Summary of the Baltic workshop

Private Landowners Adjacent to Water Bodies: Rights, Duties, and Water Management

18-19 February 2026 (from lunch to lunch), venue: AC hotel Riga, Dzirnavu street 33, Riga

Objectives of the workshop:

- To share, examine, and compare approaches in Baltic and Nordic countries to the definition and practical implementation of legal responsibilities of private landowners adjacent to water bodies, with a view to ensuring good ecological status of waters in line with the Water Framework Directive (WFD).
- To identify gaps and challenges in existing legal frameworks and to formulate recommendations for improving the regulation and guidance of private water management responsibilities.

Leading questions:

- How are the goals and other obligations of the water management determined into rights and duties of private landowners in different Baltic countries?
- What responsibilities do private landowners have regarding active measures (e.g. maintenance, vegetation management, removal of obstructions) versus restrictions on harmful activities?
- To what extent are landowners legally responsible for inaction that leads to deterioration of water status?
- What instruments (legislation, guidance, voluntary, incentives or others) are used to regulate and incentivize individual activities (natural persons) affecting water bodies?

Participants of the workshop: representatives from the Ministries in charge of WFD in the countries, legal experts, water management experts from the competent authorities (in total 10).

Moderator of the workshop: K. Veidemane, Baltic Environmental Forum-Latvia

SYNTHESIS

Day 1

Opening of the workshop

K. Veidemane, Baltic Environmental Forum – Latvia opened the workshop by briefly introducing the state of waters in the EU, particularly in the three Baltic States, and outlining the main pressures affecting water status in the region (e.g., nutrient pollution, hydromorphological alterations, etc.). The information derived from the third River Basin Management Plans, as compiled by the European Environment Agency, illustrated the significant challenges in achieving good status under the Water Framework Directive (WFD), not only in the Baltic States but across the EU as a whole. She also highlighted specific circumstances in Latvia, where most waters are privately owned, creating additional challenges in engaging private landowners in efforts to achieve good water status. Consequently, the workshop was organized to discuss approaches and share experiences among the Baltic countries to foster more effective implementation of the WFD.

Iveta Teibe, Water Department, Ministry of Climate and Energy, welcomed the participants of the event. She highlighted the importance of sharing information between countries in order to identify better solutions to the challenges experienced.

An introduction round was held so participants could introduce themselves and the organizations they represent.

Setting the scene: provisions of the Water Framework Directive (WFD)
Key note by Dr. Žaneta Mikosa, legal expert on EU law and environmental protection

Ž. Mikosa began the presentation by highlighting the philosophy of this policy framework: "*Water is not a commercial product like any other but rather a heritage which must be protected, defended, and treated as such*." Although the WFD is not directly applicable to landowners, it embodies the spirit of the public common good that everyone should take care of. The WFD encompasses several new elements to be implemented, but its key objective is achieving the environmental objectives established in Article 4 of the WFD. Ž. Mikosa focused her presentation on Article 4 and its requirements, including the conditions under which exemptions from achieving the environmental objectives may be applied. She presented the specific conditions and made reference to the case law of the European Court of Justice, which is competent to provide authoritative interpretation of the WFD.

The following aspects were addressed and discussed among the participants:

- Article 4(1) – Establishes the obligation of non-deterioration of status, which applies to individual quality elements. The WFD requires that no water quality element may deteriorate. This affects the authority's power to grant a permit where the status of a water body would deteriorate.
- Article 4(4) – Deadline extensions were possible until 2027. In the future, only natural conditions, supported by sufficient justification, may serve as grounds for not achieving the environmental objectives.
- Article 4(5) – Linked to the designation of heavily modified water bodies (HMWB) and the setting of objectives based on ecological potential. According to the received feedbacks from EC to Estonia, the lowered objective may be long-term but cannot be permanent; it must be reviewed regularly during each planning cycle. In practice, the HMWB are not turned in to natural bodies, yet the achieving the progress towards ecological status/potential is regularly reviewed.
- Article 4(6) – Provides for temporary exemptions, applicable only in cases of force majeure or crises. Participants discussed whether the consequences of a fire extinguished using hazardous substances, which were later detected in water samples, could fall under this provision of the WFD. It is essential to demonstrate measures taken to restore good water quality. Such deterioration may be considered a short-term impact. Art.4(6) however, is intended for crisis management not for managing systemic, structural problems, as explained by the CJEU in the case from France.
- Article 4(7) – Concerns the interpretation of "new modifications." To authorize a new development that might negatively affect a waterbody leading to its deterioration a competent authority needs to balance different interests and apply other cumulative conditions before an authorization might be granted. The authorization may be granted only in case of overriding public interest where the status of the water body may deteriorate or good status not achieved. Therefore, Member States must designate a deciding public authority at the appropriate (sufficiently high in the hierarchy) level to ensure that different interests are appropriately balanced.
- Article 11 together with the Article 13 requires to "translate" objectives into action through specific measures: 1) basic – 2) supplementary. It contains also one of often overlooked requirements: periodic review of permits. It is worth emphasizing that measures – include 'periodic review of water permits.' Permits must be checked against current objectives and updated, if needed.
- Article 14 – "Member States shall encourage the active involvement of all interested parties in the implementation of this Directive" goes beyond the involvement of the society only during the development of the river basin management plan. This provision has wider scope – The implementation of the Directive also includes rights to access information, access to justice, and participation in permitting procedures, as these may have an impact on the achievement of the environmental objectives.
- Interpretation of the WFD – The European Court of Justice has provided significant interpretation of many requirements of the Directive including of the core articles, e.g. landmark case: C-461/13 Weser; also C-346/14 Schwarze Sulm – strict limits on 4(7); C-525/20 France Nature Environnement – temporary deterioration requires justification; C-664/15 Protect and C-535/18 – on access to justice.

- Questions concerning the interpretation of the WFD may be referred by national courts to the European Court of Justice.

The second part of the presentation focused on the types of measures that support the implementation of the WFD and address the relevant pressures. Given the legal nature of the WFD as a directive that must be transposed into national legislation, it is the national legal systems that regulate water users and other actors in order to achieve the objectives of water policy. The WFD does not override property rights; rather, it provides a basis and justification for their regulation.

Application of enforcement mechanisms for meeting water management objectives in Lithuania
Presentation by Tomas Želvys, Lithuanian Ministry of the Environment
T. Želvys began his presentation by referring to the main legal acts regulating the obligations of private landowners in Lithuania: Water Law; Law on Environmental Protection, Law on Special Land Use Conditions and National Water Plan for 2022–2027. The water law sets the prohibitions such as non-allowance to build dams or regulate rivers, directly discharge wastewater into natural water bodies. Water law also regulates boating activities, including seasonal restrictions linked to bird breeding period.

T. Želvys informed that the state has exclusive ownership rights to underground water bodies and inland waters of national importance including rivers and lakes, ponds on rivers, artificial water bodies located on state land in state protected areas, artificial water bodies that are designated as recreational areas in spatial development plan. Water law establishes criteria and thresholds for significant water users who need a permit.

Law on Special condition of Land use includes also provisions related to the surface water bodies. Landowners shall be aware of these conditions, including the information on protection belts and strips. Special land use conditions applicable in surface water protection zones & stripes establishes different widths of zones along water bodies and conditions on what is not allowed in these zones.

During the discussion among participants, the following issues were addressed in detail, and related information was exchanged between the countries:

- Permits: National legislation should include a provision allowing water permits to be revised either periodically or as needed, based on an assessment of the water quality or quantity of a particular water body. In Lithuania, hydropower plants (HPPs) require a permit for water abstraction; in Latvia, a water use permit; and in Estonia, an Environmental Permit for Special Use of Water. Estonia has introduced different level of permits, including self-registration (simple registration system) as well as there is list of activities which are prohibited/not allowed. At the same time Estonian Environmental Board have a right in some cases to decide whether a permit is needed or not. In Estonia, existing pressures and permits must be considered when issuing a new permit. Standards for existing permits may need to be made stricter to prevent an increase in impact. In the case of public water bodies, permit revision is generally more straightforward. However, court cases arise when operators disagree with permit conditions. Integrated environmental permits are reviewed every 1–3 years, while other permits are reviewed based on risk assessment results.
- Dam removal: the Lithuanian water law has established requirements related to dam removal. In Lithuania it is foreseen that dam removal programme established by the Government would also financially support the removal dams. In Estonia dam removal is led by State Forest management Centre according to the registered dams by Environmental Agency. Challenge is if the dam or impoundment is owned by several owners and consent on dam removal to be received by all owners.
- Fish paths: Lithuanian law demands that HPP establish fish paths by 2029, other damps by 2032. The deadlines have been already postponed and there is a fair that the implementation deadline could be postponed also in future. A demand to establish fish path in Lithuania is regarded as "implementation of polluters pays principle". In Estonia, has a Water programme funded by combining state and EU funds (inc. Fishery Fund) (implemented by Environmental Investment Centre) the building of fish paths. Now, the policy is to support the removal of obstacles as fish path needs to be maintain properly which has not been always a case. Removal of obstacles can be with different extent, e.g. establishing artificial rapids in

partially removed constructions. Open river programme has been also used to receive grants from this EU/global programme.

- Land-use: the polluting activity from the diffuse sources is the most difficulty to reduce. In Lithuania a action plan is agreed by Ministry of environment and Agriculture aiming to implement environmentally friendly agriculture practices. In Latvia, the Ministry of Agriculture is in charge of the Nitrate directive, yet these are basic measures to be implemented in vulnerable areas and do not cover supplementary measures. The Rural Development Programme is an instrument that can support agri-environmental water protection measures. It was also recognized that the "Paying Agency for Agricultural Subsidies" has a stronger respect compared to controls undertaken by environmental bodies.
- Protection belts/zones: different legal requirements on prohibition of certain land use and activities are established. This instrument is very strongly linked to flood risk management policies. This instrument also sets the building exclusion zone, yet the width is different among the countries. Here, the municipalities have a strong role in not allowing to build in flood risk zone, yet the pressure to build close to water is still very strong. In Lithuania, environmental Agency has developed a map of protection stripes and zones, thus all owners and public authorities are aware of the restrictions in building and other economic activities.

Legal approach in determining responsibilities for private landowners Latvia: challenges in the context of WFD
Presentation by Dr. Žaneta Mikosa, legal expert on EU law and environmental protection

Ž. Mikosa outlines the core legal pieces of the Latvian water legal framework: Water Management Law; Environmental Protection Law; Law on Pollution and Law on Protected Zones. She briefly characterised instruments and challenges and gaps in legislative documents that hinders the achieving the good water status. For example, she draws attention on limited role of municipality established by the Water Management Law and legal challenges if environmental objectives are not defined at a legally binding level, as well as if the decisions on the need for and justifications of, applying exceptions are defined at an inappropriate level for them to be effectively and legally correctly applied.

During the discussion, the following issues were addressed in detail:

- Water ownership: Unlike Lithuania, most waters or adjacent lands in Latvia are privately owned, which creates certain challenges and opportunities for the State to impose obligations on those owners . In Estonia, obligations apply regardless of whether waters are public or private; the focus is on the activity taking place rather than ownership status. Latvia has introduced a towpath regulation, meaning that water bodies are to be accessible to the public for the purpose defined by law. However, clear obligations regarding water management are lacking. A proposal has been prepared to legally introduce a new concept defining water as a public good and a common resource.
- Exemptions from achieving the environmental objectives of the WFD: The legal and planning hierarchy for implementing exemptions in Latvia should be strengthened, as current practice—particularly regarding legal effect of the River Basin Management Plans (RBMPs) and the institutions involved—is inappropriate. Latvian RBMPs are approved by the Minister and according to the hierarchy of legal sources in Latvia are internal legal acts that are legally binding only for the Ministry and its institutions.
- The role of municipalities: The role of municipalities under the Water Management Law should be strengthened, potentially by introducing a local planning instrument—such as an action plan—that could form part of municipal planning documents.
- Rights and duties of water users: The Latvian Water Management Law establishes the rights and duties of water users; however, some of these duties are declarative in nature and lack effective enforcement mechanisms.

Day 2

Enforcement mechanisms for implementing legal requirements meeting water management objectives
Presentation Dr Kristina Veidemane, Baltic Environmental Forum - Latvia

K. Veidemane began the presentation with reflection on the WFD's concepts. The WFD grants Member States the flexibility to design management regimes they consider adequate and suitable for addressing specific environmental and social conditions, provided that the objectives set at the EU level are achieved. The Directive establish a comprehensive, cyclical planning process for river basin management, creating a framework that enables Member States to progressively work toward meeting the defined water quality objectives.

During the discussion the following issues were addressed:

- Definition of "water user" – Consideration should be given to whether the definition should include personal use or remain limited to economic activity, as is currently the case under Latvian law. In Lithuania, a water user is defined as "a person who uses a surface and/or groundwater body for water extraction, wastewater discharge, recreation, hydropower, shipping, fisheries and other purposes or otherwise directly impacts a surface and/or groundwater body and/or its water quality. In Estonia, the term "water user" is similar to Lithuania - covers any activity that impacts a water body, regardless of whether it is carried out for personal or commercial purposes.
- River basin management plans (RBMP) in legislative hierarchy: The legal status of RBMPs differs between countries, which also determines their binding force and the scope of duties in their implementation.
    - Latvia: RBMP is adopted by the Minister, thus binding for the institutions of particular sector, in this case for Environment, which means only for State Environmental Service (permitting and control) and Latvian Environmental Geology and Meteorology Center (monitoring and development of RBMP). Thus, the RBMP is not binding for other ministries as well as "the third parties/actors". The proposal is to change the system – a Programme of Measures to be adopted by Government, thus the planning document. The role of municipalities in current river basin water management system is very limited and would need to be strengthened as a water is in public use *de-facto*.
    - Lithuania: The management of water bodies and/or their water use is planned through the preparation of strategic-level planning documents approved by the Government. A dedicated Action Plan is developed and jointly approved by the Ministers of Agriculture and Environment.
    - Estonia: The Ministry of Climate is discussing and agreeing on annual priorities (linked to main pressures) with environmental Boad with regard to implementation of the RBMPs. It is not expected that water users or landowners will study RBMP. In some case large scale actors as farming industry when permit is needed will look into the plan. The difference could be for dam owners, but the requirements are set in the law.

Application of enforcement mechanisms for meeting water management objectives in Estonia
Presentation by Reeda Iismaa, Estonian Ministry of Climate
R. Iismaa began her presentation highlighting the ownership issue of waters in Estonia and approach to determine "Public use of a water body"; "Public bodies" and "privately owned water bodies". She pointed out that the Estonian Water legislation does not distinguish between private person and legal entity, but regulates by the type of activity and the defined thresholds.

The Water Act regulates both public and special uses of water. If certain uses are not specified in the law, they are determined by an individual decision of the Ministry of Climate. A list of public water bodies is established and may be updated over time. Municipalities are interested in periodically including additional water bodies in this list to enable public activities, including recreational uses. Another important legal instrument is the Property Act, which also contains provisions related to water. The first version of this law is from the 1990s.

In addition to the themes addressed above, R. Iisamaa covered the following aspects, which were shared and discussed interactively with the participants:

- A challenge to set the responsibilities for both - land owner and operator. In Estonia, there have been cases where an operator has closed its activities, and the landowner has been required to assume responsibility. This challenge is also related to implementation of management measures. Constructed wetlands provide an example of differing perspectives between landowners and operators (farmers). While operators may be willing to implement such measures, landowners are often reluctant because these systems require long-term maintenance.
- Supervision of water management is shared between municipalities and the Environmental Board. Although some overlap in responsibilities exists, this can be beneficial, as it allows for closer cooperation on water management issues at the local level. The Environmental Board maintains a database (register) containing detailed information on the implementation of management measures.
- Like other countries, there are restrictions on the use of shores and banks. Water Act establish a requirement that Layers of trees and shrubs may be cut in the water protection zone of the water bodies with the consent of the Environmental Board. Regarding inappropriate land-use, the Environmental Board handles many complaints, mainly concerning private properties.
- Violations of legal acts may result in sanctions at different levels, including the possibility of criminal proceedings. Many violations are related to agricultural activities.
- Charges have not been revised over the past ten years. The substitution principle—granting tax relief for investments in environmental measures—was beneficial in the initial years. However, it has become less attractive to companies, as tax rates have not been adjusted for inflation.
- Environmental awareness has been a priority of the Ministry's River Basin Management Unit, with activities implemented at regional and local levels. The system is now changing, with responsibilities being centralized under the Estonian Investment Centre (KIK). At the same time, the LIFE SIP WestEst project plans to introduce a catchment coordinator system, thereby decentralizing coordination activities to a lower basin scale. This is considered a positive approach; however, it requires additional funding and has not received strong political support. The Water Management Commitee, consisting of universities, umbrella NGOs, and state institutions, plays an important role in disseminating information on current river basin management issues.

Conclusions of the workshop

- The workshop provided valuable insights into both the legislative framework and the practical enforcement of water protection measures. The discussions will contribute to the justification and further development of amendments to the Latvian Water Law.
- Participants highlighted key challenges in achieving good water status, particularly nutrient pollution from agriculture, hydrological and morphological alterations of water bodies caused by historical activities, and ongoing illegal practices that undermine collective efforts. Addressing these pressures requires a comprehensive and consistent response.
- The WFD is normatively demanding; however, its effective implementation and ultimate success depend largely on national governance approaches. While there are common elements in the approaches taken by different countries, the specific conditions for implementation and the practices applied vary considerably — both in river basin management planning and in enforcement mechanisms, including permitting systems and prohibitions.
- Although the WFD does not override property rights, it provides a clear legal basis for their proportionate regulation in pursuit of environmental objectives. Achieving these objectives requires early and

meaningful involvement of water users, including landowners. Legal clarity, predictability, and a balanced mix of incentives and control mechanisms are essential to ensure compliance.

- Finally, water must be recognized as a common resource and a public good. Its sustainable management and the achievement of good water quality are shared responsibilities that require long-term commitment and responsible use by all.

The integrated project "Implementation of River Basin Management Plans of Latvia towards good surface water status" (LIFE GOODWATER IP, LIFE18 IPE/LV/000014) has received funding from the LIFE Programme of the European Union and the Ministry of Smart Administration and Regional Development republic of Latvia. The information reflects only the LIFE GOODWATER IP project beneficiaries' view, and the European Climate, Infrastructure and Environment Executive Agency is not responsible for any use that may be made of the information contained therein. Project's website: www.goodwater.lv