16 Implementing SEA in Estonia

Olavi Hiimäe
Estonian Agricultural University, Estonia

16.1 Introduction

The interest in SEA has grown significantly over the last several years, as its relevance has been recognized more broadly. It is now generally understood that the prediction of possible damages made to the environment is easier and cheaper to avoid rather than to deal with the consequences in the future. In Estonia there is SEA legislation since 2001. This chapter discusses the current state of the SEA process in Estonia and tries to analyze the positive aspects and shortcomings of the present law and existing SEA reports. This will be done also taking into account the requirements of the new SEA Directive, which Estonia will need to comply with following integration within the European Union in May 2004.

This chapter explains the current status of the SEA directive and SEA process in Estonia. First, in Sect. 16.2, an introduction to the main ideas of project EIA and SEA according to the existing national law of “EIA and Environmental Auditing” is given. Accession to the European Union (EU) and the need to adopt the SEA Directive that requires all new EU Member States to introduce the laws, regulations and administrative provisions necessary for its implementation has accelerated the development of Estonian environmental legislation. In May 2004 the new draft of EIA and Environmental Management legislation, that include detailed introduction to the SEA as well, was passed to the Parliament. In Sect. 16.3 the chapter gives an overview of the main actors in the SEA process, and the results of a survey of SEA actors carried out by Peterson (2004) are introduced in Sect. 16.4. Finally, the quality criteria of the existing SEA documents are explained and general recommendations to improve the decision-making process via strategic planning documents are presented.
16.2 Project EIA and SEA in Estonia

In Estonia both Project EIA and SEA are regulated by the national law on “Environmental Impact Assessment and Environmental Auditing” (EIA and EA). The law was enforced from 1 January 2001, and became the main driving force for the introduction of SEA in Estonia. It is stated in Art. 22 of this law that “SEA should go in parallel with the drafting process of the policy documents and that likely environmental impacts arising from the implementation of policies, plans and programmes should be taken into account” (Peterson 2003). According to the law, the idea behind the SEA is to simplify the decision making process in early stage of the policies, plans and programmes, to ensure that all proposed alternatives are adequately assessed, all impacts are considered, the public is fully consulted, and the decisions has made keeping in mind the concept of sustainable development and “Good Practice”.

Project EIA has a longer history and practice in Estonia (national regulation was adopted in 1992), whereas SEA is more recent (first mentioned in 2001) and thus is little practiced yet. Accession to the EU has accelerated the development of national legislation on environmental assessment and transposition of corresponding EU legislation (the draft of the new law was passed to the parliament on 31 May 2004). The requirement for mandatory SEA on national plans, programmes and spatial plans (the requirement of mandatory SEA on spatial plans was removed from the law in 2003) has brought about a forceful introduction of SEA into different sectors and public administration in a short period of time. The public administrations, either responsible for carrying out SEA alongside with the drafting process of policy documents or supervising the process, were not prepared for the implementation of the SEA Directive and much of the today’s experience lies on learning-by-doing practice (Peterson 2003).

Followed by the enforcement of the law, there have been seven SEA of programmes and plans at national level, and probably hundreds of spatial plans developed at county or municipal level in the period between 1 January 2001 and 1 August 2003. Usually these SEA documents have been accompanied by only a short description of one or two pages on the possible environmental impacts (Peterson 2003). SEA was conducted (by the listed proponents and adopting bodies) for the following national strategic documents in Estonia in 2000-2003 (Peterson 2004):

- Single Programming Document (Ministry of Finance/ Government)
- Forestry Development Plan (Ministry of Environment/ Parliament)
- Fuel and Energy Development Plan (Ministry of Economy and Communication/ Parliament)
- National Programme on Minimisation of Emissions of Greenhouse Gases (Ministry of Environment/ Government)
- National Development Plan Sustainable Estonia 21 (Ministry of Environment/ Parliament)
- Rural Development Plan (Ministry of Agriculture/ Government)