

Questionnaire for the report of ESTONIA on the implementation of the Protocol on Strategic Environmental Assessment in the period 2016–2018

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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 3 General provisions

I.1. Please provide the main legislative, regulatory and other measures you have adopted in your country to implement the Protocol (art. 3, para. 1) (more than one option may apply):

(a) Law on SEA (please indicate number/year/name):

Environmental Impact Assessment and Environmental Management System Act

(b) SEA provisions are transposed into another law(s) (please specify):

Planning Act

(c) Regulation (please indicate number/year/name):

(d) Administrative rule (please indicate number/year/name):

(e) Other (please specify):

Your comments:

Since July 2015, when the new Planning Act and also the amendments to the Environmental Impact Assessment and Environmental Management System Act entered into force, regarding SEA of spatial plans the following approach is in use. The SEA that is conducted in the course of preparing a spatial plan is subject to the procedural requirements arising from the Planning Act. The requirements to the content of the SEA report and other conditions are established in the Environmental Impact Assessment and Environmental Management System Act.

Article 4 Field of application concerning plans and programmes

I.2. List the types of plans and programmes that require SEA in your legislation:

SEA is mandatory in the following cases:

– 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 spatial plan, national designated spatial plan, local government designated spatial plan, county-wide spatial plan, comprehensive plan;

– detailed spatial plan on the basis of which an activity that requires an EIA under national legislation is proposed;

– strategic planning document that serves as the basis for an activity which, according to objective information, may alone or in conjunction with other activities potentially significantly adversely affect the protection purpose of a Natura 2000 site and which is not directly related to or necessary for the protection procedure of the site.

Screening: the need for the initiation of SEA must be considered and a preliminary estimate thereof must be given if:

- amendments are made to the strategic planning document specified in the list above;
- a county-wide spatial plan or a comprehensive plan is drawn up as a thematic spatial plan;
- a detailed spatial plan is drawn up in an event specified in clause 142 (1) 1) or 3) of the Planning Act;
- a detailed spatial plan regulating an activity that belongs to the field specified in subsection 6 (2) of the Act and that is specified in a regulation established on the basis of subsection 6 (4) of the Act is drawn up. (*Act – Environmental Impact Assessment and Environmental Management System Act*)

Comment: in the Environmental Impact Assessment and Environmental Management System Act the general term “strategic planning document” is used as the equivalent for the Protocol’s term “plans and programmes”.

I.3. 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).

I.4. 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 in a general way by defining possible strategic planning documents in the legislation. Here mainly detailed spatial plans can be brought out which SEA depends on the particular proposed activities (mandatory SEA or screening).

I.5. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4, para. 4):

This is interpreted as modifications to the strategic planning documents (which require SEA) being subject to screening if they potentially result in significant environmental impact (see also answer to question I.2).

Article 5 Screening

I.6. How do you determine which other plans and programmes should be subject to a SEA as set out in article 4, paragraphs 3 and 4, in accordance with article 5, paragraph 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:

I.7. 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)?

No

Yes (please specify (more than one option may apply)):

- (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) By sending written comments to the consultants/SEA experts or persons preparing the plans and programmes
- (f) Other (please specify):

Your comments:

Opportunities to participate in scoping are provided. Comments are sent to the person preparing the strategic planning document or the coordinator of preparation of the strategic planning document. For instance, a local municipality can also be the competent authority who is preparing the strategic planning document. The method of answering to questionnaires is not the general practice.

Article 6 Scoping

I.8. How do you determine what is the relevant information to be included in the environmental report, in accordance with article 7, paragraph 2 (art. 6, para. 1)?

The relevant information to be included in the SEA report depend on the particular strategic planning document and its characteristics (e.g. the proposed activities).

According to the Environmental Impact Assessment and Environmental Management System Act, the leading expert (expert group) will prepare the SEA programme (i.e. scoping document) and SEA report in cooperation with the person preparing the strategic planning document. Minimum requirements are stipulated for the content of SEA programme and SEA report. So generally the first input comes from these parties (i.e. their expertise).

The organization of public display and public hearing is an obligation both in the SEA programme and SEA report stage. So of course the comments of the authorities and the public are also an important input in this regard. Furthermore, before the publication stage, the SEA documentation is also sent to the authorities concerned for asking an opinion.

Regarding SEA of spatial plans the approach is similar. The procedural requirements arising from the Planning Act must be taken into account (i.e. the requirements for the planning procedure of the particular spatial plan type). For instance, scoping takes place in the stage of memorandum of intention to conduct SEA of the spatial plan.

Article 7

Environmental report

I.9. 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):
- (c) By using a combination of (a) and (b)
- (d) Other (please specify):

Your comments:

I.10. 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 checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

As already described in question I.8., the leading expert (expert group) shall prepare the SEA documentation in cooperation with the person preparing the strategic planning document. In the Environmental Impact Assessment and Environmental Management System Act specific criteria (competence requirements) are stipulated for the SEA leading expert. In particular, the environmental impact arising from the implementation of a detailed spatial plan may be assessed by or the assessment may be led by a leading expert who holds a licence for EIA.

Your comments:

According to the Environmental Impact Assessment and Environmental Management System Act, in the stage of asking for opinion of the authorities concerned on the SEA report (a separate stage before the publication of the SEA report) the coordinator of preparation of the strategic planning document will verify the compliance of the SEA report with the requirements. The publication stage is followed by the stage of verification of compliance of the SEA report with requirements. As part of the verification of compliance stage, the SEA report is also sent to the authorities concerned for approval.

Regarding spatial plans for instance as a common rule the planning procedure includes, inter alia, also the approval stage (i.e. the proposed spatial plan and SEA report are submitted for approval to the authorities and persons concerned). Depending on the particular type of spatial plan, the requirements for the planning procedure may vary.

Thorough public participation is also regarded as a general, but important element of quality control.

Article 8 Public participation

I.11. How do you ensure the “timely public availability” of draft plans and programmes and the environmental report (art. 8, para. 2)? Please specify (more than one option may apply):

- (a) Through public notices
- (b) Through electronic media
- (c) Through other means (please specify):

Official publication *Ametlikud Teadaanded* (i.e. electronic journal *The Official Announcements*), newspapers, letters, webpages.

Your comments:

I.12. How do you identify the public concerned (art. 8, para. 3)? Please specify (more than one option may apply):

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means (please specify):

Your comments:

I.13. How can the public concerned express its opinion on the draft plans and programmes and the environmental report (art. 8, para. 4)? Please specify (more than one option may apply):

- (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):

Your comments:

Opinions are expressed orally in the public hearing. The method of answering to questionnaires is not the general practice. See also answer to question I.8.

I.14. Do you have a definition in your legislation of the term “within a reasonable time frame” (art. 8, para. 4)? Please specify:

- (a) No, the time frame is determined by the number of days fixed for each commenting period
- (b) No, it is defined case by case
- (c) Yes (please provide the definition):

- (d) Other (please specify):

The duration of the public display of the SEA documentation is stipulated in the national legislation.

Your comments:

There is no separate definition of the term, but according to the Environmental Impact Assessment and Environmental Management System Act the public display of the SEA report must last as long as the public display of the draft strategic planning document, but not less than 21 days. So in this context the term “reasonable time frame” is defined as a minimum of 21 days.

Regarding spatial plans also minimum timeframes for the respective stages of the planning procedures have been stipulated in the Planning Act.

Article 9

Consultation with environmental and health authorities

I.15. How are the environmental and health authorities identified (art. 9, para. 1):

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

Your comments:

According to the Environmental Impact Assessment and Environmental Management System Act, the coordinator of preparation of the strategic planning document will give notice of the public display of and the public hearing regarding the SEA programme and the SEA report. Inter alia, the persons and authorities which may be affected or which may have a reasoned interest in the strategic planning document must be informed. Also the opinion of the authorities concerned is asked on the SEA programme and the SEA report (this stage takes place before of the publication of documentation).

The act includes a comprehensive indicative list of different authorities likely to be concerned. But of course the concrete authorities to be notified/consulted depend on the particular case. However, the Environmental Board or the Ministry of the Environment must always be consulted.

Regarding SEA of spatial plans the approach (the authorities and persons to be notified/consulted) is similar and the requirements are stipulated in the Planning Act.

I.16. How are the arrangements for informing and consulting the environmental and health authorities determined (art. 9, para. 4):

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

Your comments:

The national legislation includes minimum requirements and arrangements for informing and consulting the authorities concerned (see also answer to the previous question).

I.17 Does your national legislation call for consultations with environmental and health authorities?

(a) Yes

(b) No

I.18. How can the environmental and health authorities express their opinion (art. 5, para. 2, art. 6, para. 2, and art. 9, para. 3):

(a) By sending comments

(b) By providing answers to a questionnaire

(c) In a meeting

(d) By other means (please specify)

Your comments:

In addition to sending comments, according to the Environmental Impact Assessment and Environmental Management System Act in the stage of verification of compliance of the SEA report, the report is also sent to the authorities concerned for approval. As described earlier the planning procedures also commonly include the approval stage.

Article 10

Transboundary consultations

I.19. 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): initiation of SEA

Your comments:

According to the Environmental Impact Assessment and Environmental Management System Act, if SEA is initiated regarding a strategic planning document whose implementation is likely to have significant transboundary impact, or if it becomes evident upon preparation of a SEA programme or SEA report that the implementation of a strategic planning document is likely to have significant transboundary impact, the coordinator of preparation of the strategic planning document must inform the Ministry of the Environment thereof. The Ministry of the Environment will send to the state that is likely to be significantly affected a notification.

The purpose of early notification is to provide the potentially affected party also a possibility to participate already in the scoping stage (if significant transboundary impacts are evident). However, significant transboundary impacts may become evident only at the draft strategic planning document/SEA report stage. In this context in practice also the approach of informal notification is used.

Regarding spatial plans also the requirements for the planning procedures (different types of spatial plans) must be taken into account.

I.20. 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 brief description of the strategic planning document;
- information on the author of and on the person who adopts the strategic planning document;
- a schedule for preparation of the strategic planning document and carrying out the SEA and a brief description of the likely environmental impact resulting from the implementation of the document;
- the term for responding to the notification and submission of comments.

Your comments:

Depending on the particular case also other additional information is included, where relevant. See also answer to the previous question.

I.21. 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) No
- (b) Yes (please indicate how long):

Your comments:

The Environmental Impact Assessment and Environmental Management System Act does not refer to an explicit timeframe, but it is stipulated that during the consultations the competent authorities of the parties concerned will ensure that the public and 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 schedule for relevant consultations shall be agreed.

In practice usually the timeframe of 30 to 60 days is proposed by the party of origin for the commenting period.

I.22. If the affected Party has indicated that it wishes to enter into consultations, how do the Parties agree on detailed arrangements to ensure that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, paras. 3 and 4)?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) Other (please specify):

Your comments:

The common practice is that the rules and procedures of the party of origin are followed. If necessary, then also the requirements of the affected party are taken into account (e.g. if the timeframes for public consultation differ) – this should be agreed between the concerned parties. For instance, this kind of situation can also take place in the case where the documentation is voluminous and therefore additional time is needed for the affected party. See also answer to the previous question.

Article 11 Decision

I.23. When a plan or programme is adopted, explain how your country ensures, in accordance with article 11, paragraph 1, that due account is taken of:

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

Your comments:

According to the Environmental Impact Assessment and Environmental Management System Act, upon preparation of a strategic planning document, the following must be taken account of:

- the results of SEA;
- the opinions submitted by authorities and persons to the extent possible;
- the results of transboundary consultations.

For instance, also the Planning Act includes provisions regarding the taking into account of the results of SEA in the preparation of the spatial plan.

I.24. How and when do you inform your own public and authorities (art. 11, para. 2)?

According to the Environmental Impact Assessment and Environmental Management System Act, the coordinator of preparation of the strategic planning document will give notice of the adoption within 14 days after the respective decision is made to:

- the concerned authorities and persons;
- the affected party that participated in transboundary consultations.

Similarly the Planning Act includes provisions regarding the notification of the adoption of spatial plans.

I.25. How do you inform the public and authorities of the affected Party (art. 11, para. 2)?:

- (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 coordinator of preparation of the strategic planning document has to inform the affected party. As transboundary SEA procedures (communication with other parties) is coordinated by the Ministry of the Environment, then in practice also the ministry can contribute in this regard (e.g. informing the point of contact).

I.26. How do you ensure that, when a plan or programme is adopted, the public, the authorities and the Parties consulted are informed and that the information mentioned in article 11, paragraph 2, is made available to them?

(a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

(b) Other (please specify):

Your comments:

According to the Environmental Impact Assessment and Environmental Management System Act, upon giving notice of the adoption of the strategic planning document, it must be ensured that the following is available to the authorities concerned, the public and the affected party that participated in transboundary consultations:

- adopted strategic planning document;
- an overview of how environmental considerations have been taken into account in the strategic planning document;
- an overview of how the results of SEA have been taken into account in the strategic planning document;
- an outline of the reasons for selecting the alternatives dealt with;
- a description of the measures proposed for the monitoring of potential significant environmental impact resulting from implementation of the strategic planning document.

Article 12 Monitoring

I.27. 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 the Environmental Impact Assessment and Environmental Management System Act, the SEA report must include a description of the measures proposed for the monitoring of significant environmental impact resulting from the implementation of the strategic planning document and of the measurable indicators.

In the stage of verification of compliance of SEA report with requirements: if the coordinator of preparation of the strategic planning document finds that the SEA report complies with the requirements, the coordinator will make a proposal on the monitoring measures. The purpose of the monitoring measures is to identify at an early stage whether significant environmental impact arises from the implementation of the strategic planning document and to take measures that prevent and mitigate adverse environmental impact.

The person who adopts the strategic planning document must establish the monitoring measures along with the establishment of the document or submit upon the establishment of the document the reasons why the monitoring measures developed in the course of SEA are not established.

The established monitoring measures are mandatory to the person implementing the strategic planning document. Upon carrying out monitoring, the existing environmental monitoring system or monitoring proposed for monitoring the environmental impact arising from the implementation of the strategic planning document may be used. Monitoring may be carried out in the course of the activities proposed on the basis of one or several strategic planning documents.

It can be added that the specifics related to monitoring requirements of strategic planning documents are also stipulated in the respective pieces of legislation. For instance, the Planning Act includes provisions on the obligation to review certain spatial plans. This

review must ascertain and review, inter alia, the significant economic, social and cultural impacts, and impact on the natural environment, brought about by implementation of the spatial plan and the conditions for reducing significant negative impacts.

In addition, according to the Public Information Act, inter alia, the existing information concerning the state of environment, environmental damage and dangerous environmental impact must be made publicly available by the holder of information.

Part two

Practical application during the period 2016–2018

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.

II.1. 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

Your comments:

1. Consideration of health effects

II.2. Does your SEA documentation always include specific information on health effects? Please specify:

(a) Yes

(b) No, only when potential health effects are identified

2. Domestic and transboundary implementation in the period 2016–2018

II.3. Does your SEA documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

(a) Yes

(b) No, only when potential transboundary effects are identified

3. Cases during the period 2016–2018

II.4. Please provide the (approximate) number of transboundary SEA procedures initiated during the period 2013–2015 and list them, grouped by the sectors listed in article 4, paragraph 2:

Although the question refers to the period 2013–2015, presumably the cases from the period 2016–2018 are asked for. The cases of 2013–2015 have been listed in the previous report.

During the period 2016–2018 the following transboundary SEA procedure has been initiated (Estonia as Party of origin):

– Estonian maritime spatial plan.

4. Experience with the strategic impact assessment procedure in 2016–2018

II.5. Has your country experienced substantial difficulties in interpreting particular terms (or particular articles) in the Protocol?

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

II.6. How does your country overcome the(se) problem(s), if any, for example by working with other Parties to find solutions? Please provide examples:

Generally speaking it can be said that major difficulties have not been experienced. Nationally difficulties may arise in relation to particular strategic planning documents and SEA cases, for instance regarding the level of detail and the requirements to be fulfilled (e.g. documentation at national and local level). To overcome problems and issues, foremost consultations are organized and cooperation is done between the concerned authorities and parties. Where relevant, such cooperation also involves other parties (e.g. when planning transboundary SEA procedure with the affected parties).

II.7. With regard your country's experience with domestic procedures, 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) Has your country carried out monitoring according to article 12 and, if so, for what kinds of plans or programmes (cite good practice cases or good practice elements (e.g., consultation or public participation), if available)?

Monitoring has been carried out: the implementation of strategic planning documents (including the impacts resulting from the implementation) are monitored. See also answer to question I.27. In practice various monitoring and indicator methods are used.

For instance, the National development plan for the use of oil shale 2016–2030 (drawn up by the Ministry of the Environment). One general criteria of environmental performance of this sectoral development plan is the decrease of significant environmental disturbance. In the interests of human health and the environment, environmental limits and normatives must not be exceeded. The strategic objectives of the plan are to increase the efficiency of oil shale mining and oil shale use, and to reduce the negative environmental impacts. To fulfil the objectives of the plan, relevant measures and activities are implemented. To evaluate the effectiveness of the objectives, impact indicators have been determined. The plan is reviewed every year, impact of the measures are analysed after five years. Based on that information and where relevant, proposals can be made to modify or amend the plan or its implementation plan with the purpose to achieve the objectives.

Another example – the National Air Pollution Control Programme (NAPCP) which is being developed by the Ministry of the Environment (also SEA is ongoing). The purpose of the NAPCP is to meet the national reduction targets for certain air pollutants for 2020 and 2030. In the NAPCP, for monitoring the data of national emission inventories (which are updated on a yearly basis) as well as the data of projections (which are updated in every two years) will be used. The data from emission inventories and projections provides up to date information regarding country's current status on meeting the reduction commitments. Based on that information, the necessary amendments are made and additional measures are elaborated (where relevant).

(b) 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"?

- (i) No

(ii) Yes (please indicate which ones):

II.8. With regard your country's experience with transboundary procedures, 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) What difficulties has your country experienced and what solutions has it found?

(i) Translation and interpretation

The general practice is that the respective documentation is translated by the party of origin. Usually all the documentation or relevant parts of the documentation (including the so-called transboundary chapter) are provided in English and summary documentation (non-technical summary) is provided in the national language. When issues related to unclear or incorrect translation emerge, then this approach gives the general possibility to compare the documentation in English and the documentation in the national language (where relevant).

In general substantial difficulties have not been experienced, but as an affected party the issue of lack of quality of the translations has been experienced. This cannot be said concerning the whole documentation, because this might be more frequent in the case where very specific terminology is being used in the original documentation. The party of origin should ensure the good quality of the translations or alternatively this should take place in cooperation between the parties. However, if necessary additional clarifications can be asked from the party of origin in this context as well (i.e. consultations between the parties).

A viable approach seems to be the translation of the whole national documentation, although it must be taken into account how voluminous the original documentation is. For instance, this approach has been used in the scoping stage of the Estonian maritime spatial plan when the affected parties were sent the translated initial planning outline for the Estonian maritime spatial plan and the memorandum of intention to conduct impact assessment (documentation in English).

(ii) Other issues

As a general comment it can be said that in practice potential difficulties are overcome by early communication between the concerned parties (if necessary). The same approach can be applied if difficulties arise during an ongoing procedure (e.g. if it is necessary for the affected party to extend the timeframe for answering).

In addition, also the considerable experiences of the parties which have been gathered with transboundary EIA can be taken as good practice examples if applicable. For instance, regarding transboundary SEA with Latvia and Finland the relevant principles and arrangements of transboundary EIA (including translation) are applied (Estonia has two bilateral agreements on transboundary EIA – with Latvia and with Finland).

(b) What does your country usually translate as a Party of origin?

The draft strategic planning document and the SEA report or the exhaustive summaries of these documents should be translated into English (i.e. the usual approach) or into the official language of the affected party. In the case of Latvia and Finland, in addition to the translations in English usually also a summary in the national languages are provided. See also answer to previous question (a)(i).

(c) As an affected Party, has your country ensured the participation of the public concerned and the authorities pursuant to article 10, paragraph 4?

(i) No

- (ii) Yes (please indicate how):

The general principle (as in the Espoo Convention) is followed that the concerned parties are responsible for ensuring that the public and the authorities are given the opportunities to participate in the procedure. Following this approach, the affected party shall arrange the informing and distribution of documentation 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. Estonia as an affected party follows the same approach as described previously.

- (d) What has been your country's experience of the effectiveness of public participation?

The general experience concerning the effectiveness of public participation is good. It could be argued that the interest of the public depend on the particular case (e.g. location, proposed activities, volumes, etc). In any case public participation in an important part of impact assessment.

- (e) Does your country have examples of organizing transboundary SEA procedures for joint cross-border plans and programmes?

- (i) No (*during this period*)

- (ii) Yes (please describe):

- (f) As an affected Party, how do you ensure that the public concerned and the authorities are informed and given an opportunity to forward their opinion on the draft plan or programme and the environmental report within a reasonable time frame (art. 10, para. 4)?

Transboundary impact assessment cases are coordinated by the Ministry of the Environment (communication with the party of origin, answering to the notification, publication of the documentation, transmission of opinions, etc).

As an affected party, notice of the respective documentation sent by the party of origin is given in the official publication *Ametlikud Teadaanded* (i.e. electronic journal *The Official Announcements*). Letters are sent to non-governmental environmental organizations and authorities concerned (depending on the particular case). These information letters/notices include, inter alia, the manner of accessing the documentation, the term and manner for the submission of comments, etc. In addition, the webpage of the Ministry of the Environment can also be used for such informing purposes. As a rule, the files of the documentation are uploaded on the webpage of the Ministry of the Environment, paper copies (if provided by the party of origin) are also available in the ministry.

5. Experience regarding guidance in 2016–2018

II.9. Are you aware of any use in your country of the online *Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment* (ECE/MP.EIA/17)?¹:

- (a) No:

- (b) Part of it (Please specify):

Certain parts of the manual have been used as source of information to have a wider insight regarding some concrete issues and aspects.

- (c) Yes (please describe your experience):

¹ Available from http://www.unece.org/env/eia/pubs/sea_manual.html.

Your comments on how the Guidance might be improved or supplemented:

For the purpose of general overview and awareness, it is reasonable that also the Simplified Resource Manual has been compiled. For instance, this is also available on the webpage of the Ministry of the Environment.

6. Awareness of the protocol

II.10. Does your country see a need to improve the application of the Protocol in your country?

(a) No:

(b) Yes Please describe how your country intends to improve application of the Protocol:

It can be argued that there is always room for improvements concerning the application of the Protocol. The experiences gathered with the application of the Protocol can be taken into account in amending national legislation.

7. Suggested improvements to the report

II.11. Please provide suggestions for how this report may be improved:

The questions should also have the possibility to leave a comment.
