
**Protocol on Strategic
Environmental Assessment to the
Convention on Environmental
Impact Assessment in a
Transboundary Context (Kiev,
2003)**

CASE STUDY FACT SHEET

**Strategic Environmental
Assessment for the Estonian
National Development Plan of the
Energy Sector until 2030**

Extended version



Paldiski tuulepark, foto: Tanel Meos

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1. BACKGROUND

According to the Environmental Impact Assessment and Environmental Management System Act of the Republic of Estonia (the EIA and SEA Act), a Development Plan of the Energy Sector is subject to a Strategic Environmental Assessment (SEA), also in a transboundary context if relevant.

2. SEA PROCEDURE IN ESTONIA

According to the EIA and SEA Act¹ 'strategic environmental assessment' means assessment arranged with the participation of the public and the authorities concerned for the purpose of identifying the significant environmental impact arising from the implementation of a strategic planning document, identification of alternatives and finding measures minimising the adverse impact, the results of which are taken into account upon preparing the strategic planning document and on which a proper report is drawn up.

SEA in Estonia must be carried out if a strategic planning document (SPD)²:

¹ Although the SEA for National Development Plan of the Energy Sector until 2030 followed the previous version of the EIA and SEA Act, this fact sheet refers to the respective provisions and formulations of the amended version of the Act which entered into force on July 1st, 2015.

² For the purposes of the Environmental Impact Assessment and Environmental Management System Act, 'strategic planning document' means: 1) a national, county, comprehensive or detailed spatial plan or a special plan of the state or local authority for the purposes of the Planning Act; 2) a sectoral development plan for the purposes of the State Budget Act; 3) a spatial plan, programme or strategy the obligation of drawing up of which arises from a law or another legislative act issued on the basis of an authority-delegating provision contained in a law and which is drawn up or established by an administrative authority or drawn up by an administrative authority and adopted by the *Riigikogu* (parliament), the Government of the Republic or another administrative authority.

- 1) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and on the basis thereof an activity with significant environmental impact is proposed or the proposed activity is likely to have a significant environmental impact;
- 2) is a national spatial plan, a special spatial plan of the state or local authority, a county spatial plan or a comprehensive plan;
- 3) is a detailed spatial plan on the basis of which an activity with significant environmental impact is proposed;
- 4) serves as the basis for an activity which, according to objective information, may alone or in conjunction with other activities potentially significantly adversely affect the protection purpose of a Natura 2000 site and which is not directly related to or necessary for the protection procedure of the site.

Tasks of SEA participants and stakeholders:

- the initiator of development of a SPD initiates or refuses to initiate the SEA;
- the coordinator of development of the SPD is responsible for carrying out SEA, the public displays of the SEA draft programme and draft report and, thereafter, public consultations; and covers the SEA related expenses;
- the SEA may be led by a leading expert; the qualification requirements for leading experts are specified in the EIA and SEA Act;
- the leading expert will prepare the SEA programme and report in cooperation with the developer of the SPD;
- the authorities concerned are authorities that are likely to be concerned by the environmental impact presumably arising from the SPD or that may have a reasoned interest in the potential environmental impact. Depending on the nature of the SPD, the authorities concerned include, among others, the Ministry of Defence, the Ministry of the Environment, the Ministry of Culture, the Ministry of Economic Affairs and Communications, the Ministry of Agriculture, the Ministry of Finance, the Ministry of the Interior, the Ministry of Social Affairs and governmental authorities in their area of government, the county government, the local authority, and other authorities concerned; the Ministry of the Environment is considered an authority concerned in the case of SEA in a transboundary context or if the authority who established the SPD is the *Riigikogu*, the Government of the Republic or a ministry. In other cases, the Environmental Board is considered an authority concerned.

3. STUDY CASE

In Estonia the Ministry of Economic Affairs and Communications (the MEAC) has lead responsibility for the development of energy policy and energy sector development plans are drafted and revised once every 5-6 years (previously in 1991, 1998, 2004, and 2009). The current National Development Plan of the Energy Sector until 2020, adopted in June 2009, will remain in force until 2020; however, investments into energy require long-term planning, and in 2013, the MEAC started reviewing this Development Plan, with the intention of extending it until 2030 and adding an outlook to 2050. The Development Plan of the Energy

Sector until 2030 (hereinafter 'DPES 2030') is aimed at ensuring the energy supply available to the consumers at a reasonable price and effort and at an acceptable environmental condition, while observing the terms and conditions established in the long-term energy and climate policy of the European Union. The new plan also drafts the benchmarks for renewable energy and energy saving operational programmes and the vision for the renovation of buildings.

The DPES 2030 differs from previous plans:

- DPES 2030 deals not with the energy sector development options per se but considers the impact of these options on the environment, human health, and competitiveness of economy as a whole;
- Scope: DPES 2030 combines into a single plan several subsectors of the energy sector (heat production, residential energy consumption, electricity generation and distribution, transport energy consumption, and production of local biofuels).
- More attention was paid to quantitative analysis: both direct and indirect costs and benefits of possible actions as well as wider economic consequences were evaluated;
- Development format: web-based environment – www.energiatalgud.ee – was chosen as a platform for compilation of the DPES 2030, which allowed as many stakeholders as possible and public to get an idea of the current situation and participate in the development of the document in one place and in a coordinated way.

In accordance with the Protocol on SEA, the following steps were performed:

- **Field of application (article 4)**
The SEA procedure had to be carried out because the DPSE 2030 is prepared for energy and in this case the SEA was initiated by the MEAC, without providing justification therefor, at the same time with initiation of the preparation of the document.
- **Screening (article 5)**
As the SEA procedure was mandatory carrying out the screening was not required.
- **Scoping (article 6)**
According to the EIA and SEA Act the scoping is defined as preparation of a SEA programme. After SEA for the DPSE 2030 was initiated, the Estonian Development Fund (the organisation responsible for conducting the SEA) and the leading SEA expert in cooperation with the MEAC prepared the SEA draft programme and submitted it to the MEAC. The SEA draft programme included, inter alia, the following information:
 - the extent of the SEA on the basis of the characteristics and content of the SPD;
 - the SEA methodology;
 - the likely significant environmental impact potentially arising from the implementation of the DPES 2030, including impact on human health, the likelihood of occurrence of a transboundary environmental impact, and the potential impact on a Natura 2000 site;
 - the persons and authorities which may be affected or which may have a reasoned interest in the DPES 2030;

- schedule of carrying out the SEA and the schedule for the publication of the results of the assessment, arising from the schedule for preparation of the SPD.

Before making public the draft SEA programme in accordance with the EIA and SEA Act, the MEAC asked for the opinion on the content of the draft programme from all the authorities concerned. Having received their opinion within the time allowed by law, the MEAC organised public display of the draft programme and public consultations regarding the draft programme. Thereupon the Estonian Development Fund, in cooperation with the leading expert, made the necessary corrections and modifications to the draft SEA programme on the basis of the proposals and objections submitted at the time of the public display and public consultations and submitted the SEA programme to the Environmental Board for approval.

- **Environmental report (article 7)**

The SEA draft report was prepared by the Estonian Development Fund and leading expert in accordance with the SEA programme. The SEA report determined, explained, described and assessed the significant environmental impact resulting from implementation of the DPES 2030 and the main alternative measures, activities and tasks, having regard to the objectives of the document. It included, inter alia, the following information:

- outline of the contents and the main purposes of the DPES 2030;
- the relationship of the DPES 2030 with other relevant SPDs;
- environmental protection objectives, established at international, EU and country level, which are relevant to the DPES 2030 and a description of the way those objectives and any environmental considerations have been taken into account during preparation of the document;
- description of the potentially significantly affected environment;
- the proposed measures and alternative development scenarios;
- criteria and indicators for selecting the alternative development scenarios;
- assessment of the potential significant environmental impact, including impact on biological diversity, populations, flora, fauna, soil, water and air quality, climate change, cultural heritage and the landscape, human health, social needs and property, on Natura 2000 sites and transboundary impact;
- measures planned for the prevention and mitigation of significant adverse environmental impact arising from the implementation of the DPES 2030;
- description of the measures proposed for the monitoring of significant environmental impact and of the measurable indicators;
- overview of the difficulties which became evident upon carrying out the SEA.

The MEAC organised public display of the draft report and public consultations regarding the draft report. Thereupon the Estonian Development Fund, in cooperation with the leading expert, made the necessary corrections and modifications to the SEA draft report on the basis of the proposals and objections submitted at the time of the public display and public consultations and submitted the SEA report to the Environmental Board for approval. The Environmental Board decision on approval contained, inter alia, the following information:

- during development of the DPES 2030 results of the SEA have to be considered;
- during implementation of the DPES 2030 it is necessary to establish the monitoring measures developed in the course of the SEA.

- **Public participation (article 8)**

Everyone has the right to access a SEA programme, SEA report and other documents on the environmental impact resulting from the implementation of the SPD at the time of the public displays of the programme/report and the public consultations regarding the programme/report, to submit proposals, objections and questions regarding the programme/report and obtain responses thereto.

Within 14 days from the receipt of the SEA draft programme/report, the MEAC notified of the public displays of the programme/report and of the holding of the public consultations in the official publication *Ametlikud Teadaanded*, in the newspaper *Postimees*, on e-government web environment as well as informed by electronic means, by regular mail or by registered mail the authorities and persons which may be affected or which may have a reasoned interest in the SPD, the organisation uniting non-governmental environmental organisations and the authorities concerned. The public displays of the SEA programme/report and the public consultations regarding the programme/report thereafter were organised by the MEAC.

According to the EIA and SEA Act the public displays of the SEA programme must last for no less than 14 days; the public displays of the SEA report is as long as that of the public displays of the draft SPD, but not shorter than 21 days.

Taking proposals and objections into account was described and refusal to take proposals and objections into account was justified in the annexes to modified Programme/Report. Annexes to the SEA programme/report included, inter alia, the following:

- overview of the written proposals received during the public displays and public consultations and taking them into account;
- presentations, minutes and lists of participants of public consultations regarding the programme/report.

- **Consultation with environmental and health authorities (article 9)**

Before making public the SEA programme and the SEA report in accordance with the EIA and SEA Act, the MEAC asked for the opinion on the content of the programme and report from all the authorities concerned. Within 30 days from the receipt of the SEA programme, the authority concerned, based on its field of competence, submitted to the MEAC their opinion. The draft SEA report was made available for comments for all the authorities and interested parties without prior consultation among the environmental and health authorities. Overview of all proposals, objections and questions of authorities concerned and how they were considered and taken into account or overview of reasons for refusal to take them into account are given in the annexes to the SEA programme/report and all documents have been also publicly

available on specially created web-based environment at <http://www.energiatalgud.ee/index.php?title=ENMAK:Dokumentatsioon>.

- **Transboundary consultations (article 10)**

In the SEA programme was justified that the implementation of the DPES 2030 planned measures would not be expected to result in any significant transboundary environmental impact and therefore transboundary consultations were not held.

- **Decision (article 11)**

The results of SEA and the opinions submitted by authorities and persons to the extent possible were taken into account in the course of development of the DPES 2030. On February 19, 2015 the MEAC submitted the draft DPES 2030 as it had resulted from the process of the inter-ministerial consultation to the Government of the Republic. For the present the DPES 2030 is submitted to *Riigikogu* (Parliament of Estonia) by the Government. The *Riigikogu* is expected to express their opinion on the draft DPES 2030 before the end on 2016.

According to the EIA and SEA Act the coordinator of preparation of the SPD must give notice of the adoption of the SPD by electronic means or by regular mail or by registered mail within 14 days after the decision on the adoption is made to the authorities and persons likely to be affected by the environmental impact potentially arising from the implementation of the SPD or who may have a reasoned interest in the potential environmental impact. Upon giving notice of the adoption of the SPD, it must be ensured that the following is available to the authorities concerned and the public:

- 1) adopted SPD;
- 2) an overview of how environmental considerations have been taken into account in the SPD;
- 3) an overview of how the results of the SEA have been taken into account in the SPD;
- 4) an outline of the reasons for selecting the alternatives dealt with;
- 5) a description of the measures proposed for the monitoring of potential significant environmental impact resulting from implementation of the SPD.

- **Monitoring (article 12)**

In the decision declaring the SEA report compliant with the requirements, the Environmental Board made the proposal on the monitoring measures. The purpose of the monitoring measures is to identify at an early stage whether significant environmental impact arises from the implementation of the strategic planning document and to take measures that prevent and mitigate adverse environmental impact. According to the EIA and SEA Act the decision-maker who adopted the SPD must adopt the monitoring measures along with the adoption of the SPD or submit upon the adoption of the SPD the reasons why the monitoring measures developed in the course of SEA are not adopted. The established monitoring measures are mandatory to the authority implementing the SPD. In the course of carrying out monitoring, the existing environmental monitoring system or monitoring proposed for monitoring the environmental impact arising from the implementation of the SPD may

be used. Monitoring may be carried out in the course of the activities proposed on the basis of one or several SPDs.