act.

(2) In the case of division, the area of operation of each acquiring land improvement association must have at least one complete land improvement system.

(3) In order to enter the merger or division in the register of land improvement associations, the corresponding application is submitted to the registrar together with the map of the area of operation of the land improvement association and the certificate of owners, in addition to the documents prescribed in the Non-profit Associations Act. The certificate of owners states the number of votes held by each principal member on the basis of the allocation of votes determined by the articles of association.

Division 7

Register of land improvement associations

§ 81. Keeping of the register of land improvement associations

(1) The register of land improvement associations constitutes a division of the register of non-profit associations and foundations that is subject to the provisions of the legislation dealing with the latter without prejudice to the special rules provided in this Act.

(2) The register of land improvement associations is kept by the Registry Department of Tartu County Court.

(3) The following particulars are recorded on the registry card of the land improvement association in respect of that association:

- 1) registry code;
- 2) name;
- 3) address of location;
- 4) code of the land improvement system located in the association's area of operation;
- 5) name and personal identification code of members of the association's management board;
- 6) time of adoption of the articles of association;
- 7) beginning and end of the association's financial year;
- 8) name and personal identification code of the association's trustee in bankruptcy;
- 9) names and personal identification codes of the association's liquidators;
- 10) with respect to members of the management board and to liquidators, the procedure for the exercise of authority to represent the association, if different from standard rules provided in the law;
- 11) winding-up of the association;
- 12) declaration of bankruptcy and termination of bankruptcy proceedings;
- 13) removal from the register;
- 14) particulars of the keeper of the documents of the liquidated land improvement association;
- 15) sequential number and date of the entry as well as the signature, name and official position of the person who executed the entry order and of the person competent to decide the making of the entry;
- 16) references to earlier and subsequent entries, as well as notes.

(4) In order to effect an entry in the register on the basis of the resolution of the general meeting, the land improvement association submits to the register of land improvement associations, together with the other documents that constitute the basis for the entry, a certificate from the Agricultural Board that is issued not later than five business days before the day when the general meeting was held.

Chapter 8

Monitoring of land improvement

§ 83. Monitoring of land improvement and the dissemination of monitoring results

(1) 'Monitoring of land improvement' means the continuous surveying, including observation and analysis as well as the processing of observation data, of the drainage status of drained agricultural and forestry land, of the lime requirements of agricultural land, and of the environmental impact of land improvement and land use.

(2) The monitoring of land improvement is arranged by:

- 1) the Agricultural Board – with respect to the drainage status of land and the environmental impact of land improvement;
- 2) the Agricultural Research Centre – with respect to the lime requirements of land and the environmental impact of land use.

(3) The person performing the monitoring may conduct the operations required for monitoring only with the agreement of the owner of the relevant registered immovable.

(4) The samples collected in the course of the monitoring of land improvement may be analyzed by persons or bodies accredited for such work.

(5) The costs related to the taking and analysis of the samples are borne from the funds allocated for this purpose to the Ministry of Rural Affairs in the State budget.

(6) The results of the monitoring work are disseminated through the websites of the authorities referred to in subsection 2 of this section, and may additionally be published in paper form.

Chapter 9

State and administrative supervision

§ 84. State and administrative supervision

State and administrative supervision over compliance with the requirements provided in this Act and in the legislation enacted under it are exercised by the Agricultural Board (hereinafter in this Chapter, 'law enforcement agency').

§ 85. Special measures of State supervision

In order to exercise the State supervision provided for in this Act, the law enforcement agency may apply the special measures of State supervision provided in sections 30, 32 and 49–51 of the Law Enforcement Act on the grounds and following the procedure provided in that Act.

§ 86. Special rules governing State and administrative supervision

(1) In the course of supervision, the law enforcement agency may, where this is necessary, open a covered structure.

(2) Check samples obtained in the course of supervision are to be analyzed by persons or bodies accredited for such work.

Chapter 10

Liability

§ 87. Failure to perform obligations related to the building of the land improvement system

(1) The building of the land improvement system by the owner of that system without the building permit, or violation of the requirements for owner supervision is punishable by a fine of up to 300 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 88. Designing the land improvement system such that it does not meet the requirements

(1) The preparation of building design documentation, if this has resulted in the improper functioning of the land improvement system built according to such documentation, is punishable by a fine of up to 300 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 89. Violation of the requirements for the building of land improvement systems

(1) Violation, by the builder, of the requirements for the building of land improvement systems, if this has resulted in the improper functioning of the land improvement system, is punishable by a fine of up to 300 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 32,000 euros.

§ 90. Prohibited activity on the land improvement system and in the protection zone of its artificial recipient

(1) Engaging, on the land improvement system or in the protection zone of its artificial recipient, in the activity prohibited by virtue of sections 47 or 48 of this Act, if this has resulted in the improper functioning of the land improvement system, is punishable by a fine of up to 200 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 20,000 euros.

§ 91. Violation of the requirements for management work

(1) Violation of the requirements for management work, if this has resulted in the improper functioning of the land improvement system, is punishable by a fine of up to 200 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 20,000 euros.

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

(1) Violation of the authorization requirement provided in sections 47, 48, 50, 51 and 53 of this Act, if this has resulted in the improper functioning of the land improvement system, is punishable by a fine of up to 200 fine units.

(2) The same act, when committed by a legal person, is punishable by a fine of up to 20,000 euros.

§ 93. Procedure

Extrajudicial proceedings concerning the misdemeanours defined in sections 87–92 of this Act are conducted by the Agricultural Board.

Chapter 11 Implementing provisions

§ 94. Register of undertakings operating in the field of land improvement and register of land improvement systems

(1) The register of undertakings operating in the field of land improvement that was established on the basis of legislation in force prior to the entry into force of this Act is considered as the register of undertakings operating in the field of land improvement that is referred to in subsection 1 of section 38 of this Act.

(2) The register of land improvement systems that was established on the basis of legislation in force prior to the entry into force of this Act is considered as the register of land improvement systems that is referred to in subsection 1 of section 39 of this Act.

§ 95. Notification obligation of persons operating in the field of land improvement before the entry in to force of this Act

(1) The notification obligation provided in section 35 of this Act is deemed to be complied with if, in conformity with the Land Improvement Act in force before the entry into force of this Act, and for operation in the relevant area of land improvement work, the undertaking complied with the notification obligation.

(2) The authorized specialist working for the undertaking provides a confirmation regarding their relationship with the undertaking within 120 days from the entry into force of this Act. Where the corresponding information is not submitted within that time-limit, the undertaking's notification obligation is deemed not to be complied with.

§ 96. Existing land improvement association

(1) A land improvement association that was established under the Land Improvement Act in force before the entry into force of this Act and that wishes to continue operation as a land improvement association for the purposes of this Act is to bring its articles of association and activity into conformity with the requirements provided in this Act. Continuation of operation as a land improvement association is decided by a majority of the votes of the principal members participating in the general meeting.

(2) The land improvement association referred to in subsection 1 of this section submits, by 31 December 2019, to the keeper of the register of land improvement associations, the articles of association that have been brought into conformity with the requirements, the minutes of the general meeting, the certificate, the opinion of the Agricultural Board on whether the articles of association conform to the requirements of this Act, and the application for entry in the register.

(3) Any land improvement association that was established under the Land Improvement Act in force before the entry into force of this Act and that does not reorganize itself as a land improvement association for the purposes of this Act continues its operation as a non-profit association and amends its name and articles of association by 31 December 2019 having regard to the requirements emanating from this Act and from the Non-Profit Associations Act.

(4) From the entry into force of this Act, any land improvement association that was established under the Land Improvement Act in force before the entry into force of this Act is subject to the provisions established in this Act regarding land improvement associations, with the proviso that:

- 1) the mandatory members of the association are regarded as the association's principal members for the purposes of this Act;
- 2) matters concerning the allocation of voting rights in the general meeting, the obligations of the association's members and the annual plan are governed by the provisions contained in the articles of that association.

(5) A land improvement association described in subsection 3 of this section remains subject to the provisions of this Act concerning land improvement associations until the register of non-profit associations and foundations is amended in accordance with that subsection, but not beyond 31 December 2019.

§ 97. Land improvement system located on land remaining in State ownership

With respect to any land improvement system located on the land referred to in subsection 2 of section 31 of the Land Reform Act, the rights of the administrator of state assets are exercised and the obligations of the administrator of state assets are performed by the Ministry of the Environment or, where authorized by the Minister, by the designated authority or profit-seeking State body in the area of government of the Ministry.

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

The use permit is deemed to be issued to any land improvement system that was built before the entry into force of this Act and that has been entered in the register of land improvement systems.

§ 99. Issuing of use permit to land improvement system which was built before 1 July 2003 and whose particulars appear on existing map but which has not been entered in the register of land improvement systems

(1) The use permit is deemed to be issued to any land improvement system which was built before 1 July 2003 and whose particulars appear on the existing map, if:

- 1) that system is safe;
- 2) the regulating network of the system ensures a soil water regime suitable for the cultivation of crops;
- 3) the system's artificial recipient ensures the draining of excess water from the drainage network or the flow of water to the irrigation network;
- 4) the particulars listed in clauses 2–6 of subsection 1 of section 101 appear on the existing map;
- 5) the artificial open recipient of that system appears in the Estonian Database of Topography (hereinafter, 'the topography database').

(2) The requirements provided in clauses 2 and 3 of subsection 1 of this section are deemed to be complied with if, in the assessment of the Agricultural Board, it is possible to bring the land improvement system into conformity with those requirements by performance of management work. Where this is necessary, the Agricultural Board obtains, for such management work, the approval of the authority in whom the law has vested competencies that are related to the subject matter of the issuing of the use permit.

(3) Within five days from making the assessment mentioned in subsection 2 of this section, with respect to the corresponding land improvement system, the Agricultural Board enters the particulars set out in clauses 2–6 of subsection 1 of section 101 of this Act in the register of land improvement systems and transmits the particulars of that system for entry in the map of restrictions.

(4) The Agricultural Board notifies the entry, in the register of land improvement systems, of the land improvement system referred to in subsection 1 of this section to the owner of that system within five days from making that entry.

(5) With respect to any land improvement system that was built before 1 July 2003, that has not been entered in the register of land improvement systems and that, in the assessment of the Agricultural Board, should be reconstructed in order to bring it into conformity with the requirements provided in clauses 1–3 of subsection 1 of this section, the Agricultural Board makes the corresponding notification to the owner of the system and proposes that, to reconstruct the system, the owner submit an application for design specifications within three months following notification by the Board.

(6) The Agricultural Board issues design specifications for the land improvement system which is mentioned in subsection 5 of this section and whose artificial recipient appears in the topography database, if the owner of that system, to whom more than one-half of the total length of the jointly used recipient or more than one-half of the surface area of the territory of the system belongs has submitted the application conforming to section 12 of this Act for the reconstruction of the system.

(7) Within five days from receiving the application for design specifications mentioned in subsection 6 of this section, with respect to the corresponding land improvement system which is mentioned in subsection 5 of this section and whose artificial recipient appears in the topography database, the Agricultural Board enters the particulars listed in clauses 2–6 of subsection 1 of section 101 of this Act in the register of land improvement systems and transmits the particulars of that system for entry in the map of restrictions.

(8) The Agricultural Board issues design specifications within 30 days from receiving the application for design specifications mentioned in subsection 6 of this section. In those specifications, the Board determines the completion date for the reconstruction of the system.

(9) If, before deciding the issuing of the design specifications mentioned in subsection 6 of this section, it is necessary to enter the artificial open recipient of the land improvement system in the topography database by means of data acquisition procedures, the Agricultural Board makes the decision to issue the design specifications within 30 days from the entry of the artificial open recipient in the topography database.

(10) In order to make the assessment referred to in subsections 2 and 5 of this section, the Agricultural Board has the right to enter upon, remain on and perform the necessary operations on the registered immovable on which the land improvement system referred to in subsection 1 of this section is located, either in the presence of the owner of that system or of their authorized representative, or without such presence, if the time of entry and remaining has been agreed with the owner or their authorized representative.

§ 100. Issuing of use permits to land improvement systems which were built before 1 July 2003, whose particulars do not appear on existing map and which have not been entered in the register of land improvement systems

(1) Where the owner of the land improvement system applies for a use permit for the land improvement system that has been built before 1 July 2003 regarding which the Agricultural Board does not have the particulars set out in clauses 2–6 of subsection 1 of section 101 of this Act, the owner of that system arranges the preparation of a measured drawing of the system (hereinafter, ‘measured drawing’).

(2) If, in the assessment of the Agricultural Board, the land improvement system concerning which a measured drawing conforming to section 101 of this Act has been prepared meets the requirements provided in clauses 1–3 of subsection 1 of section 99 of this Act, or if the system is safe and in the assessment of the Agricultural Board, it is possible to bring that system into conformity with the requirements provided in clauses 2 and 3 of subsection 1 of section 99 of this Act by means of performance of management work, the use permit is deemed to be issued to the system. Where this is necessary, the Agricultural Board obtains, for such management work, the approval of the authority in whom the law has vested competencies that are related to the subject matter of the issuing of the use permit.

(3) Within five days from certifying the measured drawing mentioned in subsection 4 of section 101 of this Act, with respect to the corresponding land improvement system, the Agricultural Board enters the particulars set out in clauses 2–6 of subsection 1 of section 101 of this Act in the register of land improvement systems and transmits the particulars of that system for entry in the map of restrictions.

(4) Where, in the assessment of the Agricultural Board, the land improvement system with respect to which a measured drawing conforming to section 101 of this Act has been prepared must be reconstructed in order to bring it into conformity with the requirements provided in clauses 1–3 of subsection 1 of section 99 of this Act, the Agricultural Board issues design specifications in accordance with, and following the procedure set out in, subsections 6, 8 and 9 of section 99 of this Act.

(5) Within five days from receiving the application for design specifications mentioned in subsection 6 of section 99 of this Act, with respect to the corresponding land improvement system, the Agricultural Board enters the particulars set out in clauses 2–6 of subsection 1 of section 101 of this Act in the register of land improvement systems and transmits the particulars of that system for entry in the map of restrictions.

(6) In order to make the assessment referred to in subsections 2 and 4 of this section, the Agricultural Board has the right to enter upon, remain on and perform the necessary operations on the registered immovable on which the land improvement system referred to in subsection 1 of this section is located, either in the presence of the owner of that system or of their authorized representative, or without such presence, if the time of entry and remaining has been agreed with the owner or their authorized representative.

§ 101. Preparing and certifying measured drawings

(1) The measured drawing must reflect the following particulars:

- 1) the recipient and, at the point where the land improvement system feeds into the recipient, the height value of the recipient’s floor;
- 2) the buildings and civil engineering works of the land improvement system and the direction of the flow of water in those civil engineering works; the north-south axis;
- 3) the boundary and surface area of the territory of the land improvement system, as well as the length of its artificial recipient;
- 4) the boundary of the cadastral unit and its cadastral code;
- 5) the scale used;
- 6) a symbol of the north-south direction;
- 7) the name, official title and signature of the person who prepared the measured drawings;
- 8) a key to the symbols used.

(2) Measured drawings must comply with the accuracy requirement provided in the legislative act adopted under subsection 5 of section 17 of this Act.

(3) Measured drawings may be prepared by an undertaking who operates in the area of land improvement work set out in clauses 1, 2 or 4 of subsection 2 of section 35 of this Act, or by a person who meets the requirements

provided in subsections 2 and 5 of section 36 of this Act, or holds an authorization for land consolidation operations.

(4) The Agricultural Board certifies the measured drawing that meets the requirements provided in subsection 1 of this section and that has been prepared by the person referred to in subsection 3 of this section.

(5) The measured drawing is not certified, if:

- 1) it has been prepared by a person not referred to in subsection 3 of this section;
- 2) it does not reflect the particulars provided in subsection 1 of this section;
- 3) it does not comply with the accuracy requirement provided in the legislative act adopted under subsection 5 of section 17 of this Act.

§ 102. Time-limit for entry in the register of land improvement systems of land improvement system built before 1 July 2003

Any land improvement system that was built before 1 July 2003 and that has not been entered in the register of land improvement systems is to be entered in that register by 1 January 2026, following the procedure provided in sections 99 and 100 of this Act.

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

(1) The use permit may be issued to a land improvement system built after 1 July 2003 but before the entry into force of this Act, if that system complies with the requirements for land improvement systems provided in section 5 of this Act. When issuing the use permit, the provisions of this Act serve as the basis, without prejudice to the special rules provided in this section.

(2) Assessment of whether or not the land improvement system complies with the requirements provided in section 5 of this Act proceeds based on the building design documentation. In the absence of the corresponding building design documentation, the assessment of compliance is based on measured layout drawings mentioned in subsection 1 of section 100 of this Act.

(3) The building design documentation or measured layout drawings mentioned in subsection 2 of this section must reflect the particulars required in order to enter the land improvement system in the register.

(4) The Agricultural Board invites the authority in whom the law has vested competencies that are related to the subject matter of the use permit, to participate in the proceedings concerning the issue of that permit, and, where this is necessary, the authority or person whose interests the land improvement system may affect.

(5) The land improvement systems corresponding to the description in subsection 1 of this section are to be entered in the register of land improvement systems by 1 January 2022.

§ 104. Delivery to owner of as-built drawings of the land improvement system

(1) At the request of the owner of the land improvement system or of another person holding the corresponding entitlement, the Agricultural Board delivers to them a copy of the as-built drawings of that land improvement system (hereinafter, 'as-built drawings'). The Agricultural Board may charge a cost-based fee for preparing the copy.

(2) The as-built drawings issued must reflect the following particulars:

- 1) the buildings and civil engineering works of the land improvement system;
- 2) the boundary of the cadastral unit and its cadastral code;
- 3) the scale used;
- 4) the symbol of the north-south direction.

(3) A key to the symbols used is annexed to the as-built drawings.

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

If, prior to the entry into force of this Act, in accordance with the notice on commencement of building work, the undertaking that designed the land improvement system has also commenced the performance of owner supervision, that undertaking may perform owner supervision regarding that land improvement system until the issuing of the use permit under subsection 1 of section 31 of this Act.

§ 106.–§ 109.[Omitted from this version]

§ 110. Repeal of Acts

The Land Improvement Act (RT I, 2003, 15, 84) is repealed.

§ 111. Entry into force of this Act

This Act enters into force on 1 January 2019.