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## **Questionnaire for the report of Estonia on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015**

### **Information on the focal point for the Convention**

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## Part one

### Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

#### Article 1

##### Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

(a) Yes

(b) Yes, with some differences (please provide details): "Environmental impact" means any potential direct or indirect impact of an activity on human health and well-being, the environment, cultural heritage or property.

(c) No (please provide the definition):

(d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

(a) Yes

(b) Yes, with some differences (please provide details):

(c) No (please provide the definition):

(d) There are no definitions of transboundary impact in the legislation

Your comments: The term is defined on the basis of the terms "environmental impact" and "significant environmental impact".

I.3. Please specify how major change is defined in your national legislation:

There are no definitions of "major change" in the legislation. Here the general rule for assessing environmental impact when applying for amending development consent is that the proposed activity (which is the reason for amending the development consent) potentially results in significant environmental impact. Regarding mandatory EIA the legislation includes a distinct provision which deals with the situation of changing an activity or installation or expanding a building. Otherwise screening is used (in relevant case).

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

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- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (c) By other means (please specify): Participants in the proceedings (e.g. the authorities concerned, local authorities, non-governmental environmental organisations, etc) are also notified by sending letters to them.

Your comments: As a general rule impact assessment information must be published in the official publication *Ametlikud Teadaanded* (i.e. electronic journal *The Official Announcements*). Information is also provided on the webpage of the competent authorities (e.g. in case of transboundary EIA the Ministry of the Environment) and in newspapers.

## Article 2

### General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

- (a) Law on EIA: Environmental Impact Assessment and Environmental Management System Act
- (b) EIA provisions are transposed into another law(s) (please specify):
- (c) Regulation (please indicate number/year/name):
- (d) Administrative (please indicate number/year/name):
- (e) Other (please specify):

Your comments: The general requirements regarding administrative procedures are stipulated in the Administrative Procedure Act.

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

- (a) There is no difference, all activities are transposed in the national legislation as is
- (b) It differs slightly  (please specify):

All activities of the Convention are transposed in the list of projects in the national legislation. For instance appendix I includes the activity *large-diameter oil and gas pipelines*, in the national legislation the project category has been specified according to the EIA Directive (*pipelines with a diameter of more than 800 mm and a length of more than 40 km*).

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:
- (d) There is no single authority responsible for the entire EIA procedure:

Your comments:

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Regarding domestic (national) EIA different authorities, depending on the particular development consent, can be the decision-maker (i.e. issuer of the development consent), e.g. Ministry of the Environment, Environmental Board, local authorities, Estonian Road Administration, Technical Regulatory Authority, etc.

The Ministry of the Environment is the responsible authority for carrying out (coordinating) the transboundary EIA procedure (e.g. point of contact and focal point, notifications, consultations, informing the public, etc). For instance as Party of origin in a particular case the decision-maker is the local authority, but the transboundary EIA procedure (communication with other Parties) is coordinated by the Ministry of the Environment.

Secondly, in case of transboundary EIA the Ministry of the Environment is the supervisor of EIA (the other supervisory authority is the Environmental Board). It can be added that since the second half of 2015 the supervision system has been changed (amendments to the legislation entered into force), but transboundary EIA procedures are still coordinated by the Ministry of the Environment.

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

(a) No

(b) Yes  (please specify): The Ministry of the Environment is the authority which collects information on transboundary impact assessment (i.e. Estonia as Party of origin and as affected Party).

Your comments:

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain):

The principle is that the concerned Parties are responsible for ensuring that the public and the authorities are given the opportunities to participate in the procedure and this is followed in practice. This way also national specifications and practices regarding public involvement are taken into account. Also cooperation on this particular issue can be done between the Parties if necessary.

In addition for instance in the Estonian-Finnish bilateral agreement on transboundary EIA it is stipulated that the competent authority of the affected Party shall ensure that the authorities and the public in the areas likely to be affected are provided with possibilities to comment on the proposed activity (notification and EIA documentation stages).

### **Article 3 Notification**

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

(a) During scoping

(b) When the EIA report has been prepared and the domestic procedure started

(c) After finishing the domestic procedure

(d) At other times (please specify): According to the legislation the Ministry of the Environment shall send the notification to the affected Party as soon as possible but not later

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than when the decision-maker (i.e. the issuer of development consent) gives notification of initiation of EIA in Estonia.

Your comments: In practice notification can also take place during the scoping stage (e.g. if the necessity for notifying becomes evident at this stage). As a general rule the EIA programme (i.e. scoping document) is also sent to the affected state as soon as possible.

I.11. Please define the format of notification:

(a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)

(b) The country has its own format  (please attach a copy)

(c) No official format used

Your comments: The letter of the Ministry of the Environment is used for notification. The structure of the letter is not fixed by legislation, but in practice the notification letter includes the main aspects as the format for notification as decided by the MOP.

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

(a) The information required by article 3, paragraph 2

(b) The information required by article 3, paragraph 5

(c) Additional information (please specify):

Your comments:

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, "within the time specified in the notification")? Please specify:

(a) National legislation does not cover the time frame

(b) Yes, it is indicated in the national legislation  (please indicate the time frame): The affected Party is given at least 30 days as of the date of receipt of the notification concerning the initiation of EIA to respond to the notification.

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks): This approach which refers to more than 30 days for answering is also used in practice.

Your comments: According to the bilateral agreement with Finland the timeframe for answering to the notification is two months. The same approach is also used regarding transboundary cases with Latvia (Estonia has also a bilateral agreement with Latvia).

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline:

According to the EIA legislation if the affected Party fails to respond to the notification during the specified term, the specifications for EIA in transboundary context do not apply upon assessment of environmental impact.

Still in practice if the answer delays a couple of days (e.g. if the affected Party also informs us about that), we are going to take into account the position of the affected Party. The affected Party could also be contacted additionally (e.g. point of contact or focal point). The deadline could be extended (on bilateral basis), but in this case the Ministry of the Environment should also inform the developer about that.

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I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Your comments: See also answer to question I.9.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

(a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin

(b) Based on the opinions of the competent authorities of the affected Party

(c) Based on the opinions of the competent authorities and that of public of the affected Party

(d) Other (please specify):

Your comments: The practice is that the Ministry of the Environment carries out a comprehensive consultation (i.e. informing about the submitted notification). The opinions of the authorities potentially concerned are asked, also uniting non-governmental environmental organisations are included.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

(a) Following the rules and procedures of the Party of origin

(b) Following the rules and procedures of the affected Party

(c) Other (please specify):

Your comments: The most common practice is that the rules and procedures of the Party of origin are followed. If necessary, then also the rules of the affected Party are taken into account (e.g. if the timeframes for public consultation differ remarkably) – this should be agreed between the concerned Parties. In this context also bilateral agreements can be brought out.

## **Article 4**

### **Preparation of the environmental impact assessment documentation**

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

(a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments

(b) By using quality checklists

(c) There are no specific procedures or mechanisms

(d) Other (please specify): The EIA documentation is prepared by the expert(s) together with the developer. According to the Estonian EIA system environmental impact is

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

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assessed or EIA is directed by a person who holds a licence for environmental impact assessment.

Your comments:

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify): As already brought out in the previous question the EIA documentation is prepared by the expert(s) together with the developer. So the expertise of the licenced expert (and expert group) is also an important basis.

Your comments: The requirements for the EIA documentation are stipulated in the EIA legislation. The EIA report shall contain all the reasonably required information in relation to potentially significant environmental impact (following the provisions of the EIA directive and the Espoo Convention).

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) Other (please specify):

Your comments: Of course the reasonable alternatives depend on the particular project and its characteristics. Nevertheless the alternatives should meet the objectives of the project proposed by the developer, but also the “do nothing” alternative is included.

## **Article 5**

### **Consultations on the basis of the environmental impact assessment documentation**

#### **(a) Public participation**

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify):

*As affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing

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(f) Other (please specify):

Your comments: The common practice is that the competent authority of the affected Party shall arrange for distribution of the documentation in the country of the affected Party and shall arrange for transmittal of comments of the public and the authorities.

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

(a) Yes

(b) No

Your comments:

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

(a) Yes

(b) No

Your comments: As a general rule the EIA documentation submitted by the Party of origin is put on public display. In practice sometimes also public hearings have been organized.

**(b) Consultations**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

(a) Yes, it is obligatory

(b) No, it does not have any provision on that

(c) It is optional  (please specify):

It is stipulated in the EIA legislation that at the request of the affected Party, its representative is permitted to participate in EIA proceedings and consultations will be commenced concerning environmental impact resulting from proposed activities and the measures for the mitigation or prevention of such impact.

Your comments: In practice these kind of consultations between the concerned Parties take place if necessary and where appropriate (e.g. in addition to sending letters). In this context also the bilateral agreements can be brought out – the respective joint commissions on EIA in a transboundary context.

**Article 6**  
**Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

(a) Conclusions of the EIA documentation

(b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2

(c) Outcome of the consultations as referred to in article 5

(d) Outcomes of the transboundary consultations



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- (e) Comments received from the affected Party
  - (f) Mitigation measures
  - (g) Other (please specify):

Comment: Upon making a decision to grant or refuse to grant development consent, the decision-maker must take into account the results of EIA (including the results of transboundary EIA if this is the case). The EIA legislation does not stipulate the requirements on the content of different development consents (this is regulated in the various relevant pieces of legislation regarding development consents). Still it can be said that the elements brought out in this question must be taken into account (and also covered) in the development consents.

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

- (a) Yes
- (b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

- (a) No
- (b) Yes  (please specify):

For instance the Administrative Procedure Act includes a general provision that an administrative authority shall resume administrative proceedings at the request of a person if, inter alia, new significant evidence in the matter becomes evident and the person was not aware of the evidence during the administrative proceedings. As EIA procedure is part of the procedure for issuing development consent (i.e. integrated system), then also the relevant pieces of legislation regarding development consents must be taken into count.

Your comments:

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

- (a) Yes
- (b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language:

Your comments: In the EIA legislation the term “final decision” is regarded as development consent (“tegevusluba”). This is the general term used, but there are various specific development consents with different terms – this is stipulated in the relevant pieces of legislation regarding development consents. The developer has to apply for all the necessary development consents to carry out the proposed activity (depending on the particular case).

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## Article 7

### Post-project analysis

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated):

Pursuant to the EIA legislation the EIA report must include a reasoned proposal for the establishment of the conditions of environmental monitoring (on the basis of the results of EIA of the proposed activities and reasonable alternatives therefor). The specifics regarding environmental monitoring are also stipulated in the relevant pieces of legislation regarding development consents.

Your comments: According to the bilateral agreements with Latvia and Finland, the concerned Parties shall determine the necessity of post-project analysis (e.g. environmental monitoring) taking into account the significance of environmental impact resulting from the proposed activity.

## Article 8

### Bilateral and multilateral cooperation

#### (a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes  Please specify with which countries:

Estonia has two bilateral agreements:

- Agreement Between the Government of the Republic of Estonia and the Government of the Republic of Latvia on Environmental Impact Assessment in a Transboundary context (1997);
- Agreement Between the Government of the Republic of Estonia and the Government of the Republic of Finland on Environmental Impact Assessment in a Transboundary Context (2002).

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

The texts of both agreements have been sent together with previous Espoo questionnaire (the texts of the agreements have not changed).

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

(c) Harmonization of the Parties' policies and measures

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

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(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify: Institutional and administrative arrangements for carrying out transboundary EIA are the main issues which are covered in the bilateral agreements. The agreements primarily specify the different procedural stages of transboundary EIA and the responsibilities between the concerned Parties (e.g. notification, EIA documentation, informing the public, joint EIA, etc).

Your comments: Some of the options provided under this question are rather comprehensive (they include lots of different elements) which may make the selection complicated (e.g. one part of the option applies, but the other does not). For instance in point (g) only “undertaking joint EIA” should be considered as the chosen option/issue.

**(b) Procedural steps required by the national legislation**

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure:

The conceptual structure of the EIA system of Estonia:

- application for a development consent;
- decision on EIA (mandatory or screening);
- EIA programme stage (scoping);
- EIA report stage;
- decision on the development consent (granting or refusal).

Different authorities can be the decision-makers (i.e. the issuer of the development consent). Transboundary EIA is coordinated by the Ministry of the Environment. The decision-maker must take into account the results of EIA (including the results of transboundary EIA).

Main specifications for environmental impact assessment in a transboundary context:

If the proposed activity potentially results in significant environmental impact which may be transboundary and the decision-maker initiates EIA, the decision-maker must immediately notify the Ministry of the Environment thereof.

The Ministry of the Environment will notify the affected Party, as soon as possible, but no later than when the decision-maker gives a notice of the initiation of the EIA in Estonia. A notification is sent concerning the initiation of EIA along with a description of the proposed activity and information concerning the transboundary impact potentially accompanying the proposed activity.

If the affected Party declares its wish to participate in the EIA procedure, additional materials (e.g. application for development consent, information regarding the EIA procedure and competent authority) are sent to the affected Party, unless such materials were sent before. Usually this material is already included in the notification.

The Ministry of the Environment will forward the draft EIA programme and EIA report to the affected Party as soon as possible, but not later than when the public display of the EIA documentation commences in Estonia. Where appropriate, consultations will be commenced.

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The decision-maker must promptly inform the Ministry of the Environment of granting or refusing to grant development consent necessary for the activities with transboundary environmental impact. The Ministry of the Environment will notify and forward the decision to the affected Party. Moreover, if it is agreed between the concerned Parties, then also the draft development consent is submitted to the affected Party for obtaining an opinion.

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

(a) No

(b) Yes  (please specify): The bilateral agreements include a general provision regarding joint EIA – this implies also to joint cross-border projects. For instance practical experiences have been gained with the joint EIA of the project “Balticconnector natural gas pipeline between Finland and Estonia”.

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

##### Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. EIA of construction of offshore wind farms near North-West coast of Estonia	2007	2011			
2. Aigren Kaevandus OÜ Kalkahju dolomite quarry EIA	2013				

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
3. <i>EIA of quarrying at Naha dolostone quarry in Naha mineral deposit</i>	2013				
4. <i>EIA of Balticconnector natural gas pipeline between Finland and Estonia</i>	2014	2015			
5. <i>EIA of the water permit for the pier of Pakrineeme Sadama OÜ Paldiski LNG terminal</i>	2014	2015			

Your comments: According to the bilateral agreement with Finland the competent authority of the affected Party shall arrange for transmittal of comments within two months of the receipt of the EIA documentation. In practice the same timeframe has also been agreed with Latvia.

Table II.2 (a)

**Transboundary EIA procedures: As affected Party**

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. <i>Södra Midsjöbanken wind farm in the Baltic Sea</i>	2011	2015			
2. <i>EIA for building a terminal to import and store liquefied natural gas in Porvoo</i>	2012	2013			

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
<i>Tolkkis and Inkoo, Finland</i>					
3. <i>EIA of Nord Stream extension project</i>	2013				
4. <i>EIA of an additional reactor alternative in the context of constructing a new nuclear power plant in Finland (municipality of Pyhäjoki), Fennovoima Oy</i>	2013	2014			
5. <i>EIA of Balticconnect or natural gas pipeline between Finland and Estonia</i>	2014	2015			
6. <i>Construction of European gauge public railway line "Rail Baltic 2" infrastructure</i>	2015	2015			
7. <i>Construction and operation of the First Nuclear Power Plant in Poland with capacity of up to 3750 MWe in the area of municipalities : Choczewo or Gniewino and Krokowa in Promorskie Voivodeship</i>	2015				

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Your comments: Based on the experiences regarding the previously listed transboundary EIA cases it can be said that generally about two months are given to the affected Party to submit comments concerning the environmental report. So the duration of the public display of the EIA report (i.e. public participation stage) is usually at least 30 days.

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin:

The EIA report or the exhaustive summary of the report should be translated into English or into the official language of the affected Party.

In practice usually the exhaustive summary of the EIA report is sent in English together with the summary (where the emphasis is on the significant transboundary impacts) in the official language of the affected Party.

The developer covers the expenses related to EIA (including translation costs).

(b) As affected Party:

The common practice is that EIA documentation is sent in English together with the summary in the official language of the affected Party (i.e. Estonian). Regarding the notification stage usually the attached documentation (e.g. scoping programme) is in English.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information:

It can be said that in general substantial difficulties have not been experienced.

Usually the timeframes provided by the Party of origin for answering to the notification or sending comments regarding the EIA documentation is sufficient. Still it should be kept in mind that if the respective documentation is voluminous and/or only in English, then additional time should be provided for organizing the public participation stage. As affected Party usually only public displays are organized, public hearings are less common.

From the viewpoint of an affected Party, the Party of origin should assure the sufficient quality of the translation. As we are dealing with transboundary EIA, then a bigger emphasis should be on the transboundary impacts. Nowadays it is common that the documentation is (also) sent in electronic formats which is a constructive approach.

Our experiences show that the general principle – the concerned Parties are responsible for ensuring public participation – is a well-working system: the competent authorities of the Parties are responsible for arranging public participation in their respective countries.

In any case in practice the potential difficulties are overcome by early communication between the concerned Parties if necessary.



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II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

- (a) Yes
- (b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:

Regarding the project "Balticconnector natural gas pipeline between Finland and Estonia" a joint EIA was carried out between the Parties (the possibility of joint EIA is stipulated in the bilateral agreement). Both Parties were at the same time the affected Party and the Party of origin.

Practical matters, especially the overall planning and carrying out the transboundary EIA procedures were discussed and agreed between the ad hoc working group which was specially formed for this case. Also the representatives of the developers and the EIA experts/consultants took part in these meetings. For instance a joint EIA programme was composed, the national procedures were coordinated and streamlined (e.g. content of documentation, different timeframes), etc.

Although this was the first time for Estonia to carry out a joint EIA, then in conclusion this case can be considered successful.

- (b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

See the answer to the previous question.

II.8. Would your country like to introduce a case in the form of a Convention "case study fact sheet"?

- (a) No
- (b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

- No
- Yes  (please provide details):

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Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance: The guidance is being used (if necessary) as general information and background document in planning and carrying out transboundary EIA.

Your suggestions for improving or supplementing the guidance:

### 3. Clarity of the Convention

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes  (please indicate which provisions and how they are unclear):

Comment: In general substantial difficulties have not been experienced.

### 4. Suggested improvements to the report

II.12 Please provide suggestions for how this report may be improved.

Comparing the current questionnaire with the previous Espoo questionnaires it can be said that there are remarkable improvements: the current questionnaire is shorter (e.g. no duplicating questions) and it is easier to fulfil (e.g. usually the questions also include different answering options).