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# Environmental Impact Assessment and Environmental Management System Act <sup>1</sup>

Adopted on 22.02.2005  
 RT I 2005, 15, 87  
 entry into force on 03.04.2005, partly in accordance with § 71.

## Amended by the following acts

Reception	Publication	Enforcement
07.12.2006	RT I 2006, 58, 439	01.01.2007
21.02.2007	RT I 2007, 25, 131	01.04.2007
19.06.2008	RT I 2008, 34, 209	01.08.2008
18.12.2008	RT I 2009, 3, 15	01.02.2009
27.01.2010	RT I 2010, 8, 37	27.02.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 shall enter into force on the day specified in the decision of the Council of the European Union on the annulment of the exception established for the Republic of Estonia on the basis of Article 140(2) of the Treaty on the Functioning of the European Union, Council of the European Union 13.07.2010. a decision No. 2010/416/EU (OJ L 196, 28.07.2010, pp. 24–26).
26.10.2010	RT I, 16.11.2010, 1	26.11.2010
06.12.2011	RT I, 21.12.2011, 1	31.12.2011
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, on the basis of paragraph 4 § 107 <sup>3</sup> of the Act on the Government of the Republic, the titles of the ministers replaced from the revision effective on July 1, 2014.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015, partially 01.02.2016
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, on the basis of § 107 <sup>4</sup> subsection 2 of the Government of the Republic Act, the word "Ministry of Agriculture" was replaced by the word "Ministry of Rural Affairs" in the corresponding case.
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
27.10.2016	RT I, 10.11.2016, 1	01.01.2017, partially 20.11.2016
19.04.2017	RT I, 04.05.2017, 3	05.05.2017
19.06.2017	RT I, 03.07.2017, 3	13.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019
30.01.2019	RT I, 22.02.2019, 1	01.10.2019
04.12.2019	RT I, 21.12.2019, 1	01.01.2020
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
13.10.2021	RT I, 22.10.2021, 3	01.11.2021
15.12.2021	RT I, 03.01.2022, 1	13.01.2022
15.02.2023	RT I, 07.03.2023, 21	17.03.2023
20.06.2023	RT I, 30.06.2023, 1	01.07.2023 - On the basis of § 105.19 subsection 6 of the Government of the Republic Act, the word "Environment Ministry" was replaced by the word "Climate Ministry" in the corresponding case.
15.06.2023	RT I, 06.07.2023, 2	16.07.2023

## Chapter 1 general settings

### § 1. Scope of the Act

(1) This Act establishes the legal basis and procedure for the assessment of the expected environmental impact, the organization of the environmental management and environmental auditing system, and the legal basis for the awarding of the eco-label with the aim of preventing damage to the environment, and establishes liability in case of violation of the requirements of this Act.

(2) The provisions of the Administrative Procedure Act apply to the administrative procedure prescribed in this Act, taking into account the specifics of this Act.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) This Act does not apply to:

1) a strategic planning document, the sole purpose of which is to ensure national security or to resolve an emergency;  
[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

2) financial or budget plan, program and strategy;

3) to the strategic planning document, on the basis of which the planned activity is co-financed from the structural funds of the European Union or the European Agricultural Development and Guarantee Fund in 2004-2006;

4) to the strategic assessment of the environmental impact of the plan to the extent regulated in the Planning Act.

[ RT I, 23.03.2015, 3 - enters into force. 01.07.2015]

## **§ 2. Purpose of environmental impact assessment and strategic environmental impact assessment**

[Repealed - RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

1

### **§ 2 . Environmental impact**

Environmental impact within the meaning of this Act is the direct or indirect impact on the environment, human health and well-being, cultural heritage or property that is expected to accompany the planned activity or the implementation of the strategic planning document.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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### **§ 2 . Significant environmental impact**

An environmental impact is significant if it can be expected to exceed the environmental tolerance of the affected area, cause irreversible changes in the environment or endanger human health and well-being, cultural heritage or property.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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### **§ 2 . Authorities concerned**

(1) Relevant institutions are institutions that are likely to be affected by the environmental impact expected to accompany the implementation of the strategic planning document or the planned activity, or who may have a justified interest in the environmental impact expected to accompany the implementation. Depending on the nature of the strategic planning document or the planned activity, the institutions mentioned in the previous sentence may include the Ministry of Defence, the Ministry of Climate, the Ministry of Culture, the Ministry of Economic Affairs and Communications, the Ministry of Rural Affairs, the Ministry of Finance, the Ministry of the Interior, the Ministry of Social Affairs and the government institutions operating under their jurisdiction, the local government unit and other relevant institutions.

[ RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

(2) The Ministry of Climate is one of the relevant institutions, if it is a cross-border environmental impact assessment or a strategic cross-border environmental impact assessment, or if the Riigikogu, the Government of the Republic or a ministry is the initiator of the strategic planning document or the grantor of the operating permit. In the remaining cases, the relevant institutions include the Environmental Board.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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### **§ 2 . Extension of procedural deadlines**

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§ 15 subsections 2, 4, 5 and 7 of this Act, § 17 subsection 3, § 18 subsections 2, 4, 7 and 8, § 20 subsection 1 subsection 2, § 22 and 1

subsection 1, 3, 5 7, § 26 The deadlines specified in subsection 4, subsections 2, 4 and 5 of § 36 1, subsection 6 of § 37, subsections 2 and 4 of § 39 and subsections 3, 5 and 7 of § 42 may be extended in justified cases, such as the volume of documents,

the complexity of the planned activity or strategic planning document extend by setting a new deadline for the procedural act.

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

## **Chapter 2 ENVIRONMENTAL IMPACT ASSESSMENT**

### **Section 1**

#### **Assessment of the environmental impact of the proposed activity**

### **§ 3. Mandatory environmental impact assessment**

(1) The environmental impact is assessed if:

1) an activity permit or its amendment is applied for, and the planned activity that is the reason for the application or amendment of the activity permit is expected to lead to a significant environmental impact;

2) an activity is planned in which, on the basis of objective information, it is not excluded that it may be accompanied by an expectedly significant adverse effect on the protection objective of the Natura 2000 network area, separately or together with other activities, and which is not directly related to the protection organization of the area or is not directly necessary for this.

(2) If the only purpose of the planned activity is to ensure national security or to resolve an emergency situation, the environmental impact may not be assessed if the assessment may harm the achievement of said goals.

[ RT I, 06.07.2023, 2 - enters into force. 16.07.2023]

(3) If, on the basis of subsection 2 of this section, the environmental impact is not assessed, the provisions of §§ 3 - 30 of this Act shall not apply.

(4) The Government of the Republic decides not to assess the environmental impact provided for in subsection 2 of this section, on the proposal of the minister responsible for the field.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## 1

### § 3 . Purpose of environmental impact assessment

(1) The purpose of the environmental impact assessment is to provide the grantor of the activity permit with information about the significant environmental impact accompanying the planned activity and its real alternative options, and to select the most suitable solution option for the planned activity, with which it is possible to avoid or reduce adverse effects on the environment and promote sustainable development.

(2) During the environmental impact assessment, the direct and indirect significant environmental impact of the planned activity on environmental elements, such as land, soil, water, outside air, climate, landscape and natural diversity, on the population, human health, well-being and property, cultural heritage and protected natural objects and their interrelationships, as well as significant environmental impact associated with a possible major accident or disaster, and they are described and assessed.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## 2

### § 3 . Environmental impact assessment procedure

The environmental impact assessment procedure consists of the following stages:

- 1) making a decision to initiate or not initiate an environmental impact assessment and informing about it;
- 2) drawing up an environmental impact assessment program, including determining the scope of the environmental impact assessment;
- 3) assessment of the significant environmental impact expected to accompany the planned activity and preparation of a report;
- 4) asking the relevant authorities for their opinion on the environmental impact assessment program and report and making the program and report public, taking into account the distinctiveness of cross-border environmental impact assessment;
- 5) checking compliance with the requirements of the environmental impact assessment program and report, making decisions on recognition as compliant and informing about them;
- 6) taking into account the results of the environmental impact assessment when making a decision to grant or not grant an activity permit and informing about the decision.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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### § 3 . Environmental measures

(1) Environmental measures within the meaning of this section are measures to prevent, avoid, reduce and mitigate the adverse environmental impact associated with the implementation of the planned activity and, in justified cases, remedial measures. Environmental measures also include environmental monitoring.

(2) Environmental measures, including the type of indicators monitored by environmental monitoring and the duration of monitoring, must be proportionate to the nature, location and volume of the planned activity and the expected environmental impact. Existing environmental monitoring is taken into account when determining and performing environmental monitoring.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

### § 4. Environmental impact

[Repealed - RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

### § 5. Significant environmental impact

[Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

### § 6. Activity with a significant environmental impact

(1) Activities with a significant environmental impact are:

- 1) oil processing, with the exception of the production of only lubricants from oil;
  - 2) gasification or liquefaction of coal or oil shale, if 500 tons or more of raw materials are used per day;
  - 3) construction of a thermal power plant or other combustion device, if its nominal heat capacity is 300 megawatts or more;
  - 4) construction, closure or decommissioning of a nuclear power plant or other nuclear device, with the exception of a research device for the production or processing of fissile or nuclear synthetic material, if its maximum heat capacity does not exceed one kilowatt of permanent heat load;
  - 5) erecting a wind power plant in a water body;
  - 6) production or enrichment of nuclear fuel and processing, handling, final storage or storage of spent nuclear fuel elsewhere than at the place of origin for more than ten years;
- [ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]
- 7) handling of high-level radioactive waste, only final storage of radioactive waste or storage elsewhere than at the place of origin for more than ten years;
- [ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]
- 8) primary melting of cast iron or steel;
  - 9) production of non-ferrous metals from metal ore, enriched ore or scrap metal using a metallurgical or chemical process or electrolysis;
  - 10) production of asbestos, processing or handling of asbestos or products containing asbestos, if the volume of finished production of asbestos cement exceeds 20,000 tons per year, the volume of finished production of friction materials exceeds 50 tons per year, or the

volume of finished production of other finished asbestos products exceeds 200 tons per year;

11) production of a substance on an industrial scale using a chemical process, if several devices are arranged and functionally connected to each other and produce organic or inorganic basic chemicals, phosphorus, nitrogen or potassium fertilizers as simple or compound fertilizers, plant protection products or biocides, medicines during a chemical or biological process or explosives ;

12) production of paper or cardboard with a production capacity of at least 200 tons per day or production of pulp from wood or similar fibrous materials;

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

13) construction of a highway, an airport with a main runway of 2,100 meters or longer, a four-lane road over ten kilometers long, or the construction of a one- or two-lane road into a road with at least four lanes;

14) construction of a new railway line or construction of a new railway station, if there are at least four station roads in the case of a single-track railway line and at least five station roads in the case of a two-track railway line, expansion of an existing railway station, if as a result of the expansion, the railway station has at least four station roads in the case of a single-track railway line and at least five station roads in the case of a two-track railway line , or the extension of the station roads of an existing railway station to a length of at least 1,000 meters, if the railway station has at least four station roads in the case of a single-track railway line and at least five station roads in the case of a two-track railway line;

15) the construction of a harbor or a waterway in an inland body of water designed for vessels with a displacement exceeding 1,350 tons;

16) the establishment of a port or quay connected to land if it serves vessels with a displacement exceeding 1,350 tons;

17) dredging of the sea and Lake Peipsi, Lake Lämmijärvi and Lake Pihkva from a soil volume of 10,000 cubic meters or dredging of another body of water from a soil volume of 500 cubic meters;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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17 ) dumping of solid substances on the seabed and Lake Peipsi, Lake Lämmijärvi and Lake Pihkva from a volume of substances of 10,000 cubic meters, dumping of solid substances into a watercourse from a volume of substances of 2,000 cubic meters or dumping of solid substances into another body of water from a volume of substances of 500 cubic meters;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

18) extraction of groundwater at least 10 million cubic meters per year;

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

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18 ) artificial replenishment of groundwater, if at least 10 million cubic meters of groundwater is formed per year;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

19) erecting a water pipeline if the average flow rate exceeds 100 million cubic meters per year or if the average flow rate of water in the water catchment exceeds 2,000 million cubic meters per year and the amount of water diverted through the water pipeline exceeds five percent of the annual average flow rate of the water catchment;

20) erecting a sewage treatment plant if its capacity is over 150,000 human equivalents;

21) building or reconstructing a hydroelectric power plant, dam, dam or water reservoir on a sensitive riverbed;

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21 ) construction or reconstruction of a hydroelectric power plant, dam, dam or reservoir, if as a result the new or additional retained water volume is more than 10 million cubic meters;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

22) incineration, chemical treatment or disposal of hazardous waste;

23) incineration or chemical processing of general waste over 100 tons per day or construction of a general waste landfill if its total volume is over 25,000 tons;

24) closure of a landfill with an area of at least 1.5 hectares;

25) construction of pipelines over 40 kilometers long and over 800 millimeters in diameter for transporting gas, oil or chemicals;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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25 ) construction of pipelines over 40 kilometers long and over 800 millimeters in diameter and related pumping stations for transporting carbon dioxide stored in the ground;

[ RT I, 21.12.2011, 1 - enters into force. 31.12.2011]

26) extraction of more than 500 tons of oil or more than 500,000 cubic meters of natural gas from the seabed or land;

27) setting up a poultry, pig or cattle farm capable of rearing more than 60,000 birds, 3,000 pigs with a body weight of more than 30 kilograms, 900 sows, 600 dairy cows, 800 suckler cows or 1,200 young cattle, which are considered to be heifers over eight months old until calving and over eight one month old bulls;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

28) surface mining on an area larger than 25 hectares or peat mining on an area larger than 150 hectares or underground mining;

[ RT I, 10.11.2016, 1 - enters into force. 01.01.2017]

29) [invalid - RT I, 10.11.2016, 1 - entry into force. 01.01.2017] 30)

erecting a high-voltage line if its voltage is at least 220 kilovolts and the length is more than 15 kilometers;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

31) construction of a new drainage system on forest land or wetlands with an area of more than 100 hectares;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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31 ) deforestation of forest land with an area of more than 100 hectares;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

32) erecting a building or buildings with a volume of at least 100,000 cubic meters for the storage of oil, petrochemical or chemical products;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

33) establishment of a facility that handles hazardous chemicals, if it is an enterprise with the risk of a major accident of category A according to the Chemicals Act;

[ RT I, 10.11.2015, 2 - enters into force. 01.12.2015]

34) such activity, the obligation of environmental impact assessment is determined by the strategic planning document underlying the activity;

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34 ) construction of buildings to collect carbon dioxide from the activities, facilities or buildings specified in points 1-34 of this paragraph for the purpose of storage in the ground or if the total annual volume of carbon dioxide collected for storage in the ground is at least 1.5 megatons per facility;

[ RT I, 21.12.2011, 1 - enters into force. 31.12.2011]

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35) in points 1–34 of this paragraph changing the mentioned activity or facility or expanding the building, if the changing the activity or facility or expanding the building meets the possible thresholds provided in this subsection;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

36) such activity, which requires the application of an exception to the achievement of a good state of the water body on the basis of §§ 39–42 of the Water Act in the application procedure for a water permit or complex environmental permit.

[ RT I, 22.02.2019, 1 - enters into force. 01.10.2019]

(2) If the planned activity is not among those mentioned in subsection 1 of this section, the decision-maker must provide a preliminary assessment of whether the activities of the following areas have a significant environmental impact:

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

1) agricultural, forest and fishing management and land improvement;

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

2) mining of mineral resources, beneficiation of a mine or reclamation of mined land;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

3) energy;

4) production, processing or storage of metals, including storage of scrap vehicles;

5) processing of mineral materials;

6) chemical industry;

7) food industry;

8) pulp, paper, wood or textile industry or leather tanning;

9) rubber industry;

10) construction or use of infrastructure;

11) waste management;

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

12) tourism economy;

13) surface treatment or finishing using organic solvents;

14) production of plywood or fiber boards;

15) production of graphite (tempered coal) or electrographite by burning or graphitizing;

16) storage of dangerous chemicals, including fuel;

17) disposal or recycling of animal carcasses or animal waste;

18) special use of water;

19) establishment of recreation, sports or recreation areas;

20) ceramic or glass industry;

21) waste water and sediment handling;

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

22) other activity that may lead to a significant environmental impact.

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(2 ) If the activity or facility specified in points 1-34 of subsection 1 of this section is changed or the building is expanded, the decision-maker must provide a preliminary assessment of whether the planned activity has a significant environmental impact.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(2 ) [Repealed - RT I, 03.07.2017, 3 - entered into force. 13.07.2017]

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(2 ) The preliminary assessment provided for in subsections 2 and 2 of this section may not be given if the proposed activity falls

outside the scope of regulation established on the basis of subsection 2 and the regulation established on the basis of subsection 4.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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3 of this section, the decision-maker is obliged to provide a preliminary assessment if

(2 ) In the application of subsection 2

additional circumstances arise during the processing of the application for an activity permit that lead to the obligation to provide a preliminary assessment in accordance with subsections 2 and 2

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(3) [Repealed - RT I, 03.07.2017, 3 - entered into force. 13.07.2017]

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(3 ) [Repealed - RT I, 03.07.2017, 3 - entered into force. 13.07.2017]

(4) The Government of the Republic shall establish a detailed list of the areas of activity specified in subsection 2 of this section by regulation.

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## § 6 . Preliminary assessment

(1) In order to provide the preliminary assessment provided for in subsections 2 and 2 1

of § 6 of this Act, the developer submits the  
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following information together with the application for an activity permit or, in the case specified in subsection 2

of § 6, at the request of the decision-maker: 1) the purpose, nature and physical indicators of the activity and, in the relevant case, a description of the necessary demolition works;

2) description of the location of the activity, including the sensitivity of the area expected to be affected;

3) description of environmental elements expected to be significantly affected by the activity;

4) existing information on the expected significant environmental impact of the activity, taking into account expected residues and emissions and waste generation, if applicable, and the use of natural resources, in particular soil, land, mineral resources and water, and the impact on natural diversity;

5) other relevant information based on the requirements established on the basis of paragraph 5 of this section;

6) upon request, information about the specifics of the planned activity or the environmental measures to be taken, which are planned to avoid or prevent a significant adverse environmental impact that might otherwise occur.

(2) When compiling the information specified in subsection 1 of this section, the developer must take into account the results of previous relevant assessments.

(3) The decision-maker provides the preliminary assessment specified in subsections 2 and 2<sup>1</sup> of § 6 of this Act on the basis of the developer's submission and other relevant information and based on the planned activity, its location and expected environmental impact.

(4) The information specified in subsection 1 of this section does not need to be provided if a preliminary assessment is not given in accordance with § 6 subsection 2<sup>3</sup> of this Act .

(5) The specified requirements for the content of the preliminary assessment specified in subsections 2 and 2<sup>1</sup> of § 6 of this Act shall be established by a regulation of the minister responsible for the field .

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## § 7. Activity permit

An activity permit within the meaning of this Act is:

1) a building permit or building use permit;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

2) environmental complex permit or environmental permit within the meaning of the Act on the General Part of the Environmental Code or building permit;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) [invalid - RT I, 21.12.2019, 1 - entry into force. 01.01.2020] 4) another document authorizing the planned activity with an expected significant environmental impact, not mentioned in this section.

## § 8. Developer

(1) For the purposes of this Act, a developer is a person who plans an activity and wants to implement it.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The developer bears the costs related to the environmental impact assessment.

## § 9. Decision maker

(1) The decision-maker is the grantor of the activity permit.

(2) If the decision-maker is also a developer, the official performing the tasks of the decision-maker may not perform the tasks of the developer at the same time.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## § 10. Environmental impact assessment supervisor

[Repealed - RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

## § 11. Initiation and non-initiation of environmental impact assessment

(1) The developer submits an application for an activity permit to the decision-maker in the case and according to the procedure provided for in the legislation.

(2) The decision-maker reviews the application for an activity permit and makes a decision on the initiation or non-initiation of an environmental impact assessment in the case of activities specified in § 6 subsection 1 of this Act within the period of processing the application for an activity permit provided in the legislation, and in the case of activities in the areas specified in § 6 subsection 2 and the

activities referred to in subsection 2 1 in the legislation within the period of processing the application for an activity permit, but no later than on the 90th day after receiving the information listed in § 6

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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(2) If the decision to initiate or not to initiate the environmental impact assessment of the planned activity is made on the basis of § 6

subsection 2 or 2 1 of this Act the time for processing the application for an activity permit provided for in the legislation and the deadline for making the decision to initiate or not to initiate the environmental impact assessment specified in subsection 2 of this section may, in justified cases extend by notifying the developer in writing.

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

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(2) Before deciding on the necessity of an environmental impact assessment of the activities of the areas specified in subsection 2

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of § 6 of this Act and the activities referred to in subsection 2, the decision-maker must ask for the opinion of all the relevant authorities by submitting to them a preliminary assessment and a draft decision to initiate or not to initiate an environmental impact assessment.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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(2) The necessity of environmental impact assessment of the activities of the areas specified in subsection 2 of § 6 of this Act and 1 is decided based on the preliminary assessment and the point of view of the relevant

the activities referred to in subsection 2 institution.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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(2) If in the procedure of the application for the activity permit issued for the planned activity, the decision-maker has not initiated the

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environmental impact assessment on the basis of paragraph 2 of this section, he may, in the procedure of the application for the other activity permit required for the same activity, not initiate the environmental impact assessment on the same basis, if the circumstances have not changed significantly.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(3) In the case of the activity specified in § 6 subsection 1 of this Act, the environmental impact assessment of the planned activity is initiated without justifying its need.

(4) If the decision to initiate or not to initiate an environmental impact assessment of the planned activity is made on the basis of § 6

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subsection 2 or 2 of this Act, a preliminary assessment shall be added to the decision.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(5) [Repealed - RT I, 16.11.2010, 1 - entered into force. 26.11.2010]

(6) If the planned activity is expected to have a significant environmental impact, the decision-maker shall not initiate this environmental impact assessment, if it is clear from the preliminary assessment that the environmental impact of the planned activity has already been appropriately assessed during the environmental impact assessment or strategic environmental impact assessment and the decision-maker has sufficient information to grant the activity permit.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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(6) [Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(7) If one decision-maker is submitted an application for two or more activity permits necessary for the planned activity, the decision-maker may combine the environmental impact assessment procedures of the planned activity with the consent of the developer, if this does not harm the rights of third parties.

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(7) Only one environmental impact assessment is initiated in the same activity permit application procedure.

[ RT I, 16.11.2010, 1 - enters into force. 26.11.2010]

(8) The decision to initiate or not to initiate the environmental impact assessment of the planned activity must include:

1) the name and contact information of the decision-maker;

2) name and purpose of the planned activity;

3) justification for initiating or not initiating an environmental impact assessment of the planned activity;

4) in case of initiating a cross-border environmental impact assessment, information on the initiation of a cross-border environmental impact assessment;

5) information on merging the environmental impact assessment procedures of the planned activity;

6) information about necessary environmental studies.

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(8) The decision not to initiate an environmental impact assessment must, among other things, contain relevant details of the 1 subsection 1 point 6 of this Act or environmental measures to avoid or prevent a

planned activity submitted on the basis of § 6

significant adverse environmental impact that may otherwise occur.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(9) The decision-maker may submit the decision not to initiate the environmental impact assessment of the planned activity as one part of the decision to grant or not to grant an activity permit.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(10) If the planned activity can be expected to affect an area of the Natura 2000 network, a protected area, a conservation area, a permanent habitat or a protected individual object of nature, the decision-maker shall coordinate the draft decision not to initiate the environmental impact assessment of the planned activity with the administrator of the said protected natural object.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(11) If the environmental impact assessment of the planned activity is initiated, the procedure for the application for an activity permit shall be suspended until it is notified in Official Notices in accordance with § 22 (7) of this Act.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(12) Before submitting an application for an activity permit, the developer may contact the decision-maker to ask the decision-maker's opinion on what information he must submit during the environmental impact assessment. The decision-maker, whom the developer has turned to, must consult both the developer and the relevant authorities before presenting his opinion. Submitting a position does not prevent the decision-maker from requesting additional information during the environmental impact assessment in the future.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

## **§ 12. Notification of initiation and non-initiation of environmental impact assessment**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) The decision-maker informs the persons specified in § 46 subsection 1 of the General Part of the Environmental Code Act and other parties to the proceedings electronically, by simple or registered letter, and the public by publishing the notice in Official Gazettes within 14 days of the relevant decision being made.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(1 ) The decision-maker notifies the non-initiation of the environmental impact assessment of the planned activity:

1) together with the notification of granting or refusing the activity permit, if notification of the participants in the proceedings and the public is ensured, or

2) electronically, by plain or registered letter, to the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act and other participants in the proceedings and the public by publishing a notice in Official Gazettes within 14 days after the relevant decision is made.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) In the event of the granting of activity permits registered in the building register, the non-initiation of the environmental impact assessment shall be notified through the building register.

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(3) The notice of initiation or non-initiation of the environmental impact assessment of the planned activity must contain at least:

1) the name of the decision-maker and the name and contact details of the decision-maker's contact person;

2) the name of the developer, a brief description of the planned activity and objectives;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) information on the initiation or non-initiation of the environmental impact assessment of the planned activity;

4) information on the basis of § 11 (8) clauses 4–6 of this Act;

5) the time and place of reviewing the decision to initiate or not to initiate the environmental impact assessment of the planned activity.

## **§ 13. Environmental impact assessment program**

(1) After the decision to initiate the environmental impact assessment of the planned activity has been made, the lead expert or expert group under the leadership of the lead expert (hereinafter the expert group ) prepares an environmental impact assessment program together with the developer, which presents:

1) the purpose and exact location of the planned activity;

2) a brief description of the planned activity and its real alternative possibilities;

3) description of the environment expected to be affected;

4) connection of the planned activity with strategic planning documents;

5) information about the significant environmental impact expected to accompany the planned activity and its real alternative options, the expected sources of impact, the size of the impact area and the environmental elements affected;

6) description of the evaluation methodology used in the environmental impact assessment, including information on the studies necessary for the environmental impact assessment;

7) the schedule for the environmental impact assessment of the planned activity and its real alternative options and the publication of its results;

8) data on the developer and the name of the leading expert or the composition of the expert group, naming and justifying which areas and which impact each person belonging to the group will assess;

9) the list of relevant institutions with the rationale for inclusion in the proceedings;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

10) a copy of the application for an activity permit or the application for initiation of the environmental impact assessment referred to in

§ 26 1

subsection 1 of this Act. [ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The minister responsible for the field may establish additional requirements for the content of the environmental impact assessment program by regulation.

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

## **§ 14. Lead expert**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) The environmental impact is evaluated or the evaluation is managed by a natural person who has an environmental impact assessment license, or a legal entity through an employee with an appropriate license (hereinafter *the leading expert* ).

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]



(2) If the environmental impact is assessed or the assessment is managed by a legal entity through an employee with an appropriate license, the legal entity is responsible for meeting the requirements of the environmental impact assessment and the results of the environmental impact assessment.

(3) The lead expert has the right to form an expert group for environmental impact assessment, the composition of which may include competent persons without a relevant license.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) The lead expert must involve specialists in the field in the environmental impact assessment if his qualifications are not sufficient for the environmental impact assessment.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(4) A person who has acquired a foreign professional qualification may also act as a leading expert, if his professional qualification has been recognized in accordance with the Act on the Recognition of Foreign Professional Qualifications. The competent authority provided for in § 7 subsection 2 of the Act on the Recognition of Foreign Professional Qualifications is the Ministry of Climate.

[ RT I, 30.12.2015, 1 - enters into force. 18.01.2016]

(5) The lead expert and the members of the expert group must be impartial and objective when assessing the environmental impact of the planned activity, reflecting in the environmental impact assessment report all the circumstances that are important due to the purpose of the environmental impact assessment.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(6) The decision-maker checks the existence of the license of the leading expert.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### § 15. Environmental impact assessment license

(1) The Ministry of Climate issues grants an environmental impact assessment license (hereinafter *license*) to a natural person who:

1) has obtained a master's degree or the corresponding qualification according to the curriculum of the study field of natural sciences or environmental protection;

2) has at least three years of work experience in the field of activity related to natural sciences or environmental protection;

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

3) has completed at least 60 hours of training in environmental impact assessment, which deals with giving assessments, among other things, in accordance with § 20 of this Act and the requirements established on its basis, and passed the corresponding exam with a positive result;

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

4) has completed at least 60 hours of management training and has the experience of managing at least two projects;

5) has participated in the work of the expert group as a substantive expert at least three times during the last five years;

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

6) has passed the environmental impact assessment test before the Environmental Impact Assessment License Commission;

7) has paid the state fee.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) Litsentsi saamiseks esitab litsentsi taotleja Kliimaministeeriumile:

[RT I, 23.03.2015, 6 - jõust. 01.07.2015]

1) litsentsi taotluse;

2) haridust tõendavad dokumendid;

3) eelnevat töökogemust tõendavad dokumendid;

4) kinnituse keskkonnamõju hindamise alase koolituse läbimise ja eksami sooritamise ning eksperdirühma töös osalemise kohta;

5) kinnituse juhtimisalase koolituse läbimise ja projekti juhtimise kogemuse kohta.

[RT I, 23.03.2015, 6 - jõust. 01.07.2015]

(3) Litsentsi taotluses peavad olema:

1) taotleja ees- ja perekonnanimi, isikukood, alalise elukoha aadress ja kontaktandmed;

2) töökoht ja töökoha aadress ning kontaktandmed;

3) andmed käesoleva paragrahvi lõike 1 punktides 1–6 nimetatud kvalifikatsiooni kohta;

[RT I, 23.03.2015, 6 - jõust. 01.07.2015]

4) [kehtetu - RT I, 23.03.2015, 6 - jõust. 01.07.2015]

5) taotleja allkiri selle kohta, et taotluses esitatud andmed on tõesed;

6) kuupäev.

(4) Kliimaministeerium annab taotlejale litsentsi seitsmeks aastaks. Litsentsi kehtivusaeg algab litsentsi andmise kuupäeval.

[RT I, 07.03.2023, 21 - jõust. 17.03.2023]

(5) Before applying for a license or applying for an extension of its validity, the license applicant must pay the state fee according to the rate stipulated in the State Fees Act.

[ RT I 2006, 58, 439 - entry into force. 01.01.2007]

(6) The following shall be entered on the license:

1) the name of the document – «Environmental Impact Assessment License»;

2) license registration number, date of issue and validity period;

3) first and last name and personal identification number of the license holder;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

4) [invalid - RT I, 23.03.2015, 6 - entry into force. 01.07.2015] 5) name and signature of the licensor; 6) Imprint of a small seal of the Ministry of Climate with the image of the national coat of arms.

(7) The granting of a license shall be refused if the applicant does not meet the qualification requirements specified in points 1-6 of subsection 1 of this section or has not paid the state fee.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(7 ) On the website of the Ministry of Climate, information about licensed management experts is published, including information about license revocation.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(8) In order to extend the validity of the license, the person submits a free form written request to the Ministry of Climate no later than three months before the license expires. The validity of the license is extended if the applicant has participated as a lead expert at least three times in the preparation of an environmental impact assessment report or a detailed plan or a strategic environmental impact assessment report of a detailed solution of a state or local government special plan.

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

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(8 ) If during the validity of the license of the leading expert, claims have been received regarding his activities, the environmental impact assessment license commission has the right to require the applicant to pass an environmental impact assessment exam.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(9) The Ministry of Climate may, on its own initiative or at the proposal of the decision-maker, declare the license invalid or refuse to extend the validity of the license if:

[ RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

1) when applying for a license, the applicant has provided information that does not correspond to reality;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

2) the license holder does not meet the requirements of the environmental impact assessment;

3) the license holder has submitted false information in the environmental impact assessment report;

4) the license holder has knowingly given an incorrect assessment in the environmental impact assessment report, including in the event that the results of the environmental impact assessment follow-up assessment differ significantly from the assessment given in the environmental impact assessment report.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(9 ) The license may not be revoked or the validity of the license may be extended if the violations specified in point 1 or 3 of subsection 9 of this section could not affect the granting or non-granting of the license or activity permit.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(9 ) The Ministry of Climate informs the license holder about the initiation of the license revocation procedure within 14 days from the initiation of the procedure. Along with the notice of initiation of the procedure, the license holder is also provided with a written summary of the circumstances that led to the initiation of the license revocation procedure, and a deadline for submitting written explanations is set. The deadline cannot be shorter than 21 days.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(9 ) Before making a decision to revoke a license or not to extend the validity of a license, the license holder shall be heard orally. The appointed time and place will be notified to him by registered letter at least 14 days before the oral hearing. If the license holder does not participate in the oral hearing, the Ministry of Climate can make a decision without hearing the person orally.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(9 ) The Ministry of Climate decides whether or not to revoke the license within 60 days from the initiation of the procedure. In justified cases, the Ministry of Climate can extend the deadline for making a decision. The license holder must be informed of this without delay.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(10) The Ministry of Climate shall notify the license holder by registered letter of the invalidation of the license or the failure to extend the validity of the license and shall publish the notice in Official Notices. The notification states the name of the leading expert and the number of the revoked or non-renewed license, as well as the date of the decision to revoke or not renew the license.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(11) If the license is declared invalid on the basis of point 1, 2 or 3 of subsection 9 of this section, in order to re-apply for the license, the person must undergo at least 60 hours of additional training in environmental impact assessment and pass the corresponding exam with a positive result.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(11 ) If the license is declared invalid or the validity of the license is not extended on the basis of paragraph 9, point 4 of this section, and knowingly giving a false assessment in the environmental impact assessment report had a significant impact on the decision to grant an activity permit, the person does not have the right to apply for the license again.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(12) [Repealed - RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

(13) If the license of the lead expert assessing the environmental impact or conducting the assessment is declared invalid or the validity of the license is not extended or there is another circumstance with such consequences in the environmental impact assessment procedure, the decision-maker shall appoint a new lead expert of the unfinished environmental impact assessment at the proposal of the developer. The appointment of a new lead expert will be notified in the environmental impact assessment procedure in

accordance with § 12 subsection 1 of this Act.

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(14) The form of the license and the form of its application shall be established by a regulation of the minister responsible for the field .

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### **§ 15 . Asking for an opinion on the environmental impact assessment program**

(1) Before publicizing the environmental impact assessment program in accordance with § 16 of this Act, the decision-maker must ask for the opinion of all relevant institutions on the content of the program. To ask for positions, the developer submits an environmental impact assessment program to the decision-maker.

(2) Within 14 days of receiving the environmental impact assessment program, the decision-maker shall check the compliance of the program with the requirements set forth in § 13 of this Act and forward it to the relevant authorities for submission of an opinion.

(3) If the environmental impact assessment program does not meet the requirements set forth in § 13 of this Act, the decision-maker shall return it to the developer with reasons and suggestions for correction.

(4) Within 30 days from the receipt of the environmental impact assessment program, the relevant authority submits an opinion on the program based on its field of competence, including an assessment of the relevance and adequacy of the program. When reviewing the documentation, the institution must also check the adequacy of the composition of the expert group.

(5) Within 14 days of receiving the positions of the relevant authorities, the decision-maker reviews the positions and gives the developer and the lead expert his opinion on the relevance and adequacy of the environmental impact assessment program, taking into account the opinions submitted by the relevant authorities.

(6) The lead expert or expert group together with the developer, if necessary, makes corrections and additions to the program on the basis of subsection 5 of this section and explains the consideration of views or justifies the non-consideration. The developer submits an updated environmental impact assessment program to the decision-maker. Copies of letters from relevant agencies are attached to the program.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(7) The decision-maker shall check whether or not to consider the corrected and supplemented environmental impact assessment program, including the positions of the relevant authorities, within 14 days of receiving said program and, if necessary, include the relevant authority whose position has not been taken into account.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

### **§ 16. Disclosure of the environmental impact assessment program**

(1) The decision-maker organizes a public display of the environmental impact assessment program lasting at least 14 days. Then, the developer organizes a public discussion of the environmental impact assessment program in cooperation with the decision-maker.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The decision-maker informs about the public display and public discussion of the environmental impact assessment program within

14 days of the results of the inspection according to § 15 1

subsection 7 of this Act being revealed at least:

[ RT I, 03.07.2017, 3 - effective. 13.07.2017]

1) In Official Announcements;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

2) at the expense of the developer in one newspaper with nationwide circulation or one newspaper with local or county circulation;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) the location of the planned activity in at least one publicly accessible building or place (for example, a library, shop, school, bus stop).

[RT I 2008, 34, 209 - entered into force. 01.08.2008]

(3) The decision-maker informs about the public exhibition and public discussion of the environmental impact assessment program

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electronically, by simple or registered letter within 14 days after the results of the inspection according to § 15 subsection 7 of this Act are revealed:

[ RT I, 03.07.2017, 3 - entry into force. 13.07.2017]

1) those units of local governments whose territory may be affected by the environmental impact arising from the planned activity;

[ RT I, 04.07.2017, 1 - enters into force. 01.01.2018]

2) relevant institutions;

3) The Environmental Board, if the decision-maker is not the Environmental Board;

[ RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

4) manager of a protected natural object expected to be significantly affected by the planned activity;

5) non-governmental environmental organizations through the organizations connecting them;

6) the persons specified in § 46 subsection 1 of the Act on the General Part of the Environmental Code;

7) other participants in the proceedings.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) The notification of disclosure of the environmental impact assessment program must contain at least:

1) the names of the developer and the decision-maker and the names and contact details of their contact persons;

2) brief description, goals and exact location of the planned activity;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) the time and place of viewing the program and other relevant documents, including the website address where the documents are available;

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

- 4) the time and manner of submitting proposals, objections and questions about the program;
- 5) the time and place of the public discussion of the program.

(5) Everyone has the right to familiarize themselves with the program and other relevant documents during the public display and public discussion of the environmental impact assessment program, submit proposals, objections and questions about the program and receive answers to them.

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(5 ) At the public discussion of the environmental impact assessment program, among other things, the views presented by the relevant institutions and received during the public exhibition about the program will be presented, and the consideration or non-consideration of the suggestions and objections made will be explained.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(6) The decision-maker publishes the environmental impact assessment program, among other things, on his or another website, ensuring the opportunity for the public to familiarize themselves with the program at least until the end of the deadline for submitting proposals, objections and questions about the program.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

#### **§ 17. Consideration of the results of the public display and public discussion of the environmental impact assessment program**

(1) The institution, to which proposals, objections or questions regarding the program were submitted during the public exhibition of the environmental impact assessment program, forwards said proposals, objections and questions to the developer.

(2) The lead expert or group of experts under the leadership of the lead expert together with the developer makes the necessary corrections and additions to the program based on the suggestions and objections made during the public display of the environmental impact assessment program and the public discussion, explains the consideration of the suggestions and objections or justifies the non-consideration and answers the questions.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) Within 30 days from the date of the public hearing, the developer shall send electronically, by simple or registered letter, an explanation of the consideration of the proposals or objections submitted regarding the environmental impact assessment program or the justification for not considering them, and the answers to the questions to the persons: 1) who have submitted their proposal, objection or question

in writing ;

2) whose proposal, objection or question presented orally at the public hearing remained unanswered at the public hearing.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 18. Verification of compliance with the requirements of the environmental impact assessment program**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) After the public discussion of the environmental impact assessment program, the developer submits the program together with the proposals, objections and questions, as well as copies of the letters specified in subsection 17 (3) of this Act and the minutes of the public discussion, to the decision-maker for verification of compliance with the requirements.

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(2) Based on the positions of the relevant authorities submitted in accordance with § 15 of this Act , the decision-maker shall, within 30 days of receiving the environmental impact assessment program, check:

- 1) compliance of the program with the requirements set forth in § 13 of this Act;
- 2) relevance and adequacy of the program for assessing the environmental impact of the planned activity;
- 3) taking into account or not taking into account the suggestions and objections submitted about the program.

(3) The decision-maker makes a decision to recognize the environmental impact assessment program as meeting the requirements on the basis of subsection 2 of this section.

(4) The decision-maker shall notify the persons specified in § 46, subsection 1 of the Act on the General Part of the Environmental Code and other parties to the proceedings within 14 days of making the decision specified in subsection 3 of this section, and shall publish the notice in Official Gazettes.

(5) The notification specified in subsection 4 of this section must contain at least:

- 1) the name of the decision-maker and the name and contact details of the decision-maker's contact person;
- 2) brief description and purpose of the planned activity;
- 3) the time and place of familiarization with the environmental impact assessment program and the decision specified in subsection 3 of this section.

(6) If the decision-maker determines that the environmental impact assessment program does not meet the requirements checked in accordance with subsection 2 of this section, the developer must submit an updated program to the decision-maker for verification of compliance with the requirements.

(7) If, within 18 months from the initiation of the environmental impact assessment, the developer has not submitted the environmental impact assessment program to the decision-maker for verification of compliance with the requirements, the decision-maker shall not review the activity permit application that was the basis for the initiation of the environmental impact assessment and return it to the developer.

[ RT I, 10.11.2016, 1 - enters into force. 20.11.2016]

(8) If the developer has not submitted the environmental impact assessment report specified in § 20 of this Act to the decision-maker for public display within two years of the decision specified in subsection 3 of this section, the program shall lose its validity and a new environmental impact assessment program shall be drawn up.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

## **§ 19. Notification of the approval of the environmental impact assessment program**

[Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

## **§ 20. Environmental impact assessment report**

(1) Based on the environmental impact assessment program recognized as meeting the requirements, the lead expert or expert group prepares an environmental impact assessment report in cooperation with the developer, which includes a description and comparison of the planned activity and its real alternative options, a description of the environment expected to be significantly affected, and a description of the expected significant environmental impact and environmental measures.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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(1 ) In the event that additional circumstances appear during the preparation of the environmental impact assessment report, the report may, in justified cases, deviate from the environmental impact assessment program recognized as meeting the requirements in accordance with § 18 (3) of this Act. Reasons for this must be provided in the environmental impact assessment report, and in case the decision-maker or the relevant authority, which gives its opinion on the report, does not agree with the deviation from the program, the report must be supplemented according to the program.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The specified requirements for the content of the environmental impact assessment report shall be established by a regulation of the minister responsible for the field .

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(3) The environmental impact assessment must take into account the generally recognized knowledge and assessment methodology of environmental impact assessment and the results of previous relevant assessments.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

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## **§ 20 . Asking for an opinion on the environmental impact assessment report**

(1) Regarding the environmental impact assessment report, the position of the relevant authorities is requested in accordance with the

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procedure provided for in § 15 of this Act .

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) Within 21 days from the receipt of the environmental impact assessment report, the decision-maker shall check the compliance of the report with the requirements established in § 20 of this Act and the requirements established on the basis thereof, the relevance and adequacy of the report, and the consideration or non-consideration of the views of the relevant authorities.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## **§ 21. Disclosure of the environmental impact assessment report and consideration of the results of the disclosure of the report**

The environmental impact assessment report is made public, and the results of the publication are taken into account in accordance with §§ 16 and 17 of this law, except for the deadline for public display of the report, which is at least 30 days.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

## **§ 22. Verification of compliance with the requirements of the environmental impact assessment report**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) Within six months after the public discussion of the environmental impact assessment report, the developer submits the report to the decision-maker for verification of compliance with the requirements.

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(2) The decision-maker forwards the environmental impact assessment report to the relevant authorities for approval.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) The relevant authority, based on its field of competence, approves or fails to approve the environmental impact assessment report

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within 30 days of receiving the report. The authority according to § 2 (2) of this Act assesses, among other things, the compliance of the report with the requirements established in § 20 of this Act and on its basis.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(4) The relevant authority shall not approve the environmental impact assessment report if:

- 1) there is a direct conflict with the legislation;
- 2) the report contains incomplete information, which affects the final conclusions of the report, and as a result, the implementation of the planned activity can be expected to have a significant adverse environmental impact.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(5) Based on the approvals of the relevant institutions, within 30 days of receiving the environmental impact assessment approvals, the decision-maker shall check:

- 1) the compliance of the report with the environmental impact assessment program;
- 2) compliance of the report with the requirements established in § 20 of this Act and on its basis;

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

3) relevance and sufficiency of the report for the granting of an activity permit;

4) taking into account or not taking into account the suggestions and objections submitted about the report.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(6) On the basis of subsection 5 of this section, the decision-maker makes a decision on the recognition of the environmental impact assessment report as meeting the requirements, where, among other things, the final conclusions of the environmental impact

assessment report on the significant environmental impact expected to accompany the implementation of the planned activity are presented.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(7) The decision-maker shall notify the persons specified in § 46, subsection 1 of the Act on the General Part of the Environmental Code and other parties to the proceedings, within 14 days of the decision being made, of the decision specified in subsection 6 of this section, and shall publish the notice in Official Gazettes.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(8) The notification specified in subsection 7 of this section must contain at least:

- 1) the name of the decision-maker and the name and contact details of the decision-maker's contact person;
- 2) the name of the developer, a brief description of the planned activity and the purpose;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) the time and place of viewing the environmental impact assessment report and the decision specified in subsection 6 of this section.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(9) If the decision-maker determines that the environmental impact assessment report does not comply with the requirements to be checked in accordance with subsection 5 of this section, the developer must submit to the decision-maker an updated report within the deadline set by the decision-maker for verification of compliance with the requirements.

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

(10) In a justified case, the decision-maker may demand that the environmental impact assessment report be supplemented with additional information that is not required in the environmental impact assessment program recognized as meeting the requirements in accordance with § 18 (3) of this Act.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

### **§ 23. Notification of the approval of the environmental impact assessment report and the determination of environmental requirements**

[Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

### **§ 24. Issuance of an activity license and its refusal**

(1) When making a decision to grant or refuse an activity permit, the decision-maker must assess the relevance of the environmental impact assessment report and take into account the results of the environmental impact assessment and the environmental measures contained in the report.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

1

(1 ) If, as a result of the assessment in accordance with paragraph 1 of this section, the decision-maker determines that the environmental impact assessment report is not relevant for granting an activity permit, the decision-maker has the right, in justified cases, to request an additional expert assessment from the developer, which is added to the environmental impact assessment report.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

2

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(1 ) The expert assessment according to subsection 1 of this section must be given by a leading expert who meets the requirements set forth in subsection 14 of this Act. When choosing a lead expert, if possible, the lead expert who prepared the environmental impact assessment report should be preferred.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

3

(1 ) If the operating permit procedure is not an open procedure, but in the course of which the expert assessment specified in

subsection 1 1 of this section has been drawn up to ensure the relevance of the environmental impact assessment report the provisions of the open procedure of the Administrative Procedure Act shall apply to the operating permit application procedure, taking into account the specifics provided in the legislation on the operating permit procedure.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

4

1 of this section, the deadline for processing the activity

(1 ) In order to provide the expert assessment specified in subsection 1 permit is extended by the time of preparing the expert assessment.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

5 ) The decision to grant an activity permit must contain the final conclusions of the environmental impact assessment report and (1

environmental measures and, in appropriate cases, the expert assessment provided for in subsection 1 1

of this section .

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(2) If the decision-maker does not take into account the results of the environmental impact assessment or the environmental measures contained in the report when making a decision to grant or refuse an activity permit, he must provide a motivated rationale in the decision to grant or refuse an activity permit.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(3) The decision-maker shall refuse to grant an activity permit if the developer is unable to fulfill the environmental measures determined upon granting the activity permit.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(4) The decision-maker informs the participants in the procedure, including the relevant authorities, and the public about the granting or non-granting of an activity permit and makes the following information available to them:

- 1) a summary of the content of the decision and mandatory environmental measures, if they have been determined;
  - 2) the main reasons and considerations underlying the decision;
  - 3) an overview of public involvement, including an explanation of how the views of the public and, in relevant cases, the affected country that participated in the cross-border environmental impact assessment procedure have been taken into account when making the decision.
- [ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

#### **§ 25. Post-evaluation of environmental impact assessment**

(1) The Environmental Board performs a follow-up evaluation of the environmental impact assessment based on the results of environmental monitoring.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The decision-maker is obliged to forward the environmental monitoring results to the Environmental Board within 30 days of receiving them for follow-up evaluation.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) If the follow-up evaluation reveals that the results of the environmental monitoring point to a violation of the requirements stipulated in the legal act or the operating permit, the decision-maker, upon the proposal of the Environmental Board, initiates a procedure to change the conditions of the operating permit.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 26. Distinction of the environmental impact assessment related to the preparation of the construction project**

[Repealed - RT I, 21.12.2019, 1 - entered into force. 01.01.2020]

1

#### **§ 26 . Environmental impact assessment before submitting an application for an activity permit**

(1) In addition to the provisions of § 3 subsection 1 of this Act, the environmental impact of the planned activity may be assessed on the basis of the application for initiating an environmental impact assessment submitted by the developer before the application for an activity permit pursuant to § 11 subsection 1 of this Act is submitted, taking into account the differences arising from this section.

(2) In the case provided for in subsection 1 of this section, the decision-maker is the issuer of the activity permit necessary for the planned activity.

(3) If it is necessary to apply for two or more activity permits for the planned activity, in which the decision-makers are different, the request to initiate an environmental impact assessment shall be submitted to one decision-maker.

(4) The decision maker initiates the environmental impact assessment within 30 days from the receipt of the request to initiate the environmental impact assessment.

(5) The application for initiating an environmental impact assessment must contain all the information available to the developer about the planned activity, including its compliance with the valid plan.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) If, according to the information available to the decision-maker, the planned activity is clearly without perspective, including not in accordance with the restrictions related to its location or the valid plan, the decision-maker shall return the request for initiation of environmental impact assessment.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(7) The environmental impact assessment provided for in subsection 1 of this section does not replace the activity permits or plans prescribed by law, which are necessary for the planned activity.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

#### **§ 27. Distinction of the environmental impact assessment of reclamation of excavated land**

[ RT I, 10.11.2016, 1 - entered into force. 01.01.2017]

(1) In addition to the provisions of § 3 subsection 1 of this Act, the environmental impact is assessed during the preparation of the project for reclamation of excavated land, if it is relevant.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(2) For the purposes of this section, the developer is the holder of the environmental permit issued for the extraction of mineral resources.

(3) The decision-maker in the sense of this section is the Environmental Board.

(4) If an environmental impact assessment is carried out during the reclamation of mined land, the environmental impact assessment report is a separate part of the mined land reclamation project.

[ RT I, 10.11.2016, 1 - enters into force. 01.01.2017]

#### **§ 28. Distinction of environmental impact assessment of landfill closure**

(1) In addition to the provisions of § 3 subsection 1 of this Act, the environmental impact of landfill closure shall be assessed before the closure plan is drawn up in accordance with the procedure provided for in this Act, taking into account the differences arising from this section.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(2) For the purposes of this section, the developer is the operator of the landfill to be closed.

(3) The decision-maker in the sense of this section is the Environmental Board.

[ RT I 2009, 3, 15 - entry into force. 01.02.2009]

(4) The developer submits a landfill closure request to the decision-maker, on the basis of which the decision-maker makes a decision on the initiation or non-initiation of the landfill closure environmental impact assessment in accordance with the procedure provided for in § 11 of this Act.

(5) The results of the environmental impact assessment must be taken into account when drawing up the landfill closure plan.  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

1

## **§ 28 . Distinctive feature of onshore wind farm environmental impact assessment**

(1) The differences provided in this section apply to the assessment of the environmental impact of an onshore wind power plant, unless the wind power plant may be accompanied by a significant cross-border environmental impact provided for in § 30 of this Act.

(2) If the decision-maker makes a decision to initiate an environmental impact assessment, the decision includes an environmental impact assessment program (hereinafter the *onshore wind power plant environmental impact assessment program* ).

(3) The environmental impact assessment program of the onshore wind power plant is prepared by the decision-maker, submitting in the program the data specified in clauses 1–7, 9 and 10 of § 13 (1) of this Act and the composition of the expert group necessary for the environmental impact assessment by field.

(4) The decision-maker must ask for the opinion of all relevant institutions and the developer regarding the draft decision to initiate an environmental impact assessment for the construction of a wind power plant on land.

(5) The relevant institution and the developer may submit a position to the decision-maker regarding the draft decision to initiate the environmental impact assessment of the onshore wind power plant, including an assessment of the relevance and adequacy of the program, within 14 days of receiving the draft decision.

(6) The decision-maker initiates the environmental impact assessment of the onshore wind power plant or fails to initiate it within 14 days, taking into account the views presented on the basis of subsection 5 of this section.

(7) The lead expert and the expert group prepare an environmental impact assessment report based on the environmental impact assessment program included in the environmental impact initiation decision.

(8) The provisions of §§ 15 1 18 of this Act shall not apply to the environmental impact assessment program of the onshore wind power plant.

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

## **§ 29. Distinction of environmental impact assessment of activities affecting the Natura 2000 network area**

(1) If the impact on the Natura 2000 network area is assessed:

1) the environmental impact assessment must first of all take into account the purpose of the protection of the area and the integrity of the area;

2) the decision-maker sends an environmental impact assessment report to the manager of the protected natural object for approval before checking compliance with the requirements in accordance with § 22 of this Act.

(2) An activity permit may be granted if it is permitted by the protection procedure of the Natura 2000 network area and the decision-maker is convinced that the planned activity will not adversely affect the integrity of the Natura 2000 network area or the purpose of protection.

(3) If, despite the expected adverse impact of the planned activity on the area of the Natura 2000 network, this activity is nevertheless necessary for the public for primary and exceptionally urgent reasons, including reasons of a social or economic nature, in the absence of alternative solutions, an activity permit may be granted with the consent of the Government of the Republic.

(4) In the case specified in subsection 3 of this section, when granting an activity permit, the obligation to implement compensation measures must be set in order to ensure the protection of the overall coherence of the Natura 2000 network. The Ministry of Climate informs the European Commission about the adopted compensation measures immediately after the permit is granted. The activity specified in the permit must not be started before the implementation of compensation measures.

(5) If the planned activity is expected to have an adverse effect on the priority natural habitat type or priority species present in the area of the Natura 2000 network in accordance with Council Directive 92/43/EEC on the protection of natural habitats and natural fauna and flora (OJ L 206, 22.07.1992, pp. 7–50) meaning, the Government of the Republic may give consent only if the planned activity is related to human health, the safety of the population or a significant beneficial effect on the environment. In the case of other reasons of primary importance for the public and exceptionally urgent reasons, permission may be granted only after receiving an opinion from the European Commission. The activity specified in the permit must not be started before the implementation of compensation measures.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

## **§ 30. Special features of cross-border environmental impact assessment**

(1) The Republic of Estonia participates in the assessment of the cross-border environmental impact originating from the territory of another country, and the cross-border environmental impact assessment originating from the territory of the Republic of Estonia is organized in international agreements, the Convention on Transboundary Environmental Impact Assessment (RT II 2000, 28, 169) and in accordance with the procedure provided for in this Act, taking into account the differences arising from this section.

(2) If the planned activity can be expected to have a significant environmental impact, which may be cross-border, and the decision-maker initiates an environmental impact assessment, he must immediately notify the Ministry of Climate.

(3) If the expectedly significant environmental impact of the planned activity may be cross-border or if the affected country requests it, the Ministry of Climate will send the affected country a notice of initiation of an environmental impact assessment together with a description of the planned activity and information on the expected cross-border environmental impact of the planned activity as soon as possible, but no later than when the decision-maker informs about the initiation of environmental impact assessment in the Republic of Estonia. The affected country shall be given at least 30 days from the date of receipt of the notification to respond to the notification



of the initiation of the environmental impact assessment.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) If, after receiving the information specified in subsection 3 of this section, the affected country announces its wish to participate in the environmental impact assessment, the following shall be sent to the affected country, if this has not been done beforehand: 1) a copy of the application for an activity permit or the request to initiate an environmental impact assessment specified in § 26 1, subsection

Act

1 of this ;

[ RT I, 21.12.2019, 1 - enters into force. 01.01.2020]

2) information about the decision-maker, indicating who can be contacted in case of questions and comments;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

3) information about the environmental impact assessment of the planned activity and the processing of the application for an activity permit.

[ RT I 2007, 25, 131- by force. 01.04.2007]

1

(4 ) If the affected country does not respond to the notice of initiation of the environmental impact assessment within the time specified in subsection 3 of this section or does not wish to participate in the environmental impact assessment procedure, paragraphs 5–8 of this section shall not apply to the environmental impact assessment.

[ RT I 2007, 25, 131 - entry into force. 01.04.2007]

(5) At the request of the affected country, the Ministry of Climate shall forward the draft environmental impact assessment program and report to the affected country as soon as possible, but no later than when the public exhibition of the program or report begins in the Republic of Estonia. The announcement of the disclosure of the program or report must contain at least the information specified in subsection 4 of § 16 of this Act.

[ RT I 2007, 25, 131 - entry into force. 01.04.2007]

(6) At the request of the affected country, its representative will be allowed to participate in the environmental impact assessment procedure and consultations will be started regarding the environmental impact of the planned activity and the environmental measures to be taken.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(7) The Ministry of Climate and the affected country shall agree on:

1) the procedure and actual schedule of consultations;

2) informing the public and institutions of the affected country and giving them sufficient time to express an opinion on the environmental impact assessment program and report;

3) when the proposals, objections and questions presented during the environmental impact assessment must be submitted to the affected country to obtain its opinion;

4) which draft decisions must be submitted to the affected country for its opinion.

[ RT I 2007, 25, 131 - entry into force. 01.04.2007]

1

(7 ) If the Ministry of Climate and the affected country agree that the decision to grant or not to grant an activity permit and the drafts of the activity permit must also be sent to the affected country in order to express an opinion, the decision-maker must, when the said drafts are ready, send them to the Ministry of Climate, which forwards them to the affected country for expressing an opinion. The affected country must be given at least 30 days to express its opinion. When making a decision, the decision-maker must take into account the opinion of the affected country.

[ RT I 2007, 25, 131 - entry into force. 01.04.2007]

(8) The decision-maker must immediately inform the Ministry of Climate of the granting or refusal to grant an activity permit necessary for activities with a cross-border environmental impact. The Ministry of Climate informs the country that participated in the cross-border environmental impact assessment of the granting or refusal to grant an activity permit necessary for activities with a significant cross-border environmental impact, and forwards to it the decision to grant or refuse to grant an activity permit.

(9) The Ministry of Climate informs the country of origin of the transboundary environmental impact of its desire to participate in the assessment of the cross-border environmental impact and of the necessity of consultations for a period determined by the country of origin. The Ministry of Climate informs about the disclosure of environmental impact assessment documents in the manner specified in subsections 2 and 3 of § 16 of this Act. The Ministry of Climate will send proposals and objections to the environmental impact assessment documents to the country of origin of the cross-border environmental impact.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

## Section 2

### Strategic assessment of the environmental impact associated with the implementation of the strategic planning document

#### § 31. Strategic planning document

A strategic planning document within the meaning of this Act is:

1) a national, county, general or detailed plan or a special plan of the state or local government within the meaning of the Planning Act;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

2) the development plan of the field within the meaning of the State Budget Act, with the exception of the plan, program and strategy specified in point 2 of § 1 (3) of this Act;

[ RT I, 13.03.2014, 2 - enters into force. 23.03.2014]

3) plan, program or strategy, the obligation to draw up arises from a law or other law-making act issued on the basis of an authorization provision contained in the law and which is drawn up or established by an administrative body or which is drawn up by an administrative body and established by the Riigikogu, the Government of the Republic or another administrative body.

[ RT I, 16.11.2010, 1 - enters into force. 26.11.2010]

### § 31 . Purpose of strategic environmental impact assessment

The purpose of the strategic assessment of the environmental impact is to:

- 1) consider environmental considerations in the preparation and establishment of strategic planning documents;
- 2) ensure a high level of environmental protection;
- 3) promote sustainable development.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### § 32. Strategic assessment of environmental impact

A strategic assessment of the environmental impact within the meaning of this Act is an assessment organized with the participation of the public and the relevant institutions to identify the significant environmental impact accompanying the implementation of the strategic planning document, to identify alternative options and to find measures to mitigate the adverse impact, the results of which are taken into account in the preparation of the strategic planning document and on which a proper report is drawn up.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### § 33. Mandatory strategic assessment of environmental impact

(1) A strategic assessment of the environmental impact must be initiated if a strategic planning document:

- 1) is drawn up in the field of agriculture, forestry, fishing, energy, industry, transport, waste management, water management, telecommunications or tourism, and on the basis of it, the activity specified in § 6 subsection 1 of this Act is planned or the planned activity is expected to have a significant environmental impact, based on the provisions of subsections 2–4 of § 6 of this Act;
- 2) is a nationwide plan, a special plan of the state or local government, a county or general plan;
- 3) is a detailed plan on the basis of which the activities specified in § 6 subsection 1 of this Act are planned;
- 4) is the basis for an activity in which, on the basis of objective information, it is not excluded that it may be accompanied by an expectedly significant adverse effect on the protection objective of the Natura 2000 network area, separately or together with other activities, and which is not directly related to the protection management of the area or is not directly necessary for it.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The necessity of initiating a strategic assessment of the environmental impact must be considered and a preliminary assessment given if:

- 1) changes are made to the strategic planning document specified in subsection 1 of this section;
- 2) a county plan or general plan is drawn up as a thematic plan;
- 3) a detailed plan is drawn up in the case provided for in clauses 1-3 of § 142 (1) of the Planning Act;

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

4) a detailed plan is drawn up, with which the activities specified in the regulation established on the basis of § 6 subsection 4 and belonging to the field specified in § 6 subsection 2 of this Act are planned.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(2 ) In terms of the Planning Act, a strategic assessment of the environmental impact on the plan is organized in accordance with the procedure provided for in the Planning Act.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) The necessity of a strategic assessment of the environmental impact accompanying the implementation of the strategic planning document specified in subsection 2 of this section is decided based on:

- 1) the nature and content of the strategic planning document;
- 2) the environmental impact of the implementation of the strategic planning document and the area expected to be affected;
- 3) from the point of view of the institution specified in subsection 6 of this section.

[ RT I, 16.11.2010, 1 - enters into force. 26.11.2010]

(4) The evaluation of the circumstances specified in point 1 of subsection 3 of this section is based on the following criteria:

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

- 1) to what extent does the strategic planning document create a basis for the planned activities, based on their location, character and implementation conditions or allocated funds;
- 2) to what extent does the strategic planning document influence other strategic planning documents, considering the level of their establishment;
- 3) the relevance and importance of the strategic planning document in the integration of environmental considerations into other areas;

4) environmental problems related to the implementation of the strategic planning document;

5) the importance of a strategic planning document, including a planning document related to waste management or water protection, in the implementation of the requirements of the European Union's environmental legislation.

(5) The evaluation of the circumstances specified in point 2 of subsection 3 of this section is based on the following criteria:

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

- 1) possibility, duration, frequency and reversibility of impact, including cumulative and cross-border impact;
- 2) danger to human health or the environment, including the possibility of accidents;
- 3) the size and spatial extent of the impact, including the geographical area and the population expected to be affected;
- 4) value and sensitivity of the area expected to be affected, including natural features, cultural heritage and intensive land use;
- 5) impact on protected natural objects;

[ RT I, 23.03.2015, 6- by force. 01.07.2015]

6) expected impact on the Natura 2000 network area.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(6) When deciding on the necessity of a strategic assessment of the environmental impact in the cases specified in subsection 2 of this section, before making a decision, the opinion of all relevant authorities must be sought, by forwarding to them a draft of the

decision made on the basis of the criteria specified in clauses 1 and 2 and subsections 4 and 5 of subsection 3 of this section.  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 34. Parties to the strategic assessment of the environmental impact**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) The organizer of the preparation of the strategic planning document is responsible for the strategic assessment of the environmental impact and the related costs are borne by the organizer. The organizer of the preparation of the plan may conclude the contract provided for in § 4 subsection 2

environmental impact of the plan that is the basis for the preparation of the construction project.  
[ RT I, 04.05.2017, 3 - enters into force. 05.05.2017]

(2) The strategic environmental impact assessment is initiated or not initiated by the initiator of the preparation of the strategic planning document. If the initiator of the preparation of the strategic planning document and the organizer of the preparation do not coincide, the strategic environmental impact assessment may be initiated by the organizer of the preparation of the strategic planning document.

(3) The organizer of the preparation of the strategic planning document organizes the public displays of the strategic environmental impact assessment program and report, and then the public discussions.

(4) The strategic assessment of the environmental impact accompanying the implementation of the strategic planning document may be managed by a leading expert who:

1) has acquired a master's degree or a corresponding qualification;

2) has at least three years of work experience in the field of activity related to environmental protection or in the field specified in Clause 4, Clause 6 of § 40 of this Act;

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

3) has completed at least 60 hours of training in the field of strategic assessment of environmental impact, which deals with giving assessments, among other things, in the areas specified in § 40 subsection 4 of this Act and passed the corresponding exam with a positive result;

[ RT I, 23.03.2015, 6 - enters into force. 01.02.2016]

4) has participated at least three times in the past five years as a substantive expert in the work of the expert group for strategic assessment of environmental impact;

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

5) has completed at least 60 hours of management training and has the experience of managing at least two projects;

6) has submitted a signed confirmation to the organizer of the preparation of the strategic planning document that he meets the requirements set forth in points 1-5 of this paragraph, knows the principles, procedure and legal acts related to the strategic assessment of the environmental impact, and is impartial and objective in the strategic assessment of the environmental impact.

(5) The detailed solution of the special planning of the state and local government and the environmental impact accompanying the implementation of the detailed planning may be assessed or the assessment may be managed by a leading expert in accordance with subsection 14 (1) of this Act.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(6) If the qualification of the lead expert is not sufficient for the strategic assessment of a certain environmental impact, the lead expert must involve specialists in the field in the strategic assessment of the environmental impact.

(7) Compliance of the lead expert with the requirements specified in subsections 4 or 5 of this section is checked by the organizer of the preparation of the strategic planning document.

(8) The program and report of the strategic assessment of the environmental impact is prepared by the lead expert in cooperation with the drafter of the strategic planning document.

(9) The compiler of the strategic planning document may perform the duties of a leading expert if he meets the qualification requirements of a leading expert.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 35. Initiation and non-initiation of strategic assessment of environmental impact**

(1) If a strategic assessment of the environmental impact is initiated on the basis of subsection 1 of § 33 of this Act, the initiation or non-initiation of the strategic assessment of the environmental impact shall be decided simultaneously with the initiation of the preparation of the strategic planning document. If the initiator of the preparation of the strategic planning document and the organizer of the preparation do not coincide, the strategic environmental impact assessment may be initiated by the organizer of the preparation of the strategic planning document after the initiation of the preparation of this document.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(1 ) If the need for a strategic assessment of the environmental impact becomes clear only during the preparation of a strategic planning document, a strategic assessment of the environmental impact is initiated without delay.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) A strategic assessment of the environmental impact is initiated in the event of initiating the preparation of the strategic planning document specified in § 33 subsection 1 of this Act without justifying its need.

(3) If the strategic assessment of the environmental impact is initiated or not initiated in the event of the initiation of the preparation of the strategic planning document specified in § 33 subsection 2 of this Act, an appropriate justification shall be added to the decision.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) [Repealed - RT I, 16.11.2010, 1 - entered into force. 26.11.2010]

- (5) The decision to initiate or not to initiate a strategic environmental impact assessment must contain at least:
- 1) the name and purpose of the strategic planning document;
  - 2) the name and contact details of the initiator of the preparation of the strategic planning document, the organizer of the preparation, the compiler and the establisher;
  - 3) [invalidated - RT I, 23.03.2015, 6 - entered into force. 01.07.2015] 4) [invalid - RT I, 23.03.2015, 6 - entry into force. 01.07.2015] 5) justification for initiating or not initiating a strategic environmental impact assessment; 6)

the time and place of reviewing the decision to initiate the preparation of a strategic planning document and to initiate or not to initiate a strategic assessment of the environmental impact.

(6) The decision to initiate or not to initiate a strategic environmental impact assessment shall be notified within 14 days after the decision is made in Official Notices and at least one newspaper with national or local circulation, and electronically, by simple or registered letter, to the authority specified in § 33 subsection 6 of this Act.  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(7) The notice of initiation or non-initiation of strategic environmental impact assessment must contain at least the information specified in subsection 5 of this section.

### **§ 36. Program for strategic assessment of environmental impact**

(1) After initiating a strategic assessment of the environmental impact, the lead expert of the strategic environmental assessment prepares a strategic environmental assessment program in cooperation with the drafter of the strategic planning document.  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The strategic environmental impact assessment program:

- 1) determines the scope of the strategic environmental impact assessment based on the nature and content of the strategic planning document;
- 2) contains a description of the environment expected to be affected;
- 3) contains the connections of the strategic planning document with other strategic planning documents;
- 4) explains the significant environmental impact expected to accompany the implementation of the strategic planning document, including the impact on human health, the possibility of cross-border environmental impact and the possible impact on the Natura 2000 network area;
- 5) describes the assessment methodology used in the strategic assessment of environmental impact;
- 6) names the persons and institutions who may be expected to be affected by the activities planned on the basis of the strategic planning document or who may have a justified interest in this strategic planning document;
- 7) contains a schedule for the strategic assessment of the environmental impact and the disclosure of its results, which results from the schedule for the preparation of the strategic planning document;
- 8) contains data on the author of the strategic planning document and the name of the lead expert who prepared the program, including the lead expert's signed confirmation in accordance with § 34 (4) point 6 of this Act, and the composition of the expert group, specifying which areas and which impact each person belonging to the expert group will assess;

1 of this Act

9) describes § 36 according to the positions of the relevant authorities or persons and institutions specified in § 18 subsection 1, § 35 subsection 1, § 61 subsection 1, § 81 subsection 1 and § 103 subsection 1 of the Planning Act.  
[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(3) [Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

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### **§ 36 . Asking for a position on the strategic environmental impact assessment program**

(1) Before publicizing the strategic environmental impact assessment program in accordance with § 37 of this Act, the organizer of the preparation of the strategic planning document must ask all relevant institutions for their opinion on the content of the program. In order to ask for positions, the drafter of the strategic planning document submits the strategic environmental impact assessment program to the organizer of the preparation of the strategic planning document.

(2) The organizer of the preparation of the strategic planning document shall, within 14 days of receiving the strategic environmental impact assessment program, check the compliance of the program with the requirements set forth in subsection 36 (2) of this Act and forward it to the relevant authorities for a statement.

(3) If the strategic environmental impact assessment program does not meet the requirements set forth in subsection 2 of § 36 of this Act, the organizer of the preparation of the strategic planning document shall return it to the preparer of the strategic planning document with reasons and suggestions for correction.

(4) Within 30 days of receiving the strategic environmental impact assessment program, the relevant institution shall submit an opinion on the program based on its field of competence to the organizer of the preparation of the strategic planning document, including an assessment of the relevance and adequacy of the program. When reviewing the documentation, the institution must also check the adequacy of the composition of the expert group.

(5) The organizer of the preparation of the strategic planning document reviews the positions within 14 days of receiving the positions of the relevant institutions and gives the compiler of the strategic planning document and the leading expert his opinion on the relevance and adequacy of the strategic environmental impact assessment program, taking into account the opinions submitted by the relevant institutions.

(6) The leading expert or the expert group, together with the drafter of the strategic planning document, shall make corrections and additions to the program based on subsection 5 of this section, if necessary, explain the consideration of views or justify the non-consideration. The compiler of the strategic planning document submits an updated program of the strategic assessment of the

environmental impact to the organizer of the preparation of the strategic planning document. Copies of letters from relevant agencies are attached to the program.

(7) The organizer of the preparation of the strategic planning document shall check the consideration or non-consideration of the revised and supplemented strategic environmental impact assessment program, including the views of the relevant authorities, if necessary involving the relevant authority whose opinion has not been taken into account.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### **§ 37. Disclosure of the strategic environmental impact assessment program**

(1) The organizer of the preparation of the strategic planning document shall notify the institutions and persons specified in clause 36 (2) point 6 of § 36 (2) of this Act in the Official Official Notices, in the newspaper and on their website, and electronically, by simple or registered letter, within 14 days of receiving the program, about the public exhibition of the strategic environmental impact assessment program and the holding of the public discussion. , an organization uniting non-governmental environmental organizations and the

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institutions specified in § 36 subsection 1 of this Act.

[ RT I, 10.11.2016, 1 - enters into force. 20.11.2016]

(2) The notice of disclosure of the strategic environmental impact assessment program must contain at least:

- 1) the name and purpose of the strategic planning document;
- 2) data of the initiator of the preparation of the strategic planning document, the organizer of the preparation, the compiler and the establisher;
- 3) the time and method of perusing the initial task or draft of the strategic planning document;
- 4) the time and place of familiarization with the strategic environmental impact assessment program;
- 5) deadline and method of submission of proposals, objections and questions about the program of strategic assessment of environmental impact;
- 6) the time and place of the public discussion of the strategic environmental assessment program;
- 7) the possibility of cross-border environmental impact.

(3) The organizer of the preparation of the strategic planning document organizes the public display of the strategic environmental impact assessment program and then the public debate. The public exhibition lasts at least 14 days.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(3 ) At the public discussion of the strategic environmental impact assessment program, among other things, the positions on the program presented by the relevant institutions and received during the public exhibition will be presented, and the consideration or non-consideration of the suggestions and objections made will be explained.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) Everyone has the right during the public display and public discussion of the strategic environmental assessment program to get acquainted with other documents related to the environmental impact accompanying the implementation of the program and the strategic planning document, to submit proposals, objections and questions about the program and to receive answers to them.

(5) The compiler of the strategic planning document, in cooperation with the lead expert, makes the necessary corrections and additions to the strategic environmental assessment program based on the proposals and objections submitted during the public display and public discussion. The consideration of proposals and objections is described, and the non-consideration is justified in the updated program or its appendix.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(6) Within 30 days from the date of the public hearing, the drafter of the strategic planning document or the organizer of the drafting shall send electronically, in simple or letterhead, an explanation of the consideration of proposals or objections submitted regarding the strategic environmental impact assessment program or the justification for not considering them, and the answers to the questions to the persons: 1) who have

submitted their proposal, objection or question in writing;

2) whose proposal, objection or question presented orally at the public hearing remained unanswered at the public hearing.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### **§ 38. Supervisor of strategic assessment of environmental impact**

[Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

### **§ 39. Verification of compliance with the requirements of the strategic environmental assessment program**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) After the public discussion of the environmental impact assessment program, the drafter of the strategic planning document submits the program together with the proposals, objections and questions, as well as copies of the letters specified in § 37 subsection 6 of this Act and the minutes of the public discussion, to the organizer of the drafting of the strategic planning document for verification of compliance with the requirements.

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(2) Based on the positions of the relevant authorities submitted in accordance with § 36 of this Act , the organizer of the preparation of the strategic planning document shall, within 30 days of receiving the strategic environmental impact assessment program, check:

- 1) compliance of the program with the requirements set forth in § 36 subsection 2 of this Act;
- 2) relevance and sufficiency of the program for assessing the environmental impact accompanying the implementation of the strategic planning document;
- 3) taking into account or not taking into account the suggestions and objections submitted about the program.

(3) The organizer of the preparation of the strategic planning document makes a decision on the recognition of the strategic environmental impact assessment program as meeting the requirements on the basis of subsection 2 of this section.

(4) The organizer of the preparation of the strategic planning document shall, within 14 days of the decision being made, notify the parties to the proceedings and persons who may be expected to be affected by the activity planned on the basis of the strategic planning document or who may have a justified interest in it, within 14 days of the decision being made, and shall publish the notification in Official Gazettes.

(5) The notice specified in subsection 4 of this section must contain at least:

- 1) the name of the organizer and establisher of the preparation of the strategic planning document and the name and contact details of his contact person;
- 2) brief description and purpose of the activity planned in the strategic planning document;
- 3) the time and place of familiarization with the strategic environmental impact assessment program and the decision specified in subsection 3 of this section.

(6) If the organizer of the preparation of the strategic planning document determines that the strategic environmental impact assessment program does not meet the requirements checked in accordance with subsection 2 of this section, he returns the program to the preparer of the strategic planning document, who completes the program and then submits the program to the organizer of the preparation of the strategic planning document for verification of compliance with the requirements.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 40. Report on the strategic assessment of environmental impact**

(1) The strategic environmental impact assessment report is a document attached to the strategic planning document, which contains the information specified in subsections 2–4 of this section.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The strategic assessment of the environmental impact must explain, describe and evaluate the significant environmental impact accompanying the implementation of the strategic planning document and the main alternative measures, activities and tasks, taking into account the objectives of the strategic planning document and the territory to be dealt with.

(3) When preparing a strategic environmental impact assessment report, the following must be taken into account:

- 1) existing knowledge and generally accepted assessment methodology;
- 2) content and level of establishment of the strategic planning document;
- 3) to what extent, in order to avoid multiple evaluations, certain issues can be evaluated more precisely at different levels of establishing a strategic planning document.

(4) Based on the strategic environmental impact assessment program that meets the requirements, the strategic environmental impact assessment report must contain:

[ RT I, 23.03.2015, 6 - in force. 01.07.2015]

- 1) description of the content and main goals of the strategic planning document;
- 2) the relationship of the strategic planning document with other relevant strategic planning documents;
- 3) a description of the environment expected to be significantly affected during the preparation of the strategic planning document and in case of implementation of alternative development scenarios, including a comparison of alternatives and likely development in the event that the strategic planning document is not implemented;

[ RT I, 23.03.2015, 6- by force. 01.07.2015]

4) environmental problems arising from the implementation of the strategic planning document, especially those related to protected natural objects, including areas of the Natura 2000 network;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

5) international, European Union or national environmental protection goals important for the strategic planning document and a description of how these goals and other environmental considerations have been taken into account in the preparation of the strategic planning document;

6) assessment of expected significant direct, indirect, cumulative, synergistic, short- and long-term, favorable and unfavorable effects on the environment, including human health and social needs and property, biological diversity, populations, plants, animals, soil, water and air quality, climate change, cultural heritage and landscapes, an assessment of the possibilities of waste generation and a description of impact forecasting methods;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

7) interrelationships of different impacts and cross-border environmental impact;

8) planned measures to prevent and mitigate the significant adverse environmental impact associated with the implementation of the strategic planning document, and an assessment of the expected effectiveness of these measures;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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8 ) if necessary, an overview of the real compensation measures for potential damage caused by the adverse environmental impact

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expected to accompany the implementation of the strategic planning document within the meaning of § 70 of the Nature Conservation Act, as well as an assessment of the effectiveness of these measures and the necessary scope of implementation;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

9) an overview of the reasons on the basis of which alternative development scenarios were chosen, which were discussed in the preparation of the strategic planning document;

10) an overview of how the best alternative development scenario was obtained;

11) an overview of the organization of the strategic assessment of the environmental impact accompanying the implementation of the strategic planning document, the involvement of the public and the results of consultations in the case of a strategic assessment of the cross-border environmental impact;

12) an overview of the difficulties that appeared during the preparation of the strategic environmental impact assessment report;

13) a description of the measures and measurable indicators planned for monitoring the significant environmental impact accompanying the implementation of the strategic planning document;

14) a summary of the information specified in points 1–13 of this paragraph;

15) the strategic environmental assessment program and its public discussion protocol;

16) minutes of the public discussion of the strategic environmental impact assessment report;

17) proposals, objections and questions of institutions and persons and an overview of their consideration or the reasons for not considering them.

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(4 ) When preparing the pre-selection of the location of the special planning of the state and local government, the report of the first stage of the strategic assessment of the environmental impact is prepared, which is the basis for the preparation of the report of the strategic assessment of the environmental impact.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

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(4 ) In addition to what is mentioned in subsection 4 of this section, the report of the first stage of the strategic assessment of the environmental impact must contain basic data for the preparation of the report of the strategic assessment of the environmental impact of the special plan of the state and local government.

[ RT I, 03.01.2022, 1 - enters into force. 13.01.2022]

(5) If additional circumstances emerge during the preparation of the strategic environmental impact assessment report, the report may, in justified cases, deviate from the strategic environmental impact assessment program recognized as meeting the requirements in accordance with § 39 (3) of this Act. Reasons to this effect must be provided in the strategic environmental impact assessment report, and in the event that the organizer of the preparation of the strategic planning document or the relevant institution, which gives its opinion on the report, does not agree with the deviation from the program, the report must be supplemented according to the program.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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#### **§ 40 . Asking for an opinion on the strategic environmental impact assessment report**

(1) Regarding the report of the strategic assessment of the environmental impact, the position of the relevant institutions shall be

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requested in accordance with the procedure provided for in § 36 of this Act .

(2) The organizer of the preparation of the strategic planning document shall, within 21 days from the receipt of the strategic environmental impact assessment report, check the compliance of the report with the requirements set forth in § 40 of this Act, as well as the appropriateness and adequacy of the report.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 41. Disclosure of the strategic environmental impact assessment report**

The strategic environmental impact assessment report is made public and the results of the publication are taken into account in accordance with § 37 of this law, except for the period of public display of the report, which is as long as the public display of the draft strategic planning document, but not shorter than 21 days.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

#### **§ 42. Checking compliance with the requirements of the strategic environmental assessment report and establishing monitoring measures**

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(1) After the public discussion of the strategic environmental impact assessment report, the compiler of the strategic planning document submits the report to the organizer of the preparation of the strategic planning document for verification of compliance with the requirements.

(2) The organizer of the preparation of the strategic planning document forwards the strategic environmental impact assessment report to the relevant authorities for approval.

(3) The relevant authority, based on its area of competence, approves or fails to approve the strategic environmental impact

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assessment report within 30 days of receiving the report. The authority according to § 2 subsection 2 of this Act evaluates, among other things, the compliance of the report with the requirements of § 40 subsection 4 of this Act.

(4) The relevant institution shall not approve the strategic environmental impact assessment report if:

- 1) there is a direct conflict with the legislation;
- 2) the report contains incomplete information, which affects the final conclusions of the report, and as a result, the implementation of the strategic planning document can be expected to have a significant adverse environmental impact.

(5) Based on the approvals of the relevant authorities, the organizer of the preparation of the strategic planning document shall, within 30 days from the receipt of the approvals, check:

- 1) the compliance of the report with the strategic environmental impact assessment program recognized as meeting the requirements in accordance with § 39 (3) of this Act;
- 2) compliance of the report with the requirements set forth in § 40 of this Act;
- 3) relevance and sufficiency of the report for establishing a strategic planning document;
- 4) taking into account or not taking into account the suggestions and objections submitted about the report.

(6) On the basis of subsection 5 of this section, the organizer of the preparation of the strategic planning document makes a decision to recognize the strategic environmental impact assessment report as meeting the requirements.

(7) The organizer of the preparation of the strategic planning document shall, within 14 days of the decision being made, notify the parties to the proceedings and persons who may be expected to be affected by the activity planned on the basis of the strategic planning document or who may have a justified interest in it, within 14 days of the decision being made, and shall publish the notification in Official Gazettes.

(8) The notice specified in subsection 7 of this section must contain at least:

- 1) the name of the organizer and establisher of the preparation of the strategic planning document and the name and contact details of his contact person;
- 2) brief description and purpose of the activity planned in the strategic planning document;
- 3) the time and place of perusal of the strategic environmental impact assessment report and the decision specified in subsection 6 of this section.

(9) If the organizer of the preparation of the strategic planning document determines that the strategic environmental impact assessment report does not meet the requirements set forth in subsection 5 of this section, the organizer of the strategic planning document must submit an updated report to the organizer of the preparation of the strategic planning document to check compliance with the requirements.

(10) Kui strateegilise planeerimisdokumendi koostamise korraldaja leiab, et keskkonnamõju strateegilise hindamise aruanne vastab nõuetele, teeb ta käesoleva paragrahvi lõikes 6 nimetatud otsuses ettepaneku seiremeetmete kohta. Seiremeetmete eesmärk on teha varakult kindlaks, kas strateegilise planeerimisdokumendi elluviimisega kaasneb oluline keskkonnamõju, ning rakendada ebasoodsat keskkonnamõju vältivaid ja leevendavaid meetmeid.

(11) Strateegilise planeerimisdokumendi kehtestaja peab seiremeetmed kehtestama koos strateegilise planeerimisdokumendi kehtestamisega või esitama strateegilise planeerimisdokumendi kehtestamisel põhjenduse, miks keskkonnamõju strateegilise hindamise seiremeetmeid ei kehtestata.

(12) Kehtestatud seiremeetmed on strateegilise planeerimisdokumendi elluvijale järgimiseks kohustuslikud. Seirel võib kasutada olemasolevat keskkonnaseiresüsteemi või strateegilise planeerimisdokumendi elluviimisega kaasneva keskkonnamõju jälgimiseks kavandatud seiret. Seire võib toimuda ühe või mitme strateegilise planeerimisdokumendi alusel kavandatud tegevuse raames.  
[RT I, 23.03.2015, 6 - jõust. 01.07.2015]

#### **§ 43. Keskkonnamõju strateegilise hindamise tulemuste arvessevõtmine**

When preparing a strategic planning document, the following must be taken into account:

- 1) the results of the strategic assessment of the environmental impact;
- [ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]
- 2) opinions submitted by institutions and persons, as far as possible;
  - 3) the results of consultations during the strategic assessment of cross-border environmental impact.

#### **§ 44. Notification of the establishment of a strategic planning document**

(1) The organizer of the preparation of the strategic planning document shall notify the establishment of the strategic planning document electronically, by simple or registered letter, within 14 days of the adoption decision:

- 1) institutions and persons who are likely to be affected by the expected environmental impact of the implementation of the strategic planning document or who may have a justified interest in the expected environmental impact ;
- 2) in the case of a strategic assessment of cross-border environmental impact, the affected country that participated in the consultations.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) In the case of notification of the establishment of a strategic planning document, it must be ensured that the following is available to the relevant institutions and the public and to the affected country that participated in the cross-border environmental impact assessment:

[ RT I, 23.03.2015, 6 - entry into force. 01.07.2015]

- 1) established strategic planning document;
- 2) an overview of the consideration of environmental considerations in the strategic planning document;
- 3) an overview of the consideration of the results of the strategic assessment of the environmental impact in the strategic planning document;
- 4) an overview of the reasons for making a choice among the main alternative options when preparing a strategic planning document;
- 5) a description of the measures planned for the monitoring of possible significant environmental impact accompanying the implementation of the strategic planning document.

#### **§ 45. Special features of the strategic assessment of the environmental impact in the area of the Natura 2000 network**

(1) If the impact on the Natura 2000 network area is assessed:

- 1) the strategic assessment of the environmental impact must first of all take into account the purpose of the protection of the area and the integrity of the area;
- 2) the organizer of the preparation of the strategic planning document sends the strategic environmental impact assessment report to the administrator of the protected natural object for approval before checking compliance with the requirements in accordance with § 42 of this Act.

(2) A strategic planning document may be established if it is permitted by the protection procedure of the Natura 2000 network area and the initiator of the strategic planning document is convinced that the planned activity will not adversely affect the integrity of the Natura 2000 network area or the purpose of protection.

(3) If, despite the expected adverse impact on the area of the Natura 2000 network associated with the implementation of the strategic planning document, this activity is nevertheless necessary for the public for reasons of primary importance and exceptional urgency, including those of a social or economic nature, due to the lack of alternative solutions, the strategic planning document may be established with the consent of the Government of the Republic.

(4) When establishing a strategic planning document in the case specified in subsection 3 of this section, the obligation to implement compensation measures must be established to ensure the protection of the overall coherence of the Natura 2000 network. The Ministry of Climate informs the European Commission about the adopted compensation measures immediately after the strategic



planning document is established. The activity planned in the strategic planning document may not be started before the implementation of compensation measures.

(5) If the strategic planning document is expected to adversely affect a priority natural habitat type or priority species in the Natura 2000 network within the meaning of Council Directive 92/43/EEC, the Government of the Republic may grant consent only if it is related to human health, the safety of the population or a significant beneficial effect to the environmental condition. In the case of other reasons of primary importance for the public and exceptionally urgent reasons, the planning document may be established only after receiving an opinion from the European Commission. The activity planned in the strategic planning document may not be started before the implementation of compensation measures.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

#### **§ 46. Strategic assessment of the cross-border environmental impact associated with the implementation of the strategic planning document**

(1) This section applies if:

- 1) the implementation of the strategic planning document is expected to have a significant environmental impact on the environment of another country;
- 2) it is requested by the country expected to be significantly affected;
- 3) The Republic of Estonia participates in the strategic assessment of the cross-border environmental impact originating from the territory of another country.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

(2) If a strategic environmental impact assessment is initiated in connection with a strategic planning document, the implementation of which is expected to result in a significant environmental impact on the environment of another country, or if the possibility of significant cross-border environmental impact is revealed during the preparation of a strategic environmental impact assessment program or report, the organizer of the preparation of the strategic planning document must immediately notify the Ministry of Climate.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

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(2) In the case specified in subsection 2 of this section, the Climate Ministry sends a notification to the country expected to be significantly affected as soon as possible, but no later than when the initiation of the strategic environmental impact assessment is notified in the Republic of Estonia. If the Ministry of Climate is notified of the possibility of a significant cross-border environmental impact during the preparation of a strategic environmental impact assessment program or report, the Ministry of Climate will send a notification to the country expected to be significantly affected as soon as possible, but no later than when the program or report is made public in the Republic of Estonia.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

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(3) The notification specified in subsection 2 of this section contains at least:

[ RT I, 23.03.2015, 6 - entered into force. 01.07.2015 ]

- 1) the name and brief description of the strategic planning document;
- 2) data on the compiler and adopter of the strategic planning document;
- 3) the schedule of the strategic assessment of the environmental impact accompanying the preparation of the strategic planning document and its implementation, and a brief description of the accompanying environmental impact;
- 4) the deadline for responding to the notice and submitting comments.

(4) [Repealed - RT I, 23.03.2015, 6 - entered into force. 01.07.2015]

(5) If the affected country wishes to participate in the strategic assessment of the cross-border environmental impact:

1) the Ministry of Climate shall forward to the affected country the draft strategic planning document before its establishment and the report of the strategic environmental impact assessment before checking compliance with the requirements in accordance with § 42 of this Act;

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

2) the affected country is allowed to participate in the strategic assessment of the cross-border environmental impact and consultations are started regarding the environmental impact and its mitigation and elimination measures before the strategic planning document is established.

(6) During the consultations specified in subsection 5 of this section, the competent authorities of the countries ensure that the public and authorities of the country expected to be significantly affected are informed and give them sufficient time to express their opinion and agree on the necessary procedures and the actual schedule of the consultations.

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(6) If the country of origin of the transboundary environmental impact sends a notification to the Ministry of Climate about the significant environmental impact expected to accompany the implementation of the strategic planning document on the environment of another country, the Ministry of Climate will submit to the country of origin its opinion on the need for participation and consultations in the strategic assessment of the cross-border environmental impact for a period determined by the country of origin.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

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(6) In case of participation in the strategic assessment of the cross-border environmental impact, the Ministry of Climate shall notify the public of the documents of the strategic assessment of the cross-border environmental impact in the manner specified in subsection 1 of § 37 of this Act and send the proposals and objections submitted regarding the documents of the strategic assessment of the environmental impact to the country of origin of the cross-border environmental impact.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015 ]

(7) A strategic assessment of the cross-border environmental impact emanating from the territory of the Republic of Estonia is organized and the Republic of Estonia participates in the strategic assessment of the cross-border environmental impact emanating from the territory of another country in accordance with the procedure provided for in international agreements.

# Chapter 3 ORGANIZATION OF THE ENVIRONMENTAL MANAGEMENT AND ENVIRONMENTAL AUDIT SYSTEM AND AWARDED THE ECO LABEL

## Section 1 Organization of voluntary environmental management and environmental auditing system

### § 47. Environmental management and environmental auditing system

(1) The environmental management and environmental auditing system is established by Regulation (EC) No. 1221/2009 of the European Parliament and the Council on the voluntary participation of organizations in the Community Environmental Management and Auditing System (EMAS) and which repeals Regulation (EC) No. 761/2001 and Commission Decisions 2001 /681/EC and 2006/193/EC (OJ L 342, 22.12.2009, pp. 1–45).

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) In this Act, the terms "certifier" and "organization" have the meaning of Article 2, Clauses 20 and 21 of Regulation (EC) No. 1221/2009 of the European Parliament and of the Council.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) Verification is an evaluation of the organization carried out by a verifier to ensure that the organization's environmental policy, environmental management system and auditing procedures comply with the requirements of Regulation (EC) No. 1221/2009 of the European Parliament and of the Council.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(4) Confirmation is the assessment of the organization's environmental report, which is carried out by a verifier to check the reliability, credibility, accuracy and compliance of the information and data presented in the organization's environmental report with the requirements of Regulation (EC) No. 1221/2009 of the European Parliament and of the Council.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

### § 48. Registration of organizations and competent authority for registration

(1) The competent authority for the registration of organizations in accordance with the requirements of Regulation (EC) No. 1221/2009 of the European Parliament and the Council is the Ministry of Climate with the right of delegation to the authority of the Ministry of Climate.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) Organizations are registered in accordance with the procedure provided for in Regulation (EC) No. 1221/2009 of the European Parliament and the Council.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) The list of data contained in the registration certificate of organizations and the form of the certificate shall be established by a regulation of the minister responsible for the field .

(4) The costs related to the certification of the organization specified in subsection 47 (3) of this Act shall be paid by the organization applying for certification.

### § 49. Accreditation of a certifier

(1) The verifier is accredited by the Estonian national accreditation body or an internationally recognized accreditation body.

[ RT I, 22.10.2021, 3 - enters into force. 01.11.2021]

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(1 ) The minister responsible for the field may authorize the task of accrediting a verifier and supervising the actions performed by verifiers to be performed by an administrative contract to a private legal entity specified in subsection 1 of this section. The administrative contract is concluded by the minister responsible for the field in accordance with the procedure provided for in the Administrative Cooperation Act.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(1 ) The Ministry of Climate shall supervise the execution of the concluded administrative agreement specified in subsection 1 of this section .

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

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(1 ) If the administrative contract is terminated unilaterally or there is another reason that prevents the performance of the administrative task specified in the contract, the Ministry of Climate will organize the further performance of the administrative task.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) The requirements for the qualification and accreditation of the verifier derive from Regulation (EC) No. 1221/2009 of the European Parliament and the Council.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) The accreditor shall give an assessment of the activity that affects or may affect the impartiality of the verifier based on the request of the verifier.

(4) The accreditor's decision is binding on the verifier and is valid until the circumstances on which the decision was based change or cease to exist. If the circumstances change or fail, the accreditor declares its decision invalid.

(5) The verifier may not, without the consent of the organization being verified, disclose the information obtained during the verification to third parties or use it against the organization being verified, unless the law provides otherwise.

## **§ 50. Promotion of environmental management and environmental auditing system**

(1) The Ministry of Climate prepares a strategy and action plan for the promotion of the environmental management and environmental auditing system of the community and for the organization of the necessary information campaign and training.

(2) The strategy for promoting the environmental management and environmental auditing system is approved by the Government of the Republic.

## **Section 2 Ecolabelling system**

### **§ 51. Giving the product an eco-label**

(1) The Community's voluntary eco-label (hereinafter *eco-label*) awarding system is established by Regulation (EC) No. 66/2010 of the European Parliament and of the Council on the EU Eco-label (OJ L 27, 30.01.2010, pp. 1–19).  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(2) According to Regulation (EC) No. 66/2010 of the European Parliament and of the Council, the competent authority is the Ministry of Climate with the right of delegation to the authority of the Ministry of Climate.  
[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(3) The minister responsible for the field may, if necessary, establish by regulation the list of data to be submitted in the application for obtaining an eco-label and the form of the application by different product groups, based on the relevant instructions of the European Commission.

### **§ 52. State fee for reviewing an application for an eco-label and using an eco-label**

(1) The applicant for an eco-label shall pay a state fee for reviewing the application for an eco-label according to the rate stipulated in the State Fees Act.

(2) The person who has the right to use the eco-label shall pay a state fee for the use of the eco-label on the product according to the rate stipulated in the State Fees Act.

(3) If the person who has the right to use the eco-label has not paid the state fee for the use of the eco-label on time, the competent authority has the right to suspend the right to use the eco-label until the state fee is paid.  
[ RT I 2006, 58, 439 - entry into force. 01.01.2007]

## **Chapter 4 RESPONSIBILITY**

### **§ 53. Ignoring the requirement of environmental impact assessment and strategic environmental impact assessment**

(1) For disregarding the requirement of environmental impact assessment or strategic environmental impact assessment – a fine of up to 300 fine units is imposed.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 3,200 euros.  
[ RT I 2010, 22, 108 - entry into force. 01.01.2011]

### **§ 54. Violation of the terms of use of the Community environmental management and environmental auditing system logo and the Community ecolabel**

(1) Violations of the terms of use of the logo of the environmental management and environmental auditing system of the Community or the conditions of use of the Community Ecolabel - shall be punished with a fine of up to 300 fine units.

(2) For the same act, if it has been committed by a legal entity, - shall be punished with a fine of up to 3,200 euros.  
[ RT I 2010, 22, 108 - entry into force. 01.01.2011]

### **§ 55. Procedure**

(1) The provisions of the general part of the Penal Code and the Code of Misdemeanor Procedure apply to the proceedings of misdemeanors provided for in §§ 53 and 54 of this Act.

(2) The Environmental Board is the non-judicial processor of misdemeanors provided for in § 53 of this Act.  
[ RT I, 10.07.2020, 2 - enters into force. 01.01.2021]

(3) The out-of-court procedure for misdemeanors provided for in § 54 of this Act is the Consumer Protection and Technical Supervision Agency.  
[ RT I, 12.12.2018, 3 - enters into force. 01.01.2019]

## **Chapter 5 IMPLEMENTATION PROVISIONS**

### **§ 56. Implementation of the law**

(1) The environmental impact assessment of the planned activity initiated on the basis of the Act on Environmental Impact Assessment and Environmental Auditing, which was valid until the entry into force of this Act, shall be completed on the basis of the Act on Environmental Impact Assessment and Environmental Auditing.

(2) Environmental impact assessment licenses and environmental auditor registration certificates issued on the basis of the Environmental Impact Assessment and Environmental Auditing Act are valid until the end of the period of validity specified in them or until they are revoked.

(3) License holders who have not submitted an application to the Minister of the Environment for the determination of the areas of activity and impact for which he has the right to assess the accompanying or manifested environmental impact, must submit the corresponding application in free form by November 30, 2008.

[ RT I 2008, 34, 209 - entry into force. 01.08.2008]

(4) This Act applies to the preparation of a strategic planning document, which is initiated after the entry into force of this Act.

(5) This Act shall apply to the preparation of a strategic planning document, which was initiated before the entry into force of this Act, if the strategic planning document is established after July 21, 2006.

(6) The strategic environmental impact assessment initiated on the basis of the Act on Environmental Impact Assessment and Environmental Auditing, which was valid until the entry into force of this Act, shall be completed on the basis of the Act on Environmental Impact Assessment and Environmental Auditing.

(7) If the lead expert has not submitted the application by the deadline specified in subsection 3 of this section, the Minister of the Environment shall declare the lead expert's license invalid.

[ RT I, 23.03.2015, 6 - enters into force. 01.07.2015]

(8) [Repealed - RT I, 03.07.2017, 3 - entered into force. 13.07.2017]

(9) Environmental impact assessment licenses issued before the entry into force of this provision shall be deemed to be licenses of a leading expert, and the fields of activity and influence specified in them shall be valid until the end of the validity period of the license. When extending the validity period of an environmental impact assessment license issued before the entry into force of this provision, the fields of activity and impact are not transferred to the license.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(10) In environmental impact assessment proceedings initiated from July 1, 2015 until the entry into force of this subsection, § 18 subsection 7 of this Act shall apply in the version valid on the day this subsection enters into force.

[ RT I, 10.11.2016, 1 - enters into force. 20.11.2016]

(11) The version of the Environmental Impact Assessment and Environmental Management System Act valid at the time of initiation of the environmental impact assessment shall apply to the application for an activity permit, in which an environmental impact assessment has been initiated for the specified activity before the entry into force of this provision.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(12) The version of the Environmental Impact Assessment and Environmental Management System Act valid at the time of submission of the application for an activity permit shall be applied to the application for an activity permit submitted before the entry into force of this provision, for which a decision has not been made on whether or not to initiate an environmental impact assessment.

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]

(13) § 2 4

of this Act shall apply to environmental impact assessments initiated before January 1, 2020, in the version valid when this subsection enters into force.

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

(14) The environmental impact assessment license valid upon entry into force of this provision shall be valid for seven years from the date of issuance.

[ RT I, 07.03.2023, 21 - enters into force. 17.03.2023]

**§ 57. – § 70.** [Omitted from this text.]

## **§ 71. Entry into force of the law**

(1) § 15 subsection 14 of this Act enters into force on June 1, 2005.

(2) § 6 subsection 4 and § 22 subsection 4 of this Act shall enter into force on July 1, 2005.

(3) § 12 subsection 2 of this Act enters into force on September 1, 2005.

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Council Directive 92/43/EEC on the protection of natural habitats and natural fauna and flora (OJ L 206, 22.07.1992, p. 7–50), last amended by Directive 2013/17/EU (OJ L 158, 10.06.2013, p. 193–229);

Directive 2001/42/EC of the European Parliament and of the Council on environmental impact assessment of certain plans and programs (OJ L 197, 21.07.2001, pp. 30–37);

Directive 2011/92/EU of the European Parliament and of the Council on environmental impact assessment of certain public and private projects (OJ L 26, 28.01.2012, pp. 1–21);

Directive 2014/52/EU of the European Parliament and of the Council amending Directive 2011/92/EU on the environmental impact assessment of certain public and private projects (OJ L 124, 25.04.2014, pp. 1–18).

[ RT I, 03.07.2017, 3 - enters into force. 13.07.2017]