

## Questionnaire for the

# REPORT OF **ESTONIA** ON THE IMPLEMENTATION OF THE PROTOCOL ON STRATEGIC ENVIRONMENTAL ASSESSMENT TO THE CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

in the period 2010-2012

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

Name and contact information:

Mr. Rainer Persidski

Ministry of the Environment

Narva mnt 7a, 15172 Tallinn

Telephone: +372 6262 973

Fax: +372 6262 801

E-mail: rainer.persidski@envir.ee

### **Information on the point of contact for the Protocol**

Name and contact information (if different from above):

Mr. Ado Lõhmus

Ministry of the Environment

Narva mnt 7a, 15172 Tallinn

Telephone: +372 6262 846

Fax: +372 6262 801

E-mail: ado.lohmus@envir.ee

### **Information on the person responsible for preparing the report**

- i. Country: Estonia
- ii. Surname: Persidski
- iii. Forename: Rainer
- iv. Institution: Ministry of the Environment

- v. Postal address: Narva mt 7a, 15172 Tallinn, Estonia
- vi. E-mail address: [rainer.persidski@envir.ee](mailto:rainer.persidski@envir.ee)
- vii. Telephone number: +372 6262 973
- viii. Fax number: +372 6262 801

Date on which report was completed: 20.05.2013

# PART ONE – CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE PROTOCOL

*In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not experience in the application of the Protocol.*

## Article 2 - Definitions:

1. Is the definition of plans and programmes for the purpose of the Protocol the same in your legislation as in article 2, paragraph 5? Please specify.

- a) Yes ☐
- b) Yes, with some differences: X
- c) No (please provide the definition):
- d) There are no definitions of plans and programmes in the legislation ☐

Your comments: In the national legislation the general term "strategic planning document" is used instead of the term "plans and programmes".

2. Is the definition of "environmental, including health effect" in your legislation the same as in article 2, paragraph 7? Please specify.

- a) Yes ☐
- b) Yes, with some differences: X
- c) No (please provide the definition):
- d) There is no definition of "environmental, including health effect" in the legislation ☐

Your comments: The general term used in national legislation - environmental impact - does not list the specific environmental factors (e.g. soil, fauna, etc), but it refers to the general term "effect on the environment". This is clarified in more detail in other pieces of the legislation (e.g. requirements on the content of the SEA report). At the same time for instance "human health" is named separately in the general term "environmental impact".

3. Is the definition of "the public" according to article 2, paragraph 8, in your legislation the same as in the Protocol? Please specify.

- a) Yes ☐
- b) Yes, with some differences:

- c) No (please provide the definition): X - for instance according to national legislation the SEA programme shall specify the persons and authorities which may be affected or which have reasoned interest in the strategic planning document. Concerning specific pieces of legislation for instance the Planning Act also specifies which authorities and persons must be included in the co-operation in preparation of plans.

According to national legislation on SEA the general approach is that each interested person (including NGOs) and persons whose rights may be affected by the plan or programme, can participate in SEA. National legislation also specifies how and which authorities and persons (including NGOs) must be informed about the different administrative proceedings within the SEA (e.g. publication of the SEA documentation).

- d) There is no definition of the public in the legislation ☐

Your comments:

4. Are there any conditions for non-governmental organizations to be able to take part in the assessment procedure? Please specify.

a) Yes (please provide the conditions):

b) No ☐

Your comments:

### **Article 3 – General provisions:**

5. Provide legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (you can choose more than one option).

a) Law on SEA (please indicate number/year/name): The provisions of the Protocol are transposed into national legislation by the provisions of the Environmental Impact Assessment and Environmental Management System Act which entered into force on April 3, 2005.

b) SEA 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 Act Ratifying the Amendments to the Convention on Environmental Impact Assessment in a Transboundary Context and the Protocol on Strategic Environmental Assessment was ratified by the Parliament of Estonia on January 13, 2010. The Protocol entered into force on July 11, 2010.

6. Indicate the specific legislation in your country, if any, that assures that the requirements of article 3, paragraphs 6 and 7, are met, and that these rights of the public are observed (you can choose more than one option).

- a) Constitution ☐
- b) Law on public participation (please indicate number/year/name):
- c) Law on SEA ☐
- d) Legislation which transposes the Protocol on SEA (please indicate number/year/name):  
X (see also answer to question 5)
- e) Legislation which transposes the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (please indicate number/year/name): X - the Aarhus Convention was ratified by the Parliament of Estonia in June 6, 2001.
- f) Other (please, specify): Administrative Proceedings Act, Public Information Act, Planning Act, etc.

Your comments: The principles and provisions of public participation and access to justice (including the Aarhus Convention) are stipulated in different pieces of national legislation (e.g. referred in point 6f).

#### **Article 4 – Field of application**

7. List the types of plans and programmes that require SEA in your legislation (art. 4, para. 2).

- strategic planning document which is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and depending on the particular proposed activities (annex I and annex II of the Protocol);
- national, county and comprehensive plan;
- detailed plan (depending on the particular proposed activities);
- strategic planning document which is the basis for activities which are likely to significantly affect a Natura 2000 site.

8. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4, para. 2).

This is interpreted as the strategic planning document being the basis (or precondition) for future development consent(s) which is required for the particular proposed activities, i.e. the degree to which the strategic planning document sets the framework for the proposed activity (containing measures either with regard to the location, nature and operating conditions or by allocating resources).

9. Explain how the terms “plans and programmes . . . which determine the use of small areas at local level” (art. 4, para. 4) are interpreted in your legislation.

This is interpreted as detailed plans which SEA depends on the particular proposed activities (mandatory SEA or screening).

10. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4).

There is not a separate definition of the term "minor modification" in the SEA law, but screening must be carried out if amendments are made to the strategic planning documents which require SEA (see also answer to question 7).

### **Article 5 – Screening**

11. How do you determine which other plans and programmes should be subject to a SEA according to article 4, paragraphs 3 and 4 (art. 5, para. 1)? Please specify.

- a) On a case-by-case basis ☐
- b) By specifying types of plans and programmes ☐
- c) By using a combination of (a) and (b) ☐
- d) Other (please specify):

Your comments: As a general rule screening is carried out for strategic planning documents which types are specified in national legislation. At the same time it must be taken into account that the list is not exhaustive in this sense that case-by-case approach might also be applied if necessary. According to national legislation screening must be carried out also if activities for which a development consent is required are proposed in the strategic planning document which is not specified in the respective part of the legislation.

12. Describe the procedures required in your legislation for consulting the environmental and health authorities (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 1). If different in screening, scoping and on the draft plans and programmes and the environmental report, please specify.

In principle the procedure for consulting the authorities is the same in different stages of SEA - all concerned authorities (depending on the particular case) must be informed and included in the process. During screening and scoping the opinions of all concerned authorities must be asked (e.g. during scoping the SEA programme is sent to the authorities). Publication of the SEA documentation might be regarded more as general informing and exchange of information, but of course opinions can be expressed by the authorities and the public.

13. Do you provide opportunities for the public concerned to participate in screening and/or scoping of plans and programmes in your legislation (art. 5, para. 3, and art. 6, para. 3)? If yes, please specify (you can choose more than one option).

- a) By sending written comments to the competent authority ☐
- b) By sending written comments to the local municipality ☐
- c) By providing answers to a questionnaire ☐
- d) By taking part in a public hearing ☐
- e) There are no opportunities for public participation in screening and/or scoping ☐
- f) Other (please specify): By sending written comments to the consultants/SEA experts or persons preparing the strategic planning document.

Your comments: Opportunities for public participation are provided in scoping stage. The method of questionnaires have been used, but this is not the general practice.

14. At what stage of the procedure for a plan or programme does your legislation require you to make the screening decision publicly available? What information do you provide in the screening decision (art. 5, para. 4)?

According to national legislation a decision to initiate or not require the SEA shall be given notification of within fourteen days after the decision is made (as a general rule SEA is initiated at the same time with initiation of preparation of the strategic planning document).

Specific requirements on the content of the decision to initiate or not require a SEA are stipulated in the national legislation (e.g. objective of the strategic planning document, persons responsible for the preparation, information on accessing the decision, etc). In particular the decision must include the reasons (relevant justification) for initiation of or not require SEA. Also the opinion of the authorities on the need for initiation of the SEA must be included.

Additionally a notice of initiation of or not requiring the SEA must also include at least the same information described previously.

## **Article 6 – Scoping**

15. How do you determine what is relevant information to be included in the environmental report in accordance with article 7, paragraph 2 (art. 6, para. 1)? Please specify (you can choose more than one option).

- a) By using annex IV ☐
- b) By using the comments from the concerned authorities ☐

- c) By using the comments from the public concerned, if it has been consulted ☐
- d) As determined by the competent authority based on its own expertise ☐
- e) By using other means (please specify): Consultants/SEA experts.

Your comments: According to the national legislation an expert shall prepare the SEA programme and SEA report in cooperation with a person preparing the strategic planning document. So generally the first input comes from them, but of course the comments of the authorities and the public are also important input - this is done via the SEA programme stage.

## **Article 7 – Environmental report**

16. How do you determine “reasonable alternatives” in the context of the environmental report (art. 7, para. 2)? Please specify.

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

Your comments: Reasonable alternatives must be identified, described, assessed and compared in the SEA report. This is done on a case-by-case basis, depending on the particular strategic planning document (e.g. alternatives differ in a general development plan and in spatial planning).

17. How do you ensure sufficient quality of the reports? Please specify.

- a) The competent authority checks the information provided and ensures it includes all information required under annex IV as a minimum before making it available for comments ☐
- b) By using quality check lists ☐
- c) There are no specific procedures or mechanisms ☐
- d) Other (please specify): Consultants/SEA experts; thorough participation of the authorities and the public in the SEA process; supervisor of SEA as a separate institution, etc.

Your comments: As described in question 15, expert shall prepare the SEA documentation in cooperation with a person preparing the strategic planning document. Specific criteria are stipulated for the SEA experts in national law. Thorough public participation is also regarded as a general, but important element of quality control (e.g. the scoping stage).

The supervisor of SEA (The Environmental Board or the Ministry of the Environment) is also an important institution in the SEA process which deals with the quality issues (e.g. verification of the compliance of the SEA documentation and the SEA procedure with the requirements of the legislation, etc). The SEA documentation is submitted to the supervisor after the public consultation when it has been amended accordingly (compared to answer 17a).

## **Article 8 – Public participation**

18. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (you can choose more than one option).



- a) Through public notices ☐
- b) Through electronic media ☐
- c) Through other means (please specify): Official publication Ametlikud Teadaanded, newspapers, webpages, letters.

Your comments:

19. How do you identify the public concerned (art. 8, para. 3)? Please specify (you can choose more than one option).

- a) Based on the geographical location of the plans and programmes ☐
- b) By making the information available to all public and letting them identify themselves as public concerned ☐
- c) By other means (please specify): The public concerned can primarily also be identified based on the particular strategic planning document, its content and environmental effects (e.g. cumulative effects which might cross borders).
- d) Your comments:

20. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (you can choose more than one option).

- a) By sending comments to the relevant authority/focal point ☐
- b) By providing answers to a questionnaire ☐
- c) Orally ☐
- d) By taking part in a public hearing ☐
- e) Other (please specify): By sending written comments to the consultants/SEA experts or persons preparing the strategic planning document.

Your comments: According to the national legislation the organization of public display and public hearing is an obligation both in the SEA programme and SEA report stage. So opinions are expressed orally in the public hearing.

Additionally the SEA documentation must include also the proposals, objections and questions of authorities and persons, and an overview of the justifications for taking into account of or refusal to take account of the proposals, objections and questions. Written questions must be responded to by sending letters.

21. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify.

- a) Yes (please provide the definition):
- b) No, the time frame is given by a number of days for each commenting period ☐
- c) No, it is defined case by case ☐
- d) Other (please, specify): The duration of the public display of the SEA documentation is stipulated in the national legislation.

Your comments: There is not a definition of the term, but as a minimum the public display of the SEA programme is fourteen days. The duration of the public display of the SEA report must be the same as of the draft strategic planning document, but at least twenty-one days.

So in practice case by case approach is also used, depending on the particular strategic planning document (e.g. the volume and content of the documentation, etc).

## **Article 10 – Transboundary consultations**

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

- a) During scoping ☐
- b) When the draft plan or programme and the environmental report have been prepared ☐
- c) At other times (please specify):

Your comments: According to national legislation if it becomes evident upon preparation of a SEA programme that the implementation of a strategic planning document is likely to have significant transboundary impacts, the affected Party shall be notified as soon as possible or at least at the same time when the publication of the SEA programme is organized in Estonia. Nevertheless it has to be taken also into account that significant transboundary impacts may occur during draft strategic planning document stage (e.g. spatial planning).

It can be brought out that during the period in question our experiences in applying the Protocol in a transboundary context are little (especially as Party of origin).

Although according to the Protocol the notification must also include the draft plan or programme and the SEA report, then from a practical point of view it would be purposeful if the affected Party can participate also in the scoping stage, especially as scoping is mandatory according to the Protocol. In this sense at least informal communication between the parties would be advisable.

23. As a Party of origin, what information, do you include in the notification (art. 10, para. 2)? Please specify.

- a) The information required by article 10, paragraph 2 ☐
- b) The information required by article 10, paragraph 2, plus additional information (please specify): Also the following information is included:
  - the name and description of the strategic planning document;
  - information on the person who prepares and adopts the strategic planning document;
  - a schedule for preparation of the strategic planning document and carrying out the SEA and a short description of the likely environmental impacts resulting from the implementation of the document;
  - the term for responding to the notification and submission of comments.

Your comments:

24. As a Party of origin, does your legislation indicate a reasonable time frame for the transmission of comments from the affected Party (art. 10, para. 2)? Please specify.

- a) Yes (please, indicate how long):
- b) No ☐

Your comments: The national legislation does not refer to an explicit time frame, but it is stipulated that the competent authorities of the concerned parties shall ensure that the public and the authorities of the state which is likely to be significantly affected are notified and allow them sufficient time for the submission of opinions. The necessary procedures and actual schedule for relevant consultations shall be agreed.

25. If the affected Party has indicated that it wishes to enter into consultations, how are the detailed arrangements, including the time frame for consultations, agreed (art. 10, paras. 3 and 4)? Please specify.

- a) Following those of the Party of origin ☐
- b) Following those of the affected Party ☐
- c) Other (please specify): It is stipulated in the national legislation that the competent authorities of the concerned parties shall agree on all the necessary procedures and an actual schedule for relevant consultations.

Your comments:

#### **Article 11 – Decision**

26. When a plan or programme is adopted, explain how your country ensures that due account is taken of the (art. 11, para. 1).

- a) Conclusions of the environmental report ☐
- b) Mitigation measures ☐
- c) Comments received in accordance with articles 8 to 10 ☐

Your comments: It is stipulated in national legislation that upon preparation of a strategic planning document, the following shall be taken into account:

- the results of SEA and the adopted monitoring measures (the latter done by the supervisor);
- the opinions submitted by authorities and persons to the extent possible;
- the results of transboundary consultations.

27. How and when do you inform your own public and authorities (art. 11, para. 2)?

According to national legislation a person responsible for the preparation of a strategic planning document shall give notification of adoption of the strategic planning document by electronic means or sending a letter within fourteen days after the decision on the adoption is made to:

- the concerned authorities and persons;
- a supervisor of the SEA;
- the affected Party which participated in transboundary consultations.

The access to all relevant material and information (e.g. adopted strategic planning document, an overview on how the results of SEA have been taken into account, etc) must be provided.

The specifics of informing the public on the adoption of a strategic planning documents are also stipulated in other relevant pieces of legislation (e.g. regarding spatial planning in the Planning Act).

28. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?  
Please specify.

- a) By informing the point of contact ☐
- b) By informing the contact person of the ministry responsible for SEA, who then follows the national procedure and informs his/her own authorities and public ☐
- c) By informing all the authorities involved in the assessment and letting them inform their own public ☐
- d) Other (please, specify):

Your comments: As described in the previous question the person responsible for the preparation of a strategic planning document has to inform also the affected Party.

In practice also the direct contacts between the parties (the point of contacts, the relevant ministries) can be used. Also the relevant authorities can be informed directly (e.g. if thorough collaboration has been done during the transboundary SEA process).

## **Article 12 – Monitoring**

29. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes adopted under article 11 (art. 12, paras. 1 and 2).

According to national legislation the SEA report must include 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.

Monitoring measures are adopted by the supervisor of SEA. The objective of approval of the monitoring measures is to identify at an early stage the significant negative environmental impact resulting from the implementation of a strategic planning document, and to be able to apply measures for the prevention and mitigation of such effect. The approved monitoring measures are mandatory to the person implementing a strategic planning document.

According to Public Information Act the information concerning the state of environment, environmental damage and dangerous environmental impact (etc) must be publicly available.

## **Article 13 – Policies and legislation**

30. Do you have national legislation on the application of principles and elements of the Protocol as regards policies and legislation (art. 13, paras. 1–3)? Please specify.

- a) Yes (please specify which articles of the Protocol apply): Yes - art. 13 paras. 1-3.
- b) No ☐

Your comments: The principles and elements of art. 13 of the Protocol can be found in different pieces of national legislation. Thereby environmental concerns are considered and integrated in the process, also transparency is ensured.

For instance according to the regulation on the regulation of the Government of the Republic of Estonia in elaborating draft acts and draft regulations its impacts must be assessed. The draft legislation must also be co-ordinated between the ministries and the Government Office. Concerned stakeholders must be included in the elaboration work.

According to the regulation of the Government of the Republic on good lawmaking and legislative drafting the explanatory memorandum of the draft act and draft regulation must also include (resulting from the implementation) the likely impacts on the environment, social impacts, economic impacts, etc. The opinions and proposals of the public must be included in the explanatory memorandum (and also the respective reasoning). The referred regulation also deals with ex-post evaluation of the impacts of the acts. In certain cases also the intention of elaborating a new act must be composed and co-ordinated. Here also the methodology on assessing the likely impacts of draft acts (approved by the Government of the Republic) are used.

Thorough the proceedings of the draft legislation also the concerned authorities and the public (including non-governmental organizations) must be informed and possibilities for public participation must be provided. Here the best practice on public participation (approved by the Government of the Republic) is applied.

## **PART TWO – PRACTICAL APPLICATION DURING THE PERIOD 2010 -2012**

*In this part, please report on your country's practical experiences in applying the Protocol (and not your country's procedures, which were described in part one). The focus of this section should be on identifying good practices as well as difficulties encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol in your country and innovative approaches to improve its application.*

31. Does your country object to the information on SEA procedures provided in this section being compiled and made available on the website of the Protocol? Please specify (indicate "yes" if you object).

- a) Yes ☐
- b) No ☐

### **DOMESTIC AND TRANSBOUNDARY IMPLEMENTATION IN THE PERIOD 2010–2012**

32. Which competent authority/authorities are responsible for carrying out the SEA procedure in your country? Please specify.

- a) If they are different for different types of plans and programmes ☐
- b) If they are different at different levels (national, regional, local) ☐
- c) If they are different for domestic and transboundary procedures ☐

- d) Please name the responsible authority/authorities: Different types of plans and programmes at different level are covered. For instance spatial planning: national plan (administration by Estonian Ministry of the Interior); county plan (county governments); comprehensive plan and detailed plan (rural municipalities and cities). Different strategic development plans are administered by ministries.

In case of transboundary SEA the Ministry of the Environment is the authority co-ordinating the procedure between the states (e.g. notification, submission of documentation, etc.). As described earlier the Ministry of the Environment and the Environmental Board also act as supervisors in the SEA process.

It can be added that due to the concept and structure of national system the role of SEA experts and persons preparing the strategic planning document is also important in carrying out the SEA procedure.

33. Does your SEA documentation always include a specific (sub)chapter on information on potential transboundary effects? Please specify.

- a) Yes ☐ According to national legislation the SEA documentation must contain information on potential transboundary effects, but this must not be done in the form of a specific chapter in the documentation (especially when significant transboundary effects are not likely).
- b) No, only when potential transboundary effects are identified ☐

#### CASES DURING THE PERIOD 2010-2012

34. If possible, provide the (approximate) number of domestic and transboundary SEA procedures initiated during the given period and list them by referring to the sectors in article 4, paragraph 2.

There is not an official database on the statistics, but on the basis of available information and experiences the number of domestic SEAs during the given period is presumably over 200. Here the majority is formed by SEAs of spatial plans of rural municipalities and cities.

The number of transboundary SEAs where Estonia is Party of origin is one (ongoing procedure with Finland). During the given period Estonia has been notified pursuant to the Protocol by Poland on the SEA on Polish Nuclear Power Programme (Estonia did not participate).

#### EXPERIENCE WITH THE STRATEGIC IMPACT ASSESSMENT PROCEDURE IN 2010-2012

35. If your country has had practical experience in implementing the Protocol, has this supported the integration of environmental, including health, concerns into the development of plans and programmes? Have the conclusions included in the environmental report influenced the drafting and resulted in altering of a plan or programme? Please, provide examples, if you have this information.

Based on practical experiences it can be said that in general the implementation of the Protocol has supported the integration of environmental, including health, concerns into the development of plans and programmes. At the same time in practice the magnitude of influence may differ, depending on the particular strategic planning document and its SEA.

36. If your country has experienced substantial difficulties interpreting particular terms (or particular articles) in the Protocol, please indicate them. Does your country work together with other Parties to find solutions? If not, how does your country overcome the(se) problem(s)? Please, provide examples, if available.

Generally it can be said that major difficulties have not been experienced and in this sense continuous or specific collaboration with other Parties has not been done. At the same time it can be brought out that different issues regarding the Protocol have been dealt with in various working groups. In practice also communication between the Parties takes place if necessary for instance concerning transboundary issues (e.g. time of notification, timeframes, translation of documentation, etc). Nationally difficulties may arise in relation to specific strategic planning document, particularly regarding the level of detail and the requirements to be fulfilled (e.g. documentation on national and local level).

In this context it can be brought out that Estonia has gained practical experiences also by implementing the SEA Directive which in essence is similar to the Protocol.

37. Please share with other Parties your country's experience of applying the Protocol in practice, if such information is available. 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. Please detail:

a) Your country's experience with domestic procedures:

- i. Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes?

As described earlier according to national legislation the supervisor of SEA adopts the monitoring measures of environmental impact resulting from the implementation of the strategic planning document (based on the SEA report).

Nevertheless this is an issue which can be improved. From a practical point of view again the aspect of the level of the strategic planning document can be brought out (e.g. monitoring measures of national plan compared to local spatial plans).

- ii. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case to be published on the website of the Convention and its Protocol as a "case study fact sheet"?

In a way an example of good practice can be regarded the procedure of the new national spatial plan which was adopted by the Government of the Republic of Estonia in 2012. Particularly the element of consultation and public participation can be brought out (e.g. early preparation and planning of the whole procedure; different working groups were established; various experts were included; widespread consultations with authorities and the public; special website was made, etc). It has to be taken into account that the national plan is prepared for the entire territory of the state and it is the most general type of spatial planning (and so is correspondingly the level of detail).

We would not like to present a case to be published as a case study fact sheet.

b) Your country's experience with transboundary procedures:

- i. Translation is not addressed in the Protocol. How has your country addressed the question of translation? What difficulties has your country experienced in relation to translation and interpretation, and what solutions has your country applied?

As described earlier, as a first step potential difficulties are overcome by early communication between the Parties if necessary.

It can be brought out that Estonia has a bilateral agreement with Latvia and a bilateral agreement with Finland. Although these agreements are on transboundary EIA, then the same relevant principles and arrangements can also be used in case of transboundary SEA if necessary (the general approach supported by the joint commissions).

Nevertheless our general experience in transboundary SEA is little.

- ii. What does your country usually translate as a Party of origin?

The SEA documentation (or relevant summary, concentrating on transboundary issues) and other material should be translated into English or the official language of the affected Party. Here again the aspect of bilateral agreements referred to in the previous question can be brought out.

- iii. Has your country carried out transboundary public participation according to article 10, paragraph 4? If so, how? Was your country the Party of origin or the affected Party? What has been your country's experience of the effectiveness of public participation? Has your country experienced difficulties with the participation of its public or the public of another Party? (E.g., have there been complaints from the public about the procedure?



Estonia as Party of Origin has an ongoing transboundary SEA with Finland. The general approach (as in the Espoo Convention) is used that the concerned Parties are responsible for public participation. Thereby the affected Party shall arrange the informing and distribution of materials in the country of the affected Party, also the transmittal of the comments of the authorities and the public. Additional details can be agreed between the concerned Parties if necessary (e.g. via point of contacts). Estonia as an affected Party follows the same approach as described previously. Thereby the general experience of the effectiveness of public participation is good.

We have not experienced difficulties with public participation.

- iv. Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes? If yes, describe such examples, if possible.

No experience.

- v. Please provide examples of good practice cases, whether complete cases or good practice elements (e.g., consultation or public participation) within cases. Would your country like to present a case within a “case study fact sheet” to be published on the website of the Convention and its Protocol?

As our general experience in transboundary SEA is little, we would not like to present a case to be published as a case study fact sheet.

## COOPERATION BETWEEN PARTIES IN 2010–2012

38. Does your country have any successful examples of how it has overcome difficulties arising from different legal systems in neighbouring countries?

There are not particular examples to present, but in practice potential difficulties are overcome by early consultation (e.g. exchange of information, potential problems and solutions, agreement on the particular procedure, etc) with neighbouring countries if necessary. This kind of communication can take place even before the official notification stage.

## EXPERIENCE REGARDING GUIDANCE IN 2010–2012

39. Are you aware of any use in your country of the Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment available online<sup>1</sup>? If yes, please describe any experience with using this guidance document and how it might be improved or supplemented.

We are not aware of the widespread use of the Resource Manual. Taking into account that the manual is substantial, then this can potentially impede its wide use in practice. Therefore it is reasonable that also the Simplified Resource Manual is available.

40. Do you provide any assistance and guidance to the public? If yes, please specify.

---

<sup>1</sup> [http://www.unece.org/env/eia/pubs/sea\\_manual.html](http://www.unece.org/env/eia/pubs/sea_manual.html)

Guidance is provided to the public (and also to authorities, experts, etc) via general promotion of the Protocol. For example relevant information can be found on the webpage of the Ministry of the Environment, including the Simplified Resource Manual.

41. Do you support associations, organizations or other groups that promote the Protocol? If yes, please specify which and how.

Specific designated financial support is not provided. Nevertheless collaboration (e.g. via exchange of information, recommendations, etc) can be viable.

42. Has your country had difficulties implementing the procedure defined in the Protocol?

No major difficulties (based on the general experiences). Issues on transboundary notification have been described in question 23.

## AWARENESS OF THE PROTOCOL

43. Does your country see a need to improve the application of the Protocol in your country and, if so, how does it intend to do so?

The general awareness and in this context the application can be improved firstly by wider promotion (in addition to the similar SEA Directive). From a general point of view it can be brought out that the Espoo Convention is a well-known instrument, whereas presently the Protocol is rather not. So in this context more time and experiences are needed for improvements.

## SUGGESTED IMPROVEMENTS TO THE REPORT

44. Please provide suggestions for how this report may be improved.

It is a viable approach that the questionnaire includes also different answers to choose from, so that the emphasis is not on the extensive description of national legislation. At the same time the answer "other" is provided, it is also possible to leave explanatory comments if necessary.

\* \* \* \* \*