Estonia

EIA profile

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Country contact

The Ministry of Environment is the responsible authority for EIA. The Environmental Board, which falls within the area of governance of the Ministry of the Environment is the primary source of information and best practices in matters of EIA/SEA and other environmental legislation and policies in Estonia.

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History of ESIA

The history of EIA in Estonia goes back to 13 November 1992 when the Government Regulation on Environmental Assessment was adopted.

But before that the predecessor of EIA in Estonia was ecological examination and the so-called authorized environmental approval of proposed activities which could have a significant environmental impact.

On 14 June 2000, the Estonian Parliament adopted the EIA and Environmental Auditing Act, which entered into force on 1 January 2001.

On 3 April 2005 entered into force Environmental Impact Assessment and Environmental Management System Act.

Legal framework

Framework/Enabling law

Environmental Impact Assessment and Environmental Management System Act, 2005

source

• Environmental Impact Assessment and Environmental Management System Act / Keskkonnamõju hindamise ja keskkonnajuhtimissüsteemi seadus

in english (translation last updated Dec 2008): https://www.riigiteataja.ee/en/

in estonian: https://www.riigiteataja.ee/akt/867983?leiaKehtiv

• Environmental Monitoring Act/ Keskkonnaseire seadus:

in english (translation last updated May 2005): https://www.riigiteataja.ee/en/

in estonian: https://www.riigiteataja.ee/akt/13315995?leiaKehtiv

• Nature Conservation Act/ Looduskaitseseadus:

in english: https://www.riigiteataja.ee/en/

(translation last updated January 2012)

in estonian: https://www.riigiteataja.ee/akt/12808270?leiaKehtiv

• Administrative Procedure Act/ Haldusmenetluse seadus

in english: https://www.riigiteataja.ee/en/

(translation last updated 1.01.2012)

in estonian: https://www.riigiteataja.ee/akt/686696?leiaKehtiv

National detailed regulation for ESIA

Environmental Impact Assessment and Environmental Management System Act. April 2005

Guidelines

Guidance on carrying out an EIA in Estonia is described in the following texts (all in estonian):

? ?Keskkonnamõju hindamine. Juhised menetluse läbiviimiseks tegevusloa tasandil? written by Peterson, K. and issued by the Estonian Ministry of Environment, 2007

? ?Keskkonnamõju ja keskkonnariski hindamine. Käsiraamat.?

written by Põder, T. and issued by the Estonian Ministry of Environment, 2005

? ?Natura-eelhindamise juhis? by Environmental Board, 2012

Exemptions from ESIA application

The following are excluded from the EIA:

? a strategic planning document the sole purpose of which is to serve national defence or civil emergency

? financial or budget plans, programmes and strategies

Scope of ESIA application

EIA is applied to projects initiated by the private sector as well as projects initiated by the government.

According to the Act:

Environmental impact shall be assessed:

1) upon application for or application for amendment of a development consent if the proposed activity which is the basis for application for or amendment of the development consent potentially results in significant environmental impact;

2) if activities are proposed which alone or in conjunction with other activities may potentially

significantly affect a Natura 2000 site.

Institutional setting

Central ESIA authority

The Estonian Ministry of Environment is in charge of EIA.

But the Ministry only makes decisions on EIAs of state

Importance (in case of transboundary impact). Otherwise, the decisions regarding EIA-s are made by the Environmental Board.

(De)centralisation of ESIA mandates

The EIA mandates are decentralized administratively. Every level of administration has the right to take decisions on their level of governance. There is no sectoral or horizontal decentralization.

Payment system

The developer covers all the costs for the EIA. Prior to the submission of an application for activity licence, a state fee shall be paid. It is linked to the environmental permit and it should be paid to a central agency (to the account of the Ministry of Finance).

ESIA procedure

Overview ESIA procedure

The EIA process in Estonia consists of screening (for some activities only), scoping, assessment, review, decision-making on the EIA report approval and environmental clearance and monitoring.

Important outputs of the EIA process are the following documents: starting document (screening), scoping report, EIA report, permit.

Screening

Screening process

Screening is required if the proposed activities are not included among the activities specified in the subsection of the Act where EIA is mandatory. The decision-maker shall make a preliminary estimate whether the activities of the areas which are introduced in subsection 6.2 of Environmental Impact Assessment and Environmental Management System Act have significant environmental impact. The decision-maker is the one who issues environmental clearance and has to decide whether to start an EIA or not. In Estonia the decision-maker can be the Ministry of Environment, Environmental Board, County Government or local municipality.

When a formal screening decision is made, whether to require or not to require EIA, the competent authority must keep a record of the decision and the reason for it, and make this available to the public.

Throughout the screening, the developer and the competent authority may find it useful to consult with other interested parties, including the public, experts, other official bodies with responsibility in environmental matters (e.g. nature protection, cultural heritage, water, waste, etc.).

A case-by-case evaluation is next conducted and finally, the screening decision is made, recorded and published

for public access, as well as guidelines for appeal wherever necessary.

There are no requirement for the methods used in screening.

Sensitive areas

EIA is mandatory if proposed activities alone or in conjunction with other activities may potentially significantly affect a Natura 2000 site.

If proposed activities may potentially affect Natura 2000 sites, protected areas, special conservation areas, species protection sites, habitats of protected species or individual protected natural objects, the decision-maker shall obtain approval for the draft decision to refuse initiation of EIA with the administrator of the specified protected natural features.

The ?sensitivity? of an area (eg. regeneration capability of resources and the absorption capacity of the natural environment) is listed among criteria that are the bases for a decision to initiate or to refuse initiation of EIA.

Contents of the starting document

The developer is supposed to submit his plans to the authority. The starting document should include the following:

- name and address of the developer

- description of the project: site, extent, purpose,

- impacts on the environment and

- best alternatives in order to prevent/minimize the unwanted effects.

Timeline Screening

There is a different timeline for different kind of development consents.

The screening decision is made in 20-120 days after receiving the application for development consent and depends on the development consent applied for.

Scoping

Scoping process

Scoping is required. An expert or, under the supervision of the expert and together with the developer, an expert group shall prepare an EIA programme.

The decision-maker shall organise the public display of an EIA programme with the duration of not less than fourteen days. After that developer shall organise a public consultation in order to inform the public of the programme. If necessary, the programme must be amended and then the supervisor can make a decision on approval of the document.

Contents of the scoping document

As stated in the subsection 13 of the Environmental Impact Assessment and Environmental Management System Act, the scoping document must contain:

? the purpose of the proposed activities

? a short description of the proposed activities and alternatives

? information on the content of EIA, including information on the potential sources of impact, the size of the impact area and the affected environmental elements

? a description of the methods of assessment

? a schedule of EIA and the schedule for the publication of the results of the assessment

? information on the developer and the name of the expert

Timeline scoping

A supervisor of environmental impact assessment shall decide to approve or refuse approval of an EIA programme *within thirty days* after receipt of the documents.

Assessment

Assessment process

Developer proposes an activity and organizes EIA. Assessment is performed by an EIA expert or expert-group.

The decision-maker decides whether to start an EIA or not and issues the development consent.

The supervisor verifies the lawfulness of decisions on EIA, approves or refuses EIA programme and report, sets environmental requirements and performs ex-post evaluation of the EIA.

Impact is assessed from the aspects of natural, social, economic and cultural environment.

Contents of the EIA report

Expert prepares an EIA report that contains among other the following:

alternatives, impacts, monitoring proposal, record of public participation, project description, (if necessary) difficulties in the assessment process, assessment of the purposefulness of the use of natural resources and the compliance of the proposed activities, measures to prevent or minimise the negative environmental impact and assesses the likely efficacy of them, summary.

Detailed requirements for the EIA report are set out in § 20 of the Act.

Accreditation of consultants

EIAs in Estonia are performed by licensed experts or teams formed by licensed experts consisting of people with the adequate qualification but without a license. A licensed expert is a person who has a valid licence for performing EIAs.

The licence is issued for five years. The assessable areas of activity and impact are determined on the basis of the qualification of the applicant.

Review

Review process

The developer submits an EIA report in two original copies to the supervisor for approval and determination of environmental requirements after the public consultation regarding the report. The supervisor reviews whether the quality of the assessment is in accord with the Environmental Impact Assessment and Environmental Management System Act. After that the supervisor makes a decision on approval or refusal of the EIA report.

Review expertise

The supervisor over EIA is the Ministry of the Environment or the Environmental Board.

The Ministry of the Environment is the supervisor if the Ministry of the Environment issued a development consent or if potential environmental impact of the activities may become transboundary.

In other cases the supervisor over EIA is the Environmental Board.

source

National Environmental Management Act 107 of 1998 (Chapter 5 section 24I)

Timeline Review

A supervisor of environmental impact assessment shall decide to approve or refuse approval of an EIA report within *thirty days* after receipt of the documents.

Decision making

Integration of ESIA into decision-making

Upon making a decision to issue or refuse issue of a development consent, the decision-maker shall take account of the results of environmental impact assessment and the environmental requirements appended to the report.

If the decision-maker fails to take account of the results of environmental impact assessment and the environmental requirements appended to the report, the decision-maker shall set out a reasoned justification in the decision to issue or refuse issue of the development consent.

Responsible authority for decision-making is the one who issues a development consent that developer applied for. The responsible authority decides on the necessity of an EIA and gives the environmental clearance.

The Estonian Ministry of Environment makes decisions on EIAs of state importance. Otherwise, the decisions regarding EIA-s are made by the Environmental Board. Depending on the kind of permit required for a certain project, i.e. water use permit or building permit, the authority that decides on the necessity of an EIA can be the County Government or the local municipality.

Decision justification

Upon making a decision to issue or refuse issue of a development consent, the decision-maker shall take account of the results of EIA and the environmental requirements appended to the report.

If, the decision-maker fails to take account of the results of EIA and the environmental requirements appended to the report, the decision-maker shall set out a reasoned justification.

A development consent shall not be issued if the developer is not able to comply with the determined environmental requirements.

The decisions on EIA approval, environmental clearance and project approval have to be published.

A supervisor of environmental impact assessment shall notify participants in proceedings of approval of an EIA report by sending an unregistered letter or a registered letter and at the expense of the developer in the official publication Ametlikud Teadaanded (Official Notices) within fourteen days after the decision is made.

The notification shall include information about the time and place for accessing the decision to approve the environmental impact assessment report.

Timeline decision-making

The supervisor of EIA shall inform the developer and the decision-maker of a decision to approve the EIA report and determination of environmental requirements or refusal to approve the report within *thirty days* to the decision-maker. After that the decision-maker can decide on basis of the EIA report whether to issue environmental clearance.

Follow up

Compliance monitoring

Monitoring is required.

The expert of an EIA makes a reasoned proposal for the establishment of the conditions of environmental monitoring in the EIA report. The Ministry of the Environment or the Environmental Board has the right to determine the conditions and extent of the environmental monitoring. Data from environmental monitoring shall be submitted within the term specified in the permit.

A supervisor of EIA shall carry out the ex-post evaluation of EIA on the basis of the results of environmental monitoring.

If it becomes evident in the course of ex-post evaluation that the results of environmental monitoring do not comply with the requirements provided for in legislation or the development consent, the decision-maker shall amend the conditions of the development consent on the basis of a proposal of the supervisor of EIA.

Environmental supervision shall be exercised by the Environmental Inspectorate, Land Board and local government bodies and agencies.

Non-compliance penalties

No direct financial penalties, but the project can be suspended. The supervisor of EIA can refuse to approve the EIA report if the criteria for the report is violated as described in the subsection 22.3 of the Environmental Impact Assessment and Environmental Management System Act. After the refusal the developer has to amend the report and make it public once again.

But violation of a requirement for EIA (in practice) is punishable by a fine of up to 300 fine units. The same act, if committed by a legal person, is punishable by a fine of up to 3200 ?.

Stakeholder engagement

Public participation requirements for ESIA process stages

The EIA programme (scoping) and the draft EIA report are subjects to public display, all comments have to be replied.

Public comments may be both written and verbal.

The agency to provide submissions to is determined in the notice regarding publication of an environmental impact assessment programme or report.

Timeline for public comments

The public display of the SEA programme and report should be at least 14 days (two weeks).

The deadline to make comments is set out in the notice regarding publication of an environmental impact assessment programme or report.

Access to information

Everyone has the right to access an environmental impact assessment programme and report and other relevant documents at the time of the public display.

As stated in the Environmental Impact Assessment and Environmental Management System the decision-maker gives notification of the public display of and public consultation regarding an EIA programme/ report at least:

? in the official publication Ametlikud Teadaanded (Official Notices)

? in one national newspaper or one local or county newspaper

? in at least one public building or place of the location of the proposed activities (e.g. shop, library, school, bus stop).

The EIA programm/ report is available on decision-makers webpage as well.

Appeal

Possibilities for appeal

The procedure not specified in EIA/SEA law. According to the Administrative Procedure Act:

Appeal shall be filed within thirty days as of the day when a person becomes or should become aware of the challenged administrative act.

The appeal can be filed as a challenge proceeding or as a court proceeding.

A challenge shall be filed with the supervisor over the the administrative authority which issued the challenged administrative act.

A person whose challenge is dismissed or whose rights are violated in challenge proceedings has the right to file an appeal with an administrative court.

ESIA practice

Annual no. of ESIAs

In the research "Ülevaade keskkonnamõju hindamise praktikast Eestis" (An overview of EIA practice in Estonia) made by Säästva Eesti Instituut (Stockholm Environment Institute Tallinn Centre) in 2006 says that the average number of EIAs produced annually is between 100-200. There was a rise in 2002 when 238 EIAs were produced.

Central ESIA database

There is no central EIA database.

Documents about EIAs are administered by the Environmental Board with other documents concerning environmental decisions. The database is publicly accessible. There is also a possibility to make an official inquiry to the Environmental Board if the required document is not publicly accessible. The link to the Environmental Boards database for public information is situated here: http://www.keskkonnaamet.ee/sadr/index.php?id=10534

Professional bodies

MTÜ Eesti Keskkonnamõju Hindajate Ühing (NGO Estonian Association of Impact Assessment).

source

(http://www.ppp.org.za/) (http://www.iaia.za.org/) (http://www.saiea.com/calabash/html/South%20Africa.html#6eia)

Relevant links

- Ministry of the Environment: http://www.envir.ee/67253
- Environmental Board: http://www.keskkonnaamet.ee/eng
- Guidelines for implementing the Habitats Directive (document in Estonian)
- Examples to the abovementioned Guidelines (document in Estonian)
- Study about the quality of nature assessment in Estonia. (document in Estonian)