

Questionnaire for the report of ESTONIA on the implementation of the Protocol on Strategic Environmental Assessment in the period 2019–2021

Information on the focal point for the Protocol

1. Name and contact information:
Rainer Persidski
Ministry of the Environment
Paldiski mnt 96, 13522 Tallinn
Telephone: +372 6262 973
E-mail: rainer.persidski@envir.ee

Information on the point of contact for the Protocol

2. Name and contact information (if different from above):
Kaupo Heinma
Ministry of the Environment
Paldiski mnt 96, 13522 Tallinn
Telephone: +372 6262 846
E-mail: kaupo.heinma@envir.ee

Information on the person responsible for preparing the report

3. Country: Estonia
4. Surname: Persidski
5. Forename: Rainer
6. Institution: Ministry of the Environment
7. Postal address: Paldiski mnt 96, 13522 Tallinn
8. Email address: rainer.persidski@envir.ee
9. Telephone number: +372 6262 973
10. Date on which report was completed: 20.04.2022

Part one

Current legal and administrative framework for the implementation of the Protocol

In this part, please describe the legal, administrative and other measures taken in your country to implement the provisions of the Protocol. This part should describe the framework for your country's implementation, and not its experience in the application of, the Protocol.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the text of the Protocol (for example, Strategic Environmental Assessment Law of the Republic of ..., article 5 (3) of Government Resolution No. ..., para. ... item...)

Article 3

General provisions

I.3. According to article 3 (1) of the Protocol: “Each Party shall take the necessary legislative, regulatory and other appropriate measures to implement the provisions of this Protocol within a clear, transparent framework.” Please provide the main legislative, regulatory and other measures your country has adopted to implement the Protocol (art. 3, (1)) (more than one option may apply):

(a) Law on strategic environmental assessment (please provide exact title/reference number/year/access link, if any):

Environmental Impact Assessment and Environmental Management System Act (22.02.2005, RT I 2005, 15, 87; access link of the English translation of the act in force: <https://www.riigiteataja.ee/en/eli/ee/520012015014/consolide/current>); hereinafter referred to as *the Act*

(b) Strategic environmental assessment provisions are transposed into another law/other laws (please specify, providing title/reference number/year/access link, if any):

Planning Act (28.01.2015, RT I, 26.02.2015, 3; access link of the English translation of the act in force: <https://www.riigiteataja.ee/en/eli/ee/518022022002/consolide/current>)

(c) Regulation (please indicate title/reference number/year/access link, if any):

(d) Administrative rule (please indicate title/reference number/year/access link, if any):

(e) Other (please specify):

Please explain:

The general requirements regarding administrative procedures are stipulated in the Administrative Procedure Act. References to SEA/the Act can also be found in other relevant pieces of legislation regarding different plans and programmes (hereinafter referred to as *strategic planning documents* which is the general term used in the Act as the equivalent for the Protocol's term “plans and programmes”).

Regarding SEA of spatial plans the following approach is in use. The SEA that is conducted in the course of preparing a spatial plan is subject to the procedural requirements arising from the Planning Act. The requirements to the content of the SEA report and other conditions are established in the Act.

In case of strategic planning documents which are not spatial plans, the regulation on SEA established in the Act must be followed.

Article 4

Field of application concerning plans and programmes

I.4.1 Which plans and programmes referred to in article 4 (2)–(4) of the Protocol are set out in your country's legislation?

List the types of plans and programmes that require strategic environmental assessment in your country's legislation and provide references to the relevant legislation:

According to the Act (§ 33), SEA is mandatory in the following cases:

- strategic planning document which is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and depending on the particular proposed activities (annex I and annex II of the Protocol);
- national spatial plan, national designated spatial plan, local government designated spatial plan, county-wide spatial plan, comprehensive plan;
- detailed spatial plan on the basis of which an activity specified in subsection 6 (1) of the Act (i.e. mandatory EIA) is proposed;
- strategic planning document that 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.

According to the Act, the need for the initiation of SEA must be considered and a preliminary estimate (i.e. screening decision) thereof must be given if:

- amendments are made to the strategic planning document specified in the list above;
- a county-wide spatial plan or a comprehensive plan is drawn up as a thematic spatial plan;
- a detailed spatial plan is drawn up in an event specified in clauses 1–3 of subsection 1 of § 142 of the Planning Act;
- a detailed spatial plan regulating an activity that belongs to the field specified in subsection 6 (2) of the Act and that is specified in a regulation established on the basis of subsection 6 (4) of the Act is drawn up.

Plans and programmes prepared for:

Agriculture

Forestry

Fisheries

Energy

Industry including mining

Transport

Regional development

Waste management

Water management

Telecommunications

Tourism

Town and country planning

Land use

Other (including those falling under article 4 (3)–(4)), please list

Please explain:

The different categories listed above are covered by the Act. For instance, at national level sectoral development plans prepared for forestry or waste management require SEA. To construct a construction work like e.g. public railway or international airport, a national designated spatial plan (together with SEA) must be prepared. In addition, a strategic planning document can involve or be related to several sectors at a time.

I.4.2. Explain how you define whether a plan or programme “set the framework for future development consent” (art. 4 (2)):

This is interpreted as the strategic planning document being the basis or precondition for future development consent(s) which is required for the particular proposed activities, i.e. the degree to which the strategic planning document sets the framework for the proposed activity (containing measures either with regard to the location, nature and operating conditions or by allocating resources).

I.4.3. Explain how the term “plans and programmes ... which determine the use of small areas at local level” (art. 4 (4)) is interpreted in your country’s legislation:

This is interpreted by defining possible strategic planning documents in the legislation. In this context, mainly detailed spatial plans can be brought out which SEA depends on the particular proposed activities (mandatory SEA or screening).

I.4.4. Explain how you identify in your legislation a “minor modification” to a plan or programme (art. 4 (4)):

This is interpreted as modifications to the strategic planning documents (which require SEA) being subject to screening if they potentially result in significant environmental impact.

Article 5 Screening

I.5.1 According to article 5 (1): “Each Party shall determine whether plans and programmes referred to in article 4, paragraphs 3 and 4, are likely to have significant environmental, including health, effects either through a case-by-case examination or by specifying types of plans and programmes or by combining both approaches.”

How do you determine which plans and programmes referred to in article 4 (3)–(4) should be subject to a strategic environmental assessment? Please specify:

- (a) On a case-by-case basis
- (b) By specifying types of plans and programmes
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

The types of strategic planning documents have been specified in the Act. However, it should be taken into account that in addition to the respective specifications, the term “strategic planning document” also includes other possible plans, programmes and strategies where a case-by-case approach can be used.

I.5.2. According to article 5 (2), each Party shall ensure that the environmental and health authorities are consulted during screening.

Please explain whether your legislation provides for consultation with environmental and health authorities at the screening stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

According to the Act (§ 33), upon deciding on the need for SEA, all the authorities concerned must be asked for an opinion before making the decision. The Act (§ 2³) contains a comprehensive indicative list of different authorities likely to be concerned (including environmental and health authorities, but e.g. also local authorities).

The concrete authorities to be consulted depend on the particular strategic planning document, however, the Estonian Environmental Board or the Ministry of the Environment must always be consulted. Primarily the Estonian Environmental Board is consulted (the Ministry of the Environment is consulted in specified cases). In practice, also both authorities can be involved.

I.5.3. According to article 5 (3): “To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned in the screening of plans and programmes under this article.”

Please indicate whether you provide opportunities for the public concerned to participate in screening of plans and programmes in your legislation and, if so, how.

No

Yes

Please specify (more than one option may apply):

(a) By sending written comments to the relevant authority

(b) By completing a questionnaire

(c) By taking part in a public hearing

(d) Other (please specify):

Please explain:

The Act does not include a separate provision regarding public participation during screening (i.e. asking the opinion of the public is not mandatory).

Article 6 Scoping

I.6.1 According to article 6 (1): “Each Party shall establish arrangements for the determination of the relevant information to be included in the environmental report in accordance with article 7, paragraph 2.”

Please explain how you determine the relevant information to be included in the environmental report.

The relevant information to be included in the SEA report depend on the particular strategic planning document and its characteristics (e.g. the proposed activities), the likely significant impacts, etc.

According to Act, the leading expert (expert group) will prepare the SEA programme (i.e. scoping document) and SEA report in cooperation with the person preparing the strategic planning document. Requirements are stipulated for the content of SEA programme and report. So generally the first input comes from these parties (i.e. their expertise).

The organization of public display and public hearing is an obligation both in the SEA programme and report stage. So the comments of the authorities and the public are also an important input in this regard. Furthermore, before the publication stage, the SEA programme and report are also sent to the authorities concerned for asking an opinion.

Regarding SEA of spatial plans the approach is similar. The procedural requirements arising from the Planning Act must be taken into account (i.e. the requirements for the planning procedure of the particular spatial plan type). For instance, scoping takes place in the stage of memorandum of intention to conduct SEA of the spatial plan (i.e. SEA programme).

I.6.2. According to article 6 (2), each Party shall ensure that the environmental and health authorities are consulted during scoping.

Please explain whether your country's legislation provides for consultation with environmental and health authorities at the scoping stage and, if so, how.

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

See also answer to question I.5.2 (the approach of consulting the authorities concerned is the same regarding screening and scoping).

I.6.3 According to article 6 (3): "To the extent appropriate, each Party shall endeavour to provide opportunities for the participation of the public concerned when determining the relevant information to be included in the environmental report."

Please indicate whether your country's legislation provides opportunities for the public concerned to participate in scoping of plans and programmes and, if so, how.

No

Yes

Please specify (more than one option may apply):

- (a) By sending written comments to the relevant authority
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

During scoping opportunities for public participation are provided. According to the Act (§ 37), publication of the SEA programme (i.e. public display and public hearing) is an obligation.

Article 7 Environmental report

I.7.1. According to article 7 (2): "The environmental report shall, in accordance with the determination under article 6, identify, describe and evaluate the likely significant environmental, including health, effects of implementing the plan or programme and its reasonable alternatives."

How do you determine "reasonable alternatives"? Please specify (more than one option may apply):

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify):
- (c) By using a combination of (a) and (b) above
- (d) Other (please specify):

Please explain:

The reasonable alternatives depend on the particular strategic planning document and its characteristics. For instance, is it a sectoral development plan at national level (more strategic alternatives) or a spatial plan to construct a public railway (several alternative locations are considered).

I.7.2. According to article 7 (3): “Each Party shall ensure that environmental reports are of sufficient quality to meet the requirements of this Protocol.”

How do you ensure that quality of the reports is sufficient? Please specify:

- (a) The competent authority checks the information provided and ensures that it includes all information required under annex IV as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify):

As described in answer to question I.6.1, according to Act the leading expert (expert group) will prepare the SEA documentation in cooperation with the person preparing the strategic planning document. In the Act, specific criteria (competence requirements) are stipulated for the SEA leading expert (§ 34). Furthermore, the environmental impact arising from the implementation of a detailed spatial plan may be assessed by or the assessment may be led by a leading expert who holds a licence for EIA.

Please explain:

According to the Act, in the stage of asking for opinion of the authorities concerned on the SEA report (a separate stage before the publication of the SEA report), the coordinator of preparation of the strategic planning document will verify the compliance of the SEA report with the requirements. The publication stage is followed by the stage of verification of compliance of the SEA report with requirements (§ 42). As part of the verification of compliance stage, the SEA report is also sent to the authorities concerned for approval.

Regarding spatial plans, for instance as a common rule the planning procedure includes, inter alia, the approval stage (i.e. the proposed spatial plan and SEA report are submitted for approval to the authorities concerned). Depending on the particular type of spatial plan, the requirements for the planning procedure may vary.

Article 8 Public participation

I.8.1. According to article 8 (2): “Each Party, using electronic media or other appropriate means, shall ensure the timely public availability of the draft plan or programme and the environmental report.”

How do you notify the public and make the draft plans and programmes and the environmental report available? Please specify (more than one option may apply):

- (a) Through public notices in printed media
- (b) Through electronic media
- (c) Placing copies in public offices for the public
- (d) Through other means:

Official publication *Ametlikud Teadaanded* (i.e. electronic journal *The Official Announcements*), newspapers, letters, webpages of the respective authorities.

Please explain:

Points (b) and (c) can be considered as additional practical means to notify about the publication of the respective documentation.

I.8.2. According to article 8 (3): “Each Party shall ensure that the public concerned, including relevant non-governmental organizations, is identified for the purposes of paragraphs 1 and 4.”

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

- (a) Based on the geographical location of the plans and programmes
- (b) Based on the environmental effects (significance, extent, accumulation, etc.) of the plans and programmes
- (c) By making the information available to all members of the public and letting them identify themselves as the public concerned
- (d) By other means:

Please explain:

I.8.3. According to article 8 (4): “Each Party shall ensure that the public referred to in paragraph 3 has the opportunity to express its opinion on the draft plan or programme and the environmental report within a reasonable time frame.”

How can the public concerned express its opinion on the draft plan and programme and the environmental report? Please specify (more than one option may apply):

- (a) By sending comments to the relevant authority/focal point
- (b) By completing a questionnaire
- (c) By taking part in a public hearing
- (d) Other (please specify):

Please explain:

I.8.4. According to article 8 (4): “The public [concerned, including relevant non-governmental organizations] has the opportunity to express its opinion ... within a reasonable time frame.”

Do you have a definition (for example, a number of days) in your legislation of the term “within a reasonable time frame”? Please specify:

- (a) No, it is defined on a case-by-case basis
- (b) Yes (please provide the definition):
- (c) Other (please specify):

The duration of the public display of the respective documentation (i.e. minimum timeframes) have been stipulated in the national legislation.

Please explain your selection:

There is no separate definition of the term “reasonable time frame”, it is defined by minimum timeframes and on a case-by-case basis. According to the Act (§ 41), the public display of the SEA report must last as long as the public display of the draft strategic planning document, but not less than 21 days. Regarding spatial plans also timeframes for the different stages of the planning procedures have been stipulated in the Planning Act.

Article 9 Consultation with environmental and health authorities

I.9.1. According to article 9 (1): “Each Party shall designate the authorities to be consulted which, by reason of their specific environmental or health responsibilities, are likely to be concerned by the environmental, including health, effects of the implementation of the plan or programme.”

How are the environmental and health authorities identified? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

According to the Act, the coordinator of preparation of the strategic planning document will give notice of the public display of and the public hearing regarding the SEA programme and the SEA report. Inter alia, the persons and authorities which may be affected or which may have a reasoned interest in the strategic planning document must be informed. Also the opinion of the authorities concerned on the SEA programme and the SEA report is asked (this separate stage takes place before of the publication of documentation).

The Act (§ 2³) contains a comprehensive indicative list of different authorities likely to be concerned. The concrete authorities to be consulted depend on the particular strategic planning document and SEA. See also answer to question I.5.2.

Regarding SEA of spatial plans the approach (the authorities and persons to be consulted) is similar and the requirements are stipulated in the Planning Act. For instance, the procedure for cooperation and the principles of approving spatial plans have been established by a regulation.

I.9.2. According to article 9 (4): “Each Party shall determine the detailed arrangements for informing and consulting the environmental and health authorities referred to in paragraph 1.”

How are the arrangements for informing and consulting the environmental and health authorities determined? Please specify:

- (a) On a case-by-case basis:
- (b) As defined in the national legislation:
- (c) Other (please specify)

Please explain:

The national legislation includes minimum requirements and arrangements for informing and consulting the authorities concerned. See also answer (comment) to question I.9.1.

I.9.3. According to article 9 (3): “Each Party shall ensure that the authorities referred to in paragraph 1 are given, in an early, timely and effective manner, the opportunity to express their opinion on the draft plan or programme and the environmental report.”

Does your national legislation call for consultations with environmental and health authorities?

- (a) Yes (please refer to specific provisions and provide citations in order to clarify the issue)

See answer (comment) to question I.9.1.

- (b) No

Please explain:

I.9.4. How can the environmental and health authorities express their opinion?

- (a) By sending comments
- (b) By completing a questionnaire
- (c) In a meeting
- (d) By other means (please specify)

Please explain:

In addition to sending comments and participating in meetings, according to the Act in the stage of verification of compliance of the SEA report, the report is also sent to the

authorities concerned for approval. As described earlier the planning procedures of spatial plans also include the approval stage.

Article 10

Transboundary consultations

I.10.1. According to article 10 (1): “Where a Party of origin considers that the implementation of a plan or programme is likely to have significant transboundary environmental, including health, effects or where a Party likely to be significantly affected so requests, the Party of origin shall as early as possible before the adoption of the plan or programme notify the affected Party.”

As a Party of origin, when do you notify the affected Party?

- (a) During scoping
- (b) When the draft plan or programme and the environmental report have been prepared
- (c) At other times (please specify):
initiation of SEA

Please explain:

According to the Act (§ 46), if SEA is initiated regarding a strategic planning document whose implementation is likely to have significant transboundary impact, or if it becomes evident upon preparation of a SEA programme or SEA report that the implementation of a strategic planning document is likely to have significant transboundary impact, the coordinator of preparation of the strategic planning document must inform the Ministry of the Environment thereof. The Ministry of the Environment will send to the state that is likely to be significantly affected a notification.

The purpose of early notification is to provide the potentially affected Party also a possibility to participate already in the scoping stage (if significant transboundary impacts are evident). However, significant transboundary impacts may become evident only at the draft strategic planning document and SEA report stage. In this context, in practice also the approach of informal notification is used.

Regarding spatial plans also the requirements for the planning procedures (different types of spatial plans) must be taken into account.

I.10.2. According to article 10 (2): “[The] notification shall contain, inter alia:

- (a) The draft plan or programme and the environmental report including information on its possible transboundary environmental, including health, effects; and**
- (b) Information regarding the decision-making procedure, including an indication of a reasonable time schedule for the transmission of comments.”**

As a Party of origin, what information do you include in the notification? Please specify:

- (a) The information required by article 10 (2)
- (b) The information required by article 10 (2), plus additional information (please specify):

Also the following information is included:

- the name and brief description of the strategic planning document;
- information on the author of and on the person who adopts the strategic planning document;
- a schedule for preparation of the strategic planning document and carrying out the SEA and a brief description of the likely environmental impact resulting from the implementation of the document;
- the term for responding to the notification and submission of comments.

Please explain:

Depending on the particular case also other additional information can be included (e.g. the involved national authorities together with their tasks, etc).

I.10.3. According to article 10 (2): “The notification shall contain, inter alia: ... an indication of a reasonable time schedule for the transmission of comments.”

As a Party of origin, does your legislation indicate a reasonable time schedule (in days, weeks, months) for the affected Party? Please specify:

- (a) No
- (b) Yes (please indicate how long):

If “Yes”, please explain whether that schedule contains individual time frames for a response to the notification and for provision of comments and specify those in days, weeks, months, as relevant:

Comment: the Act does not refer to an explicit timeframe. However, in this context also the general principles of administrative proceedings must be taken into account (as a minimum, 30 days should be provided). In practice, usually the timeframe of 30 to 60 days is proposed for the commenting period.

I.10.4. According to article 10 (3)–(4), when the affected Party expresses its wish to enter into consultations before the adoption of the plan or programme, the Parties concerned shall enter into consultations further to detailed arrangements agreed by them with a view to ensuring that the public concerned and the authorities in the affected Party are informed and given an opportunity to forward their opinion within a reasonable time frame.

How do the Parties agree on detailed arrangements?

- (a) Following those of the Party of origin
- (b) Following those of the affected Party
- (c) On a case-by-case basis
- (d) In accordance with existing arrangements (for example, bilateral agreement)
- (e) Other (please specify):

Please explain:

According to the Act, during the consultations the competent authorities of the parties concerned ensure that the public and authorities of the state which is likely to be significantly affected are notified and allow them sufficient time for the submission of opinions. The necessary procedures and reasonable schedule for relevant consultations are agreed.

The common practice is that the rules and procedures of the Party of origin are followed. If necessary, then also the requirements of the affected Party are taken into account (e.g. if the time frames for public consultation differ) – this should be agreed between the concerned parties on a case-by-case basis. For instance, this situation can also take place in case where the documentation is voluminous and therefore additional time is needed for the affected Party. In this context, also the general established practice can be considered as existing arrangements.

Article 11 Decision

I.11.1. According to article 11 (1): “Each Party shall ensure that when a plan or programme is adopted due account is taken of: (a) [t]he conclusions of the environmental report; (b) [t]he measures to prevent, reduce or mitigate the adverse effects identified in the environmental report; and (c) [t]he comments received in accordance with articles 8 to 10.”

Please specify how your country ensures that due account is taken of:

- (a) The conclusions of the environmental report
- (b) Mitigation measures
- (c) Comments received in accordance with articles 8–10

Please explain:

According to the Act (§ 43), upon preparation of a strategic planning document, the following must be taken account of:

- the results of SEA;
- the opinions submitted by authorities and persons to the extent possible;
- the results of transboundary consultations.

Similarly the Planning Act includes provisions regarding the taking into account of the results of SEA in the preparation of the spatial plan.

I.11.2. According to article 11 (2): “Each Party shall ensure that, when a plan or programme is adopted, the public, the authorities ... and the Parties consulted ... are informed, and that the plan or programme is made available to them together with a statement summarizing how the environmental, including health, considerations have been integrated into it, how the comments received ... have been taken into account and the reasons for adopting it in the light of the reasonable alternatives considered.”

How and when do you inform your own public and authorities?

- (a) Pursuant to national legislation (please refer to specific provisions and provide citations in order to clarify the procedure followed):

According to the Act (§ 44), the coordinator of preparation of the strategic planning document will give notice of the adoption of the strategic planning document within 14 days after the respective decision is made to:

- the concerned authorities and persons;
- the affected Party that participated in transboundary consultations.

Similarly the Planning Act includes provisions regarding the notification of the adoption of spatial plans.

- (b) Other (please specify):

Please explain:

It is also stipulated in the Act that upon giving notice of the adoption of the strategic planning document, it must be ensured that the relevant documentation and information (overviews) are available to the authorities concerned, the public and the affected Party that participated in transboundary consultations. For instance, this includes the adopted strategic planning document and an overview of how environmental considerations have been taken into account in the document.

I.11.3. Does the information provided to the public and authorities include?

- (a) Plan or programme:
- (b) Statement summarizing how the environmental, including health, considerations have been integrated into the plan or programme, and how the comments received have been taken into account:
- (c) The reasons for adopting the plan or programme in the light of the reasonable alternatives considered:

I.11.4. How do you inform the Parties consulted (art. 11 (2))?

- (a) By informing the point of contact
- (b) By informing the contact person of the ministry responsible for strategic environmental assessment, who then follows the national procedure and informs his/her own authorities and public

(c) By informing all the authorities involved in the assessment and letting them inform their own public

(d) Other (please specify):

Your comments:

As described in question I.11.2., the coordinator of preparation of the strategic planning document has to inform the affected Party. However, as transboundary impact assessment cases are coordinated by the Ministry of the Environment (i.e. communication with other parties), then in practice usually also the ministry contributes in this regard (i.e. cooperation with the coordinator of preparation of the strategic planning document). The common practice is that the point of contact is informed (e.g. in addition, also the focal points can be informed).

Article 12

Monitoring

According to article 12 (1)–(2): “1. Each Party shall monitor the significant environmental, including health, effects of the implementation of the plans and programmes.

...

2. The results of the monitoring ... shall be made available ... to the authorities ... and to the public.”

I.12. Describe the legal requirements for monitoring the significant environmental, including health, effects of the implementation of the plans and programmes:

According to the Act (§ 40), the SEA report must include a description of the measures proposed for the monitoring of significant environmental impact resulting from the implementation of the strategic planning document and of the measurable indicators.

In the stage of verification of compliance of SEA report with requirements (§ 42): if the coordinator of preparation of the strategic planning document finds that the SEA report complies with the requirements, the coordinator will make a 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.

The person who adopts the strategic planning document must establish the monitoring measures along with the establishment of the document or submit upon the establishment of the document the reasons why the monitoring measures developed in the course of SEA are not established.

The established monitoring measures are mandatory to the person implementing the strategic planning document. Upon carrying out monitoring, the existing environmental monitoring system or monitoring proposed for monitoring the environmental impact arising from the implementation of the strategic planning document may be used. Monitoring may be carried out in the course of the activities proposed on the basis of one or several strategic planning documents.

It can be added that the specifics related to monitoring requirements of strategic planning documents are also stipulated in the respective pieces of legislation. For instance, the Planning Act includes provisions on the obligation to review certain spatial plans. The review must ascertain, inter alia, the significant economic, social, cultural and environmental impact resulting from implementation of the spatial plan and the conditions for reducing significant negative impacts.

In addition, according to the Public Information Act, inter alia, the existing information concerning the state of environment, environmental damage and dangerous environmental impact must be made publicly available by the holder of information (relating to the duties thereof).

Article 13

Policies and legislation

According to article 13 (1): “Each Party shall endeavour to ensure that environmental, including health, concerns are considered and integrated to the extent appropriate in the preparation of its proposals for policies and legislation that are likely to have significant effects on the environment, including health.”

I.13. Does your country have national legislation on the application of principles and elements of the Protocol as regards policies and legislation? Please specify.

- (a) Yes (please specify which articles of the Protocol apply):
- (b) No

Please explain:

Article 13 refers to the consideration and integration of the appropriate principles and elements of the Protocol as regards policies and legislation – national legislation exists on such application.

The Government of the Republic Regulation “Rules for Good Legislative Practice and Legislative Drafting Assessment” (22.12.2011, no. 180) regulates the drafting of legislative acts (draft acts, draft regulations of Government of Republic, draft regulations of minister), including the requirements for legislative acts, their explanatory memorandums and the related impact assessment. For instance, the explanatory memorandum of the draft act must explain, inter alia, the presumable impacts arising from the implementation of the act: this includes impacts on the living environment and natural environment, impacts on the economy, social impacts, etc. If the implementation of the draft act presumably causes significant impact, an impact assessment must be appended to the explanatory memorandum. Furthermore, also the obligation to submit an ex-post impact assessment of the act may be prescribed.

Also provisions concerning the approval of the draft legislative acts with state and local authorities, involvement of interest groups and public consultation have been stipulated in the regulation. Furthermore, in this context the Good Practice of Involvement have been established which must be followed by the government authorities in engaging interest groups and the public in the decision-making processes.

All in all, similar principles and elements of the Protocol are applied to the extent appropriate in the drafting of legislative acts.

Part two

Practical application during the period 2019–2021¹

Please report on your country's practical experiences in applying the Protocol (not your country's procedures, as described in part one). The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Protocol in practice. The goal is to enable Parties to share solutions. Please therefore provide appropriate examples highlighting application of the Protocol and innovative approaches to improving its application. Parties' reporting also provides useful information to other countries within and beyond the United Nations Economic Commission for Europe (ECE) region that facilitates their efforts to implement and accede to the Protocol.

Part two also focuses on issues identified in the third review of implementation^a by Parties and those issues that have been identified as priorities by Parties in the 2021–2023 workplan.^b It also addresses the objectives of the Long-term strategy and the action plan for the Convention and the Protocol related to: "Adapting the reviews [of implementation] to maximize their usefulness as a source of information, highlight progress achieved, draw attention to areas that need improvement, disseminate best practice...".^c

^a United Nations publication, ECE/MP.EIA/SEA/14.

^b ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1, decision VIII/2–IV/2.

^c Ibid., decision VIII/3–IV/3, annex, item II.A. 9.

A. Some specific questions related to domestic and transboundary implementation in the period 2019–2021

II.1. Does your country's strategic environmental assessment documentation always include specific information on health effects? Please specify:

- (a) Yes
- (b) No, only when potential health effects are identified

According to the Act, the SEA documentation must contain an assessment of the significant environmental impact potentially arising from the implementation of the strategic planning document, including impact on human health. However, "specific information on health effects" is included in relevant cases.

II.2. Does your country's strategic environmental assessment documentation always include specific information on potential transboundary environmental, including health, effects? Please specify:

- (a) Yes
- (b) No, only when potential transboundary effects are identified

According to the Act, the SEA documentation must contain an assessment of the significant environmental impact potentially arising from the implementation of the strategic planning document, including transboundary environmental impact. However, "specific information on potential transboundary effects" is included in relevant cases.

¹ Part II of this questionnaire is not considered to be a reporting obligation according to the Protocol. Parties are encouraged to share examples of good practice, subject to their capabilities and the availability of relevant data.

B. Example of application of the Protocol in your country during the period 2019–2021

II.3. Please provide, using the table provided in annex I to this questionnaire, the (approximate) number of domestic strategic environmental assessment procedures initiated during the 2019–2021 period, list them grouped by the sectors listed in article 4 (2), and indicate their average duration and costs.

Under this question, to illustrate the practice the general number of SEA procedures that have been initiated during the 2019–2021 period can be brought out. In this context, it should also be taken into consideration that a strategic planning document can involve or be related to several sectors at a time.

Based on the statistical information that has been made available in the electronic journal *The Official Announcements*, the number of initiated SEA procedures during the 2019–2021 period is generally less than 20 in a year. However, it must be taken into account that this illustrates the statistics under the respective search functions in the system, i.e. this is incomplete statistics (presumably the number can be a bit higher). As a comparison: in 2018, the number of initiated SEA procedures was significantly higher due to the initiation of the preparation of comprehensive plans by the local authorities.

As a general comment: during the period 2019–2021, the majority of SEA procedures have been initiated for local-level SEA procedures (mostly detailed spatial plans), the number of national-level SEA procedures is little—this can be considered as an expected result. In addition, understandably not all initiated SEA procedures have been finished for now.

Based on a study conducted in 2020 (funded by the Ministry of the Environment), the average duration of SEA procedure in Estonia is 33 months. Concerning the average costs of SEA, adequate information is deficient. However, the costs of a SEA depend to a large extent on the particular strategic planning document (e.g. scope, planned activities, necessary studies, etc).

II.4. Please provide the (approximate) number of transboundary consultations referred to in article 10 of the Protocol that your country, during the reporting period, initiated, as a Party of origin, and participated in, as an affected Party. Please use the table in annex II to this questionnaire listing the transboundary procedures grouped by the sectors listed in article 4 (2), indicating their average duration.

During the period 2019–2021, Estonia as Party of origin has notified neighbouring countries regarding three SEA procedures (the affected Parties participated in two cases). Estonia as (potentially) an affected Party has received four notifications (participation in one case). So the numbers in the table indicate the overall number of notifications that have been sent or have been received (all of them are national-level procedures). In addition, there are also a few cases where neighbouring countries have sent documentation without a formal notification (i.e. as exchange of information and possibility to submit comments, although significant transboundary environmental impacts are not likely).

Concerning the list of sectors in the table, it is often complicated to indicate the exact sector of the particular plan or programme that has been sent by the Party of origin as it can involve or be related to several sectors at a time. However, the notifications that have been sent by the Parties of origin during the period 2019–2021 mainly deal with sectors/topics related to maritime spatial planning and use of marine areas (e.g. sectors like fishery, energy and tourism jointly). That is why under “other” the generalized sector name „maritime spatial planning“ is being used for these cases in the table. The three notifications that have been sent by Estonia as Party of origin are mainly related to the sectors of transport, waste management and maritime spatial planning.

II.5. Do you have a register of the domestic and transboundary strategic environmental assessment procedures (cases) that can be accessible for other Parties to consult, as needed?

<i>Domestic procedures</i>	<i>Transboundary procedures</i>
(a) Yes <input type="checkbox"/>	(a) Yes <input type="checkbox"/>
(b) No <input checked="" type="checkbox"/>	(b) No <input checked="" type="checkbox"/>
If so, please provide the access link to the register:	If so, please provide the access link to the register:

II.6. According to paragraph 10 of decision IV/5 on reporting and review of implementation of the Protocol,² the lists of domestic and transboundary strategic environmental assessment procedures included in the responses to questions II.3 and II.4 of the questionnaire are to be posted on the ECE website. Should your country object to this, however, please indicate “Yes” in the table below and explain, as relevant:

<i>Domestic procedures (list provided under question II.3 and link to register referred in question II.5, if provided)</i>	<i>Transboundary procedures (list provided under question II.4 and link to register referred in question II.5, if provided)</i>
(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain: (b) No (no objection) <input checked="" type="checkbox"/>	(a) Yes (my country has an objection to the compilation and posting of this information) <input type="checkbox"/> Please explain: (b) No (no objection) <input checked="" type="checkbox"/>

C. Experience with the strategic impact assessment procedure in 2019–2021

II.7. Please list the benefits of strategic environmental assessment that are identified by your country:

- (a) Cost effectiveness
- (b) More focused and informed planning
- (c) Coordination with other sectors/i.e. avoiding overlaps or discrepancies
- (d) Environmental and health benefits
- (e) Other

The authorities and the public are involved throughout the decision-making procedure. In case of significant transboundary environmental impacts, also the affected Parties are consulted.

Please provide your comments:

All the benefits of SEA listed in the question are relevant. SEA is a transparent instrument that helps to assess the significant environmental impacts systematically and effectively. For instance, although the conduction of SEA requires (additional) resources, it provides for a high level of protection of the environment (as a general outcome).

I.8. Has your country experienced substantial difficulties in interpreting particular terms contained in (or particular articles of) the Protocol?

- (a) No
- (b) Yes (please indicate which ones):

II.9. Please indicate how your country overcomes these difficulties, if any. Please provide examples that may include, among other things, working with other Parties to find solutions or using existing guidelines or fact sheets:

In general, it can be said that substantial difficulties have not been experienced. Nationally difficulties may arise in relation to particular strategic planning documents and SEA cases, for instance regarding the level of detail and the requirements to be fulfilled (e.g. documentation at national and local level). To overcome these issues, cooperation is done between the concerned authorities and parties (e.g.,

² ECE/MP.EIA/30/Add.3–ECE/MP.EIA/SEA/13/Add.3.

additional consultation meetings can be organized). Where relevant, such cooperation can also involve other Parties (e.g. when planning transboundary SEA procedure with the affected Parties). Of course, national and international guidelines exist which contribute in terms of practical application. As a general observation, also the shared experiences of other Parties can be helpful in this regard.

II.10. With regard your country's experience with domestic and/or transboundary procedures:

(a) Please describe your country's procedures for ensuring that the health aspects are properly incorporated into the environmental report and that the health authorities are consulted as provided for in article 3

According to the Act, the SEA documentation must contain an assessment of the significant environmental impact potentially arising from the implementation of the strategic planning document, including impact on human health. Furthermore, also the SEA programme must explain, inter alia, the impact on human health (the SEA report is prepared based on the compliant SEA programme). Throughout the preparation of the strategic planning document and SEA, all the authorities concerned must be consulted (as described in part one of the questionnaire) – this also includes the health authorities.

(b) To contribute to the sharing of knowledge and experience on themes outlined in the workplan for 2021–2023, please provide at least one example of your country's application of strategic environmental assessment in one or several of the following areas:

Biodiversity

Circular economy

Energy transition

Development cooperation

Smart and sustainable cities

Sustainable infrastructure

Maritime spatial planning

(When describing your experience, please indicate the name of the plan/programme subject to strategic environmental assessment, provide background information or describe the context in which the document has been developed, describe the stages of the procedure and other issues of interest for other Parties. Please flag good practice, and/or lessons learned, referring, as relevant, to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals or climate objectives. When providing an example, you may also make use of the template in annex III to the present questionnaire.)

The SEA procedure of the Estonian Maritime Spatial Plan (in terms of transboundary consultations) has been provided as a good practice example in annex III.

(c) Please indicate whether strategic environmental assessments implemented in your country can be considered to have contributed to the implementation of Sustainable Development Goals and their specific targets:

Yes, (certain) strategic environmental assessments significantly contributed to the attainment of Sustainable Development Goals

Yes, (certain) strategic environmental assessments somewhat contributed to the attainment of Sustainable Development Goals

No, there is no evidence that strategic environmental assessment contributes to the attainment of Sustainable Development Goals in practice

If “Yes”, please list the most relevant Sustainable Development Goals³ (and their targets) and provide an example(s) of how strategic environmental assessment has contributed to their achievement

According to the Act, the purpose of SEA is, inter alia, to promote sustainable development. So SEA should and also SEA can be considered to have contributed to the attainment of Sustainable Development Goals. For instance, SEA prevents, reduces and mitigates the significant environmental impacts of strategic planning documents and thereby makes the documents more sustainable – thus contributing to sustainable development. However, the question is can this contribution be considered as “significant” or “somewhat”. Furthermore, also the number and content of the goals need to be taken into account.

In practice, it can be said that SEA mainly helps to contribute to the attainment of the goals directly related to “environmental issues” such as marine and terrestrial ecosystems (e.g. in terms of biodiversity, pollution, etc), climate change, water and health. As these issues are usually taken into account and assessed as part of SEA, therefore also more concrete connections exist in this regard (e.g. protection and sustainable use of ecosystems and species). Furthermore, SEA can contribute to several goals at a time, in a direct or more indirect way (also interconnections exist). However, this depends on the particular strategic planning document and also on the relationship with the goals (e.g. does it cover land and/or water areas).

³ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
- (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).

For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org/net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.

II.11. Please indicate whether your country has been carrying out monitoring according to article 12.

- (a) No
(b) Yes :

If so, please specify types of plans or programmes subject to the monitoring according to article 12, citing good practice examples or elements of good practice (for example, consultation or public participation), if available

Monitoring has been carried out: the implementation of strategic planning documents (including the impacts resulting from the implementation) are monitored as required. In practice, various monitoring and indicator methods can be used, depending on the particular strategic planning document and the potential impacts. See also answer to question I.12.

As a good practice example, the National Radiation Safety Development Plan (NRSDP) can be introduced to illustrate how also the existing environmental monitoring system can be used upon carrying out monitoring. The purpose of the NRSDP is to ensure radiation safety and it was adopted in 2020. SEA was carried out during 2017–2019 and as part of the SEA, experts proposed prevention and mitigation measures concerning potential adverse environmental effects. One of the main components for ensuring national radiation safety is the national radiation monitoring programme (for instance, regular national monitoring is conducted e.g. in atmosphere, drinking water, soil, areas close to radiation practice sites, etc). The SEA concluded that in order to prevent or mitigate any negative effect on the environment, it is essential that national monitoring programme is maintained and continued. Every year, an annual report of the monitoring results is published on the website of the respective national authority. The monitoring results have concluded that in the last years content of artificial radionuclides in the environment can be considered low. Hence, unforeseen adverse effects have not been identified.

II.12. With regards to your country's experience with transboundary procedures, in response to each of the questions below, please either provide one or two practical examples or describe your country's general experience. You might also want to include examples of lessons learned in order to help others. Please detail:

- (a) What difficulties has your country experienced and what solutions has it found?
(i) Translation and interpretation

As a Party of origin, difficulties have not been experienced. It is important to draw the decision-making authority's attention early on the necessity to provide also the translations of the relevant documentation – this also helps the authority to plan the overall procedure (including with regard to the costs and time frames).

As an affected Party, also substantial difficulties have not been experienced. However, there can be cases where the summary documentation in the respective national language provided by the Party of origin may seem to be too concise (e.g. when comparing it to the full documentation in English). At the same time, also the opposite situation can happen: the Party of origin sends all the voluminous documentation (e.g. together with the annexes) in English. In the latter case, it would be helpful to receive in addition the summaries of such documentation (also in the context of public participation).

- (ii) Other issues

The approach that the Party of origin sends the documentation in electronic format (instead or in addition to hard copies) is widely used in practice. Also the approach is used that the link of the dedicated webpage is sent to the affected Party (where also more related information and documentation can be found). However, such approach implies that relevant guidelines are also provided if necessary (e.g. what is the correct documentation that should be downloaded and made publicly available). Another practical observation: the Party of origin must ensure that the electronic documentation is correct and can be downloaded from the webpage (so that there are no technical problems).

Time frames are always an important aspect in transboundary consultations – both from the viewpoint of the Party of origin and the affected Party. As a general

well-known rule: the time frames should be reasonable. However, in practice this is not always the case (as an affected Party, additional time might be needed also in terms of the practicalities).

As a solution (regarding translations, time frames and other practicalities): the approach where the Party of origin early/additionally consults the affected Party before the formal submission of the relevant documentation is recommended (if necessary). Furthermore, as a general conclusion and recommendation: communication and cooperation between the concerned Parties is the key to overcome potential difficulties.

(b) What elements of the environmental report and other documentation does your country usually translate as a Party of origin?

The draft strategic planning document and the SEA report or more frequently the exhaustive summaries of these documents are translated into English (i.e. the usual approach) or into the official language of the affected Party. In case of summaries, all the relevant elements should be covered so that a comprehensive overview is provided to the affected Party (i.e. all the necessary information, including in terms of transboundary impacts).

(c) As an affected Party, please specify whether and how your country has ensured the participation of the public concerned and the authorities pursuant to article 10 (4):

- (i) No
- (ii) Yes (please indicate how):

All transboundary impact assessment cases are coordinated by the Ministry of the Environment. As an affected Party, the Ministry of the Environment gives notice of the publication of the relevant documentation (for that, electronic journal *The Official Announcements*, information letters and webpage of the ministry are used), the received proposals and objections are sent to the Party of origin.

The general principle that the concerned parties are responsible for ensuring that the public and the authorities are given the opportunities to participate in the procedure is followed.

(d) What has your country's experience been of the effectiveness of public participation?

The overall experience concerning the effectiveness of public participation is good. It could be argued that the interest of the public depends mainly on the particular case (e.g. location, proposed activities, volumes, level of detail, etc). In addition, when comparing SEA procedures and EIA procedures, it could also be argued that generally public participation may be more active regarding EIA cases.

(e) Does your country have examples of organizing transboundary strategic environmental assessment procedures for joint cross-border plans and programmes?

- (i) No
- (ii) Yes (please describe):

D. Experience regarding guidance in 2019–2021

II.13. Has your country used in practice the following documents:

Good Practice Recommendations on Public Participation in Strategic Environmental Assessment (ECE/MP.EIA/SEA/2014/2)

Resource Manual to Support Application of the Protocol on Strategic Environmental Assessment (ECE/MP.EIA/17)

Yes

No

Yes

No

Please specify reasons for not using the Good Practice Recommendations:

- (i) Lack of awareness about the document
- (ii) The document is not relevant
- (iii) The document is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Good Practice Recommendations:

Used as an additional source of information.

Please specify reasons for not using the Manual:

- (i) Lack of awareness about the document
- (ii) The Manual is not relevant
- (iii) The Manual is outdated and needs revision

Your comments and/or suggestions for improving or supplementing the Resource Manual:

The Resource Manual is a substantial guidance. For the purpose of general overview and awareness, it is reasonable that also the Simplified Resource Manual has been compiled. For instance, this is also available on the webpage of the Ministry of the Environment.

E. Contributions to the funding of the workplans

II.14. Please indicate whether the information regarding contributions to the trust fund was already provided by your country in the responses to the questionnaire concerning the Convention and covered both the Convention and the Protocol:

- (i) Yes
- (ii) No

If your response is “No”, please provide the information regarding the contributions to the trust fund below.

II.15. Through paragraph 4 of decision VII/4–III/4 on budget, financial arrangements and financial assistance,⁴ applicable for the period 2017–2020, the Meetings of the Parties to the Convention and the Protocol jointly “Urge[d] all Parties to contribute to ensuring sustainable funding of activities and an equitable and proportionate sharing of the financial burden among the Parties.” For the period 2021–2023, by paragraph 1 of decision VIII/1–IV/1⁵, regarding funding of the adopted workplans, the Meeting of the Parties decided that: “All the Parties have a duty to contribute to the sharing of the costs that are not covered by the United Nations regular budget.”

(a) Please indicate whether your Government contributed to the funding of the workplans during the reporting period, indicating also the currency and the amount of the contribution:

- (i) My Government made a multi-year contribution for the period 2017–2020

Please indicate when the contribution was provided (year), amount and currency:

- (ii) Individual contribution in 2019

Yes Amount and currency:

No Please explain the reason:

⁴ ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1.

⁵ ECE/MP.EIA/30/Add.1–ECE/MP.EIA/SEA/13/Add.1.

(iii) Individual contribution in 2020:

Yes Amount and currency:

No Please explain the reason:

(iv) Individual contribution in 2021:

Yes Amount and currency:

No Please explain the reason:

(v) Please indicate any plans of your country to contribute for the period 2021–2023

(b) Did your country make in-kind contributions in the reporting period?

Yes Please describe how:

No Please explain the reason

F. Suggested improvements to the report

II.16. Please provide suggestions for how this report could be improved:

Annex I and annex II of the questionnaire ask for detailed information concerning the list and number of domestic and transboundary cases (although the questions also refer to approximate numbers). It could be considered what is the added value of such specific information/statistics, e.g. when comparing it to annex III regarding good practice examples of implementing SEA which contributes to sharing practical solutions. In this context, it should also be taken into consideration that a plan or programme can involve or be related to several sectors at a time. In addition, the number of cases may vary considerably between the countries.

Also the volume of the questionnaire (number of questions) has increased notably – this could be reviewed.

Annex I**List and number of domestic strategic environmental assessment procedures initiated in the reporting period**

<i>Sector</i>	<i>Total number or an estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:					
Regional development:					
Waste management:					
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					

* The information provided constitutes:

Statistical data

Estimates

** Once the need for strategic environmental assessment is determined

Your comments:

Annex II**List and number of transboundary strategic environmental assessments in the reporting period**

<i>Sector</i>	<i>Total number or estimate*</i>	<i>Number of local-level procedures</i>	<i>Number of national-level procedures</i>	<i>Estimated average duration of the procedure,** months, if available</i>	<i>Average costs (also as percentage of the total costs for preparation of a plan/programme), euros and (percentage), if available</i>
Agriculture:					
Forestry:					
Fisheries:					
Energy:					
Industry including mining:					
Transport:	1		1		
Regional development:					
Waste management:	1		1		
Water management:					
Telecommunication:					
Tourism:					
Town and country planning:					
Land use:					
Other, including those falling under article 4 (3)–(4):					
Maritime spatial planning	5		5		

Annex III

Template for describing a good practice example of implementing a strategic environmental assessment at the national level or in a transboundary context

I. General information

1. Title of plan/programme
Estonian Maritime Spatial Plan (MSP)
2. Authority responsible for the plan's/programme's development
Ministry of Finance of Estonia
3. Nature of the related strategic environmental assessment procedure:
 - (a) Domestic
 - (b) Transboundary (presented here as a good practice example)
4. Please indicate which stage(s)/step(s) of the strategic environmental assessment procedure is/are considered to represent good practice:
The entire procedure
Screening (art. 5)
Scoping (art. 6)
Environmental report (art. 7)
Public participation (art. 8)
Consultation with environmental and health authorities (art. 9)
Transboundary consultations (art. 10)
Decision (art. 11)
Monitoring (art. 12)
5. Please indicate to which topic(s) of the 2021–2023 workplan the example is related:
Biodiversity
Circular economy
Development cooperation
Energy transition
Smart and sustainable cities
Sustainable infrastructure

II. Background

Please provide a short description of the plan/programme, the context of its development and general information about the strategic environmental assessment

The Estonian MSP planning process and impact assessment, including SEA, was initiated in 2017 by the Government of the Republic. MSP impact assessment process integrated the SEA with the assessment of the social, cultural and economic impacts. For that, a broad-based expertise has been used. The purpose of MSP is to agree upon the principles for the use of Estonian marine area in the long term, in order to promote the maritime economy and contribute to the achievement and maintenance of the good environmental status. MSP determines where and under what conditions certain activities are carried out: it serves as a basis for decision-making processes for ministries and other

authorities to allow different uses of the marine area. MSP must be taken into account in the preparation of subsequent plans, in admission of permits for different uses and in composing of national and local government's strategic development documents. As of now, the Estonian MSP has not yet been adopted.

III. Procedure under the protocol on strategic environmental assessment and elements of good practice

Please describe, in more detail, the procedural step/steps that is/are considered to represent good practice and then explain why that is:

III.1. Field of application (art. 4)

III. 2. Screening (art. 5)

III. 3. Scoping (art. 6)

III.4. Environmental report (art. 7)

III.5. Public participation (art. 8)

III.6. Consultation with environmental and health authorities (art. 9)

III.7. Transboundary consultations (art. 10)

Transboundary consultations of the Estonian MSP procedure have been divided into three stages and took place during 2018–2020.

Stage 1 – the initial planning outline for the Estonian MSP and the memorandum of intention to conduct impact assessment (2018)

With the purpose to early distribute relevant information and to streamline the overall MSP process, the approach of the so-called informal notification was applied. At the SEA scoping stage, the respective documentation in English was sent to all neighbouring countries. Hence neighbouring countries were provided an early opportunity to comment the scope of SEA and other related transboundary maritime spatial planning issues.

Stage 2 – the draft of Estonian MSP (2019)

The neighbouring countries were notified of the Estonian MSP process. The draft Estonian MSP (that included the preliminary planning solution together with the most important associated impacts) in English was sent to all neighbouring countries, except for the countries who had already indicated in the previous stage its wish not to participate/not to be involved in the procedure.

Stage 3 – the main solution of the Estonian MSP and impact assessment report (2020)

The affected Parties were informed about the dissemination of the main solution of the Estonian MSP and impact assessment report (including SEA report), i.e. the publication stage of the finalized plan before its adoption. The respective documentation in English was available on the dedicated webpage.

Based on the Estonian MSP example, elements of good practice and general recommendations:

- early involvement of neighbouring countries and early introduction/comprehensive planning of the whole procedure – this is helpful both for the Party of origin (including in terms of cooperation between the relevant national authorities) as well as to the affected Parties;
- long time frames have been provided for the countries to submit comments – necessary to carry out effective public participation in the affected Parties;
- in case of involvement in several stages of the procedure, the affected Parties should also receive answers to the comments made in the previous stages;
- several transboundary consultation meetings and webinars have been organized – early distribution of such information resulted in active participation by the affected Parties;

- cooperation/distribution of information also in the MSP community, also bilateral meetings have been organized;
- a dedicated webpage has been created for the Estonian MSP process (also available in English); for instance, the webpage included a webmap and all the layers of the MSP in English – this additional information was also sent to the affected Parties;
- usually comprehensive translations of the relevant documentation are necessary, since summaries might not be enough.

III.8. Decision (art. 11)

III.9. Monitoring (art. 12)

IV. Lessons learned and advice to other parties:

IV.1. Please indicate:

- (a) Challenges in carrying out the procedure, if any, and how those were tackled

Comprehensive planning of the whole procedure by the Party of origin (i.e. between the relevant national authorities, also in terms of transboundary consultations) is the key to overcome potential challenges (e.g. related to time frames, translations, etc). At the same time also some flexibility is necessary.

- (b) Lessons learned

The lessons learned are described in the previous question.

IV.2. As relevant, please also refer to the contribution of the above application of strategic environmental assessment towards the attainment of Sustainable Development Goals¹ or climate objectives.

Although the Estonian MSP (together with SEA) is related more directly to some of the Sustainable Development Goals, then such contribution exists (e.g. the planning took into account environmental

¹ In 2017, the Meetings of the Parties acknowledged that the Convention and, in particular, the Protocol, contribute to the achievement of the Sustainable Development Goals (ECE/MP.EIA/23/Add.1–ECE/MP.EIA/SEA/7/Add.1, decision VII/7–III/6, Minsk Declaration, para. 7). Selected examples of targets of the Sustainable Development Goals that strategic environmental assessment could help to implement include the following (see informal document to the fifth meeting of the Working Group (Geneva, 11–15 April 2016):

- (a) Sustainable Development Goal 3 – Ensure healthy lives and promote well-being for all at all ages (targets 3.9 and 3.d);
- (b) Sustainable Development Goal 6 – Ensure availability and sustainable management of water and sanitation for all (targets 6.3, 6.5–6.6 and 6.a–6.b);
- (c) Sustainable Development Goal 7 – Ensure access to affordable, reliable, sustainable and modern energy for all (targets 7.2 and 7.a);
- (d) Sustainable Development Goal 8 – Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all (target 8.4)
- (e) Sustainable Development Goal 9 – Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation (targets 9.1 and 9.4);
- (f) Sustainable Development Goal 11 – Make cities and human settlements inclusive, safe, resilient and sustainable (targets 11.3–11.4, 11.6 and 11.a–11.b);
- (g) Sustainable Development Goal 12 – Ensure sustainable consumption and production patterns (targets 12.2 and 12.4–12.5);
- (h) Sustainable Development Goal 13 – Take urgent action to combat climate change and its impacts (targets 13.1–13.3);
- (i) Sustainable Development Goal 14 – Conserve and sustainably use the oceans, seas and marine resources for sustainable development (target 14.1);
- (j) Sustainable Development Goal 15 – Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss (targets 15.1 and 15.4);

objectives, including marine biodiversity and the maintenance of a network of protected areas; marine areas are important for human health and well-being; sustainable use of marine resources; etc).

-
- (k) Sustainable Development Goal 16 – Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (targets 16.6–16.7 and 16.10);
 - (l) Sustainable Development Goal 17 – Strengthen the means of implementation and revitalize the global partnership for sustainable development (targets 17.13 and 17.16–17.17).
For more details see informal document ECE/MP.EIA/WG.2/2016/5/INF.16, available at http://staging2.unece.org.net4all.ch/fileadmin/DAM/env/eia/documents/WG2.5_April2016/Informal_document_16_ece.mp.eia.wg.2.2016.INF.16__SDG_Mapping.pdf.
