

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

The Government of the Republic of Estonia and the Government of the Republic of Latvia, hereinafter referred to as the "Parties",

affirming the need to promote and ensure the principles of sustainable development,

considering interrelationships between economic activities and their environmental impacts,

bearing in mind Agreement between the Government of the Republic of Estonia and the Government of the Republic of Latvia on cooperation in the field of environmental protection, signed in Riga on 18 February 1994,

taking fully into consideration provisions of the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo on 25 February 1991 as well as provisions of its Appendices,

taking also into account legislation of the European Union relevant to the Environmental Impact Assessment in transboundary context,

have agreed as follows:

Article 1
Definitions

For the purposes of this Agreement,

(i) "Party of origin" means the Party under whose jurisdiction a proposed activity is envisaged to take place;

(ii) "Affected Party" means the Party likely to be affected by the transboundary impact of a proposed activity;

(iii) "Proposed activity" means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;

(iv) "Environmental impact assessment (EIA)" means a national procedure for evaluating the likely impact of a proposed activity on the environment;

(v) "Impact" means any effect caused by a proposed activity on the environment including human health and safety, biodiversity, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socioeconomic conditions resulting from alterations to those factors;

(vi) "Transboundary impact" means any impact within an area under the jurisdiction of the affected Party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of the another Party;

(vii) "Competent authority" means the national authority or authorities designated by the Party as responsible for performing the tasks covered by this Agreement and/or the authority or authorities entrusted by the Party with decision making powers regarding a proposed activity;

(viii) "The public" means one or more natural or legal persons;

(ix) "Convention" means Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo on 25 February 1991;

(x) "Joint EIA" means EIA which is carried out jointly by the Parties.

Article 2

Objective of cooperation

Objective of cooperation under this Agreement is to take, either individually or jointly, all appropriate and effective measures to prevent significant adverse transboundary environmental impact from proposed activities.

Article 3

Object of cooperation

Cooperation shall be concentrated on the proposed activities listed in Appendix I to the Convention as well as on activities listed in Annex to this Agreement.

Competent authorities of the Parties shall decide on the case-by-case basis whether this Agreement applies to the activities under EIA procedure of the Party of origin including those not included in Appendix I to the Convention and Annex to this Agreement and if they are likely to cause a significant adverse transboundary impact.

Article 4

Institutional arrangements

The joint commission on EIA in a transboundary context, hereinafter referred to as the "Commission", shall be established for the implementation of provisions of this Agreement. Parties shall inform each other within one month from the entry into force of this Agreement, about the nomination of two co-chairmen, one from each Party. Until the first meeting of the Commission competent authorities of the Parties shall act as contact points between the Parties for the implementation of this Agreement.

Article 5

Working principles of the Commission

Commission shall be permanent, open-ended institution. Commission has the right to establish *ad hoc* working groups. The first meeting of the Commission shall be convened within six months from the entry into force of this Agreement. Main principles for the rules of procedure of the Commission shall be agreed upon during the first meeting of the Commission.

Commission shall decide on procedural issues for conducting of transboundary EIA in each case separately.

Activities of the Commission shall be financed by respective Parties.

Article 6 Notification

For a proposed activity according to the provisions of Article 3 of this Agreement, the Party of origin shall notify the affected Party as early as possible but no later than when informing its own public about that proposed activity.

Notification shall contain *inter alia* requirements set up in Articles 3.2 and 5 of the Convention. Commission shall elaborate the set of mandatory information for the notification.

Article 7 Confirmation

The affected Party shall respond to the Party of origin within one month from the receipt of notification and shall indicate whether it intends to participate in the EIA procedure.

Article 8 Transmittal of information

The affected Party shall provide at the request of the Party of origin the latter with reasonably obtainable information related to potentially affected environment, where such an information is necessary for the preparation of the EIA documentation.

Article 9 Informing of public of affected Party

Informing of public shall take place according to Article 3.8. of the Convention and national legislation of the Parties. The exact procedure shall be established by the Commission.

Article 10 EIA documentation

The EIA documentation to be submitted to the Competent authority of the Party of origin shall contain, as a minimum, the information described in Appendix II to the Convention.

Article 11 Participation of public of the affected Party

Public participation shall take place according to Article 4.2. of the Convention and national legislation of the Parties.

Commission shall decide on the procedure for the participation of the public of the affected Party.

Article 12

Consultations between the Parties

Consultations between the Parties shall take place in accordance with Article 5 of the Convention.

A time frame for the duration of the consultations shall be set by the Commission at the commencement of the consultations. Such a time frame shall not exceed 6 months.

Article 13 Final decision

The final decision shall be taken as described in Article 6 of the Convention.

Article 14 Post-project analysis

Carrying out of the possible post-project analysis shall be decided by the Commission. In case the Commission decides to carry out the post-project analysis, provisions of Article 7 and Appendix V to the Convention shall be fully taken into consideration.

Article 15 Joint EIA

Commission shall decide on the necessity of the joint EIA and define procedure of the joint EIA for each case separately.

Article 16 Responsibilities of the Parties

The Party of origin shall be responsible for bearing of the cost of the EIA procedure according to national legislation and this Agreement.

Local authorities of the affected Party shall organize and the Party of origin shall finance the public participation procedure according to national legislation in respective countries.

The Party of origin is responsible for providing the affected Party with the information and documentation to be evaluated in mutually agreed language.

Parties shall finance the expenses of their members of *ad hoc* working groups, financing of additional costs shall be taken by the Party which asked for it.

Article 17 Dispute prevention and settlement

If a dispute arises between the Parties about the interpretation or application of this Agreement, they shall seek a solution by negotiations or by any other method of dispute settlement acceptable to the Parties.

For disputes not resolved in accordance with above-mentioned methods, relevant provisions of Article 15 and Appendix VII to the Convention shall be taken as a basis for the settlement of such a dispute.

Article 18
Amendments

This Agreement is open for amendments. Amendments shall be approved by the Parties on the basis of consensus.

Article 19
Final clauses

This Agreement shall enter into force upon signature.

Each Party may withdraw this Agreement by written notification. The withdrawal shall enter into force within twelve months of the receipt of such a written notification by the other Party.

Done in Pärnu 14.03.1997 in two copies in Estonian, Latvian and English, each being equally authentic.

In case of divergence of interpretation the English text shall prevail.

For the Government
of the Republic of Estonia

For the Government
of the Republic of Latvia

Annex

List of proposed activities in an area within 15 km from the common border, which are subject to the Agreement.

1. Thermal power stations or other combustion installations with heat output of 100 MW or more.
2. The processing and transformation of asbestos or products containing asbestos :
 - a) where the installations produce asbestos - cement products with an annual production of more than 10 000 t of finished product; or
 - b) where the installations produce friction material, with an annual production of more than 50 t finished product; or
 - c) in other cases where the installations would utilise more than 50 t asbestos per year.
3. Industrial installations or their groups where the amount of dangerous chemical substances used in technological processes exceeds 200 t per year.
4. Construction of motorways or new lines for railway traffic.
5. Construction of airports.
6. Large diameter pipelines intended for long distance transport of oil or gas.
7. Construction of new and extension of existing ports, as well as all hydrotechnical installations in coastal zone.
8. Waste disposal installations for the incineration or chemical treatment and installations for disposal of toxic and dangerous wastes.
9. Water regulation projects on following rivers: Rúja, Gauja/Koiva, Vaidava, Pededze/Pededse, Pedele/Pedeli, Öhne and Mustjõgi/Melnupe.
10. Drainage of wetlands of 500 hectares or more.
11. Clearcutting of woodland areas of 10 hectares or more as well as clearcutting in an area within 0.5 km from the common border if on the opposite side there are protected or valuable nature areas.
12. All groundwater abstraction activities where the water to be abstracted exceeds 1000 m³/d in the case, if the depression cone from them could affect the other country.
13. Extraction of mineral resources and earth materials, where the area involved would be greater than 5 hectares.
14. Paper manufacturing of 50 000 t per year or more.
15. Industrial plants for production of pulp.
16. All offshore installations for exploration and extraction of mineral resources.

17. Storage facilities for :

- a) oil and petrochemical products, where storage capacity would exceed 50 000 cubic meters;
- b) other chemical products, where the storage capacity would exceed 20 000 cubic meters.

18. Dumping into the sea.