

Estonia

SEA profile

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Overview SEA procedure

The SEA process in Estonia is separate from the EIA process, though similar process stages are followed. It involves screening, scoping, assessment process, review of the SEA report, the decision-making process and monitoring.

Establishing context

Screening process

Screening is carried out if it is not known if the SEA procedure is mandatory or not. The responsible authority is the decision-maker - the authority responsible for the preparation of a strategic planning document.

Screening is carried out by the authority responsible for the preparation of a strategic planning document in case SEA is not mandatory. Screening is usually done case-by-case.

Timeline Screening

No maximum time is specified for screening process.

Identification of stakeholders

The Stakeholders are identified in the Environmental Impact Assessment and Environmental Management System Act § 36 section 3 which states that a strategic environmental assessment programme shall specify the persons and authorities which may be affected or which may have reasoned interest in the strategic planning document.

Section 4 of the same paragraph states that the programme should also contain a schedule of the strategic environmental assessment and a schedule for the publication of the results of the assessment, arising from the schedule for preparation of the strategic planning document.

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Setting SEA objectives

The objective of strategic environmental assessment is to contribute to the integration of environmental

considerations into the preparation and adoption of strategic planning documents, provide for a high level of protection of the environment and to promote sustainable development.

The public is also involved and discussion is documented and taken into account.

Implementing SEA

Scoping process

Distinct scoping process required. It is the responsibility of an expert in cooperation with the person preparing a strategic planning document.

The following steps are required:

- Preparing the SEA programme,
- Consulting relevant administrative bodies about the scope and detail level of the investigation to be performed.
- Public display and consultation of the SEA programme.

Outcome of scoping:

Terms of Reference for SEA (SEA programme) required.

A strategic environmental assessment programme shall:

- 1) determine the extent of the strategic environmental assessment on the basis of the characteristics and content of the strategic planning document;
- 2) explain and specify environmental impacts, including effects on human health, the likely transboundary environmental impact and the likely impact on Natura 2000 sites;
- 3) specify the persons and authorities which may be affected or which may have reasoned interest in the strategic planning document;
- 4) contain a schedule of the strategic environmental assessment and a schedule for the publication of the results of the assessment, arising from the schedule for preparation of the strategic planning document;
- 5) include information on the expert who prepared the programme and the person who prepares the strategic planning document;
- 6) describe the opinions submitted by relevant authorities and persons.

Participation in scoping

Participation is part of the scoping. A display and consultations are held where the public can participate.

Baseline data

There are no specific requirements within the Act in regards to collection of baseline data.

Alternatives

Alternatives are to be chosen by reasonability. SEA report gives a description of the potentially affected environment during preparation of the strategic planning document and in the case of alternative development scenarios, including the comparison of alternatives and the probable development if the strategic planning document is not implemented.

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Assessment/mitigation of effects

The measures proposed for the prevention and mitigation must be contained within the SEA report. There are no specific methods required for assessment and mitigation of impacts as part of SEA.

Content of SEA report

A strategic environmental assessment report shall set out the following:

- 1) an outline of the contents and the main objectives of the strategic planning document;
- 2) the relationship of the strategic planning document with other relevant strategic planning documents;
- 3) a description of the potentially affected environment during preparation of the strategic planning document and in the case of alternative development scenarios, including the comparison of alternatives and the probable development if the strategic planning document is not implemented;
- 4) environmental problems resulting from implementation of the strategic planning document, particularly those relating to protected areas, individual protected natural objects and protected species;
- 5) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the strategic planning document and a description of the way those objectives and any environmental considerations have been taken into account during preparation of the strategic planning document;
- 6) an assessment of the potential significant direct, indirect, cumulative, synergistic, short and long-term, positive and negative environmental impacts, including impacts on human health and social needs and property, biological diversity, populations, flora, fauna, soil, water and air quality, climate changes, cultural heritage and the landscape, an assessment of the possibilities of waste generation and a description of the methods for impact prognosis;
- 7) the interconnection between different impacts and the transboundary environmental impact;
- 8) the measures proposed for the prevention and mitigation of significant environmental impact resulting from implementation of the strategic planning document;
- 9) an outline of the reasons for selecting the alternative development scenarios dealt with;
- 10) an overview of how the best alternative development scenario was achieved;
- 11) an overview of carrying out the strategic environmental assessment, the results of public involvement and transboundary consultations;
- 12) an overview of the difficulties which became evident upon preparation of the strategic environmental assessment report;
- 13) a description of the measures proposed for the monitoring of significant environmental impact

- resulting from implementation of the strategic planning document and of the measurable indicators;
- 14) a summary of the report;
 - 15) the strategic environmental assessment programme and the minutes of the public consultation regarding the programme;
 - 16) the minutes of the public consultation regarding the strategic environmental assessment report;
 - 17) the proposals, objections and questions of authorities and persons, and an overview of the justifications for taking account of or refusal to take account of the proposals, objections and questions.

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Review process

Review is carried out by the supervisor of the SEA process - Environmental Board. When the influence is transboundary then the supervisor is Ministry of the Environment.

Participation in review

No.

Timeline review

A supervisor of strategic environmental assessment shall decide to approve the strategic environmental assessment report and adopts the monitoring measures of environmental impact resulting from implementation of the strategic planning document, or refuse approval of the strategic environmental assessment report and shall inform the person who prepares the strategic planning document of the decision by sending an unregistered letter or a registered letter within thirty days after receipt of the documents.

Informing decision making

SEA and planning decision-making

According to the Act:

Upon preparation of a strategic planning document, the following shall be taken account of:

- the results of the strategic environmental assessment and the adopted monitoring measures;
- the opinions submitted by authorities and persons to the extent possible;
- the results of transboundary consultations.

The results of the SEA shall be taken into account on all levels of planning. If possible, the SEA procedure is combined with the planning procedure.

Justification of decision

SEA makes recommendations in regards to environmental considerations. The recommendations should be taken into account upon preparation of a strategic planning document, however, not all recommendations have to be strictly followed in the planning document.

The SEA report has to give an overview of how the best alternative development scenario was achieved in the strategic planning document.

Follow-up

Monitoring and evaluation

A supervisor of strategic environmental assessment shall decide to approve the strategic environmental assessment report and, if needed, adopts the monitoring measures of environmental impact resulting from implementation of the strategic planning document. The approved monitoring measures are mandatory to the person implementing a strategic planning document.

SEA practice

Annual no. of SEAs

Information will follow.

Central SEA database

Currently a central database for SEAs that have been conducted does not exist. However, agencies and departments are required to keep all their public statements that were created in response to an SEA being conducted.

Professional bodies

- MTÜ Eesti Keskkonnamõju Hindajate Ühing (NGO Estonian Association of Impact Assessment)
- Eesti Planeerijate Ühing MTÜ (Estonian Association of Spatial Planners NGO)

Relevant links on SEA

An overview of the SEA system in Estonia by the Ministry of Environment: <http://www.envir.ee/92011>

Keskkonnaministeerium (the Ministry of the Environment): <http://www.envir.ee/>

Keskkonnainspektsioon (The Environmental Inspectorate): <https://www.kki.ee/et>

Keskkonnaamet (Environmental Board): <http://www.keskkonnaamet.ee/>

Background information

History of SEA

With Regulation of the Estonian Government No. 314 (1992), the requirement to conduct EA (environmental assessment) concerning both planning, programmes and development plans was established. At the time of passing the Regulation, the methodology for performing EIA was not developed. In order to fill in this gap, a special pilot project was initiated in the framework of cooperation agreement between the Finnish and Estonian Ministries of the Environment in the end of 1995. The current SEA system came into force on the 3rd of April 2005, last amended 31st of December 2011.

Updates:

The Ambient Air Protection Act and related Acts Amendment Act which came into effect 31 December 2011.

The list of activities which would cause the necessity of SEA was slightly revised, particularly in activities involving the handling of carbon dioxide which were not present in the previous redaction of the law.

Also requirement for SEA was also added for the modification of buildings and installments when they as a whole would cause a significant environmental impact.

Legal framework

Enabling law

Strategic environmental assessment (SEA) is established in law in Environmental Impact Assessment and Environmental Management System Act (§ 32 to § 46)

source

- [Keskkonnamõju hindamise ja keskkonnajuhtimissüsteemi seadus](#) (Environmental Impact Assessment and Environmental Management System Act) in Estonian
- [The Environmental Impact Assessment and Environmental Management System Act in English](#) (as of 22 February 2005, the law itself has been amended since)

National detailed regulation

No detailed SEA regulation exists.

Guidelines

There is a guide (in Estonian) by the Ministry of the Environment.

Scope of application

According to the Act:

A strategic environmental assessment shall be carried out during the preparation of a strategic planning document before its adoption by a legal act, if the document:

- is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and on the basis thereof activities likely to have a significant environmental impact are proposed.

- is a national, county or comprehensive plan;
- is a detailed plan on the basis of which activities likely to have a significant environmental impact are proposed.
- is the basis for activities which are likely to significantly affect a Natura 2000 site.

In addition to the provisions set above, the environmental impact resulting from implementation of a strategic planning document must be assessed, if necessary - the need to initiate the SEA is determined case-by-case for all strategic documents.

Exemptions from application

The following are excluded in accordance with Chapter 1 § 1 of the Environmental Impact Assessment and Environmental Management System Act:

- a strategic planning document the sole purpose of which is to serve national defence or civil emergency;
- financial or budget plans, programmes and strategies;
- a strategic planning document if activities proposed on the basis thereof are, during the years 2004-2006, co-financed from the Structural Funds of the European Union or the European Agricultural Guidance and Guarantee Fund.

SEA approach

The SEA Process is based on the principles of sustainable development and incorporation of environmental, economic and social aspects into the decision making process at a strategic rather than project level. The SEA process is separate from the EIA model according to the law.

However, in practice the situation is often more diverse. In practice often EIA-based methods are used because of the detailed nature of the plan.

SEA tiering with ESIA

The SEA is not combined with the EIA process, when EIA is required it will be carried out separately, following the SEA.

However, tiering principles are used in the SEA procedure to specify if a further EIA is required or not.

Institutional setting

Central SEA authority

Ministry of the Environment.

(De)centralisation of SEA mandates

The SEA 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.

Initiator of the SEA

An authority responsible for the preparation of a strategic planning document shall initiate a strategic environmental assessment at the same time with initiation of preparation of the strategic planning document.

Contact

The Ministry of Environment is the responsible authority for SEA. 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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