

Estonia

Country: [Estonia](#) [1]

EIA Law: Environmental Impact Assessment and Environmental Management System Act

Law Link: [Link](#) [2]

EIA Regulations: Detailed List of Areas of Activity Requiring Consideration of Need for Initiation of Environmental Impact Assessment Government of the Republic Regulation No. 224 of 29 August 2005

Regulations Link: [Link](#) [3]

Projects Requiring EIA: Government projects

Private Projects

Abridged Assessments: No

Best Practices in Lieu of EIA: No

Who Conducts Screening: Government

Who Conducts Screening Detail: "The decision-maker shall review an application and shall make a decision to initiate or refuse to initiate environmental impact assessment of proposed activities within the period for the processing of applications provided for in legislation." EIA & EMS Act, sec. 11(2). "With activities specified in subsection 6 (1) of this Act, environmental impact assessment of proposed activities shall be initiated without providing the reasons therefor." Id., sec. 11(3).

Criteria for Screening: List or appendix of project or activity types

Proposed project or activity may cause significant environmental impact

Possible impact to, or adjacent to, a protected area

Criteria for Screening Detail: "Environmental impact shall be assessed: 1) upon application for or application for amendment of a development consent if the proposed activity which is the basis for application for or amendment of the development consent potentially results in significant environmental impact; 2) if activities are proposed which alone or in conjunction with other activities may potentially significantly affect a Natura 2000 site." EIA & EMS Act, sec. 3 "Environmental impact is significant if it may potentially exceed the environmental capacity of a site, cause irreversible changes to the environment, endanger human health and well-being, the environment, cultural heritage or property." EIA & EMS Act, sec. 5. Section 6 provides a list of activities that have significant impacts. See also Detailed List of Areas of Activity Requiring Consideration of Need for Initiation of Environmental Impact Assessment Government of the Republic Regulation No. 224 of 29 August 2005 (available at <http://www.legaltext.ee/en/andmebaas/ava.asp?m=022>)

Who Prepares EIA: Project Proponent (with or without contractor)

Who Prepares EIA Detail: "A person who proposes an activity and intends to carry it out shall organise environmental impact assessment (hereinafter developer)." EIA & EMS Act, sec. 8(1)

Who Pays for EIA: Project Proponent

Who Pays for EIA Detail: "The developer shall cover the expenses related to environmental impact assessment." EIA & EMS Act, sec. 8(2)

EIA Contractor Qualifications: Yes

EIA Contractor Qualification Detail: "Environmental impact shall be assessed or environmental impact assessment shall be directed by a natural person who holds a licence for environmental impact assessment, or a legal person through an employee holding a relevant licence (hereinafter expert)." EIA & EMS Act, sec. 14(1).

Licensing requirements are set forth in section 15.

Conflict of Interest: Yes

Conflict of Interest Detail: "An expert shall be impartial and independent upon environmental impact assessment of proposed activities." EIA & EMS Act, sec. 14(5). A contractor's license may be revoked if the contractor provides false information in an EIA or if "the results of the ex-post evaluation of environmental impact assessment significantly differ from the assessment provided in the environmental impact assessment report." See EIA & EMS Act, sec. 15(9).

Terms of Reference: Yes

Terms of Reference Detail: A decision giving approval to initiate an EIA must include "information on the necessary environmental research." This could be interpreted as being a TOR. See EIA & EMS Act, sec. 11(8)(6). See also section 13, which sets out the requirements for describing the environmental assessment programme.

Days for Decision Maker Review: 30 days

Automatic Approval Detail: Automatic approval is not mentioned in the law.

Written Decision: Yes

Written Decision Detail: "A supervisor of environmental impact assessment shall give notification of approval of an environmental impact assessment report and of determination of environmental requirements pursuant to the

procedure provided for in § 19 of this Act." EIA & EMS Act, sec. 23. Section 19 requires written notification and publication in the gazette.

Authority to Impose Conditions: Yes

Authority to Impose Conditions Details: The approval may contain environmental requirements. "Environmental requirements are measures the purpose of determination of which is to prevent or minimise potential negative environmental impact arising from proposed activities." EIA & EMS Act, sec. 22(7). "Development consent will not be issued if the developer is not able to comply with the determined environmental requirements." EIA & EMS Act, sec. 24(3).

Expiry of Decision: Not specified

Expiry of Decision Detail: The length of time that an approval remains valid is not discussed in the law.

Financial Assurances or Bond: No

Interdisciplinary Team: No

Interdisciplinary Team Detail: An EIA may be prepared an an expert or a team of experts. "An expert or, under the supervision of the expert, an expert group shall prepare, on the basis of the approved environmental impact assessment programme, the environmental impact assessment report . . ." EIA & EMS Act, sec. 20(1)

Range of Alternatives: Yes

Range of Alternatives Detail: EIA & EMS Act, sec. 20(2); The EIA report must "compare[] the proposed activities with different reasonable alternatives and prepares a ranking list on the basis of environmental impact and benefits of the proposed activities and reasonable alternatives therefor. . ." Id., sec. 20(9)

No Action Alternative: No

Type(s) of Impact Analysis: Direct environmental impacts

Cumulative environmental impacts

Cultural impacts

Health impacts

Mitigation: Yes

Mitigation Detail: The EIA must provide an "overview of the actual compensatory measures . . . to compensate for the potential damage caused by the significant environmental impact potentially resulting from the proposed activities, and an assessment of the efficiency and the necessary volume of application of the measures." EIA & EMS Act, sec. 20(1)(7/1)

Monitoring Plans: Yes

Monitoring Plans Detail: The EIA report "on the basis of the results of environmental impact assessment of the proposed activities and reasonable alternatives therefor makes a reasoned proposal for the establishment of the conditions of environmental monitoring[.]" EIA & EMS Act, sec. 20(1)(7/2)

Public Notice of Draft EIA: No

Draft EIA Available: No

Draft EIA Locations: Not available

Public Notice of Final EIA: Yes

Public Notice of Final EIA Detail: "An environmental impact assessment report shall be published and the results of publication shall be taken into account pursuant to the procedure provided for in §§ 16 and 17 of this Act." EIA & EMS Act, sec. 21. Notice is provide in a number of locations including, Ametlikud Teadaanded (official publication), newspapers, public buildings (e.g. library, school, bus stop). See EIA & EMS Act, sec. 16(2)

Final EIA Available: Yes

Final EIA Available Detail: "An environmental impact assessment report shall be published and the results of publication shall be taken into account pursuant to the procedure provided for in §§ 16 and 17 of this Act." EIA & EMS Act, sec. 21. "The decision-maker shall publish an environmental impact assessment programme, inter alia, on its webpage and shall ensure to the public the possibility to examine the programme at least until the end of the term for submission of proposals, objections and questions." Id., sec. 16(6)

Final EIA Locations: Internet

Agency or ministry office

Fee to View EIA Documents: No

Fee to Obtain EIA Documents: No

Availability of Reference Studies: Yes

Availability of Reference Studies Detail: "Everyone has the right to access an environmental impact assessment programme and other relevant documents at the time of the public display of and the public consultation regarding the programme, submit proposals, objections and questions regarding the programme and obtain responses thereto." EIA & EMS Act, sec. 16(5). See also Administrative Procedure Act, sec. 37(1) ("Everyone has the right, in all stages of administrative proceedings, to examine documents and files, if such exist, which are relevant in the proceedings and which are preserved with an administrative authority.") (available at http://www.wipo.int/wipolex/en/text.jsp?file_id=328755).

Public Notice of Final Decision: Yes

Public Notice of Final Decision Detail: One of the duties of the supervisor of environmental impact assessment is to inform the public of approval of the environmental impact assessment report and of determination of environmental requirements. EIA & EMS Act, sec. 10(3)(7)

Public Scoping: Yes

Public Scoping Detail: There is an extensive process for approving the environmental impact assessment program that includes public involvement. See EIA & EMS Act, sections 16-19.

Public Review of TOR: Yes

Public Review of TOR Detail: It is not entirely clear whether a TOR is prepared, but the law provides for public review of the proposed environmental impact assessment "programme" before an EIA report may be prepared. This can be construed as a scoping/TOR step. See EIA & EMS Act, sections 16-19

Public Participation Opportunities: Scoping

Terms of reference

Review of draft EIA

Public Meetings and/or public hearings

Public Meetings: Yes

Public Meetings Detail: The time and date of public consultation will be specified in the environmental impact assessment programme. EIA & EMS Act, sec. 16.

Public Comments on Final EIA: Yes

Public Comments on Final EIA Detail: "Everyone has the right to access an environmental impact assessment [report] and other relevant documents at the time of the public display of and the public consultation regarding the [report], submit proposals, objections and questions regarding the programme and obtain responses thereto." EIA & EMS Act, sec. 16(5) and 21.

Response to Public Comments: Yes

Response to Public Comments Detail: "An environmental impact assessment report shall be published and the results of publication shall be taken into account pursuant to the procedure provided for in §§ 16 and 17 of this Act." EIA & EMS Act, sec. 21. "An expert or, under the supervision of the expert, an expert group shall, together with the developer, make, on the basis of the proposals and objections submitted regarding the programme, the necessary amendments to the programme made during the public display of the environmental impact assessment programme, explain why proposals and objections are taken account of and justify why they are not taken account of and respond to the questions." EIA & EMS Act, sec. 17(2)

Facilitation of Public Participation: No**Citizen Administrative Review:** Yes

Citizen Administrative Review Detail: See Administrative Procedure Act, secs. 72, 73 ("challenge" proceedings) (available at http://www.wipo.int/wipolex/en/text.jsp?file_id=328755)

Citizen Judicial Review: Yes

Citizen Judicial Review Detail: See Administrative Procedure Act, secs. 72, 73 ("challenge" proceedings) (available at http://www.wipo.int/wipolex/en/text.jsp?file_id=328755)

Project Monitoring: Yes

Project Monitoring Detail: "A person whose challenge is dismissed or whose rights are violated in challenge proceedings has the right to file an appeal with an administrative court under the conditions and pursuant to the procedure provided by the Code of Administrative Court Procedure." Administrative Procedure Act, sec. 87 (right to appeal) (available at http://www.wipo.int/wipolex/en/text.jsp?file_id=328755)

Modified: October 25th, 2019

Source URL: <https://elaw.org/eialaw/estonia>

Links

[1] <https://elaw.org/countries-and-regions/estonia>

[2] <https://www.riigiteataja.ee/en/eli/520012015014/consolide>

[3] <https://www.elaw.org/system/files/estonia.listofprojectsrequiringEIA.pdf>