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An Act to Implement the Building Code and the Planning Act

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RT I, 23.03.2015, 3
Entry into force 01.07.2015

Amended by the following acts

Passed	Published	Entry into force
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, partially 01.07.2015
09.06.2016	RT I, 15.06.2016, 2	16.06.2016
07.12.2016	RT I, 15.12.2016, 1	01.01.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
14.06.2017	RT I, 04.07.2017, 2	01.01.2018
06.06.2018	RT I, 29.06.2018, 1	01.07.2018
30.01.2019	RT I, 22.02.2019, 1	01.10.2019

§ 1. Proceedings regarding spatial plans whose preparation was initiated before the entry into force of this Act

(1) Proceedings regarding spatial plans whose preparation was initiated before the entry into force of this Act are completed in accordance with the requirements of the Planning Act previously in force, except for the cases described in subsections 2 and 3 of this section.

(2) Section 7(5) of the Planning Act previously in force does not apply when preparing a spatial plan for selecting the corridor of a linear construction work that runs through the territory of several local authorities. [RT I, 23.03.2015, 3 – entry into force 02.04.2015]

(3) Regardless of any proposals or objections made in the approving opinion concerning the spatial plan for selecting the corridor of a linear construction work that runs through the territory of several local authorities, the plan is deemed to have been approved if no reference is made in the opinion to the plan being contrary to an Act of the *Riigikogu* or the legislation enacted on the basis of such Act. [RT I, 23.03.2015, 3 – entry into force 02.04.2015]

(4) Proceedings regarding detailed spatial plans that were initiated before the entry into force of this Act are completed at the latest by 1 July 2018.

(5) The authority arranging the preparation of the detailed spatial plan initiated before the entry into force of this Act may terminate the proceedings regarding the preparation of the plan if, under the Planning Act, the preparation of the detailed spatial plan is not mandatory.

§ 2. Validity of spatial plans in effect before the entry into force of this Act

The spatial plans that were in effect before the entry into force of this Act remain effective after the entry into force of this Act.

§ 3. Obligation to review the national spatial plan in effect before the entry into force of this Act

[Repealed - RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 4. Obligation to review national and county-wide spatial plans in effect before the entry into force of this Act

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

The Ministry of Finance reviews the national and county-wide spatial plans in effect at the latest by 1 January 2020. As of 1 January 2020, the review of national and county-wide spatial plans takes place at the time provided in the Planning Act.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 5. Obligation to review comprehensive plans in effect before the entry into force of this Act

(1) The local authorities review the comprehensive plans that were in effect before the entry into force of this Act at the latest by 1 January 2018.

[RT I, 04.07.2017, 2 - entry into force 01.01.2018]

(2) The comprehensive plans of local authorities that merged in the framework of administrative reform are reviewed by the local authority that was formed as a result of the change in administrative-territorial organization at the latest by 1 July 2018.

[RT I, 04.07.2017, 2 - entry into force 01.01.2018]

(3) The time-limit of the local councils' obligation provided in the first sentence of subsection 1 of section 92 of the Planning Act to review the comprehensive plan starts to run on 1 July 2018.

[RT I, 04.07.2017, 2 - entry into force 01.01.2018]

(4) In addition to what is required under the provisions of the Planning Act concerning the review of the comprehensive plan, an overview of the detailed spatial plans that alter the comprehensive plan is to be submitted to the minister responsible for the area. In the overview, the local authority presents its opinion on whether the comprehensive plan has been significantly altered by the detailed spatial plans and whether the comprehensive plan, as altered, remains an integral whole and is capable of implementation.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

(5) The minister responsible for the area, having received the opinion referred to in subsection 2 of this section, may recommend that the local authority initiate the preparation of a new comprehensive plan if, in the minister's opinion, the comprehensive plan has been significantly altered by the detailed spatial plans.

[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 6. Application of the Building Code and Planning Act to movables

Where this is appropriate, the Building Code and the Planning Act also apply to construction works that constitute movable property.

§ 7. Validity and amendment of local building regulations

(1) The local building regulations that were in effect before the entry into force of this Act remain effective insofar as they are not contrary to the Planning Act, the Building Code and this Act.

(2) The local authorities review the building regulations that were in effect before the entry into force of this Act and, where necessary, bring them into conformity with the provisions of the Planning Act, the Building Code and this Act at the latest within two years.

(3) If, before the entry into force of this Act, the character and location of civil engineering works that service a bathing beach have been determined in the local building regulations, the building of these civil engineering works remain subject to those building regulations.

(4) If, before the entry into force of this Act, the local building regulations provided a definition of the maximum authorised ground surface area to be occupied by buildings, the detailed spatial plans rendered effective before the entry into force of this Act are to be implemented following the definition provided in those building regulations.

§ 8. Designation in the county-wide spatial plan of areas and instances in which the preparation of a detailed spatial plan is mandatory

(1) If, at the time of entry into force of this Act, the county-wide spatial plan that is in effect contains designations of areas and determinations of instances in which the preparation of a detailed spatial plan is mandatory, these remain effective also after the entry into force of this Act.

(2) If, at the time of entry into force of this Act, no comprehensive plan is in effect, the areas and instances in which the preparation of a detailed spatial plan is mandatory may, where necessary, be designated in the county-wide spatial plan.

(3) In the case set out in subsection 2 of this section, the areas designated and instances determined in the county-wide spatial plan as areas and instances in which the preparation of a detailed spatial plan is mandatory remain effective until the entry into effect of the comprehensive plan.

§ 9. Following of pre-selections of locations in the county-wide spatial plans in effect

(1) If the county-wide spatial plan has been prepared in accordance with the Planning Act that was in force prior to the entry into force of this Act and that plan pre-selects or selects a location under sections 29² and 34 of the Planning Act that was in force prior to the entry into force of this Act, the national special spatial plan referred to in the Planning Act may be prepared on the basis of a thematic spatial plan under the county-wide spatial plan or on the basis of a partial county-wide spatial plan, starting the proceedings with the preparation of a detailed solution.

(2) The detailed solution to be prepared on the basis of the pre-selection made in the county-wide spatial plan or on the basis of a thematic spatial plan under the county-wide spatial plan or on the basis of a partial county-wide spatial plan may only be prepared regarding construction works that are regulated in the Planning Act or the legislation enacted under that Act.

(3) The preparation of the detailed solution on the basis of the pre-selection made in the county-wide spatial plan or on the basis of a thematic spatial plan under the county-wide spatial plan or on the basis of a partial county-wide spatial plan is permitted for up to ten years following the entry into force of this Act.

(4) If a national special spatial plan is rendered effective on the basis of the county-wide spatial plan or on the basis of a thematic spatial plan under the county-wide spatial plan or on the basis of a partial county-wide spatial plan, the validity of the county-wide spatial plan is suspended in the area that falls within the planning area of the national special spatial plan.

(5) If a national special spatial plan is rendered effective on the basis of the county-wide spatial plan or on the basis of a thematic spatial plan under the county-wide spatial plan or on the basis of a partial county-wide spatial plan, the partial county-wide spatial plan or the thematic spatial plan under the county-wide spatial plan is repealed insofar as the subject matter of those plans is dealt with in the national special spatial plan.

(6) Having regard to the provisions of this section, a national special spatial plan may also be prepared on the basis of a spatial plan determining the location of a construction work of national importance.

§ 10. Following of pre-selections of locations in the comprehensive plans in effect

(1) If the comprehensive plan has been prepared in accordance with the Planning Act that was in force prior to the entry into force of this Act and that plan pre-selects or selects a location under sections 29² and 34 of the Planning Act that was in force prior to the entry into force of this Act, the local special spatial plan referred to in the Planning Act may be prepared on the basis of a thematic spatial plan under the comprehensive plan or on the basis of a partial comprehensive plan, starting the proceedings with the preparation of a detailed solution.

(2) The detailed solution to be prepared on the basis of the pre-selection made in the comprehensive plan or on the basis of a thematic spatial plan under the comprehensive plan or on the basis of a partial comprehensive plan may only be prepared regarding construction works that are regulated in the Planning Act or the legislation enacted under that Act.

(3) The preparation of the detailed solution on the basis of the pre-selection made in the comprehensive plan or on the basis of a thematic spatial plan under the comprehensive plan or on the basis of a partial comprehensive plan is permitted for up to ten years following the entry into force of this Act.

(4) If a local special spatial plan is rendered effective on the basis of the comprehensive plan or on the basis of a thematic spatial plan under the comprehensive plan or on the basis of a partial comprehensive plan, that comprehensive plan or partial comprehensive plan or thematic spatial plan under the comprehensive plan is repealed insofar as the subject matter of those plans is dealt with in the local special spatial plan.

§ 11. Repeal in entirety of county-wide spatial plans in effect

(1) When preparing a new county-wide spatial plan, the thematic plans and partial spatial plans prepared under the county-wide spatial plan that was rendered effective previously are reviewed insofar as they deal with the same area of land; where necessary, the review extends also to any spatial plan concerning the selection of location for an object that has a significant spatial impact or concerning a construction work of national importance.

(2) When repealing the county-wide spatial plan in its entirety, a decision is made on whether to:

1) include, in the county-wide spatial plan to be prepared, any thematic plans and partial spatial plans prepared under the county-wide spatial plan to be repealed or any spatial plan concerning the selection of location for an object that has a significant spatial impact and any spatial plan concerning a construction work of national importance;

2) in accordance with the county-wide spatial plan to be prepared, partially repeal the thematic plans and partial spatial plans prepared under the county-wide spatial plan to be repealed, or partially repeal any spatial plan concerning the selection of location for an object that has a significant spatial impact or any spatial plan concerning a construction work of national importance, if those plans require amendment in relation to the county-wide spatial plan whose preparation proceedings are pending.

(3) When the county-wide spatial plan is repealed in its entirety, and a new county-wide spatial plan enters into effect, any thematic plans and partial spatial plans, or any spatial plan concerning the selection of location for an object that has a significant spatial impact and any spatial plan concerning a construction work of national importance, that have been rendered effective previously in respect of the same area of land are suspended.

(4) The repealing of the county-wide spatial plan in its entirety proceeds in cooperation with the government agencies in whose area of government the issues raised by the repeal fall; in the case set out in clause 2 of subsection 2 of this section, the relevant bodies and persons whose interests or rights may be affected by the repeal are invited to participate in the proceedings.

(5) The county-wide spatial plan that is in effect may not be contested insofar as it concerns the inclusion, in a new county-wide spatial plan, of any previously effective thematic plans and partial spatial plans, or spatial plans concerning the selection of location for an object that has a significant spatial impact or spatial plans concerning a construction work of national importance.

(6) This section applies also to the preparation of county-wide spatial plans under the Planning Act that was in force before the entry into force of this Act.

§ 11¹. Proceedings on county-wide spatial plans starting 1 January 2018

(1) Starting from 1 January 2018, proceedings on county-wide spatial plans that were initiated before 1 July 2015 will be completed by the Ministry of Finance and the adoption of the plan will be decided by the minister responsible for the area. The preparation of the county-wide spatial plan is exempted from the application of subsections 6 and 7 of section 23 of the Planning Act in force until 20 June 2015.

(2) Starting from 1 January 2018, proceedings on county-wide spatial plans that were initiated before 1 July 2015 will be completed by the Ministry of Finance and the adoption of the plans will be decided by the Government of the Republic. The preparation of the county-wide spatial plan is exempted from the application of subsection 4 of section 70 of the Planning Act.

(3) Starting from 1 January 2018, spatial plans of local authorities are to be ratified by the minister responsible for the area. Ratification proceedings opened before that date are completed by the Ministry of Finance.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 12. Repeal in entirety of comprehensive plans in effect

(1) When preparing a new comprehensive plan, the thematic plans and partial spatial plans prepared under the corresponding comprehensive plan are reviewed insofar as they deal with the same area of land; where necessary, the review extends also to any spatial plan concerning the selection of location for an object that has a significant spatial impact.

(2) When repealing the comprehensive spatial plan in its entirety, a decision is made on whether to:

1) include, in the comprehensive plan to be prepared, any thematic plans and partial spatial plans prepared under the comprehensive plan to be repealed or any spatial plan concerning the selection of location for an object that has a significant spatial impact;

2) in accordance with the comprehensive plan to be prepared, partially repeal the thematic plans and partial spatial plans prepared under the comprehensive plan to be repealed, or partially repeal any spatial plan concerning the selection of location for an object that has a significant spatial impact, if those plans require amendment in relation to the comprehensive plan whose preparation proceedings are pending.

(3) When the comprehensive plan is repealed in its entirety, and a new comprehensive plan enters into effect, any thematic plans and partial spatial plans, or any spatial plan concerning the selection of location for an object that has a significant spatial impact, that have been rendered effective previously in respect of the same land area are suspended.

(4) The repealing of the comprehensive plan in its entirety proceeds in cooperation with the government agencies in whose area of government the issues raised by the repeal fall; in the case set out in clause 2 of subsection 2 of this section, the relevant bodies and persons whose interests or rights may be affected by the repeal are invited to participate in the proceedings.

(5) The comprehensive plan that is in effect may not be contested insofar as it concerns the inclusion, in a new comprehensive plan, of any previously effective thematic plans and partial spatial plans, or any previously effective spatial plans concerning the selection of location for an object that has a significant spatial impact.

(6) This section applies also in the case of the preparation of comprehensive plans under the Planning Act that was in force before the entry into force of this Act.

§ 13. Effect of spatial plans concerning selection of the corridor of linear construction works that run through the territory of several local authorities

(1) The rendering effective of the county-wide spatial plan or comprehensive plan has no impact on the effect of spatial plans concerning selection of the corridor of linear construction works that run through the territory of several local authorities.

(2) Spatial plans concerning the selection of the corridor of linear construction works that run through the territory of several local authorities are regarded as national special spatial plans within the meaning of the Planning Act. In the case referred to, the provisions of subsection 3 of section 53 of the Planning Act do not apply to the spatial plans concerning selection of the corridor of linear construction works that run through the territory of several local authorities.

(3) Building design documentation may be drawn up and the application for building permit may be submitted on the basis of the spatial plan concerning selection of the corridor of a linear construction work that runs through the territory of several local authorities provided that spatial plan has been prepared with a degree of detail sufficient for the drawing up of building design documentation.

(4) The spatial plan concerning selection of the corridor of a linear construction work that runs through the territory of several local authorities may be specified by means of issue of the design specifications referred to in section 27 of the Building Code. In addition to the conditions set out in subsection 4 of section 27 of the Building Code, the location of the linear construction work may be specified within the part of the corridor determined in the plan for the linear construction work and its protection zone.

(5) The design specifications referred to in subsection 4 of this section are issued by the authority to issue the building permit for the construction work to be constructed under the spatial plan concerning selection of the corridor of the linear construction work.

(6) Where, before the entry into force of this Act, the preparation of a spatial plan to pre-select the location of a linear construction work that runs through the territory of several local authorities has been initiated, and the plan is rendered effective after the entry into force of this Act, compulsory acquisition of immovables is authorized on the basis of the spatial plan for the linear construction work and of the preliminary design documentation or building design documentation of the road or railway.
[RT I, 29.06.2018, 1 - entry into force 01.07.2018]

§ 14. Special rules regarding the obligation to prepare a national special spatial plan

(1) In a sea area, the preparation of a national special spatial plan is not mandatory in the case of construction works regulated in the Planning Act if the location of the construction work has been dealt with in the county-wide spatial plan whose preparation was initiated before the entry into force of this Act.

(2) The undersea cables to service the construction work referred to in subsection 1 of this section are also exempt from the obligation to prepare a national special spatial plan.

§ 15. Owner of the land referred to in subsection 2 of section 31 of the Land Reform Act

(1) [RT 30.06.2015, 4 – entry into force 01.07.2015]

(2) For the purposes of the Planning Act, the owner of the land referred to in subsection 2 of section 31 of the Land Reform Act is the Ministry of the Environment or the person authorised by the minister responsible for the area.

(3) For the purposes of the Building Code, the owner of the land referred to in subsection 2 of section 31 of the Land Reform Act is the Land Board.
[RT I, 04.07.2017, 1 - entry into force 01.01.2018]

§ 16. Authorisation to operate of persons pursuing certain activities before the entry into force of this Act and the qualification requirements for such persons

(1) Persons who, before the entry into force of the Building Code, were authorised to operate in the field of building work and whose required skills and knowledge are subject to the additional requirements set out in

the Building Code, may continue to pursue their economic and professional activities subject to fulfilling the relevant preconditions in effect prior to the entry into force of the Building Code until the following dates:

- 1) 31 December 2016 in the field of architectural design;
 - 2) 31 December 2017 in the fields of design work (with the exception of architectural design), expert assessment of building design documentation, site investigations, audits of construction works and owner supervision;
 - 3) 30 June 2018 in the field of civil engineering.
- [RT I, 15.06.2016, 2 - entry into force 16.06.2016]

(2) After the dates set out in subsection 1 of this section, the persons referred to in that subsection may continue to operate subject to fulfilling the conditions provided in the Building Code.

(3) Any person who, on 1 July 2014, held a Level 4 profession of civil engineer in buildings and structures, is deemed to hold the corresponding Level 6 qualification of civil engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialization of the design and construction of buildings within the specialization of the engineering of buildings and structures.

(4) Any person who, on 1 July 2014, held a Level 4 profession of civil engineer in hydrotechnical engineering, is deemed to hold the corresponding Level 6 qualification of engineer in hydrotechnical engineering that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialization of hydrotechnical engineering within the specialization of environmental engineering and utility systems of buildings.

(5) Any person who, on 1 July 2014, held a Level 4 profession of civil engineer in the specialization of sanitary engineering, is deemed to hold the corresponding Level 6 qualification of sanitary engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialisation of sanitary engineering within the specialization of environmental engineering and utility systems of buildings.

(6) Any person who, on 1 July 2014, held a Level 4 profession of civil engineer in the specialization of heating and ventilation, is deemed to hold the corresponding Level 6 qualification of heating, ventilation and air conditioning engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management and owner supervision in the subspecialization of heating, ventilation and air conditioning engineering within the specialization of environmental engineering and utility systems of buildings.

(7) Any person who, on 1 July 2014, held a Level 5 profession of diploma civil engineer in buildings and structures, is deemed to hold the corresponding Level 7 qualification of diploma civil engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialization of the design and construction of buildings within the specialization of the engineering of buildings and structures.

(8) Any person who, on 1 July 2014, held a Level 5 profession of diploma civil engineer in hydrotechnical engineering, is deemed to hold the corresponding Level 7 qualification of diploma engineer in hydrotechnical engineering that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialization of hydrotechnical engineering within the specialization of environmental engineering and utility systems of buildings.

(9) Any person who, on 1 July 2014, held a Level 5 profession of diploma civil engineer in the specialization of sanitary engineering, is deemed to hold the corresponding Level 7 qualification of diploma sanitary engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialization of the sanitation of buildings and outdoor sanitation within the specialization of environmental engineering and utility systems of buildings.

(10) Any person who, on 1 July 2014, held a Level 5 profession of diploma civil engineer in the specialization of heating and ventilation, is deemed to hold the corresponding Level 7 qualification of diploma heating, ventilation and air conditioning engineer that is valid until 30 June 2019 for the occupational activities of project management, building work management, owner supervision and design work in the subspecialization of heating, ventilation and air conditioning engineering within the specialization of environmental engineering and utility systems of buildings.

(11) Any person who, on 1 July 2014, held a Level 3 qualification in the profession of construction site manager, is deemed to hold a Level 6 qualification of civil engineer or a Level 6 qualification of sanitary engineer or a Level 6 qualification as heating, ventilation and air conditioning engineer for the occupational activity of owner supervision within the limits of the competence indicated on the professional standard and professional certificate of construction site manager, with a validity period that extends until the end of the term indicated on the professional certificate.

(12) With respect to the audit of electrical work or of electrical installations, the qualifications of the competent person may also be proved by means of a certificate of competence issued by an accredited personnel certification agency, provided the certificate is valid and has been issued under the certification scheme

established under the Electrical Safety Act that was in force before the entry into force of this Code, or under a subsequent certification scheme that conforms to the previous scheme.

(13) A natural person who, at the time of entry into force of the Building Code, held a valid certificate of competence or authorisation to operate under the Roads Act, and regarding whose qualification the Building Code establishes additional requirements may continue to pursue the professional activities corresponding to that certificate or authorisation until 30 June 2018 subject to fulfilling the preconditions that were hitherto in effect.

(14) A natural person who, at the time of entry into force of the Building Code, held a valid certificate of competence or authorisation to operate under the Roads Act, and regarding whose qualification the Building Code does not establish any additional requirements may continue to pursue the professional activities corresponding to that certificate or authorisation until the expiration of the term of validity of the certificate or authorisation.

(15) After the end of the time-limit set out in subsections 13 and 14 of this section, the natural person may pursue his or her professional activities subject to fulfilling the conditions provided in the Building Code.

(16) The notification obligation provided in section 25 of the Building Code is deemed to have been fulfilled at the time of entry into force of the Building Code if, under the law that was in force at the time of entry into force of the Building Code, the undertaking had complied with the notification obligation or held a valid authorisation to operate.

(17) Any person who, on 1 July 2014, held a IV profession of civil engineer in buildings and structures or in hydrotechnical engineering or in water supply and sanitation and who is registered in the register of economic activities as an authorised specialist for the area of activity of design work in the corresponding specialization, is deemed competent to act as the authorised specialist in the specialization of the engineering of buildings and structures, in hydrotechnical engineering or in sanitary engineering until 30 June 2019 for the occupational activity of design work within the sphere of competence of the IV profession of civil engineer.

§ 17. Calculation of the volume of construction works predating the entry into force of this Act

The data used to calculate the volume of construction works predating the entry into force of this Act are those recorded in the Register of Construction Works after the entry into force of the Building Act.

§ 18. Applications for written approval and for building permit submitted before the entry into force of this Act

(1) Where, before the entry into force of this Act, an application for written approval or for building permit has been submitted concerning a construction work or concerning building work that, under the Building Code, are not subject to the building permit requirement or that requires the filing of the building notice, the competent authority terminates the corresponding proceedings without issuing the building permit.

(2) If, under the Building Code, the filing of the building notice is required, the notice is deemed to have been filed by means of the earlier application for written approval or for building permit.

§ 19. Applications for use and occupancy permit submitted before the entry into force of this Act

(1) Where, before the entry into force of this Act, an application for use and occupancy permit has been submitted concerning a construction work that, under the Building Code, is not subject to the use and occupancy permit requirement or that requires the filing of the use and occupancy notice, the competent authority terminates the corresponding proceedings without issuing the use and occupancy permit.

(2) If, under the Building Code, the filing of the use and occupancy notice is required, the notice is deemed to have been filed by means of the earlier application for use and occupancy permit.

§ 20. Validity of building permits or use and occupancy permits and of written approvals

(1) The building permits issued before the entry into force of this Act have an unlimited period of validity, provided the corresponding building work commenced before the entry into force of this Act.

(2) The written approvals issued before the entry into force of this Act have an unlimited period of validity, provided the corresponding building work commences within two years following the entry into force of this Act.

(3) The use and occupancy permits issued before the entry into force of this Act have an unlimited period of validity.

§ 21. Exemption from the permit or notification requirement

(1) Where, before the entry into force of this Act, the construction work was exempt from the requirement to hold a building permit or written approval, and the building of that construction work has commenced, the completion of the building of the construction work is permitted within two years following the entry into force of this Act.

(2) Where the building of the construction work is not completed within two years following the entry into force of this Act, the building notice must be filed or building permit applied for as required under the Building Code.

(3) Where, before the entry into force of this Act, the construction work was exempt from the requirement of the use and occupancy permit, and the use and occupancy of that construction work has commenced, the use and occupancy of the construction work is permitted without the filing of the use and occupancy notice or without a use and occupancy permit.

§ 22. Compulsory acquisition under spatial plans that are in effect and that envisage the construction of public roads and public railways

Compulsory acquisition of registered immovables for the construction of public roads and public railways is authorised if required under the comprehensive plans that were rendered effective before the entry into force of this Act, and under the preliminary or principal building design documentation prepared on the basis of such comprehensive plans. Where the preliminary or principal building design documentation concerning the road or railway has been prepared on the basis of a county-wide spatial plan or a spatial plan for selecting a location for the corridor of a linear construction work that crosses the territory of several local authorities, and the county-wide spatial plan or the spatial plan for selecting the a location for the linear construction work was rendered effective before the entry into force of this Act, compulsory acquisition of registered immovables for the construction of public roads and public railways is authorised if required under the corresponding spatial plan in effect and under the preliminary or principal building design documentation prepared on the basis of that plan.

§ 23. Requirements for existing construction works

(1) A construction work built before the entry into force of this Act must be safe.

(2) A construction work built before the entry into force of the Planning and Building Act lawfully within the meaning of the Law of Property Act Implementation Act may be used and occupied in accordance with the purpose of use provided in respect of that construction work.

(3) Where, after 1 January 2009, a building undertaking delivers to the party that commissioned the building work a building with indoor climate control or a part of such building that may be used separately, and the building or part of building was designed, or the building permit in respect of the building or part of the building was issued, before 1 January 2009, the building undertaking is not required to deliver to the commissioning party the energy performance certificate.

(4) Where a use and occupancy permit is issued, or a use an occupancy notice is filed, in respect of a building with indoor climate control whose building permit was issued before 1 January 2009, the issuing of the use and occupancy permit is not subject to the requirement of presenting the energy performance certificate, and the certificate is not required to be enclosed with the use and occupancy notice.

(5) Where the energy performance certificate has been issued before 9 January 2013 as a paper document, the person who transfers the corresponding building with indoor climate control or a part of such building that can be used separately, delivers that certificate to the acquiring party, or makes it possible for the party who is interested in purchasing, for consideration, the building or part of the building, or who is interested in obtaining the right to use and occupy the building or part of the building, to peruse the certificate.

§ 24. Private roads designated as public roads

The contracts concluded under section 4(3) of the Roads Act remain valid until expiration.

§ 25. Proceedings regarding applications for superficies licence submitted before the entry into force of this Act

(1) Proceedings regarding the applications for superficies licence submitted before the entry into force of this Act are completed in accordance with the legislation in force at the time of submission. Sections 222(4), 223(1)(5) and 223(1)(8) of the Water Act are applied also in the case of applications for superficies licence submitted before the entry into force of this Act.

[RT I, 22.02.2019, 1 - entry into force 01.10.2019]

(2) Proceedings regarding the applications for superficies licence submitted before the entry into force of this Act are to be transferred to the Technical Regulatory Authority at the latest by 31 December 2015.

(3) [Repealed - RT I, 22.02.2019, 1 - entry into force 01.10.2019]

§ 26. Verification and systematization of the information in the Register of Construction Works and the implementation of electronic procedures

(1) The information in the Register of Construction Works is to be verified and systematized by 1 January 2020.

(2) In the course of the verification and systematization, any construction works that were hitherto not recorded in the Register of Construction Works are to be recorded in that register.

(3) Up-to-date orthophotographs are to be used as the basis for recording a building in the Register of Construction Works. The construction work's ground projection area and coordinates are recorded in the Register of Construction Works from the orthophotographs.

(4) The particulars obtained from the orthophotographs are compared to the information in the Register of Construction Works and the need for further scrutiny is ascertained.

(5) The provisions of the Building Code concerning the electronic submission, via the Register of Construction Works, of documents to the competent authority, concerning electronic conduct of permit proceedings via that register, and concerning the issue of permits in the register are applied starting 1 April 2016.

(6) Until 1 April 2016, any building notices and use and occupancy notices, applications for design specifications, building permit, use and occupancy permit and the related documents are submitted to the competent authority. The competent authority records the information contained in the applications for building permit and for use and occupancy permit, in the building notices and use and occupancy notices, and in the building permits and use and occupancy permits in the Register of Construction Works.

(7) The information recorded in the Register of Construction Works through 31 March 2016 has informational and statistical significance.

§ 27. Discovery of construction works that have been built before the entry into force of this Act and that are not recorded in the Register of Construction Works

(1) The local authority scrutinises construction works that have hitherto not been recorded in the Register of Construction Works. In scrutinising such construction works, the local authority follows the state supervision provisions established in the Law Enforcement Act and the Building Code.

(2) In the course of the scrutiny, the following particulars are ascertained above all:

- 1) the legal basis for the building of the construction work;
- 2) the ground projection area of the construction work;
- 3) the purpose of use of the construction work;
- 4) the time of building of the construction work;
- 5) where necessary, the information related to any earlier renovation, extension or demolition of the construction work;
- 6) where necessary, the particulars related to a survey of dwelling units;
- 7) any other facts that have significance in the context of the supervision proceedings.

(3) If the owner of the construction work does not provide sufficient evidence of the time of building of the construction work, that construction work is presumed to have been built after the entry into force of the Building Act.

(4) Based on the results of the scrutiny, the local authority decides on the need to take any further measures of state supervision or to gather any additional information.

(5) Any technical infrastructure built before 1 April 1999 is deemed to be built lawfully regardless of the absence of particulars concerning that infrastructure or the lack of certain particulars in the Register of Construction Works.

§ 28. Construction works whose building predates the entry into force of the Building Act

(1) A building permit or use and occupancy permit may be issued to a construction work built before 1 January 2003, or the building, or use and occupancy, of the construction work may be deemed notified, having regard to the provisions of the Building Code without prejudice to the special rules provided in this section. A building permit or use and occupancy permit may be issued to such construction works referred to in subsection 1 of this section, or the building, or use and occupancy, of such construction works may be deemed notified, in accordance with Annex 1 or 2 of the Building Code.

(2) If the construction work referred to in subsection 1 of this section is not complete, where necessary, a building permit is issued to that construction work or a building notice is filed in respect of the construction work. If the relevant construction work is complete and there is no need to perform any work that is subject to the building permit or building notice requirement, the use and occupancy permit may be issued or the use and occupancy notice filed in accordance with Annex 2 of the Building Code.

(3) If a construction work that has not been recorded in the Register of Construction Works has been granted a legal basis that is in accordance with the Building and Planning Act or the Building Act and that permits the building or use and occupancy of the construction work, that construction work is recorded in the Register of Construction Works on the basis of the notice to submit information to that register, which is provided for in subsection 5 of section 60 of the Building Code.

(4) In assessing the lawfulness of the building of the construction work, the provisions of section 14 of the Law of Property Act Implementation Act must be followed.

(5) Any construction work that is referred to in subsection 1 of this section and that is being used and occupied at the time of entry into force of this Act must conform to the requirements established in respect of the safety of construction works. The safety of the construction work is assessed in accordance with the requirements effective at the time of construction of the construction work.

(6) The safety of the construction work is assessed on the basis of the building design documentation. In the absence of building design documentation, an audit of the construction work is performed to assess the safety of that construction work. For the purposes of the proceedings concerning the issue of permits, or the filing of the required notices, the audit replaces the building design documentation. The audit is commissioned by the owner of the construction work.

(7) Any construction work that was built before 1 January 2003, that is being used and occupied at the time of entry into force of this Act and in respect of which the Register of Construction Works shows no entry must be recorded in that register.

§ 29. Construction works whose building predates the entry into force of this Act and which have not been recorded in the Register of Construction Works

(1) A building permit or use and occupancy permit may be issued to a construction work built after 1 January 2003 and before the entry into force of this Act, or the building, or use and occupancy, of the construction work may be deemed notified, having regard to the provisions of the Building Code without prejudice to the special rules provided in this section.

(2) A building permit or use and occupancy permit may be issued to the construction works referred to in subsection 1 of this section, or the building, or use and occupancy, of these construction works may be deemed notified, in accordance with Annex 1 or 2 of the Building Code. If the construction work referred to in subsection 1 of this section is not complete, where necessary, a building permit is issued to that construction work or a building notice is filed in respect of the construction work. If the relevant construction work is complete and there is no need to perform any work that is subject to the building permit or building notice requirement, the use and occupancy permit may be issued or the use and occupancy notice filed in accordance with Annex 2 of the Building Code.

(3) Any construction work that is referred to in subsection 1 of this section and that is being used and occupied at the time of entry into force of this Act must conform to the requirements set out in subsection 2 of section 11 and in section 12 of the Building Code.

(4) Where, at the time of building of the construction work, the existence of a detailed spatial plan was required in order to draw up building design documentation, the local authority may substitute the issue of the design specifications provided for in section 26 of the Building Code for the detailed spatial plan. The design specifications are issued by means of open proceedings.

(5) Where, because of contravention of the comprehensive plan or other conditions emanating from a significant public interest, it is not possible to issue the design specifications, a detailed spatial plan must be prepared in accordance with the Planning Act.

(6) The safety of the construction work is assessed on the basis of the building design documentation. In the absence of building design documentation, an audit of the construction work is performed to assess the safety of that construction work. As a result of the audit, it must be possible to record, in the Register of Construction Works, the significant technical information concerning the construction work and, where necessary, ascertain whether the construction work is in conformity to the detailed spatial plan or the design specifications. The audit is commissioned by the owner of the construction work.

(7) On the basis of the results of the audit, the local authority decides on the need for additional measures of state supervision, having regard, above all, to the following:

- 1) compliance with the requirements established for construction works, including the possibility of manifestation of a significant or heightened danger;
- 2) the time of building of the construction work;

- 3) the purpose of use of the construction work;
- 4) protection of the rights and interests of the owner of the registered immovable and, where necessary, of the owners of the adjacent registered immovables.

(8) If the audit referred to in subsection 6 of this section ascertains the need to renovate or demolish the construction work, or other such need, the local authority issues an enforcement order requiring the construction work to be brought into conformity with the requirements.

(9) The maximum amount of the compulsory payment that may be imposed in order to compel performance of the obligations referred to in subsections 6 and 8 of this section is 10,000 euro for natural persons and 100,000 euro for legal persons.

§ 30. Protection zone of existing buildings

The protection zone of the construction works that exist at the time of entry into force of this Act is recorded in the Land Cadastre at the latest by the year 2020.

§ 30¹. Facilitation of deployment of high-speed electronic communications networks

(1) The network operator effects the initial determination of the area of interest referred to in subsection 2 of section 61³ of the Building Code at the latest by 1 April 2017. An initial determination of the area of interest is deemed to have been made also in the case that the particulars concerning the protection zone of the construction work have been recorded in the land cadastre.

(2) The provisions of sections 61⁴–61⁶ of the Building Code are applied starting 1 May 2017.

(3) The obligation provided in subsection 1 and 3 of section 61⁸ of the Building Code are applied to buildings whose building notice is submitted or whose building permit is applied for starting 1 April 2017.
[RT I, 15.12.2016, 1 - entry into force 01.01.2017]

§ 31. Repeal of Acts

The following Acts are hereby repealed:

- 1) the Building Act;
- 2) the Planning Act (RT I 2002, 99, 579);
- 3) the Roads Act.

§ 32. - § 73. Provisions concerning amendment of other Acts – omitted from this translation.

§ 74. Entry into force of Acts

(1) The Building Code, the Planning Act and this Act enter into force on 1 July 2015.

(2) Subsections 2 and 3 of section 1 of this Act enter into force following standard procedure.