

Questionnaire for the report of ESTONIA on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

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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):

According to Environmental Impact Assessment and Environmental Management System Act (hereinafter referred to as *the Act*), "environmental impact" means any potential direct or indirect effect of a proposed activity or implementation of a strategic planning document on the environment, human health and well-being, 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/interpreted on the basis of the terms "environmental impact" and "significant environmental impact" used in the Act.

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

The Act does not include a separate definition of the term "major change". Here the general rule for assessing environmental impact (when applying for the amendment of the development consent) is that the proposed activity (which is the reason for the amendment of the development consent) potentially results in significant environmental impact [§ 3 (1)].

Regarding mandatory EIA, the Act includes concrete provisions which deal with the situation of changing an activity or installation or expanding a building. If EIA is not mandatory, screening is used in relevant case.

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

- (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 (the persons concerned, the authorities concerned, local authorities, non-governmental environmental organizations, etc) are also notified by sending letters to them (including using electronic means).

Your comments:

As a rule, information related to EIA proceedings must be published in the official publication *Ametlikud Teadaanded* (i.e. electronic journal *The Official Announcements*). In addition, notice of the publication of the EIA documentation must also be given in newspaper. The webpages of the competent authorities are also widely used for information purposes (e.g. in case of transboundary EIA (affected party) – Ministry of the Environment).

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. The specific requirements concerning different development consents (e.g. application, issuing) are mainly stipulated in the respective pieces of legislation.

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):

Your comments:

All activities listed in the Convention are transposed in the list of proposed activities in the Act [§ 6 (1)]. For instance, appendix I of the Convention includes the activity *large-diameter*

oil and gas pipelines, in the Act this 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*).

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:

The decision-maker (i.e. the issuer of development consent) is the authority carrying out the EIA. As different development consents exist, then also the decision-makers vary – this depends on the particular proposed activity (in this context difference is not made based on domestic/transboundary procedures). For instance, in case of environmental permits mainly the Environmental Board is the decision-maker. Of course, the EIA proceedings include also other important parties (e.g. the authorities concerned, EIA leading expert/expert group, etc).

Transboundary impact assessment cases are coordinated by the Ministry of the Environment (e.g. point of contact and focal point, communication with the affected party/party of origin, sending/answering to the notification, etc). For instance, as party of origin in a particular case the decision-maker can be the local authority, but the transboundary EIA procedure (communication with other parties) is 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 that collects information on transboundary impact assessment cases (i.e. Estonia as party of origin and as affected party).

Your comments:

I.9. How does your country, As a Party of origin and as an 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 approach is widely used in practice. This way also national specifications and practices regarding public involvement (when being an affected party) are taken into account. Also cooperation on this particular issue is done between the concerned parties.

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 a 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 Act, the Ministry of the Environment will send the notification to the affected party as soon as possible, but not later than when the decision-maker gives notification of initiation of EIA in Estonia.

Your comments:

As a rule (and if the affected party participates in the procedure), the EIA programme (i.e. scoping document) and the EIA report are also sent to the affected party as soon as possible, but not later than when the public display of the documentation commences in Estonia. In practice, notification could also take place during the scoping stage (if the necessity for notifying becomes evident only at this stage).

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 the Act (minimum requirements on the content have been stipulated). However, 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:

Relevant additional information is included in the notification if it is already available in the beginning of the procedure.

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):

In practice, the timeframe of more than 30 days and up to 60 days is widely used (e.g. here also the national requirements of the affected party can be taken into account). This approach is especially relevant in the case where already documentation (to be made publicly available) is provided by the party of origin.

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 Act, 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.

However, if the answer delays only some days (and if the affected party also informs us about that), the position of the affected party is taken into account. Alternatively, a reminder can be sent to the affected party (e.g. to the point of contact or focal point). The deadline could be extended (on a bilateral basis), but in this case the Ministry of the Environment should also inform (consult) the decision-maker and the developer.

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 website¹

(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 an 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 the 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 the public of the affected Party

(d) Other (please specify):

Your comments:

As a rule, the Ministry of the Environment carries out a comprehensive consultation procedure (i.e. informing about the submission of the notification by the party of origin). The opinions of the authorities potentially concerned and non-governmental environmental

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

organizations are asked (i.e. information letters are sent to them). Notice is also given in the official publication *Ametlikud Teadaanded*.

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 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 (i.e. if the timeframes for public consultation differ) – this should be agreed between the concerned parties. However, in practice usually longer timeframes are provided by the party of origin (e.g. compared to the timeframes of domestic procedures which might be shorter). In this context also the volume of the EIA documentation is an important factor. In addition, here also bilateral agreements are helpful.

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As a 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 an affected Party

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

Your comments:

The common practice is that the competent authority of the affected party arranges the publication of the documentation in that country and arranges the transmittal of comments of the public and the authorities.

I.18. 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.19. 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 rule, the EIA documentation submitted by the party of origin is put on a public display. However, also public hearings have been organized.

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a 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 EIA leading expert (expert group) together with the developer. According to the Act, environmental impact is assessed or EIA is directed by a person who holds a licence for environmental impact assessment. Also related provisions concerning the expert group and specialists in EIA are stipulated in the Act.

Your comments:

I.21. 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):

The expertise of the licenced EIA leading expert (expert group) – see also answer to previous question.

Your comments:

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

I.22. 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:

Reasonable alternatives depend on the particular project and its characteristics. 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

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations 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):

Your comments:

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

Upon making the 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). In addition to the requirements in relation to EIA in the Act, the requirements on the content of different development consents are regulated in the respective pieces of legislation regarding development consents. All in all, 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. EIA procedure is part of the procedure for issuing development consent (i.e. integrated system).

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 Act, the term “final decision” is regarded as development consent (“*tegevusluba*”, § 7). This is the general term used, but as described earlier there are various development consents with different terms – this is stipulated in the relevant pieces of legislation regarding development consents. Depending on the particular case, the developer has to apply for the respective development consent or consents (if relevant) to carry out the proposed activity.

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):

According to the Act, the EIA report must contain (inter alia) a description of the potential significant environmental impact arising from the proposed activity and its alternatives, and the relevant environmental measures. Environmental monitoring is included among environmental measures. The specifics regarding environmental monitoring are also stipulated in the relevant pieces of legislation regarding development consents.

Your comments:

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 questionnaires (the texts have not changed). The agreement between Estonia and Finland (in English) is also available on the following webpage: <https://www.riigiteataja.ee/akt/110017> .

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
- (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 of the parties concerned (e.g. notification, EIA documentation, informing the public, joint EIA, etc).

Your comments:

Due to the wide wording of the different options (in the question), it should be clarified that in point (g) only “undertaking joint EIA” should be considered as the chosen option.

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

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

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

The conceptual structure of the EIA procedure of Estonia (with the summarized specifications for EIA in transboundary context, § 30)

Application for a development consent – decision on EIA (mandatory or screening)

- If EIA is initiated and the proposed activity potentially results in significant transboundary impact, the decision-maker must immediately inform the Ministry of the Environment thereof. The Ministry of the Environment will notify, as soon as possible, the affected party (parties).

EIA programme stage (scoping)

- Consultations: if the affected party participates in the EIA procedure, the Ministry of the Environment will forward the EIA programme to the affected party.

EIA report stage

- Consultations: the Ministry of the Environment will forward the EIA report to the affected party.

Decision on the development consent (granting or refusal to grant)

- Taking into account of the results of EIA, including the results of transboundary consultations. If it has been agreed by the concerned parties, then also the draft development consent is submitted to the affected party for obtaining an opinion.
- The decision-maker must promptly inform the Ministry of the Environment of granting or refusing to grant the development consent. The Ministry of the Environment will inform the affected party and will forward the decision.

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):
- (i) Special provisions:

The bilateral agreements include a general provision regarding joint EIA – this implies also to joint cross-border projects.

- (ii) Informal arrangements:

Your comments:

According to the bilateral agreements, the joint commissions have also the right to establish *ad hoc* working groups for the purposes under the agreements (e.g. for individual transboundary EIA cases). For instance, in practice an *ad hoc* working group has been established with Finland for a particular case.

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 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a 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 2016–2018

Cases during the period 2016–2018

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 a 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 a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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 2007 construction of offshore wind farms near North-West coast of Estonia		Finland	EIA report – 2011; 2017				

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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	
2. Aigren Kaevandus OÜ Kalkahju dolomite quarry EIA	2013	Latvia	EIA programme – 2014				
3. EIA of quarrying at Naha dolostone quarry in Naha mineral deposit	2013	Latvia	EIA programme – 2015				
4. EIA of the water permit for the pier of Pakrineeme Sadama OÜ Paldiski LNG terminal	2014	Finland	EIA report – 2015				2016
5. EIA of Balticconnector natural gas pipeline between Finland and Estonia	2014	Finland; Russian Federation	EIA report – 2015				2018

Your comments:

In the column “Timing” the year when the EIA programme or report was sent to the affected party is indicated. 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 and followed with Latvia.

Transboundary EIA procedures: As an affected Party

- Södra Midsjöbanken wind farm in the Baltic Sea;
- EIA for building a terminal to import and store liquefied natural gas in Porvoo Tolkkis and Inkoo, Finland;
- EIA of Nord Stream extension project (Nord Stream 2);
- EIA of an additional reactor alternative in the context of constructing a new nuclear power plant in Finland (municipality of Pyhäjoki), Fennovoima Oy;
- EIA of Balticconnector natural gas pipeline between Finland and Estonia;
- Construction of European gauge public railway line “Rail Baltic 2” infrastructure;
- 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;
- EIA for the Nord Stream 2 gas pipeline – Northwestern route in Denmark (consultation in accordance with Articles 4 and 5 of the Convention).

Comment: the list also includes a few cases which have finished during the period 2016–2018.

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. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation?

The general and widely used practice is that the party of origin is responsible for the translation of EIA documentation (including ensuring the sufficient quality). According to the Act, the developer covers the expenses related to EIA. So the approach that the developer provides the translations is followed.

In practice, often already in the notification stage the party of origin also describes what kind of translations are planned to be submitted to the affected party. This approach also helps the affected party to plan the upcoming procedure (where relevant), e.g. in the situation when the affected party has more than one official languages.

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found?

Substantial difficulties have not been experienced. Sometimes the EIA documentation in national language may contain incorrect translation (e.g. when very specific terminology is used), but in this situation also the documentation in English can be used as a comparison. However, from a practical viewpoint it is important how cooperation is done between the concerned parties (and with the developer) in carrying out the publication procedure.

For instance, in the case of Nord Stream 2 project the parties of origin applied a well-coordinated approach: the timeframes were synchronized and the joint “Espoo report” was compiled. All the affected parties were sent the very voluminous Espoo report (together with

the Espoo atlas) in English and in the national language, also the non-technical summaries were provided in the same way. The documentation was available in electronic format, paper copies were provided as well. In cooperation with the developer, during the public hearing meeting in Estonia also direct translation was ensured. The coordinated approach described previously was the basis for organizing and carrying out the public consultation procedure effectively.

(c) Which Party covers the cost of translation of EIA documentation?

(i) As a Party of origin:

The party of origin covers the cost (usually the developer).

(ii) As an affected Party:

See answer to previous question. However, if the party of origin does not provide the necessary translation, then this could be done by the affected party (where relevant).

(iii) Other, please specify:

(d) What parts of the EIA documentation does your country usually translate?

(i) As a Party of origin:

Usually all the EIA documentation or relevant parts of the EIA documentation (including the so-called transboundary chapter) are provided in English and summary documentation (non-technical summary) is provided in the national language.

For instance, in the case of the project “Offshore wind farms near North-West coast of Estonia” (2017) the developer compiled an exhaustive summary of the national EIA report which was sent to Finland (both in English and in Finnish). Also a supportive study report (in English) was provided. In the two transboundary procedures with Latvia (quarry projects) the EIA programmes were translated into English and also brief summaries in Latvian were provided.

(ii) As an affected Party:

The summary documentation (where relevant).

(e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.

The two bilateral transboundary EIA agreements of Estonia do not include concrete provisions regarding the issue of translation. However, the respective joint commissions have agreed that, as a rule, at least the EIA documentation in English together with a sufficient summary in the national language of the affected party should be submitted by the party of origin.

(f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?

(i) English

(ii) The affected Party’s language

(iii) Other (please, specify)

(g) As an affected Party, from which language do you usually translate?

(i) English

(ii) Language of the Party of origin

(iii) Other (please, specify)

(h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

Experience with public participation

Substantial difficulties have not been experienced.

The common practice is that usually already in the notification stage the party of origin describes the planned procedure (including timeframes, providing translations, etc) – this approach gives the affected party an early possibility to react (e.g. if longer timeframes are required or also paper copies of the documentation are necessary). Estonia also follows the approach described previously (where relevant).

Experience with consultations under article 5

In addition to the common consultation formats, nowadays also video meetings are used. Furthermore, depending on the particular case, bilateral ad hoc working groups can be established (which include experts from the concerned authorities of the parties).

(ii) As an affected Party:

Experience with public participation

Substantial difficulties have not been experienced.

The advisable and relevant approach is the (early) cooperation between the parties concerned (as described earlier). In any case, in practice the potential difficulties (e.g. if the necessity of longer timeframes occur during the procedure; need to extend the answering date) are overcome by communication between the concerned parties if necessary.

It can also be brought out that regarding public hearings, cooperation with the developer must be done to agree on the practicalities (e.g. venue, dates, interpretation, etc).

Experience with consultations under article 5

As a good practice, it is recommended that the party of origin also informs the affected party about the important developments/decisions within the general procedure (i.e. in addition to the final decision).

- (i) Please describe how the costs of interpretation during the hearings are covered:
 - (ii) By the Party of origin:
 - (iii) By the affected Party:
 - (iv) Shared by both Parties concerned:
 - (v) Developer:
- This is the main approach used in practice.
- (vi) Other, please specify

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:

These issues have been described in the answers to previous questions. In general, it can be said that substantial difficulties have not been experienced.

As an affected party, usually the timeframes provided by the party of origin are sufficient, commonly the documentation is provided in electronic format (nevertheless, also paper copies can be asked for if necessary). Still it should be kept in mind that if the EIA documentation is very voluminous and/or only in English, then additional time should be provided for organizing the public participation stage.

As party of origin, in relevant cases also the competent authorities should early explain the developers the purpose and specifics of transboundary procedure (which in practice usually mean longer timeframes, translation issues, etc).

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 (*during this period*)

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:
- (b) For NPPs:

II.7. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

Elements from practical cases, which can be regarded as good practice examples, have been described in questions II.3.(b) and (d).

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 2016–2018

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):

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 a 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 a Party of origin or as an affected Party, because of a lack of clarity of the provisions?

No

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

4. Suggested improvements to the report

II.12 Please provide further suggestions (preferably specific drafting proposals) for how this report could be improved.