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Environmental Impact Assessment and Environmental Management System Act¹

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RT I 2005, 15, 87

Entry into force 03.04.2005, in part in accordance with § 71.

Amended by the following acts

Passed	Published	Entry into force
07.12.2006	RT I 2006, 58, 439	01.01.2007
21.02.2007	RT I 2007, 25, 131	01.04.2007
19.06.2008	RT I 2008, 34, 209	01.08.2008
18.12.2008	RT I 2009, 3, 15	01.02.2009
27.01.2010	RT I 2010, 8, 37	27.02.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011 enters into force on the date specified in the decision of the Council of the European Union regarding the abrogation of the derogation established in favour of the Republic of Estonia on the ground provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Decision No. 2010/416/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
26.10.2010	RT I, 16.11.2010, 1	26.11.2010
06.12.2011	RT I, 21.12.2011, 1	31.12.2011
19.02.2014	RT I, 13.03.2014, 2	23.03.2014
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the ministers' official titles have been replaced on the basis of subsection 4 of § 107 ³ of the Government of the Republic Act starting from the wording in force as of 1 July 2014.
18.02.2015	RT I, 23.03.2015, 3	01.07.2015
19.02.2015	RT I, 23.03.2015, 6	01.07.2015, in part 01.02.2016
11.06.2015	RT I, 30.06.2015, 4	01.09.2015, the words 'Ministry of Agriculture' have been replaced with the words 'Ministry of Rural Affairs' on the basis of subsection 2 of § 107 ⁴ of the Government of the Republic Act.
29.10.2015	RT I, 10.11.2015, 2	01.12.2015
09.12.2015	RT I, 30.12.2015, 1	18.01.2016
27.10.2016	RT I, 10.11.2016, 1	01.01.2017, in part 20.11.2016
19.04.2017	RT I, 04.05.2017, 3	05.05.2017
19.06.2017	RT I, 03.07.2017, 3	13.07.2017
14.06.2017	RT I, 04.07.2017, 1	01.01.2018
21.11.2018	RT I, 12.12.2018, 3	01.01.2019

30.01.2019	RT I, 22.02.2019, 1	01.10.2019
04.12.2019	RT I, 21.12.2019, 1	01.01.2020
17.06.2020	RT I, 10.07.2020, 2	01.01.2021
13.10.2021	RT I, 22.10.2021, 3	01.11.2021
15.12.2021	RT I, 03.01.2022, 1	13.01.2022

Chapter 1 GENERAL PROVISIONS

§ 1. Scope of application of Act

(1) This Act provides legal grounds and procedure for the assessment of likely environmental impact, organisation of the environmental management and audit scheme and legal grounds for awarding the eco-label in order to prevent environmental damage and establishes liability for violation of the requirements of this Act.

(2) The provisions of the Administrative Procedure Act apply to the administrative proceedings specified in this Act, taking into account the specifications provided for in this Act.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) The following is excluded from the scope of this Act:

1) a strategic planning document the sole purpose of which is to ensure national security or to solve an emergency;

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

2) financial or budget plans, programmes and strategies;

3) a strategic planning document where the activity proposed on the basis thereof are co-financed from the Structural Funds of the European Union or the European Agricultural Guidance and Guarantee Fund between 2004 and 2006;

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

[RT I, 23.03.2015, 3 – entry into force 01.07.2015]

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

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

§ 2¹. Environmental impact

For the purposes of this Act, ‘environmental impact’ means any potential direct or indirect effect of a proposed activity or implementation of a strategic planning document on the environment, human health and well-being, cultural heritage or property.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 2². Significant environmental impact

Environmental impact is significant where it is likely to exceed the environmental capacity of the impact area, cause irreversible changes to the environment, endanger human health and well-being, the environment, cultural heritage or property.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 2³. Authorities concerned

(1) The authorities concerned are authorities that are likely to be concerned by the environmental impact presumably arising from a strategic planning document or a proposed activity or that may have a reasoned interest in the potential environmental impact. Depending on the nature of the strategic planning document or the proposed activity, the authorities specified in the previous sentence 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 Rural Affairs, the Ministry of Finance, the Ministry of the Interior, the Ministry of Social Affairs and governmental authorities in their area of government, the local authority, and other authorities concerned.

[RT I, 04.07.2017, 1 – entry into force 01.01.2018]

(2) The Ministry of the Environment is considered an authority concerned in the event of environmental impact assessment in a transboundary context or strategic environmental assessment in a transboundary context or where the authority who established the strategic planning document or the issuer of the development consent is the *Riigikogu*, the Government of the Republic or a ministry. In other events, the Environmental Board is considered an authority concerned.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 2⁴. Extension of time limits of proceedings

The time limits specified in subsections 2, 4, 5 and 7 of § 15¹, subsection 3 of § 17, subsections 2, 4, 7 and 8 of § 18, subsection 2 of § 20¹, subsections 1, 3, 5 and 7 of § 22, subsection 4 of § 26¹, subsections 2, 4 and 5 of § 36¹, subsection 6 of § 37, subsections 2 and 4 of § 39 and subsections 3, 5 and 7 of § 42 of this Act may, in a justified case such as the volume of the documents or the complexity of the proposed activity or strategic planning document, be extended by setting a new time limit for taking the procedural step.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

Chapter 2 ENVIRONMENTAL IMPACT ASSESSMENT

Subchapter 1 Environmental Impact Assessment of Proposed Activity

§ 3. Mandatory environmental impact assessment

(1) Environmental impact is assessed when:

- 1) applying for development consent or for the amendment of development consent whereby the proposed activity which is the reason for applying for the development consent or for the amendment of the development consent potentially results in significant environmental impact;
- 2) where an activity is proposed whereby, according to objective information, it cannot be precluded that the activity alone or in conjunction with other activities may potentially significantly and 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.

(2) Where the sole purpose of the proposed activity is to ensure national security or to solve an emergency, environmental impact does not need to be assessed, provided that assessment may harm the attainment of these purposes, except in the event specified in clause 2 of subsection 1 of this section.

(3) Where environmental impact is not assessed based on subsection 2 of this section, the provisions of §§ 3¹–30 of this Act are not applied.

(4) The omission of the environmental impact assessment specified in subsection 2 of this section is decided by the Government of the Republic on a proposal of the minister responsible for the field.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 3¹. Purpose of environmental impact assessment

(1) The purpose of environmental impact assessment is to give to the issuer of the development consent information on the significant environmental impact of the proposed activity and its reasonable alternatives and regarding the choice of the most suitable solution for the proposed activity, which makes it possible to prevent or minimise adverse impact on the environment and to promote sustainable development.

(2) Upon assessment of environmental impact, the following is identified, described and assessed: the direct and indirect significant environmental impact of the proposed activity on the environmental elements such as earth, soil, water, ambient air, climate, landscape and natural diversity, on human health, welfare and property, on cultural heritage, protected natural objects and their mutual links; the significant environmental impact arising from a possible major accident or catastrophe.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 3². Environmental impact assessment proceedings

Environmental impact assessment proceedings consist of the following stages:

- 1) the making of a decision to initiate or not to initiate environmental impact assessment, and notifying of the decision;
- 2) the drawing up of an environmental impact assessment programme, including determining the scope of the environmental impact assessment;
- 3) the assessment of the potentially significant environmental impact arising from the proposed activity and drawing up a report;

- 4) asking the authorities concerned for an opinion on the environmental impact assessment programme and report, and publishing the programme and the report, taking into account the characteristics of environmental impact assessment in a transboundary context;
 - 5) verifying the compliance of the environmental impact assessment programme and report with requirements, making decisions to declare these compliant with requirements, and notification of the decisions;
 - 6) taking the results of the environmental impact assessment into account upon making a decision to grant or not to grant development consent, and notifying of the decision.
- [RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 3³. Environmental measures

(1) For the purposes of this Subchapter, ‘environmental measures’ means measures for prevention, avoidance, reduction, mitigation and, in a justified case, for remedying of adverse environmental impact arising from implementing the proposed activity. Environmental monitoring is also included among environmental measures.

(2) Environmental measures, including the type of indicators monitored by way of environmental monitoring and the duration of monitoring, must be proportionate to the nature, location and scope of the proposed activity as well as to the estimated environmental impact. Upon ordering and carrying out environmental impact, existing environmental monitoring is taken into account.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 4. Environmental impact

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

§ 5. Significant environmental impact

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

§ 6. Activities with significant environmental impact

- (1) An activity with significant environmental impact is:
 - 1) oil processing, except the manufacture of only lubricants from oil;
 - 2) gasification and liquefaction of coal or bituminous shale, where the amount of raw material used per day is 500 tons or more;
 - 3) construction of a thermal power station or other combustion plant with a nominal thermal input equal to or greater than 300 MW_{th};
 - 4) construction, dismantling or decommissioning of a nuclear power station or other nuclear reactors, except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load;
 - 5) installation of wind farms in water bodies;
 - 6) production or enrichment of nuclear fuel, processing or handling or final disposal of used nuclear fuel or disposal of used nuclear fuel for over ten years on a site other than the place of generation thereof;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

 - 7) handling high-activity radioactive waste, final disposal of merely radioactive waste or disposal thereof for over ten years on a site other than the place of generation;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

 - 8) initial smelting of pig iron or steel;
 - 9) production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical or chemical or electrolytic processes;
 - 10) production of asbestos and processing or transformation of asbestos or products containing asbestos: for asbestos-cement, with annual production of more than 20 000 tons of finished products per year, for friction material, with annual production of more than 50 tons of finished products per year, and for other uses of asbestos, with annual production of more than 200 tons of finished products per year;
 - 11) manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are for the production of basic organic chemicals, basic inorganic chemicals, phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers), plant protection products and biocidal products, basic pharmaceutical products using a chemical or biological process, or explosives;
 - 12) manufacture of paper or board with a production capacity of at least 200 tons per one twenty four hour period, or production of pulp from timber or similar fibrous materials;

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

 - 13) construction of express roads, construction of lines for airports with a basic runway length of 2,100 m or more and construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be over 10 kilometres in a continuous length;
 - 14) construction of a new line for long-distance railway traffic or construction of a new railway station, where, in the case of a single-track railway line, there are at least four depot sidings and, in the case of a double-track railway line, there are at least five depot sidings, or extension of an existent railway station where, as a result of the extension, there are at least four depot sidings in the case of a single-track railway line and at least five depot sidings in the case of a double-track railway line, or extension of the tracks of the existent railway station to

the length of 1,000 meters or more where, in the case of a single-track railway line, there are at least four depot sidings and, in the case of a double-track railway line, there are at least five depot sidings in the railway station;

15) construction of inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tons;

16) construction of trading ports, piers for loading and unloading connected to land and outside ports which can take vessels of over 1,350 tons;

17) marine dredging and the dredging of Lake Peipus, Lake Lämmijärv and Lake Pskov, starting from the soil volume of 10,000 cubic metres or the dredging of another water body starting from the soil volume of 500 cubic metres;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

17¹) sinking of solid substances into the seabed and into Lake Peipus, Lake Lämmijärv and Lake Pskov, starting from the soil volume of 10,000 cubic metres, or sinking of solid substances into a watercourse, starting from the substance mass of 2,000 cubic metres, or sinking of solid substances in another water body, starting from the substance mass of 500 cubic metres;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

18) groundwater abstraction where the annual volume of water abstracted is at least 10 million cubic metres;

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

18¹) artificial replenishment of groundwater where the annual volume of water abstracted is at least 10 million cubic metres;

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

19) construction of works for the transfer of water resources where the average amount of water transferred exceeds 100 million cubic metres per year, or where the average flow of the basin of abstraction exceeds 2,000 million cubic metres per year and where the amount of water transferred through such works exceeds five per cent of the average annual flow of the basin of abstraction;

20) waste water treatment plants with a capacity exceeding 150,000 population equivalent;

21) installation or reconstruction of hydro-electric stations, barrages, dams or reservoirs in a sensitive receiving water body;

21¹) installation or reconstruction of hydro-electric stations, barrages, dams or reservoirs where, as a result thereof, the new or added amount of reserved water exceeds 10 million cubic metres;

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

23) incineration or chemical treatment of more than 100 tons of non-hazardous waste per day, or construction of non-hazardous waste landfills with a capacity of more than 25,000 tons of waste;

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

25) construction of a pipeline for the transport of gas, petroleum or chemicals, with a diameter of more than 800 mm and a length of more than 40 km;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

25¹) construction of a pipeline with a diameter of more than 800 mm and a length of more than 40 km as well as related pumping stations for the transport of geologically stored carbon dioxide;

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

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

27) construction of installations for the intensive rearing of poultry, pigs or bovine animals with more than 60,000 places for poultry, 3,000 places for pigs (with a body mass of over 30 kg), 900 places for sows, 600 places for dairy cows, 800 places for suckler cows or 1,200 places for young bovine animals, i.e. heifers that are over eight months old until giving birth and bulls that are over eight months old;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

28) open-cast mining where the surface of the site exceeds 25 hectares or peat extraction where the surface of the site exceeds 150 hectares or underground mining;

[RT I, 10.11.2016, 1 – entry into force 01.01.2017]

29) [Repealed – RT I, 10.11.2016, 1 – entry into force 01.01.2017]

30) construction of a high voltage power line with a voltage of at least 220 kV and a length of over 15 km;

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

31) construction of a new draining system in forest land or wetland with a total area of more than 100 hectares;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

31¹) deforestation of forest land with a total area of over 100 hectares;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

32) construction of a facility or facilities with a total capacity of more than 100,000 cubic metres for storing petroleum, petrochemicals or chemical products;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

33) construction of an establishment that handles hazardous chemicals, provided that it is a category A enterprise with a major hazard under the Chemicals Act;

[RT I, 10.11.2015, 2 – entry into force 01.12.2015]

34) an activity for which the obligation to carry out environmental impact assessment arises from a strategic planning document which is the basis for the activity;

34¹) construction of buildings for collecting carbon dioxide generated by the activities, installations or buildings specified in clauses 1–34 of this subsection for the purpose of storing it geologically or where the annual volume of carbon dioxide collected for the purpose of geological storage is at least 1.5 megatons per installation;

[RT I, 21.12.2011, 1 – entry into force 31.12.2011]

35) changes in an activity or installation or the expansion of a building specified in clauses 1–34 of this subsection, provided that the change of the activity or installation or the expansion of the building is in compliance with the possible thresholds set out in this subsection;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

36) an activity that requires the application of an exception to the attainment of a good status of a body of water in water permit or integrated environmental permit application proceedings under §§ 39–42 of the Water Act.

[RT I, 22.02.2019, 1 – entry into force 01.10.2019]

(2) Where the proposed activity is not included among the activities specified in subsection 1, the decision-maker makes a preliminary estimate as to whether the activities of the following areas have significant environmental impact:

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

1) agriculture, silviculture, aquaculture and land improvement;

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

2) mining of mineral resources, enrichment of minerals or reconditioning of exhausted land;

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

3) energy industry;

4) production, processing and storage of metals, including storage of end-of-life vehicles;

5) processing of mineral materials;

6) chemical industry;

7) food industry;

8) cellulose, paper, timber or textile industry, or tanning of skins or hides;

9) rubber industry;

10) construction or use of infrastructure;

11) waste management;

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

12) tourism;

13) surface treatment or finishing by using organic solvents;

14) production of plywood or fibreboard;

15) production of graphite (hard-burnt coal) or electrographite by way of incineration or graphitisation;

16) storage of hazardous chemicals, including fuel;

17) disposal and recovery of animal carcasses or animal waste;

18) special use of water;

19) construction of recreation areas, sports areas or leisure areas;

20) ceramics or glass industry;

21) handling of waste water and sediments;

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

22) another activity which may result in significant environmental impact.

(2¹) Where an activity or installation specified in clauses 1–34¹ of this subsection is changed or a building specified in clauses 1–34¹ of this subsection is expanded, the decision-maker must make a preliminary estimate of whether the proposed activity has a significant environmental impact.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2²) [Repealed – RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2³) The preliminary estimate specified in subsections 2 and 2¹ of this section does not need to be made where the proposed activity falls outside the scope of subsection 2¹ and the scope of the regulation established on the basis of subsection 4.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2⁴) Upon application of subsection 2³ of this section, the decision-maker must make a preliminary estimate where additional circumstances become evident during the proceedings of the application for development consent, which result in the obligation to make a preliminary estimate in accordance with subsections 2 and 2¹.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(3) [Repealed – RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(3¹) [Repealed – RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(4) A detailed list of areas of activity specified in subsection 2 of this section is established by a regulation of the Government of the Republic.

§ 6¹. Preliminary estimate

(1) To make a preliminary estimate specified in subsections 2 and 2¹ of § 6 of this Act, the developer submits the following information along with the development consent application or, in the case specified in subsection 2⁴ of § 6, at the request of the decision-maker:

- 1) the purpose, nature and physical indicators of the activity, and a description of the required demolition work, where relevant;
- 2) a description of the location of the activity, including the sensitivity of the area that will presumably be affected;
- 3) a description of the environmental elements that will presumably be significantly affected;
- 4) information available on significant environmental impact presumably arising from the activity, taking into account the presumably generated residues, emissions and waste generation, where any, and the use of natural resources, in particular, soil, earth, mineral resources and water, and the impact thereof on natural diversity;
- 5) other relevant information based on requirements established on the basis of subsection 5 of this section;
- 6) optionally, information on the characteristics of the proposed activity or on the environmental measures to be taken, which are aimed at avoiding or preventing potential adverse environmental impact that may emerge otherwise.

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

(3) The decision-maker makes the preliminary estimate specified in subsections 2 and 2¹ of § 6 of this Act based on the information submitted by the developer and other relevant information, the proposed activity, the location thereof and the estimated environmental impact.

(4) The information specified in subsection 1 of this section does not need to be submitted where the preliminary estimate is not made in accordance with subsection 2³ of § 6 of this Act.

(5) Detailed requirements for the contents of the preliminary estimate specified in subsections 2 and 2¹ of § 6 of this Act are established by a regulation of the minister responsible for the field.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 7. Development consent

For the purposes of this Act, ‘development consent’ means:

- 1) a building permit or a use and occupancy permit of a building;
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]
- 2) an integrated environmental permit or an environmental permit within the meaning of the General Part of the Environmental Code Act or a superficies licence;
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 3) [Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]
- 4) other documents not specified in this section permitting the proposed activity with potentially significant environmental impact.

§ 8. Developer

(1) For the purposes of this Act, ‘developer’ means a person who proposes an activity and intends to carry it out.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) The developer covers the expenses related to environmental impact assessment.

§ 9. Decision-maker

(1) The decision-maker is the issuer of development consent.

(2) Where the decision-maker is also the developer, the official performing the duties of the decision-maker must refrain from performing the duties of the developer at the same time.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 10. Supervisor of environmental impact assessment

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

§ 11. Initiation of and refusal to initiate environmental impact assessment

(1) The developer submits to the decision-maker an application for development consent in the events and in accordance with the procedure provided for in legislation.

(2) In the event of an activity specified in subsection 1 of § 6 of this Act, the decision-maker reviews the application and makes a decision to initiate or refuse to initiate environmental impact assessment within the statutory time limit established for application proceedings, while in the event of an activity falling in any of the areas specified in subsection 2 of § 6 and in the event of an activity referred to in subsection 2¹ of the same section, the decision-maker reviews the application within the statutory time limit established for application proceedings, but not later than by the ninetieth day following the receipt of the information listed in subsection 1 of § 6¹.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2¹) Where a decision to initiate or refuse to initiate an environmental impact assessment of a proposed activity is made on the basis of subsection 2 or 2¹ of § 6 of this Act, the statutory time limit established for application proceedings and the deadline of making a decision to initiate or refuse to initiate the environmental impact assessment specified in subsection 2 of this section may by a written notice to the developer be extended where the extension is warranted by the circumstances.

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(2²) Before deciding where the environmental impact assessment of the activities of the areas specified in subsection 2 of § 6 of this Act and of the activity specified in subsection 2¹ is necessary, the decision-maker must ask for the opinion of all the authorities concerned, submitting to them the preliminary estimate and the draft decision to initiate or not to initiate environmental impact assessment so that they could formulate an opinion.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2³) The necessity of the environmental impact assessment of the activities of the areas specified in subsection 2 of § 6 of this Act and of the activity specified in subsection 2¹ is decided based on the preliminary estimate and the opinion of the authority concerned.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2⁴) Where, in the application proceedings of a development consent granted for the proposed activity, the decision-maker has, based on subsection 2³ of this section, not initiated environmental impact assessment, the decision-maker may decide not to initiate environmental impact assessment on the same ground in the application proceedings of other development consent required for the same activity, provided that the circumstances have not changed considerably.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(3) In the event of an activity specified in subsection 1 of § 6 of this Act, environmental impact assessment of the proposed activity is initiated without providing the reasons therefor.

(4) Where a decision to initiate or refuse to initiate environmental impact assessment of the proposed activity is made on the basis of subsection 2 or 2¹ of § 6 of this Act, the results of the preliminary estimate concerning all the criteria listed in subsection 3 of § 6 of this Act are appended to the decision.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(5) [Repealed – RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(6) Where the proposed activity potentially results in significant environmental impact, the decision-maker does not initiate the environmental impact assessment of the proposed activity where the preliminary estimate indicates that the environmental impact of the proposed activity has already been adequately assessed in the course of environmental impact assessment or strategic environmental assessment and the decision-maker has sufficient information for granting the development consent.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(6¹) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(7) Where an application for two or more development consents required for the proposed activity is submitted to one decision-maker, the decision-maker may join the proceedings regarding environmental impact assessment of the proposed activity with the consent of the developer, unless this violates the rights of third parties.

(7¹) Only one environmental impact assessment is initiated in the proceedings of an application for the same development consent.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(8) A decision to initiate or refuse to initiate environmental impact assessment of the proposed activity must set out:

1) the name and details of the decision-maker;

- 2) the name and purpose of the proposed activity,
- 3) the reasons for initiation of or refusal to initiate environmental impact assessment of the proposed activity;
- 4) upon initiation of environmental impact assessment in a transboundary context, information on initiation of environmental impact assessment in a transboundary context;
- 5) information on joining proceedings regarding environmental impact assessment of the proposed activity;
- 6) information on the necessary environmental research.

(8¹) The decision not to initiate environmental impact assessment must, among other things, contain relevant characteristics of the proposed activity presented on the basis of clause 6 of subsection 1 of § 6¹ of this Act or environmental measures for avoiding or preventing adverse environmental impact that may otherwise emerge.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(9) The decision-maker may submit a decision to refuse initiation of environmental impact assessment of the proposed activity as a part of the decision to grant or refuse to grant development consent.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(10) Where the proposed activity may potentially affect a Natura 2000 site, protected area, special conservation area, habitat of a protected species or individual protected natural object, the decision-maker obtains approval for the draft decision to refuse initiation of environmental impact assessment of the proposed activity with the manager of the specified protected natural feature.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(11) Where environmental impact assessment of the proposed activity is initiated, the application proceedings of development consent are suspended until giving notice in the official publication *Ametlikud Teadaanded* in accordance with subsection 7 of § 22 of this Act.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(12) Before the submission of an application for development consent, the developer may address the decision-maker to obtain an opinion concerning the type of information the developer must submit in the course of the environmental impact assessment. Before providing an opinion, the decision-maker whom the developer addressed must consult with the developer as well as with the authorities concerned. Provision of an opinion does not prevent the decision-maker from demanding further information in the course of the environmental impact assessment.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 12. Notification of initiation and refusal to initiate environmental impact assessment

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) The decision-maker informs the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act and other parties to the proceedings about the initiation of the environmental impact assessment of the proposed activity by electronic means, by regular mail or by registered mail and inform the public by publishing a notice in the official publication *Ametlikud Teadaanded* within 14 days after making a relevant decision.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1¹) The decision-maker:

- 1) informs about the refusal to initiate the environmental impact assessment of the proposed activity along with the notice of the granting of or refusal to grant development consent, provided that the notification of the parties to the proceedings and the public is ensured, or
- 2) informs the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act, other parties to the proceedings and the public about the refusal to initiate the environmental impact assessment of the proposed activity by publishing a notice in the official publication *Ametlikud Teadaanded* within 14 days after making a relevant decision.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Upon granting development consents to be registered in the register of construction works, a notice of refusal to initiate an environmental impact assessment is given via the register of construction works.
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(3) A notice of initiation of or refusal to initiate environmental impact assessment of the proposed activity must set out at least:

- 1) the name of the decision-maker and the name and details of the contact person of the decision-maker;
- 2) the name of the developer, the short description and purpose of the proposed activity;
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 3) information on initiation of or refusal to initiate environmental impact assessment of the proposed activity;
- 4) information on the basis of clauses 4–6 of subsection 8 of § 11 of this Act;

5) the time and place for accessing the decision to initiate or refuse to initiate environmental impact assessment of the proposed activity.

§ 13. Environmental impact assessment programme

After making a decision to initiate the environmental impact assessment of a proposed activity, the leading expert or, an expert group under the supervision of the leading expert (hereinafter *expert group*), jointly with the developer, prepare an environmental impact assessment programme which sets out:

- 1) the purpose and exact location of the proposed activity;
 - 2) a brief description of the proposed activity and reasonable alternatives therefor;
 - 3) a description of the environment likely to be affected;
 - 4) the connection between the proposed activity and strategic planning documents;
 - 5) information on the likely significant environmental impact of the proposed activity and reasonable alternatives therefore as well as information on the potential sources of impact, the size of the impact area and the affected environmental elements;
 - 6) a description of the methods of assessment used upon environmental impact assessment, including information on surveys required for environmental impact assessment;
 - 7) a schedule of environmental impact assessment of the proposed activity and reasonable alternatives therefor and the schedule for the publication of the results of the assessment;
 - 8) information on the developer and the name of the leading expert or the composition of the expert group, indicating the areas and the impact that each member of the group is to assess and stating the reasons thereof;
 - 9) the list of the authorities concerned along with the reasons of involving them in the proceedings;
- [RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 10) a copy of the application for the development consent or a copy of the application for the initiation of an environmental impact assessment specified in subsection 1 of § 26¹ of this Act.
- [RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 14. Leading expert

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) Environmental impact is assessed or environmental impact assessment is directed by a natural person who holds a licence for environmental impact assessment, or a legal person through an employee holding a relevant licence (hereinafter *leading expert*).

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Where environmental impact is assessed or environmental impact assessment is directed by a legal person through an employee holding a relevant licence, the legal person is responsible for compliance with the requirements for environmental impact assessment and the results of environmental impact assessment.

(3) The leading expert has the right to form an expert group for environmental impact assessment, which may comprise competent persons without a relevant licence.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) The leading expert must involve specialists in environmental impact assessment where the qualifications of the leading expert are not sufficient for environmental impact assessment.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4¹) A person who has acquired foreign professional qualifications may act as a leading expert where their professional qualifications have been recognised in accordance with the Recognition of Foreign Professional Qualifications Act. The competent authority provided for in subsection 2 of § 7 of the Recognition of Foreign Professional Qualifications Act is the Ministry of the Environment.

[RT I, 30.12.2015, 1 – entry into force 18.01.2016]

(5) The leading expert and the members of the expert group must be impartial and independent upon assessment of the environmental impact of the proposed activity, reflecting in the environmental impact assessment report all the circumstances that are relevant from the point of view of the purpose of the environmental impact assessment.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(6) The decision-maker verifies whether the leading expert holds a licence.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 15. Licence for environmental impact assessment

(1) The Ministry of the Environment issues a licence for environmental impact assessment (hereinafter *licence*) to a natural person who:

- 1) has obtained a master's degree or equivalent qualifications under a curriculum in the field of natural science or environmental protection;
- 2) has at least five years of professional experience in a field related to natural science or environmental protection;

3) to the extent of at least 60 hours, has undergone training in environmental impact assessment, which covers the making of estimates of, among other things, regarding the requirements listed in § 20 of this Act, and has passed a corresponding examination;

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

4) to the extent of at least 60 hours, has undergone management training and has the experience of managing at least two projects;

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

6) has passed an environmental impact assessment test in front of the environmental impact assessment licence committee;

7) has paid the state fee.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) In order to obtain a licence, an applicant for the licence must submit the following to the Ministry of the Environment:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

1) an application for the licence;

2) documents certifying education;

3) documents certifying prior work experience;

4) a confirmation that training related to environmental impact assessment has been completed and an examination in environmental impact assessment has been passed and a confirmation regarding participation in the work of an expert group;

5) a certificate of completion of management training and of having project management experience.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) An application for a licence must set out:

1) the given name, surname, personal identification code, address of permanent residence and contact details of the applicant;

2) the place of employment and the address and contact details of the place of employment;

3) information on the qualifications specified in clauses 1–6 of subsection 1 of this section;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

4) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

5) a signature of the applicant proving that information provided in the application is correct;

6) the date.

(4) The Ministry of the Environment grants a licence to the applicant for five years. The period of validity of the licence begins on the date of granting the licence.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(5) Before application for the licence or application for the extension of the licence, an applicant for the licence must pay the state fee in the amount provided by the State Fees Act.

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

(6) A licence must set out:

1) the name of the document – “*Keskkonnamõju hindamise litsents*” [Licence for Environmental Impact Assessment];

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

3) the given name and surname and the personal identification code of the licence holder;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

4) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

5) the name and signature of the issuer of the licence;

6) the seal of the Ministry of the Environment bearing the small national coat of arms.

(7) The granting of a licence is refused where the applicant does not comply with the qualification requirements specified in clauses 1–6 of subsection 1 of this section or has failed to pay the state fee.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(7¹) Information on licensed leading experts, including on revoked licences, is published on the website of the Ministry of the Environment.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(8) In order to extend the validity of a licence, a person submits a written application in a free form to the Ministry of the Environment not later than three months before the expiry of the term of validity of the licence. The validity of a licence will be extended if the applicant has participated as the leading expert in an environmental impact assessment or in a strategic assessment of the environmental impact of a detailed spatial plan or detailed solution of a special plan of a municipality at least four times during the term of the licence.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(8¹) Where during the term of validity of the licence of the leading expert any complaints have been submitted regarding their activities, the environmental impact assessment committee has the right to demand that the applicant take an environmental impact assessment examination.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(9) The Ministry of the Environment may, on its own initiative or on a proposal of the decision-maker, revoke a licence or refuse to renew a licence where:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

1) the applicant has submitted false information upon applying for the licence;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

2) the holder of the licence fails to comply with the requirements for environmental impact assessment;

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

4) the holder of the licence has knowingly provided an incorrect assessment in the environmental impact assessment report, and also where the results of the ex-post evaluation of environmental impact assessment significantly differ from the assessment provided in the environmental impact assessment report.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(9¹) A licence does not need to be revoked or the validity of a licence may be extended where the irregularities specified in clause 1 or 3 of subsection 9 of this section could not have influenced the granting of or refusal to grant the licence or the development consent.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(9²) The Ministry of the Environment informs the licence holder about the initiation of the proceedings for the revocation of the licence within 14 days after the initiation of the proceedings. Along with a notice of initiation of the proceedings, a written summary of the circumstances due which the proceedings for the revocation of the licence were initiated is sent to the licence holder and a time limit is set to the licence holder for giving written explanations. The time limit must not be shorter than 21 days.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(9³) Before making a decision to revoke a licence or to refuse to renew a licence, the licence holder is heard orally. The time and place of the hearing is communicated to the licence holder in writing at least 14 days before the oral hearing. Where the licence holder does not attend the oral hearing, the Ministry of the Environment may make a decision without orally hearing the person.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(9⁴) The Ministry of the Environment decides the revocation or non-revocation of a licence within 60 days from the initiation of the proceedings. In reasoned events, the Ministry of the Environment may extend the decision-making time limit. The licence holder must be informed thereof immediately.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(10) The Ministry of the Environment informs the licence holder by registered mail about the revocation or non-renewal of the licence and publish the notice in the official publication *Ametlikud Teadaanded*. The notice must set out the name of the leading expert, the number of the revoked or non-renewed licence, and the date of the revocation or non-renewal decision.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(11) Where the licence is revoked on the basis of clause 1, 2 or 3 of subsection 9 of this section, the person must undergo supplementary training in environmental impact assessment at least to the extent of 60 hours and pass a corresponding examination.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(11¹) Where the licence is revoked or not renewed on the basis of clause 4 of subsection 9 of this section and the making of a knowingly false assessment in the environmental impact assessment report significantly influenced the making of the decision to grant the development consent, the person does not have the right to apply for the licence again.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

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

(13) Where the licence of the leading expert assessing the environmental impact or leading the assessment is revoked or the licence is not renewed or another circumstance that brings about such a consequence exists in the environmental impact assessment proceedings, the decision-maker, on a proposal of the developer, appoints a new leading expert for the unfinished environmental impact assessment. In environmental impact assessment proceedings, the appointment of a new leading expert is notified of in accordance with subsection 1 of § 12 of this Act.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(14) The licence form and the application form are established by a regulation of the minister responsible for the field.

§ 15¹. Asking for opinion on environmental impact assessment programme

(1) Before the publication of an environmental impact assessment programme in accordance with § 16 of this Act, the decision-maker must ask for an opinion on the content of the programme from all the authorities concerned. To ask for the opinions, the developer must submit the environmental impact assessment programme to the decision-maker.

(2) The decision-maker checks the compliance of the programme with the requirements provided for in § 13 of this Act within 14 days as of the receipt of the environmental impact assessment programme and submit it to the authorities concerned for the submission of an opinion.

(3) Where the environmental impact assessment programme does not comply with the requirements provided for in § 13 of this Act, the decision-maker returns it to the developer along with the reasons and correction proposals.

(4) Within 30 days from the receipt of the environmental impact assessment programme, the authority concerned, based on its field of competence, submits to the decision-maker an opinion, among other things, on the adequacy and sufficiency of the programme. Upon examination of the documentation, the authority must verify the sufficiency of the composition of the expert group.

(5) The decision-maker examines the opinions within 14 days as of the receipt of the opinions of the authorities concerned and submits to the developer and to the leading expert its opinion on the adequacy and sufficiency of the environmental impact assessment programme, taking into account the opinions submitted by the authorities concerned.

(6) The leading expert or the expert group, jointly with the developer, corrects and modifies the programme on the basis of subsection 5 of this section and explains why the opinions were taken into account or disregarded. The developer submits to the decision-maker a modified environmental impact assessment programme. Copies of the letters of the authorities concerned are added to the programme.

(7) Within 14 days after receiving the programme, the decision-maker examines the corrected and modified environmental impact assessment programme, including whether the opinions of the authorities concerned have been taken into account or not, thereby involving in the proceedings the authority concerned whose position was not taken into account, where necessary.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(8) In order to extend the validity of a licence, a person submits a written application in a free form to the Ministry of the Environment not later than three months before the expiry of the term of validity of the licence. The validity of a licence is extended where the applicant has participated as the leading expert in an environmental impact assessment or in a strategic assessment of the environmental impact of a detailed plan at least four times during the term of the licence.

[RT I, 10.11.2016, 1 – entry into force 01.01.2017]

§ 16. Publication of environmental impact assessment programme

(1) The decision-maker organises a public display of an environmental impact assessment programme with the duration of not less than 14 days. Thereafter the developer organises a public consultation of the environmental impact assessment programme in cooperation with the decision-maker.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Within 14 days after learning the results of the examination in accordance with subsection 7 of § 15¹ of this Act, the decision-maker gives notice of the public display of and public consultation regarding an environmental impact assessment programme at least:

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

1) in the official publication *Ametlikud Teadaanded*;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

2) at the expense of the developer, in one national newspaper or one local or county newspaper;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

3) in at least one public building or place of the location of the proposed activity (e.g. shop, library, school, bus stop).

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

(3) Within 14 days after learning the results of the examination in accordance with subsection 7 of § 15¹ of this Act, the decision-maker by electronic means, by regular mail or by registered mail gives notice of the public display of and public consultation regarding an environmental impact assessment programme at least:

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

- 1) the local authorities into the territory of which the environmental impact of the proposed activity may extend;
[RT I, 04.07.2017, 1 – entry into force 01.01.2018]
- 2) the authorities concerned;
- 3) the Environmental Board where the decision-maker is not the Environmental Board;
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]
- 4) the manager of the protected natural object that is potentially significantly affected by the proposed activity;
- 5) non-governmental environmental organisations through organisations uniting them;
- 6) the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act;
- 7) other parties to the proceedings.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) A notice regarding the publication of an environmental impact assessment programme must set out at least the following:

- 1) the names of the developer and decision-maker and the names and contact details of their contact persons;
- 2) a brief description, purpose and exact location of the proposed activity;
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 3) the time and place for accessing the programme and other relevant documents, including the address of the website where the documents are available;
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]
- 4) the time and manner for the submission of proposals, objections and questions regarding the programme;
- 5) the time and place for the public consultation regarding the programme.

(5) Everyone has the right to access an environmental impact assessment programme and other relevant documents at the time of the public display of and the public consultation regarding the programme, submit proposals, objections and questions regarding the programme and obtain responses thereto.

(5¹) Among other things, the opinions submitted by the authorities concerned and received in the course of the public consultation are introduced and the reasons of taking into account or disregarding proposals and objections are explained at the public consultation of an environmental impact assessment programme.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(6) The decision-maker publishes an environmental impact assessment programme, among other things, on its own or another webpage and ensures to the public the possibility to examine the programme at least until the end of the term for submission of proposals, objections and questions.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 17. Taking account of results of public display of and public consultation regarding environmental impact assessment programme

(1) An agency to whom, during the public display of an environmental impact assessment programme, proposals, objections and questions were submitted regarding the programme forwards the specified proposals, objections and questions to the developer.

(2) Jointly with the developer, the leading expert or, under the supervision of the leading expert, an expert group, on the basis of the proposals and objections submitted regarding the environmental impact assessment programme during the public display of the programme, makes the necessary amendments to the programme, explains why proposals and objections are taken into account and states the reasons why they are not taken into account and respond to the questions.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) Within 30 days after the public consultation, the developer by electronic means, by regular mail or by registered mail sends an explanation or state the reasons as to why the proposals or objections regarding the environmental impact assessment programme were taken into account or disregarded and respond to the questions of the persons:

- 1) who submitted their proposal, objection or question in writing;
- 2) whose proposal, objection or question submitted at the public consultation remained unanswered at the public consultation.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 18. Verification of compliance of environmental impact assessment programme with requirements

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) After the public consultation regarding an environmental impact assessment programme, the developer submits the programme along with the proposals, objections and questions submitted regarding the programme, copies of letters specified in subsection 3 of § 17 of this Act and reports of the public consultation to the decision-maker for verification of its compliance with the requirements.

(2) Based on the opinions of the authorities concerned, which were submitted in accordance with § 15¹ of this Act, the decision-maker verifies the following within 30 days as of the receipt of the environmental impact assessment programme:

- 1) the compliance of the programme with the requirements provided for in § 13 of this Act;
- 2) the adequacy and sufficiency of the programme for assessing the environmental impact of the proposed activity;
- 3) the taking into account or disregarding of proposals and objections submitted regarding the programme.

(3) The decision-maker makes a decision to declare the environmental impact assessment programme compliant with the requirements on the basis of subsection 2 of this section.

(4) The decision-maker informs the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act and other parties to the proceedings and publish a notice in the official publication *Ametlikud Teadaanded* within 14 days after making a decision specified in subsection 3 of this section.

(5) The notice specified in subsection 4 of this section must set out at least the following:

- 1) the name of the decision-maker as well as the name and details of the contact person of the decision-maker;
- 2) a brief description and the purpose of the proposed activity;
- 3) the time and place of accessing the environmental impact assessment programme and the decision specified in subsection 3 of this section.

(6) Where the decision-maker finds that the environmental impact assessment programme does not comply with the requirements verified in accordance with subsection 2 of this section, the developer must submit to the decision-maker a modified programme for the purpose of verifying compliance with the requirements.

(7) Where the developer has not, within 18 months from the initiation of the environmental impact assessment, submitted to the decision-maker the environmental impact assessment programme for the purpose of verifying compliance with the requirements, the decision-maker does not review the development consent application serving as the basis for the initiation of the environmental impact assessment and returns it to the developer.
[RT I, 10.11.2016, 1 – entry into force 20.11.2016]

(8) Where the developer fails to submit an environmental impact assessment report specified in § 20 of this Act to the decision-maker for a public display within two years after the making of the decision specified in subsection 3 of this section, the programme expires and a new programme must be prepared in order to assess the environmental impact.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 19. Notification of approval of environmental impact assessment programme

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

§ 20. Environmental impact assessment report

(1) On the basis of an environmental impact assessment programme that has been declared compliant, the leading expert or an expert group, jointly with the developer, prepare an environmental impact assessment report that contains a description and a comparison of the proposed activity and its real alternatives, a description of the environment potentially significantly affected by the proposed activity, and a description of the potential significant environmental impact arising therefrom and of the environmental measures.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1¹) In the event of emergence of additional circumstances in the course of preparation of the environmental impact assessment report, the environmental impact assessment programme declared compliant with the requirements in accordance with subsection 3 of § 18 of this Act may be deviated from in a reasoned event stated in the report. Respective reasons must be set out in the environmental impact assessment report and where the decision-maker or the authority concerned who gives its opinion on the report does not accept deviation from the programme, the report must be modified in accordance with the programme.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) More detailed requirements for the contents of an environmental impact assessment report are established by a regulation of the minister responsible for the field.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(3) Upon assessment of environmental impact, the generally recognised knowledge of environmental impact assessment, assessment methodology and results of previous relevant assessments must be taken into account.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 20¹. Asking for opinion on environmental impact assessment report

(1) The opinion of the authorities concerned is asked on the environmental impact assessment report in accordance with the procedure set out in § 15¹ of this Act.

(2) Within 21 days from the receipt of the environmental impact assessment report, the decision-maker verifies the compliance of the report with the requirements established in and on the basis of § 20 of this Act, the adequacy and sufficiency of the report, and the consideration or disregarding of the opinions of the authorities concerned.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 21. Publication of environmental impact assessment report and taking account of results of publication of report

An environmental impact assessment report is published and the results of publication are taken into account in accordance with the procedure provided for in §§ 16 and 17 of this Act, except for the time limit of the public display of the report, which must be at least 30 days.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

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

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

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

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

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

(3) The authority concerned, based on its field of competence, approves or refuses to approve the environmental impact assessment report within 30 days from the receipt of the report. The authority specified in subsection 2 of § 2³ of this Act assesses, among other things, the compliance of the report with the requirements established in and based on § 20 of this Act.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(4) The authority concerned does not approve an environmental impact assessment report where:

- 1) there is a direct conflict with a legal instrument;
- 2) the report contains insufficient information that influences the final conclusions of the report and, as a result thereof, a significant adverse environmental impact may arise from the implementation of the proposed activity.

(5) Based on the approvals of the authorities concerned, the decision-maker verifies the following within 30 days from the receipt of the environmental impact assessment approvals:

- 1) the compliance of the report with the environmental impact assessment programme;
- 2) compliance of the report with the requirements established in and based on § 20 of this Act;
- 3) the adequacy and sufficiency of the report for granting development consent;
- 4) the taking into account or disregarding of proposals and objections submitted regarding the report.

(6) The decision-maker makes a decision to declare the environmental impact assessment report that contains, among other things, the final conclusions of the environmental impact assessment report on the significant environmental impact arising from the implementation of the proposed activity compliant with the requirements on the basis of subsection 5 of this section.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(7) The decision-maker informs the persons specified in subsection 1 of § 46 of the General Part of the Environmental Code Act and other parties to the proceedings and publishes a notice in the official publication *Ametlikud Teadaanded* within 14 days after making a decision specified in subsection 6 of this section.

(8) The notice specified in subsection 7 of this section must set out at least the following:

- 1) the name of the decision-maker as well as the name and details of the contact person of the decision-maker;
- 2) the name of the developer, a short description and purpose of the proposed activity;
- 3) the time and place of accessing the environmental impact assessment report and the decision specified in subsection 6 of this section.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(9) Where the decision-maker finds that the environmental impact assessment report does not comply with the requirements verified in accordance with subsection 5 of this section, the developer must within the time limit set by the decision-maker submit to the decision-maker a modified report for the purpose of verifying compliance with the requirements.

[RT I, 21.12.2019, 1 – entry into force 01.01.2020]

(10) Where warranted by circumstances, the decision-maker may demand that additional information which is not included in the environmental assessment report that has been declared compliant in accordance with the requirements of subsection 3 of § 18 of this Act.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

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

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

§ 24. Grant of development consent and refusal to grant development consent

(1) Upon making a decision to grant or refuse to grant development consent, the decision-maker must take into account the relevance of the environmental impact assessment, the results of the environmental impact assessment and the environmental measures contained in the report.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1¹) Where the decision-maker identifies as a result of an assessment in accordance with subsection 1 of this section that the environmental impact assessment report is not relevant for granting the development consent, the decision-maker has, where warranted by circumstances, the right to demand that the developer submit an additional expert assessment that is added to the environmental impact assessment report.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1²) An expert assessment in accordance with subsection 1¹ of this section must be given by a leading expert who meets the requirement established in subsection 1 of § 14 of this Act. Upon choosing the leading expert, the leasing expert who drew up the environmental impact assessment must be given preference, where possible.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1³) Where the application proceedings are not open proceedings, but in the course thereof an expert assessment specified in subsection 1¹ of this section has been drawn up for the purpose of ensuring the relevance of the environmental impact assessment, the open proceedings provisions of the Administrative Procedure Act are applied to the application proceedings, taking into account the specifications set out in the legal instrument regulating the application proceedings.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1⁴) To make an expert assessment specified in subsection 1¹ of this section, the time limit of the application proceedings is extended by the time spent on making the expert assessment.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(1⁵) The decision to grant development consent must contain the final conclusions of the environmental impact assessment report and the environmental measures and, where relevant, the expert assessment specified in subsection 1¹ of this section.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(2) Where, upon making a decision to grant or refuse to grant development consent, the decision-maker fails to take into account the results of environmental impact assessment or disregards the environmental measures contained in the report, the decision-maker must state the reasons for the decision to grant or refuse to grant development consent.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(3) The decision-maker refuses to grant development consent where the developer is not able to comply with the environmental measures which are determined upon granting the development consent.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(4) The decision maker informs the parties to the proceedings, including the authorities concerned and the public, of the granting or refusal to grant development consent and makes the following information available to them:

1) summary of the contents of the decision and mandatory environmental measures, provided that these have been prescribed;

2) the main reasons and considerations serving as the basis for the decision;

3) an overview of the involvement of the public, including an explanation on how the opinions of the public and, where relevant, of the affected state that participated in the environmental impact assessment proceedings in a transboundary context have been taken into account upon making the decision.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 25. Ex-post evaluation of environmental impact assessment

(1) The Environmental Board carries out the ex-post evaluation of environmental impact assessment on the basis of the results of environmental monitoring.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) The decision-maker is required to forward the results of environmental monitoring within 30 days after receipt of the results to the Environmental Board for ex-post evaluation.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) Where it becomes evident in the course of ex-post evaluation that the results of environmental monitoring refer to a violation of the requirements provided for in legislation or in the development consent, the decision-maker, on a proposal of the Environmental Board, initiates proceedings for the amendment of the conditions of the development consent.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 26. Specifications for environmental impact assessment related to preparation of building design documentation

[Repealed – RT I, 21.12.2019, 1 – entry into force 01.01.2020]

§ 26¹. Environmental impact assessment before the submission of application for development consent

(1) In addition to subsection 1 of § 3 of this Act, the environmental impact of the proposed activity may be assessed on the basis of the application for the initiation of an environmental impact assessment submitted by the developer before the submission of an application for a development consent in accordance with subsection 1 of § 11 of this Act, taking into account the variations arising from this section.

(2) In the event provided for in subsection 1 of this section, the decision-maker is the authority granting the development consent for the proposed activity.

(3) Where two or more development consents need to be applied for the proposed activity whereby the decision-makers differ, an application for the initiation of an environmental impact assessment is submitted to one decision-maker.

(4) The decision-maker initiates the environmental impact assessment within 30 days after receiving the application for the initiation of the environmental impact assessment.

(5) An application for the initiation of an environmental impact assessment must contain all the information known to the developer about the proposed activity, including on its compliance with the plan in force.
[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(6) Where, on the basis of the information known to the decision-maker, the proposed activity clearly lacks prospects of success, including, among other things, the proposed activity is not in compliance with the restrictions related to the location or the plan in force, the decision-maker returns the environmental impact assessment initiation application.
[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(7) The environmental impact assessment provided in subsection 1 of this section does not replace the activity licences or plans prescribed by law, which are required for the planned activity.
[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

§ 27. Specifications for assessment of environmental impact of reconditioning exhausted land

[RT I, 10.11.2016, 1 – entry into force 01.01.2017]

(1) In addition to the provisions of subsection 1 of § 3 of this Act, environmental impact is assessed in the course of drawing up a project for reconditioning exhausted land, where relevant.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

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

(3) For the purposes of this section, the decision-maker is the Environmental Board.

(4) Where an environmental impact assessment is carried out upon reconditioning exhausted land, the environmental impact assessment report forms a separate part of the exhausted land reconditioning project.
[RT I, 10.11.2016, 1 – entry into force 01.01.2017]

§ 28. Specifications for assessment of environmental impact of closure of landfill

(1) In addition to the provisions of subsection 1 of § 3 of this section, the environmental impact of the closure of a landfill may be assessed in the course of preparation of the project to close the landfill in accordance with the procedure provided for in this Act, taking account of the specifications arising from this section.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

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

(3) For the purposes of this section, the decision-maker is the Environmental Board.
[RT I 2009, 3, 15 – entry into force 01.02.2009]

(4) The developer forwards an application for the closure of a landfill to the decision-maker on the basis of which the decision-maker decides to initiate or refuse to initiate the environmental impact assessment of the closure of the landfill in accordance with the procedure provided for in § 11 of this Act.

(5) Upon preparing a project for the closure of a landfill, the results of the environmental impact assessment must be taken into account.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 29. Specifications for environmental impact assessment of activities affecting Natura 2000 site

(1) Where the impact on a Natura 2000 site is being assessed:

1) the purpose of protection and the integrity of the site must be particularly taken into account upon environmental impact assessment;
2) the decision-maker sends the environmental impact assessment report to the manager of the protected natural object for approval before verifying compliance with the requirements in accordance with § 22 of this Act.

(2) Development consent may be granted where permitted by the protection procedure of the Natura 2000 site and the decision-maker is convinced that the proposed activity does not have an adverse impact on the integrity of the Natura 2000 site or on the purpose of protection thereof.

(3) Where, regardless of the potential significant adverse impact of the proposed activity on a Natura 2000 site, the activity is still necessary for the public for imperative reasons of overriding public interest, including those of a social or economic nature, and due to the lack of alternative solutions, development consent may be granted with the consent of the Government of the Republic.

(4) In the event specified in subsection 3 of this section, the obligation to take compensatory measures must be imposed upon granting development consent, in order to ensure the protection of the overall cohesiveness of the Natura 2000 network. The Ministry of the Environment informs the European Commission of the established compensatory measures immediately after the development consent has been granted. The activities specified in the development consent must not be commenced before the compensatory measures have been taken.

(5) Where the proposed activity potentially impacts a priority natural habitat type or priority species present within a Natura 2000 site within the meaning of Council Directive 92/43/EEC (OJ L 206, 22.07.1992, pp. 7–50) on the conservation of natural habitats and of wild fauna and flora, the Government of the Republic may grant development consent only where the proposed activity is related to human health, public safety or a significant positive impact on the state of the environment. In the event of other imperative reasons of overriding public interest, development consent may be granted only after obtaining the opinion of the European Commission. The activity specified in the development consent must not be commenced before the compensatory measures have been taken.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 30. Specifications for environmental impact assessment in transboundary context

(1) The Republic of Estonia participates in environmental impact assessment in transboundary context originating in the territory of another state and environmental impact assessment in transboundary context originating in the territory of the Republic of Estonia is organised in accordance with the procedure provided for in international agreements, Convention on Environmental Impact Assessment in Transboundary Context (RT II 2000, 28, 169) and this Act, taking account of the specifications arising from this section.

(2) Where the proposed activity potentially results in significant environmental impact which may be transboundary and the decision-maker initiates environmental impact assessment, the decision-maker must immediately notify the Ministry of the Environment thereof.

(3) Where the potentially significant environmental impact of a proposed activity is likely to be transboundary or where the affected state so requests, the Ministry of the Environment gives the affected state, as soon as possible, but no later than when the decision-maker gives a notice of the initiation of the environmental impact assessment in Estonia, a notice concerning the initiation of environmental impact assessment along with a description of the proposed activity and information concerning the transboundary impact potentially accompanying the proposed activity. The affected state is given at least 30 days as of the date of receipt of the notice concerning the initiation of environmental impact assessment to respond to the notice.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) Where, after the receipt of the notice specified in subsection 3 of this section, the affected state notifies of its wish to participate in the environmental impact assessment, the affected state is sent the following materials, unless such materials were sent before:

- 1) a copy of an application for development consent or a copy of an application for the initiation of an environmental impact assessment specified in subsection 1 of § 26¹ of this Act;
[RT I, 21.12.2019, 1 – entry into force 01.01.2020]
- 2) data concerning the decision-maker, specifying the person who may be addressed with questions and comments;
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 3) information concerning the assessment of the environmental impact of the proposed activity and the processing of the application for development consent.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(4¹) Subsections 5–8 of this section do not apply upon assessment of environmental impact where the affected state fails to respond to the notice concerning the initiation of the environmental impact assessment during the term specified in subsection 3 of this section, or does not wish to participate in the procedure for assessing the environmental impact.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(5) Where the affected state so requests, the Ministry of the Environment forwards the draft environmental impact assessment programme and report to the affected state as soon as possible but not later than when the public display of the programme or report commences in the Republic of Estonia. The notice on making the programme or report public must contain at least the information specified in subsection 4 of § 16 of this Act.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(6) At the request of the affected state, its representative is permitted to participate in environmental impact assessment proceedings and consultations are commenced concerning environmental impact resulting from the proposed activity and environmental measures to be taken.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(7) The Ministry of the Environment and the affected state agree on:

- 1) the procedure and actual schedule of the consultations;
- 2) provision of information to the public and agencies of the affected state and allowing them sufficient time for the submission of opinions on the environmental impact assessment programme and report;
- 3) the time when the proposals, objections and questions received in the course of the environmental impact assessment are submitted to the affected state for obtaining an opinion;
- 4) the drafts of the decisions which must be submitted to the affected state for obtaining an opinion.

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

(7¹) Where the Ministry of the Environment and the affected state agree that also the drafts for the decisions to grant or refuse to grant development consent and the draft of the development consent must be submitted to the affected state for obtaining an opinion, the decision-maker sends the drafts of such documents after preparation thereof to the Ministry of the Environment who forwards them to the affected state for obtaining an opinion. The affected state is given at least 30 days to express an opinion. In making the decision, the decision-maker must consider the opinion of the affected state.
[RT I 2007, 25, 131 – entry into force 01.04.2007]

(8) The decision-maker must promptly inform the Ministry of the Environment of granting or refusing to grant development consent necessary for the activities with transboundary environmental impact. The Ministry of the Environment notifies the state which participated in environmental impact assessment in a transboundary context of granting or refusing to grant development consent necessary for the activities with significant transboundary environmental impact and forwards the decision to grant or refuse to grant the development consent to the state.

(9) The Ministry of the Environment notifies the state in which the transboundary environmental impact originates of its intention to participate in environmental impact assessment in a transboundary context and of the need for consultations by the time prescribed by the state in which the transboundary environmental impact originates. The Ministry of the Environment gives notice of the publication of the documents on environmental impact assessment in the manner specified in subsections 2 and 3 of § 16 of this Act. The Ministry of the Environment sends the proposals and objections submitted regarding the documents on environmental impact assessment to the state in which the transboundary environmental impact originates.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

Subchapter 2

Strategic Environmental Assessment of Strategic Planning Document

§ 31. Strategic planning document

For the purposes of this Act, ‘strategic planning document’ means:

- 1) a national, county, comprehensive or detailed plan or a special plan of the state or local authority for the purposes of the Planning Act;
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]
- 2) a sectoral development plan for the purposes of the State Budget Act, except for a spatial plan, programme and strategy specified in clause 2 of subsection 3 of § 1 of this Act;
[RT I, 13.03.2014, 2 – entry into force 23.03.2014]
- 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*, the Government of the Republic or another administrative authority.
[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

§ 31¹. Purpose of strategic environmental assessment

The purpose of strategic environmental assessment is to:

- 1) contribute to the integration of environmental considerations into the preparation and adoption of strategic planning documents;
 - 2) provide for a high level of protection of the environment;
 - 3) promote sustainable development.
- [RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 32. Strategic environmental assessment

For the purposes of this Act, ‘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.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 33. Mandatoriness of strategic environmental assessment

(1) Strategic environmental assessment must be initiated where a strategic planning document:

- 1) is prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications or tourism and on the basis thereof an activity specified in subsection 1 of § 6 of this Act is proposed or the proposed activity is likely to have a significant environmental impact, on the basis of the provisions of subsections 2–4 of § 6 of this Act;
- 2) is a national plan, a special plan of the state or local authority, a county plan or a comprehensive plan;
- 3) is a detailed plan on the basis of which an activity specified in subsection 1 of § 6 of this Act 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.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) The need for the initiation of strategic environmental assessment must be considered and a preliminary estimate thereof must be given where:

- 1) amendments are made to the strategic planning document specified in subsection 1 of this section;
- 2) a county plan or a comprehensive plan is drawn up as a thematic plan;
- 3) a detailed spatial plan is drawn up in an event specified in clauses 1–3 of subsection 1 of § 142 of the Planning Act;
[RT I, 03.01.2022, 1 – entry into force 13.01.2022]
- 4) a detailed plan regulating an activity that belongs to the field specified in subsection 2 of § 6 of this Act and that is specified in a regulation established on the basis of subsection 4 of § 6 of this Act is drawn up.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2¹) A spatial plan for the purposes of the Planning Act is subject to strategic environmental impact in accordance with the procedure established in the Planning Act.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) The need to carry out the strategic environmental impact assessment of a strategic planning document specified in subsection 2 of this section is decided on the basis of:

- 1) the characteristics and content of the strategic planning document;
- 2) the environmental impact resulting from the implementation of the strategic planning document and the likely affected area;
- 3) the opinion of the authority specified in subsection 6 of this section.

[RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(4) The circumstances specified in clause 1 of subsection 3 of this section are assessed on the basis of the following criteria:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 1) the degree to which the strategic planning document sets a framework for the proposed activities, either with regard to the location, nature and operating conditions or by allocating resources;
- 2) the degree to which the strategic planning document influences other strategic planning documents, taking account of the hierarchy of establishing these;
- 3) the relevance of the strategic planning document for the integration of environmental considerations into other sectors;
- 4) environmental problems relevant to the implementation of the strategic planning document;
- 5) the relevance of the strategic planning document, including a strategic planning document relating to waste management and water protection, for the implementation of EU legislation on the environment.

(5) Upon assessment of the circumstances specified in clause 2 of subsection 3 of this section, the following criteria are relied on:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 1) the probability, duration, frequency and reversibility of the impact, including cumulative and transboundary nature of the impact;
- 2) the risks to human health or the environment, including the probability of accidents;
- 3) the magnitude and spatial extent of the impact, including the geographical area and size of the population likely to be affected;
- 4) the value and vulnerability of the area likely to be affected due to special natural characteristics, cultural heritage and intensive land-use;
- 5) the impact on protected natural objects;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 6) the potential impact on a Natura 2000 site.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(6) Upon deciding on the need for the strategic environmental assessment in the events specified in subsection 2 of this section, all the authorities concerned must be asked for an opinion before making a decision, submitting to them the draft decision drawn up on the basis of the criteria set out in clauses 1 and 2 of subsection 3 and in subsections 4 and 5 of this section so that they could formulate an opinion.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 34. Parties to strategic environmental assessment

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) The coordinator of preparation of the strategic planning document is responsible for carrying out strategic environmental assessment and covers the expenses related thereto. To cover the expenses of strategic environmental assessment serving as the basis for preparation of building design documentation, the coordinator of preparation of the plan may enter into a contract specified in subsection 2¹ of § 4 of the Planning Act.

[RT I, 04.05.2017, 3 – entry into force 05.05.2017]

(2) The initiator of the preparation of a strategic planning document initiates or refuses to initiate a strategic environmental assessment. Where the initiator of the preparation of a strategic planning document and the coordinator of preparation thereof do not overlap, the coordinator of preparation of the strategic planning document may initiate the strategic environmental assessment.

(3) The public displays of the strategic environmental assessment programme and report and, thereafter, public consultations are organised by the coordinator of preparation of the strategic planning document.

(4) Strategic environmental assessment related to the implementation of a strategic planning document may be led by a leading expert who:

- 1) has obtained a master's degree or equivalent qualifications;
- 2) has at least five years of work experience in a field related to environmental protection or in a field specified in clause 6 of subsection 4 of § 40 of this Act;
- 3) to the extent of at least 60 hours, has undergone training in strategic environmental assessment, which covers the making of estimates of, among other things, at least the aspects listed in subsection 4 of § 40 of this Act, and has passed a corresponding examination;

[RT I, 23.03.2015, 6 – entry into force 01.02.2016]

- 4) has participated in the work of an expert group of strategic environmental assessment as a substantive expert at least four times in the last five years;

5) to the extent of at least 60 hours, has undergone management training and has the experience of managing at least two projects;

6) has submitted to the coordinator of preparation of the strategic planning document a signed confirmation that the leading expert complies with the requirements established in clauses 1–5 of this subsection, knows the principles of strategic environmental assessment, procedure and assessment-related legislation, and is impartial and objective upon strategic environmental assessment.

(5) The environmental impact arising from the implementation of a detailed solution of a special plan of a municipality or the state and from a detailed spatial plan may be assessed by or the assessment may be led by a leading expert who complies with subsection 1 of § 14 of this Act.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(6) Where the qualifications of the leading expert are not sufficient for the strategic assessment of a certain environmental impact, the leading expert must involve specialists of the respective field in the strategic environmental assessment.

(7) The compliance of the leading expert with the requirements specified in subsection 4 or 5 of this section is verified by the coordinator of preparation of the strategic planning document.

(8) The leading expert prepares the strategic environmental assessment programme and report in cooperation with the author of the strategic planning document.

(9) The author of the strategic planning document may perform the functions of leading expert where the person complies with the qualification requirements for leading experts.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 35. Initiation of and not requiring strategic environmental assessment

(1) Where strategic environmental assessment is initiated on the basis of subsection 1 of § 33 of this Act, the initiation of or refusal to initiate the strategic environmental assessment is decided simultaneously with the initiation of the preparation of the strategic planning document. Where the initiator of the preparation of the strategic planning document and the coordinator of preparation thereof do not overlap, strategic environmental assessment may be initiated by the coordinator of preparation of the strategic planning document after the initiation of the preparation of the document.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1¹) Where the need for a strategic environmental assessment becomes evident only in the course of preparation of the strategic planning document, a strategic environmental assessment is initiated immediately.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) A strategic environmental assessment is initiated without providing justification therefor upon initiation of the preparation of a strategic planning document specified in subsection 1 of § 33 of this Act.

(3) Where a strategic environmental assessment is initiated or not initiated upon initiation of preparation of a strategic planning document specified in subsection 2 of § 33 of this Act, a relevant justification is appended to the decision.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) [Repealed – RT I, 16.11.2010, 1 – entry into force 26.11.2010]

(5) A decision to initiate or not require a strategic environmental assessment must set out at least:

1) the name and purpose of the strategic planning document;

2) the name and contact details of the initiator of preparation, the coordinator of preparation, the author and the person who adopted the strategic planning document;

3) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

4) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

5) the reasons for initiation of or not requiring the strategic environmental assessment;

6) the date and place for accessing the decision to initiate the preparation of the strategic planning document and the decision to initiate or not require the strategic environmental assessment.

(6) A decision to initiate or not to initiate strategic environmental assessment must, within 14 days after making the decision, be given notice of in the official publication *Ametlikud Teadaanded* and in at least one national newspaper or one local newspaper as well as by electronic means, by regular mail or by registered mail to an authority specified in subsection 6 of § 33 of this section.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(7) A notice of initiation of or not requiring the strategic environmental assessment must set out at least the information specified in subsection 5 of this section.

§ 36. Strategic environmental assessment programme

(1) After strategic environmental assessment is initiated, the leading expert of strategic environmental assessment, in cooperation with the author of the strategic planning document, prepares a strategic environmental assessment programme.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) A strategic environmental assessment programme must:

- 1) determine the extent of the strategic environmental assessment on the basis of the characteristics and content of the strategic planning document;
- 2) contain a description of the environment likely to be affected;
- 3) contain links between the strategic planning document and other strategic planning documents;
- 4) explain the likely significant environmental impact potentially arising from the implementation of the strategic planning document, including impact on human health, the likelihood of occurrence of a transboundary environmental impact, and the potential impact on a Natura 2000 site;
- 5) describe the assessment methodology used upon strategic environmental assessment;
- 6) specify the persons and authorities which may be affected or which may have a reasoned interest in the strategic planning document;
- 7) contain a schedule of the strategic environmental assessment and a schedule for the publication of the results of the assessment, arising from the schedule for preparation of the strategic planning document;
- 8) contain information on the author of the strategic planning document and the name of the leading expert who prepared the programme, including the signed confirmation of the leading expert in accordance with clause 6 of subsection 4 of § 34 of this Act, and the composition of the expert group, indicating which fields and which impact is assessed by each member of the expert group;
- 9) describe the opinions submitted in accordance with § 36¹ of this Act by relevant authorities or by persons and authorities specified in subsection 1 of § 18, subsection 1 of § 35, subsection 1 of § 61, subsection 1 of § 81 and subsection 1 of § 103 of the Planning Act.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(3) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 36¹. Asking for opinion on strategic environmental assessment programme

(1) Before the publication of a strategic environmental assessment programme in accordance with § 37 of this Act, the coordinator of preparation of the strategic planning document must ask for an opinion on the content of the programme from all the authorities concerned. To ask for the opinions, the author of the strategic planning document submits the strategic environmental assessment programme to the coordinator of preparation of the strategic planning document.

(2) The coordinator of preparation of the strategic planning document checks the compliance of the programme with the requirements provided for in subsection 2 of § 36 of this Act within 14 days as of the receipt of the strategic environmental assessment programme and submits it to the relevant authorities for the submission of an opinion.

(3) Where the strategic environmental assessment programme does not comply with the requirements provided for in subsection 2 of § 36 of this Act, the coordinator of preparation of the strategic planning document returns to the author of the strategic planning document along with reasons and correction proposals.

(4) Within 30 days from the receipt of the strategic environmental assessment programme, the authority concerned, based on its field of competence, submits to the coordinator of preparation of the strategic planning document an opinion, among other things, on the adequacy and sufficiency of the programme. Upon examination of the documentation, the authority must verify the sufficiency of the composition of the expert group.

(5) The coordinator of preparation of the strategic planning document examines the opinions of the authorities concerned within 14 days as of the receipt of the opinions and submits to the author of the strategic planning document and to the leading expert its opinion on the adequacy and sufficiency of the strategic environmental assessment programme, taking into account the opinions submitted by the authorities concerned.

(6) The leading expert or the expert group, jointly with the author of the strategic planning document, corrects and modifies the programme on the basis of subsection 5 of this section and explains the why the opinions were taken into account or disregarded. The author of the strategic planning document submits the modified strategic environmental assessment programme to the coordinator of preparation of the strategic planning document. Copies of the letters of the authorities concerned are added to the programme.

(7) The coordinator of preparation of the strategic planning document examines the corrected and modified strategic environmental assessment programme, including whether the opinions of the authorities concerned have been taken into account or not, thereby involving in the proceedings the authority concerned whose position was not taken into account, where necessary.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 37. Publication of strategic environmental assessment programme

(1) Within 14 days from the receipt of the programme, the coordinator of preparation of the strategic planning document notifies of a public display of the strategic environmental assessment programme and of the holding of a public consultation in the official publication *Ametlikud Teadaanded*, in a newspaper and on its website as well as by electronic means, by regular mail or by registered mail inform the authorities and persons specified in clause 6 of subsection 2 of § 36 of this Act, the organisation uniting non-governmental environmental organisations and the authorities specified in subsection 1 of § 36¹ of this Act.

[RT I, 10.11.2016, 1 – entry into force 20.11.2016]

(2) A notice regarding the publication of a strategic environmental assessment programme must set out at least the following:

- 1) the name and purpose of the strategic planning document;
- 2) information on the initiator of preparation of, the coordinator of preparation of, the author of and the person who adopted the strategic planning document;
- 3) the time and manner of accessing the terms of references or draft strategic planning document;
- 4) the time and place for accessing the strategic environmental assessment programme;
- 5) the term and manner for the submission of proposals, objections and questions regarding the strategic environmental assessment programme;
- 6) the time and place for the public consultation regarding the strategic environmental assessment programme;
- 7) the prognosis as to whether transboundary environmental impact could exist.

(3) The public display of a strategic environmental assessment programme and the public consultation regarding the programme thereafter is organised by the coordinator of preparation of the strategic planning document. The public display must last for no less than 14 days.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3¹) Among other things, the opinions submitted by the authorities concerned and received in the course of the public consultation are introduced and the reasons of taking into account or disregarding of proposals and objections are explained at the public consultation of the strategic environmental assessment programme.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) Everyone has the right to access a strategic environmental assessment programme and other documents on the environmental impact resulting from the implementation of the strategic planning document at the time of the public display of and the public consultation regarding the programme, to submit proposals, objections and questions regarding the programme and obtain responses thereto.

(5) The author of the strategic planning document, in cooperation with the leading expert, makes the necessary corrections and modifications to the strategic environmental assessment programme on the basis of the proposals and objections submitted at the time of the public display and public consultation. Taking proposals and objections into account must be described and refusal to take proposals and objections into account must be justified in the modified programme or an annex thereto.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(6) Within 30 days after the public consultation, the author of the strategic planning document or the coordinator of preparation of the strategic planning document by electronic means, by regular mail or by registered mail sends an explanation or states the reasons as to why the proposals or objections regarding the strategic environmental assessment programme were taken into account or disregarded and responds to the questions of the persons:

- 1) who submitted their proposal, objection or question in writing;
- 2) whose proposal, objection or question submitted at the public consultation remained unanswered at the public consultation.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 38. Supervisor of strategic environmental assessment

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

§ 39. Verification of compliance of strategic environmental assessment programme with requirements

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) After the public consultation regarding a strategic environmental assessment programme, the author of the strategic planning document submits the programme along with the proposals, objections and questions submitted regarding the programme, copies of letters specified in subsection 6 of § 37 of this Act and report of the public consultation to the coordinator of preparation of the strategic planning document for verification of its compliance with the requirements.

(2) Based on the opinions of the authorities concerned, which were submitted in accordance with § 36¹ of this Act, the coordinator of preparation of the strategic planning document verifies the following within 30 days as of the receipt of the strategic environmental assessment programme:

- 1) the compliance of the programme with the requirements provided for in subsection 2 of § 36 of this Act;
- 2) the adequacy and sufficiency of the programme for assessing the environmental impact arising from the implementation of the strategic planning document;
- 3) the taking into account or disregarding of proposals and objections submitted regarding the programme.

(3) The coordinator of preparation of the strategic planning document makes a decision to declare the strategic environmental assessment programme compliant with the requirements on the basis of subsection 2 of this section.

(4) Within 14 days after making a decision specified in subsection 3 of this section, the coordinator of preparation of the strategic planning document informs the parties to the proceedings and the persons who are likely to be affected by the activity proposed on the basis of the strategic planning document or who may have a reasoned interest therein about the making of the decision and publish a notice in the official publication *Ametlikud Teadaanded*.

(5) The notice specified in subsection 4 of this section must set out at least the following:

- 1) the name of the coordinator of preparation and adoption of the strategic planning document as well as the name and contact details of its contact person;
- 2) a short description and the purpose of the activity proposed in the strategic planning document;
- 3) the time and place of accessing the strategic environmental assessment programme and the decision specified in subsection 3 of this section.

(6) Where the coordinator of preparation of the strategic planning document identifies that the strategic environmental assessment programme does not comply with the requirements verified in accordance with subsection 2 of this section, the person returns the programme to the author of the strategic planning document and the latter modifies the programme and thereafter submit it to the coordinator of preparation of the strategic planning document for verifying compliance with the requirements.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 40. Strategic environmental assessment report

(1) A strategic environmental assessment report is a document that forms a part of the strategic planning document and contains information specified in subsections 2 to 4 of this section.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Upon strategic environmental assessment, it is required to explain, describe and assess the significant environmental impact resulting from implementation of the strategic planning document and the main alternative measures, activities and tasks, having regard to the objectives and territory of the strategic planning document.

(3) Upon preparation of a strategic environmental assessment report, the following must be taken into account:

- 1) current knowledge and recognised methods of assessment;
- 2) the content and level of establishment of the strategic planning document;
- 3) the extent to which certain matters are more appropriately assessed at different levels of strategic planning in order to avoid duplication of the assessment.

(4) Based on the compliant strategic environmental assessment programme, the strategic environmental assessment report must contain:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 1) an outline of the contents and the main purposes of the strategic planning document;
- 2) the relationship of the strategic planning document with other relevant strategic planning documents;
- 3) a description of the potentially significantly affected environment during preparation of the strategic planning document and in the case of realisation alternative development scenarios, including the comparison of alternatives and the probable development where the strategic planning document is not implemented;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 4) environmental problems arising from the implementation of the strategic planning document, in particular those related to protected natural objects, including Natura 2000 sites;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 5) the environmental protection objectives, established at international, European Union or Member State level, which are relevant to the strategic planning document and a description of the way those objectives and any environmental considerations have been taken into account during preparation of the strategic planning document;

- 6) an assessment of the potential significant direct, indirect, cumulative, synergistic, short and long-term, positive and adverse environmental impact, including impact on human health and social needs and property, biological diversity, populations, flora, fauna, soil, water and air quality, climate change, cultural heritage and the landscape, an assessment of the possibilities of waste generation and a description of the methods for impact prognosis;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 7) the interconnection between different impacts and the transboundary environmental impact;

8) the measures proposed for the prevention and mitigation of significant adverse environmental impact arising from the implementation of the strategic planning document and an assessment of the presumable effectiveness of the measures;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

8¹) where necessary, an overview of the actual compensatory measures within the meaning of § 70¹ of the Nature Conservation Act to compensate for the potential damage caused by the adverse environmental impact potentially resulting from the implementation of the strategic planning document, and an assessment of the efficiency and the necessary volume of application of the measures;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

9) an outline of the reasons for selecting the alternative development scenarios dealt with;

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

11) an overview of carrying out the strategic environmental assessment, the results of public involvement and transboundary consultations;

12) an overview of the difficulties which became evident upon preparation of the strategic environmental assessment report;

13) 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;

14) a summary of information specified in clauses 1–13 of this subsection;

15) the strategic environmental assessment programme and the minutes of the public consultation regarding the programme;

16) the minutes of the public consultation regarding the strategic environmental assessment report;

17) the proposals, objections and questions of authorities and persons, and an overview of the reasons for taking account of or refusal to take account of the proposals, objections and questions.

(4¹) In making a preliminary choice of the location of a special plan of the state and of a municipality, a report of the first stage of the strategic environmental assessment is drawn up, which serves as the basis for preparing a strategic environmental assessment report.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(4²) The report of the first stage of the strategic environmental assessment must, in addition to the information specified in subsection 4 of this section, contain underlying data required for drawing up a strategic environmental assessment report of the special plan of the state and municipality.

[RT I, 03.01.2022, 1 – entry into force 13.01.2022]

(5) In the event of emergence of additional circumstances in the course of preparation of the strategic environmental assessment report, the strategic environmental impact assessment programme declared compliant with the requirements in accordance with subsection 3 of § 39 of this Act may be deviated from in a reasoned event stated in the report. Respective reasons must be set out in the strategic environmental assessment report and where the coordinator of preparation of the strategic planning document or the authority concerned who gives its opinion in the report does not consent to deviation from the programme, the report must be modified in accordance with the programme.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 40¹. Asking for opinion on strategic environmental assessment report

(1) The opinion of the authorities concerned is asked on the strategic environmental assessment report in accordance with the procedure set out in § 36¹ of this Act.

(2) Within 21 days from the receipt of the strategic environmental assessment report, the coordinator of preparation of the strategic planning document verifies the compliance of the report with the requirements provided for in § 40 of this Act and the adequacy and sufficiency of the report.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 41. Publication of strategic environmental assessment report

The strategic environmental assessment report is published and the results of the publication are taken into account in accordance with § 37 of this Act, except for the time limit of a public display of the report, which is as long as that of a public display of the draft strategic planning document, but not shorter than 21 days.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 42. Verification of compliance of strategic environmental assessment report with requirements and establishment of monitoring measures

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1) After the public consultation of the strategic environmental assessment report, the author of the strategic planning document submits the report to the coordinator of preparation of the strategic planning document for verification of the compliance of the report with the requirements.

(2) The coordinator of preparation of the strategic planning document sends the strategic environmental impact assessment report to the authorities concerned for approval.

(3) The authority concerned, based on its field of competence, approves or refuses to approve the environmental impact assessment report within 30 days from the receipt of the report. The authority specified in subsection 2 of § 23 of this Act assesses, among other things, the compliance of the report with the requirements of subsection 4 of § 40 of this Act.

(4) The authority concerned does not approve the strategic environmental assessment report where:

- 1) there is a direct conflict with a legal instrument;
- 2) the report contains insufficient information that affects the final conclusions of the report and, as a result thereof, a significant adverse environmental impact may arise from the implementation of the strategic planning document.

(5) Based on the approvals of the authorities concerned, the coordinator of preparation of the strategic planning document verifies the following within 30 days from the receipt of the approvals:

- 1) the compliance of the report with the strategic environmental assessment programme that has been declared compliant with the requirements in accordance with subsection 3 of § 39 of this Act;
- 2) the compliance of the report with the requirements provided for in § 40 of this Act;
- 3) the adequacy and sufficiency of the report for the adoption of the strategic planning document;
- 4) the taking into account or disregarding of proposals and objections submitted regarding the report.

(6) The coordinator of preparation of the strategic planning document makes a decision to declare the strategic environmental assessment report compliant with the requirements on the basis of subsection 5 of this section.

(7) Within 14 days after making a decision specified in subsection 6 of this section, the coordinator of preparation of the strategic planning document informs the parties to the proceedings and the persons who are likely to be affected by the activity proposed on the basis of the strategic planning document or who may have a reasoned interest therein about the making of the decision and publish a notice in the official publication *Ametlikud Teadaanded*.

(8) The notice specified in subsection 7 of this section must set out at least the following:

- 1) the name of the coordinator of preparation of and the person who adopted the strategic planning document as well as the name and contact details of its contact person;
- 2) a short description and the purpose of the activity proposed in the strategic planning document;
- 3) the time and place of accessing the strategic environmental assessment report and the decision specified in subsection 6 of this section.

(9) Where the coordinator of preparation of the strategic planning document finds that the strategic environmental assessment report does not comply with the requirements provided for in subsection 5 of this section, the author of the strategic planning document must submit a modified report to the coordinator of preparation of the strategic planning document for the purpose of verification of compliance.

(10) Where the coordinator of preparation of the strategic planning document finds that the strategic environmental assessment report complies with the requirements, the coordinator makes a proposal on the monitoring measures in the decision specified in subsection 6 of this section. 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.

(11) The person who adopted the strategic planning document must establish the monitoring measures along with the establishment of the strategic planning document or submit upon the establishment of the strategic planning document the reasons why the monitoring measures developed in the course of strategic environmental assessment are not established.

(12) 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.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 43. Taking account of results of strategic environmental assessment

Upon preparation of a strategic planning document, the following must be taken account of:

- 1) the results of strategic environmental assessment;
- 2) the opinions submitted by authorities and persons to the extent possible;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

3) the results of transboundary consultations.

§ 44. Notification of adoption of strategic planning document

(1) The coordinator of preparation of the strategic planning document gives notice of the establishment of the strategic planning document by electronic means or by regular mail or by registered mail within 14 days after the decision on the establishment is made to:

1) the authorities and persons likely to be affected by the environmental impact potentially arising from the implementation of the strategic planning document or who may have a reasoned interest in the potential environmental impact;

2) the affected state that participated in transboundary consultations.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Upon giving notice of the establishment of the strategic planning document, it must be ensured that the following is available to the authorities concerned, the public and the affected state that participated in transboundary consultations:

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

1) adopted strategic planning document;

2) an overview of how environmental considerations have been taken into account in the strategic planning document;

3) an overview of how the results of the strategic environmental assessment have been taken into account in the strategic planning document;

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 strategic planning document.

§ 45. Specifications for strategic environmental assessment in Natura 2000 site

(1) Where the impact on a Natura 2000 site is being assessed:

1) the purpose of protection and the integrity of the site must be particularly taken into account upon strategic environmental assessment;

2) the coordinator of preparation of the strategic planning document sends the strategic environmental assessment report to the manager of the protected natural object for approval before verifying compliance with the requirements in accordance with § 42 of this Act.

(2) A strategic planning document may be established where permitted by the protection procedure of the Natura 2000 site and the person who adopted the strategic planning document is convinced that the proposed activities do not have an adverse impact on the integrity of the Natura 2000 site or on the purpose of protection thereof.

(3) Where, regardless of the potential adverse impact resulting from implementation of a strategic planning document on a Natura 2000 site, the activity is still necessary for imperative reasons of overriding public interest, including those of a social or economic nature, and due to the lack of alternative solutions, the strategic planning document may be established with the consent of the Government of the Republic.

(4) Upon establishment of a strategic planning document in the event specified in subsection 3 of this Act, the obligation to take compensatory measures must be imposed in order to ensure the protection of the overall cohesion of the Natura 2000 network. The Ministry of the Environment informs the European Commission of the established compensatory measures immediately after the establishment of the strategic planning document. The activity proposed by the strategic planning document must not be commenced before the compensatory measures have been taken.

(5) Where the strategic planning document is likely to have an adverse impact on a priority natural habitat type or priority species present in a Natura 2000 site within the meaning of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora, the Government of the Republic may grant consent only where it is related to human health, public safety or a significant positive impact on the state of the environment. In the event of other public priority and extremely compelling reasons, the planning document may be established only after obtaining the opinion of the European Commission. The activity proposed by the strategic planning document must not be commenced before the compensatory measures have been taken.

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 46. Strategic environmental assessment in transboundary context resulting from implementation of strategic planning document

(1) This section is applied where:

1) the implementation of the strategic planning document is likely to result in a significant environmental impact on the environment of another state;

2) it is requested by the state that is likely to be significantly affected;

3) the Republic of Estonia participates in the strategic environmental assessment of transboundary environmental impact originating from the territory of another state.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Where strategic environmental assessment is initiated regarding a strategic planning document whose implementation is likely to result in a significant environmental impact on the environment of another state or where the likelihood of occurrence of significant environmental impact in a transboundary context becomes evident upon preparation of a strategic environmental assessment programme or report, the coordinator of preparation of the strategic planning document must immediately inform the Ministry of the Environment thereof.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2¹) In the event specified in subsection 2 of this section, the Ministry of the Environment sends to the state that is likely to be significantly affected a notice as soon as possible, but not later than as of the notification of the commencement of strategic environmental assessment in the Republic of Estonia. Where the Ministry of the Environment is informed of the possibility of occurrence of significant environmental impact in a transboundary context at the time of preparation of the strategic environmental assessment programme or report, the Ministry of the Environment sends to the state that is likely to be significantly affected a notice as soon as possible, but not later than at the time of publication of the programme or report in the Republic of Estonia.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) The notice specified in subsection 2¹ of this section must set out at least the following:
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

- 1) the name and brief description of the strategic planning document;
- 2) information on the author of and on the person who adopted the strategic planning document;
- 3) a schedule for preparation of the strategic planning document and carrying out the strategic environmental assessment and a brief description of the likely environmental impact resulting from the implementation of the document;
- 4) the term for responding to the notice and submission of comments.

(4) [Repealed – RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(5) Where an affected state wishes to participate in a strategic environmental assessment in a transboundary context:

1) the Ministry of the Environment sends to the affected state the draft strategic planning document before its establishment and the strategic environmental assessment report before the verification of the compliance thereof under § 42 of this Act;

[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

2) the affected state is allowed to participate in the strategic environmental assessment in a transboundary context, and consultations on the environmental impact and the measures for the mitigation and offsetting of such impact are commenced before the establishment of the strategic planning document.

(6) During consultations specified in subsection 5 of this section, the competent authorities of states 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 and agree on all the necessary procedures and an actual schedule for relevant consultations.

(6¹) Where the state in which the transboundary environmental impact originates sends to the Ministry of the Environment a notice of the environmental impact resulting from the implementation of the strategic planning document on the environment of the other state, the Ministry of the Environment submits to the state of origin its position on participating in strategic environmental assessment in a transboundary context and on the need for consultations by the time set by the state in which the transboundary environmental impact originates.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(6²) In the event of participating in strategic environmental assessment in a transboundary context, the Ministry of the Environment gives notice of the publication of the documents on strategic environmental assessment in a transboundary context in the manner specified in subsection 1 of § 37 of this Act and sends the proposals and objections submitted regarding the documents on the strategic environmental assessment to the state in which the transboundary environmental impact originates.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(7) The strategic assessment of transboundary environmental impact originating in the territory of the Republic of Estonia is organised and the Republic of Estonia participates in the strategic assessment of transboundary environmental impact originating in the territory of another state in accordance with the procedure provided for in international agreements.

Chapter 3

ORGANISATION OF ENVIRONMENTAL MANAGEMENT AND AUDIT SCHEME AND AWARDING OF ECOLABELS

Subchapter 1 Organisation of Voluntary Environmental Management and Audit Scheme

§ 47. Environmental management and audit scheme

(1) The environmental management and environmental audit scheme has been established by Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC (OJ L 342, 22.12.2009, pp. 1–45)
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) In this Act, the definitions ‘environmental verifier’ and ‘organisation’ have the meaning given in Articles 2(20) and 2(21) of Regulation (EC) No 1221/2009 of the European Parliament and of the Council.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) Verification means organisational assessment conducted by a verifier to ensure that the environmental policy, the environmental management system and auditing procedures comply with the requirements of Regulation (EC) No 1221/2009 of the European Parliament and of the Council.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(4) ‘Approval’ means assessment of the environmental report by a verifier to verify whether the information and data submitted in the environmental report of the organisation are reliable, credible, correct and comply with the requirements of Regulation (EC) No 1221/2009 of the European Parliament and of the Council.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

§ 48. Registration of organisations and competent body

(1) In accordance with the requirements of Regulation (EC) No 1221/2009 of the European Parliament and of the Council, the competent body to register organisations is the Ministry of the Environment having the right to delegate authority to an authority within the area of government of the Ministry of the Environment.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) Organisations are registered in accordance with the procedure provided for in Regulation (EC) No 1221/2009 of the European Parliament and of the Council.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) The list of information contained in the registration certificate of organisations and the form of the certificates are established by a regulation of the minister responsible for the field.

(4) Expenses relating to the verification of an organisation specified in subsection 3 of § 47 of this Act are paid by the organisation applying for verification.

§ 49. Accreditation of environmental verifier

(1) The environmental verifier is accredited by the Estonian national accreditation body or by an internationally acknowledged accreditation organisation.
[RT I, 22.10.2021, 3 – entry into force 01.11.2021]

(1¹) The minister responsible for the field may by an administrative contract delegate the task of the supervision of the accreditation of environmental verifiers and steps taken by environmental verifiers to a legal person in private law specified in subsection 1 of this section. The administrative contract is concluded by the minister responsible for the field in accordance with the procedure established in the Administrative Cooperation Act.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1²) The Ministry of the Environment exercises supervision over the performance of an administrative contract concluded on the basis of subsection 1¹ of this section.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(1³) Where an administrative contract is terminated unilaterally or there is another reason that prevents the performance of the administrative function specified in the contract, the Ministry of the Environment organises further performance of the administrative function.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) The requirements for the qualifications and accreditation of environmental verifiers arise from Regulation (EC) No 1221/2009 of the European Parliament and of the Council.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) An assessment concerning activities which affect or may affect the impartiality of a verifier is provided by the accreditation body on the basis of an application of verifier.

(4) The decision of the accreditation body is binding on the verifier and remains in force until the circumstances on which the decision was based change or cease to exist. Where the circumstances change or cease to exist, the accreditation body revokes its decision.

(5) Without the consent of the verifying organisation, a verifier must not disclose information obtained in the course of verification to third parties or use such information against the verifying organisation, unless otherwise provided by law.

§ 50. Promotion of environmental management and audit scheme

(1) In order to promote the environmental management and audit scheme and to organise the necessary awareness raising campaign and training, the Ministry of the Environment prepares a strategy and an activity plan for the promotion of the environmental management and audit scheme.

(2) The strategy for the promotion of environmental management and audit scheme and an environmental audit system are approved by the Government of the Republic.

Subchapter 2 Ecolabel Award Scheme

§ 51. Awarding ecolabel to product

(1) The voluntary Community ecolabel (hereinafter *ecolabel*) award scheme has been established by Regulation (EC) No 66/2010 of the European Parliament and of the Council on the EU Ecolabel (OJ L, 30.01.2010, pp. 1–19).
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(2) In accordance with Regulation (EC) No 66/2010 of the European Parliament and of the Council, the competent body is the Ministry of the Environment with the right to delegate authority to an authority within the area of government of the Ministry of the Environment.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(3) Where necessary, the minister responsible for the field may establish a list of information to be submitted in an application for eco-label and the form of applications by each product group separately on the basis of the corresponding instructions from the European Commission.

§ 52. State fee for review of application for use of ecolabel and use of ecolabel

(1) An applicant for the ecolabel pays a state fee in the amount provided by the State Fees Act for the review of the application for the use of the ecolabel.

(2) A person holding the right to use the ecolabel pays a state fee in the amount specified in the State fees Act for the use of the ecolabel on its products.

(3) Where a person holding the right to use an ecolabel fails to pay the state fee for the use of the ecolabel on time, the competent body has the right to suspend the right to use the ecolabel until the state fee has been paid.
[RT I 2006, 58, 439 – entry into force 01.01.2007]

Chapter 4 LIABILITY

§ 53. Violation of requirement for environmental impact assessment and strategic environmental assessment

(1) The penalty for violation of the requirement for environmental impact assessment or strategic environmental assessment is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 54. Violation of conditions for use of Community environmental management and environmental audit scheme logo and Community eco-label

(1) The penalty for violation of conditions for the use of the Community environmental management and environmental audit scheme logo or the Community eco-label is a fine of up to 300 fine units.

(2) The penalty for the same act committed by a legal person is a fine of up to 3200 euros.
[RT I 2010, 22, 108 – entry into force 01.01.2011]

§ 55. Proceedings

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to proceedings regarding the misdemeanours provided for in §§ 53 and 54 of this Act.

(2) The Environmental Board conducts extra-judicial proceedings in the misdemeanour cases provided for in § 53 of this Act.
[RT I, 10.07.2020, 2 – entry into force 01.01.2021]

(3) The Consumer Protection and Technical Surveillance Authority conducts extra-judicial proceedings in the misdemeanour cases provided for in § 54 of this Act.
[RT I, 12.12.2018, 3 – entry into force 01.01.2019]

Chapter 5 IMPLEMENTING PROVISIONS

§ 56. Implementation of Act

(1) An environmental impact assessment of proposed activities initiated in accordance with the Environmental Impact Assessment and Environmental Auditing Act, which was effective until the entry into force of this Act, is completed in accordance with the Environmental Impact Assessment and Environmental Auditing Act.

(2) The licences for environmental impact assessment and environmental auditor's certificates issued in accordance with the Environmental Impact Assessment and Environmental Auditing Act remain in force until the date of expiry indicated therein or until revocation thereof.

(3) Licence holders who have not submitted to the Ministry of the Environment an application for the determination of the fields of activity and areas of impact the environmental impact of which the applicant has the right to assess must submit the corresponding application in a free form by 30 November 2008.
[RT I 2008, 34, 209 – entry into force 01.08.2008]

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

(5) This Act applies to the preparation of a strategic planning document which is initiated before the entry into force of this Act where the strategic planning document is adopted after 21 July 2006.

(6) A strategic environmental assessment initiated in accordance with the Environmental Impact Assessment and Environmental Auditing Act in force until the entry into force of this Act is completed in accordance with the Environmental Impact Assessment and Environmental Auditing Act.

(7) Where the leading expert has failed to submit an application by the date specified in subsection 3 of this section, the Minister of the Environment revokes the licence of the leading expert.
[RT I, 23.03.2015, 6 – entry into force 01.07.2015]

(8) [Repealed – RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(9) Environmental impact assessment licences granted before the entry into force of this provision are considered to be leading expert licences and the fields of activity and areas of impact specified therein remain in force until the expiry of the licence. Upon renewal of the term of validity of an environmental impact assessment licence issued before the entry into force of this provision, the fields of activity or areas of impact are not indicated in the licence.
[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(10) Subsection 7 of § 18 of this Act applies to environmental impact assessment proceedings initiated between 1 July 2015 and the entry into force of this subsection in the wording in force on the day of entry into force of this subsection.

[RT I, 10.11.2016, 1 – entry into force 20.11.2016]

(11) The wording of the Environmental Impact Assessment and Environmental Management System Act in force at the time of initiation of environmental impact assessment applies to an application for development consent that sets out an activity with regard to which environmental impact assessment has been initiated before the entry into force of this provision.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

(12) The wording of the Environmental Impact Assessment and Environmental Management System Act in force at the time of submission of an application for development consent applies to the application submitted before the entry into force of this provision whereby no decision has been made on the initiation or refusal to initiate environmental impact assessment.

[RT I, 03.07.2017, 3 – entry into force 13.07.2017]

§ 57.–§ 70.[Omitted from this text.]

§ 71. Entry into force of Act

(1) Subsection 14 of § 15 of this Act enters into force on 1 June 2005.

(2) Subsection 4 of § 6 and subsection 4 of § 22 of this Act enter into force on 1 July 2005.

(3) Subsection 2 of § 12 of this Act enters into force on 1 September 2005.

¹ Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.07.1992, pp. 7–50), last amended by Directive 2013/17/EU (OJ L 158, 10.06.2013, pp 193–229); Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.07.2001, pp 30–37); Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.01.2012, pp 1–21); Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.04.2014, pp 1–18).

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