

**IMPLEMENTATION REPORT OF
AARHUS CONVENTION ON ACCESS TO INFORMATION, PUBLIC
PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN
ENVIRONMENTAL MATTERS**

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I Process by which the report has been prepared

The questionnaire serving as the basis for the preparation of the report was sent in June 2020 to the agencies of the national and local governments and non-governmental organisations (NGOs) and all other interested parties and the relevant call was also published on the website of the Ministry of the Environment. There were altogether 23 responses to the call responding to specific questions related to the matter of the Convention received from ministries and their agencies, profit and not for-profit institutions active in the environment sector and NGOs¹. On the basis of these responses the implementation report of 2016 was completed by the Ministry of the Environment and submitted for commenting by all those who had responded on the website and through the web list Nature Time. The draft report was amended on the basis of the received comments.

II Particular circumstances relevant for understanding the report

III Legislative, regulatory and other measures implementing the general provisions in article 3, paragraphs 2, 3, 4, 7 and 8.

(a) The obligation established in the Convention to assist and guide the general public in the application for environmental information, in participation in decision-making process of environmental matters and have recourse to the courts regarding these issues has been established in the Public Information Act, Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act and Administrative Procedure Act in the national legislation of Estonia.

The general obligation of public authorities as the holders of information to assist persons making requests for information has been established in section 9 of the Public Information Act. A more detailed description of the obligations is provided in section 15 of the same Act: according to that the holders of information are required to clearly explain clearly the procedure for, and the conditions and manners of, access to information to requesters, assist them in every way during the application process, and identification of the relevant information and most suitable manner of access thereto; and if necessary, promptly refer requesters to the competent official or employee, or promptly forward the request in writing to the competent official or employee. If a request for information does not indicate the manner in which the requested information is to be provided, the holder of information shall promptly contact the requester in order to clarify the request.

In most State and local government institutions, special training programmes have been carried out to train the officials on communicating with and informing the public.

The websites of State and local government institutions contain information on their areas of work together with the contact details of experts, more and more environmental information is also published at the same time. Most of the homepages includes an option for submitting requests for information electronically.

According to the Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act, a public authority has the obligation to give free of charge explanations

¹ The complete list of those who responded is shown in annex.

on legal acts or projects thereof developed by the public authority, and legal acts forming the basis of its activities and its competence. The Act also establishes the obligation to receive persons.

The explanation obligation of public authority bodies is also established in section 36 of the Administrative Procedure Act, according to which an administrative body is obligated to explain the rights and obligations of parties to the procedure and the order of procedure;

(b) ~~Regulation No. 13 of 17 February 2006 “Conditions and procedure for the evaluation of project applications for funding, criteria for evaluation of applications, decision-making procedure, procedure for exercising control over the performance of the agreement and reporting procedure” by the Minister of the Environment, in the framework of the environmental sub-programme support is provided for arranging information events, campaigns and trainings for increasing environmental awareness, aiming to motivate various organisations active in the field of environment to arrange events for the public for increasing environmental competence. Under the environmental awareness sub-programme of Regulation No. 10 of 31 January 2020 of the Minister of the Environment “Procedure and conditions for granting support from the environmental programme”, support will be provided for environmental awareness-raising activities, campaigns, study programmes, festivals, and fairs, as well as for the creation of media to motivate various educational and environmental organisations and media companies to increase public environmental competence.~~

Besides legislative measures the Ministry of the Environment and its agencies have also applied other measures that assist the public in accessing environmental information.

The Ministry of the Environment also arranges training in the field of environmental information to the journalists, incl. with the aim to direct the journalists to use various sources and registries of environmental information in order to add reliability to the media reflections of environmental issues. The Environmental Board organises trainings for local governments.

In order to distribute the information regarding European Regional Development Funds a special post has been established in the Public Relations Department of the Ministry of the Environment.

~~In~~ Every two years (2012, 2014, 2016, 2018, 2020), the Ministry of the Environment organises a survey of the environmental awareness of the Estonian population. The survey reports ~~are~~ published ~~in~~ on the web page of the Ministry ~~at~~ (<http://www.envir.ee/et/keskkonnahariduse-uuringud>). The survey report is introduced to all operators in the area of environmental organisations and environmental awareness at a seminar (including at the annual Environmental Education Conference) and to the public through media and all parties willing besides agencies of the Ministry of the Environment can use it in planning their information activities. Inter alia, the survey reflects the use of media among the population of Estonia, ~~and~~ various resources for obtaining environmental information, and environmentally friendly behaviours. The ~~2020~~ 2016 survey indicates that the awareness of environmentally-friendly behaviour of the population has gradually but steadily improved during the study period (2010–~~2020~~ 2016) and the aspect of environmental conservation (together with, for example, economic and other considerations) has become increasingly important in different approaches and activities. This is confirmed by the Environmental Awareness Index established in 2016 with ~~472.0~~ 472.0 points out of 100 ~~this year in 2020~~ survey. In 2014, for example, the index value was 37.5 points and in 2012, 37.9. The index is based on the environmental awareness of a person, supported by attitude and everyday behaviour. The index is compiled based on the survey questionnaire answers. ~~The rating of the availability of~~

~~environmental information has also improved during the period under study. At the same time, respondents have become more critical about the availability of environmental information.~~ In 2016, 74% of the population assessed the availability of environmental information as good or quite good. ~~In 2020, the percentage was 65.~~ Availability of information is related with the possibility and skill of using the internet. ~~At the same time, the population wants more and more increasingly detailed information.~~

The Environmental Board operating in the administrative area of the Ministry of the Environment is a government agency exercising executive power and state supervision and applying enforcement powers of the state on the bases and in the extent provided by law. The area of activity of the Board includes implementation of the policy and programmes and action plans of the state's environmental and nature protection and use and radiation safety. The 18 employees of the Environmental Education Department of the Environmental Board are deployed in all counties. Arising from the bylaws of the Environmental Board the Environmental Education Department arranges and implements among other tasks activities for target and stakeholder groups ~~(including both school teachers and supervisors of environmental education centres)~~ promoting environmental education and the principles of sustainable development. The aim is to inform various target groups (landowners, small and medium-sized enterprises, employees of local governments, etc.) of environmental legislation and amendments thereto; national aims regarding nature conservation concerning various stakeholder groups; issues related to environmental permits etc.

During the period from ~~August 2013 to July 2016~~ 2016 to 2019, the Environmental Board has engaged approximately 93,000 participants in various information events. The information activities of the Ministry of the Environment are aimed at the students of schools of general education, teachers, entrepreneurs, local governments, other state authorities, landowners, and all citizens. The information events include information days, training, competitions in the field of environment, thematic exhibitions, and nature evenings. Educational programmes regarding environment are aimed primarily at students to promote environmental awareness of children and adolescents. The contents of the programmes are available in the database of environmental education at (www.keskkonnaharidus.ee). ~~Since August 2013 until July 2016~~ In the period 2016–2019, almost ~~82,000~~ 103,000 pupils have participated at the training programmes of the Ministry of the Environment.

During the ~~reporting~~ period ~~from (2013 to 2016)~~, the support provided by the programme “Development of environmental education” of the European Social Fund (~~hereinafter EFS~~) carried out by the Environmental Board ~~has~~ had a great impact on promoting environmental awareness. In 2015, several teaching aids for supporting the education of sustainable development were created with the support of this programme. Online study materials are available through a smart device: <http://avastusrada.ee>, <http://www.keskkonnakompass.ee>, <http://e.loodus.ee>. More detailed information about study aids is available at <http://www.keskkonnaharidus.ee/oppematerjalid/oppevahendid/>. The programme also supported creating environmental education study clips (with Russian subtitles) available in the environmental education portal at <http://www.keskkonnaharidus.ee/foto-ja-video-pank/keskkonnahariduslikud-oppeklipid/>. ~~These learning tools were also implemented in 2020.~~

The Environmental Board also comprises information materials which are publicly available at the web page of the Environmental Board at (www.keskkonnaamet.ee). ~~In 2013–2016, the total~~

~~number of various printed matter reached 30 (also in Russian, in English, in Latvian and other languages).~~ Printed material with the largest circulation is Keskkonnaharidusleht (Environmental education newspaper) reaching all schools in Estonian and in Russian. The aim of the newspaper is to introduce agencies engaged in environmental education, to mediate the best practices of schools and kindergartens and to develop systematic cooperation with the actors in the field of environmental education. Most of the publications are available at the web page of the Environmental Board (<https://www.keskkonnaamet.ee/et/eesmargid-tegevused/keskkonnaharidus/trukised>) <http://www.keskkonnaamet.ee/index.php?id=11071>).

Environmental Board has called roundtables of environmental education at the county level in order to improve the cooperation between agencies active in the field of environmental education and informing of target groups. To the activity of roundtables are included county governments, local governments associations, RMK (State Forest Management Centre), local representatives of KIK (Environmental Investment Centre), vocational educational institutions, universities, more active schools and kindergartens, undertakings and non-governmental organisations providing environmental education. Information related to the round-tables is available on the website of the Environmental Board <https://keskkonnaharidus.ee/et/vorgustik>.

~~More than 400 people all over Estonia have participated in the roundtables. The information regarding roundtables is available at the web page of the Environmental Board at (<http://www.keskkonnaamet.ee/index.php?id=11636>).~~ From 2018, the Estonian steering group for environmental education is convened by the Public Relations Department of the Ministry of the Environment. In order to increase environmental awareness and enhance environmental education, the Ministry of the Environment and the Ministry of Education and Research signed a Joint Action Memorandum on 31 March 2017. The operational programme of the Environmental Education and Awareness Action Plan 2019–2022 was adopted in October 2018. The latter provides guidelines for both existing and traditional activities, from quality assessments of environmental education, cooperation with schools and local authorities, to campaigns. The action plan states, inter alia, that environmental awareness can only be increased through reliable, up-to-date, and clearly presented environmental information and environmentally conscious choices. The Estonian Environmental Education Association (<https://www.ekhyhing.ee/>) plays an important role in fulfilling the action plan, contributing to the coordination of a unique network of environmental education centres in the world and is supported by the Ministry of the Environment.

Overview of the organisations operating in Estonia in the field of environmental education and awareness is provided by the portal www.keskkonnaharidus.ee, which is administrated by the Environmental Board and was updated in 2020.

In the national curricula of lower and upper secondary school (adopted on 2011), the predominant theme is “Environment and sustainable development”, gaining preparation of pupils for becoming persons socially mature, responsible and environmentally aware, who are valuing sustainability and ready to create solutions for the issues of the environment and human development. The implementation of Aarhus Convention is directly connected to that theme, because pupils are taught to have ability for participation in decision-making processes of the environmental matters and act in responsible way while making environmental choices. In order to fulfil the theme, schools are implementing different forms of training to learn the connections between the environment and nature and human society. Graduates of upper secondary school have to arrange obligatory research project. Significant part of pupils chooses natural environment, environmental awareness, health and nutrition as the theme of research project. The Ministry of Education and

Research organises annually a competition of research works of pupils, from the works submitted to which 50% are nature- and environmental themed.

The Ministry of Education and Research supports activity of environmental educational programme BSP (*Baltic Sea Programme*, <https://bsp.tartuloodusmaja.ee>) and GLOBE (*Global Learning and Observations*, <https://www.globe.ee>) altogether in 1001 schools, as well as the Eco-Schools programme. More than 150 schools and kindergartens are involved in the Eco-Schools programme (<https://www.tartuloodusmaja.ee/roheline-kool>). Through the programmes, collection of environmental information is operated (standardised observations and measurements done by pupils) as well as the disclosure (data is sent to electronical database and disclosed on Internet homepages). All these initiatives also receive support from the EIC's environmental awareness programme.

During the previous as well as the current structural funds period, the Ministry of Education and Research has supported the availability of environmental information through the investment plans of the measure "Estonian Research Infrastructures Roadmap". Through the project "Natural history archives and information network" (NATARC, <https://natarc.ut.ee>), more than 1 million entries, including descriptions of botanical, mycological, and zoological species, survey data, and DNA-samples, have been made available in the biodiversity database PlutoF during 2011–2016. The geological database SARV was also developed with the support of the NATARC project.

PlutoF and SARV give an open and free access for users to the records of the species diversity in Estonia. The records can be accessed within the information system as well as via several applications (incl. mobile applications) and the biodiversity portal eBiodiversity (<http://elurikkus.ut.ee/>). Biodiversity data can be searched by different data fields and imported as mass tables from the information system as well as exported via the API, or the application programming interface.

~~In 2002, a foundation Tartu Environmental Education Centre was established, the main task of which is to enhance the environmental education and awareness through publications, lectures, excursions and other events.~~

In 2020, the Ministry of Rural Affairs identified the following key activities in its area of competence:

- 1) several measures of the Estonian Rural Development Plan (ERDP) 2014–2020 contribute to increasing environmental awareness, including the requirement of several ERDP grants to participate in certain trainings where information on management and animal husbandry techniques that protect the environment is shared;
- 2) the activities of the Fisheries Information Centre carried out within the framework of the operational programme of the European Maritime and Fisheries Fund 2014–2020 (studies concerning fish stocks, festivals, seminars);
- 3) the "Applied Agricultural Research and Development in 2015–2021" programme of the Ministry of Rural Affairs has funded a number of applied research on the environment, which contributes to science-based legislation and policy-making;
- 4) the results of the research of the Agricultural Research Centre are an important input in raising environmental awareness. In addition, an e-survey for agricultural producers (including questions on general awareness and information on environmental issues) is conducted periodically to assess environmental awareness;
- 5) in order to introduce various research papers and studies to the general public, the Ministry of Education organises environmental theme days in cooperation with other institutions, e.g. Soil Day

in cooperation with the Estonian University of Life Sciences and Agricultural Biodiversity Day in cooperation with the Agricultural Research Centre.

In 2017, the Environmental Board launched the website <https://kaitsealad.ee/en>, which unites the largest protected areas in Estonia. The site provides information on Estonian national parks and other important protected areas, protection procedures, natural values, and visiting opportunities. In 2018, the site was supplemented with information on 10 protected areas. In 2020, the search engines and content management were updated, and more information can be found on 20 protected areas. In addition, the page is linked to the [website of the Estonian Nature Information System](#) and guides the visitor to find even more detailed information about Estonia's natural values through the map application. Information and news about current events in protected areas are added to the website and the information is kept up to date.

(c)— In 2020~~16~~, there was general contentment nationally with the legal requirements on the establishment and functioning of NGOs, problems arose with the instability of support schemes. A NGO considered in the response of 2013 that the bases for determining the operating grant are not transparent. Public authorities have more and more included NGOs in the composition of different regular or specific committees, although the possibilities of NGOs to affect decisions are often restricted and vary. Bigger NGOs have received some financial support from the State in recent years which has helped to cover partly the overhead costs. Ministry of the Interior supports Network of Estonian Non-profit Organisations ~~—, NENO (EMSL in Estonian)~~ with an annual operating grant. The members of ~~NENO—the network~~ also include Estonian Fund for Nature and Estonian Environmental Law Center (EELC), for whom ~~NENO—the network~~ provides protection of interest by legal means, but its members receive no support from ~~NENO—the network~~. The Estonian Environmental Education Association, which coordinates the work of the network of environmental education centres, receives operating support through targeted financing. The general education department of the Ministry of Education and Research has purposefully provided targeted financing for various environmental education projects and NGOs coordinating student events and activities (e.g. Tartu Environmental Education Centre, Estonian Physical Society, GLOBE Estonia, Teaduskera, etc.).

Mutual respect and partnership between the State and NGOs has improved ~~significantly recently~~; in some cases, the representatives of NGOs are included in the delegations for international negotiations. The desire, interest and need for further development of cooperation exist on both sides, with the obstacles laying mainly in shortages of human, financial and time resources. Pursuant to the responses of the ministries non-profit organisations are recognised and supported as equal partners, including recognition of their independence by including them to decision-making processes. Funding of non-profit organisations does not provide any right for the donor neither to harm independence of the organisation nor affect it in order to make the organisation deciding in the benefit of the donor. During the last years the arrangement of the legal side of the operation of the NGOs and foundations has become remarkably less complicated, thanks to the development of digital systems (digital signature, electronic registers).

Based on NGO Sustainability Index prepared by United States Agency for International Development, registration of NGOs in Estonia is simple and it can be done electronically. In Good Citizen information portal administrated by the Network of Estonian Non-profit Organisations, a detailed guide is available on how to establish a non-profit organisation (<https://heakodanik.ee/soovid-asutada-vabauhendust/http://www.ngo/asutamine>).

The main activity of Environmental Investment Centre (hereinafter EIC) is to fund various environmental projects, including projects related to improving environmental education and awareness. The awareness programme of the environmental programme has the most projects and applicants in EIC. In addition, those interested in applying and those having received aid are counselled regarding funding mechanisms and funded activities. The Centre also attempts to introduce stronger cooperation with the third sector via various roundtables. NGOs constitute a relevant group among the applicants of EIC. EIC supports project-based activities (activity featuring a concrete aim and measurable results), and does not cover overhead costs and management costs of organisations.

~~In 2016, three NGOs highlighted that the decision of the Government of the Republic in the first half of 2016 about the sudden reduction of environmental taxes related to oil shale mining has a very negative effect on NGOs. The decision abruptly diminishes EIC financing. NGOs found that the procedure of financing by EIC in general might also be problematic. A situation where NGOs are competing among others with the Ministry of the Environment and its agencies for grants cannot be considered fair, while the Ministry of the Environment has a crucial role in assessing the applications. Such procedure is also not in compliance with the principles of “Funding of the Civil Society Organisation”, which was drawn up under the guidance of the Ministry of the Interior.~~

~~One NGO stressed that the shadow report on following the instructions for financing non-governmental organisations from state budget at 2013-2015 (<http://www.ngo.ee/sites/default/files/files/variraport.pdf>), published by the Network of Estonian Nonprofit Organisations (NENO) in June 2016, assesses the NGO financing practices in the jurisdiction of the Ministry of the Environment as poor. According to the report, relevant principles are considered only to some extent or minimally, and amendments are necessary.~~

In 2007, National Foundation of Civil Society (NFCS) was established for the support of civil society which aims actually do not include direct support of environmental operations but support to civil society as a whole. NFCS has financed environmental organisations to increase their capacity, as well as various projects aimed at promoting the development of environmental education. All grants provided by NFCS are available on its homepage (<http://www.kysk.ee/toetuste-ajalugu>).

~~In 2013-2016, Tallinn City Environment Department has supported non-profit making activities: environmental activities of *Roheline Rood*, a community of pensioners living in Tallinn; activities for children and elderly at Tallinn Society for Nature Conservation; bird-song mornings for pupils by non-profit organisation Loodusring; activities of the animal life corner at Nõmme Nature House; and the activities of the Estonian Society for Nature Conservation planned for the Gulf of Finland Year.~~

(d) Various ministries have engaged NGOs in the foreign visits of several ministers and international forums, for example:

- 1) Participation of the representative of NGO Põhjakonn at the session of the Bern Convention Group of experts of the amphibian and reptiles in summer-autumn 2017⁵;

- 2) ~~Recurring participation of the representative of NGO Suurkõrv at the EUROBATS agreement meetings related to the Bonn Convention;~~
- 3) 2) Regional cooperation meetings at HELCOM;
- 4) ~~Participation of the Climate Buss (*Kliimabuss*), which was initiated by the Estonian Fund of Nature, at the Paris Climate Convention COP21. The action was financed by the Ministry of the Environment. Climate Bus, the first Estonian climate action running through Europe and uniting environmental activists, stopped on its way to Paris at relevant objects in Europe influencing the climate. The team of the Climate Bus mediated their trip to Paris and the information related to the activities at the COP21 to the Estonian people via social media, a blog (), and other media channels. At the conferences of the United Nations Framework Convention on Climate Change, the representatives of the Association of Estonian Cities, NGO Teeme Ära, and the representatives from partner organisations OECD and the University of East Anglia have also participated as members of the Estonian delegation.~~
- 5) ~~The steering group for preparing and conducting the Gulf of Finland Year 2014, which was organised in collaboration of Estonia, Finland and Russia, included the representatives of the Association of Estonian Cities, Association of Local Self Governments, Estonian Fund for Nature, and Estonian Maritime Academy of Tallinn University of Technology;~~
- 3) The researchers of the Estonian Marine Institute of the University of Tartu and the representatives of fishermen's organisations participate in the work of the Estonian-Russian Joint Commission on Fishery;
- 4) at the 2018 COP24 meeting of the parties to the UN Framework Convention on Climate Change and at the 2019 COP25 in 2019, members of non-governmental organisations (including a representative of the Youth Environment Council) were included in the Estonian delegation;
- 5) stakeholders (e.g. businesses) were involved in the UNEA-4 meeting;
- 6) UNESCO conferences in support of sustainable development, UN sustainable development events.;

The representatives of NGOs have also been included in several international organisations and networks such as TRINET, BaltCoast, EUROBATS, Copa-Cocega, ECOSOC etc. that improve their speaking rights. Estonian Society for Nature Conservation (ELKS in Estonian) has participated in many international conferences, seminars and workshops, mainly in the framework and at the expense of EEB membership and other international NGOs. Estonian Ornithological Society, Estonian Fund for Nature, Estonian Environmental Law Centre, and Estonian Green Movement participate at many international conferences, seminars, and workshops within the framework of several international networks (BirdLife, WWF and CEEWEB, Justice&Environment, Friends of Earth).

For the involvement of parties and interest groups in the international processes of sustainable development, for feedback and distribution of information, Estonian Commission of Sustainable Development is used (<https://www.riigikantselei.ee/et/saastva-arengu-komisjon>~~http://valitsus.ee/et/riigikantselei/saastev-areng/saastva-arengu-komisjon~~), which connects different NGO umbrella organisations. Commission work is coordinated by the Strategy Unit of the State Chancellery.

(e) The prohibition established in article 3, paragraph 8, in regard to penalizing, persecuting or harassing persons exercising their rights is first of all contained in section 12 of the Constitution, according to which no one shall be discriminated against on the basis of nationality, race, colour, sex, language, origin, religion, political or other opinion, property or social status, or on other

grounds. The Penal Code of Estonia establishes that as fit for a State based on the rule of law, no one shall be convicted or punished for an act which was not an offence pursuant to the law applicable at the time of the commission and that a person shall be punished for an act if it comprises the necessary elements of an offence, is unlawful and the person is guilty of the commission of the offence. Pursuant to the responses received from the NGOs in 2020~~16~~, the prohibition to penalize, persecute or harass persons exercising their rights have not generally been violated in Estonia. However, one NGO pointed out that the project “The Future of Local Forests – Informed Actors and Better Decisions” included cases where local communities wishing to influence environmental decisions and participate in processes were obstructed by local governments and treated with exclusion or disrespect.

IV Obstacles encountered in the implementation of article 3

The NGOs still consider that involvement could be more systematic and extensive. NGOs are interested in participation in international cooperation and want to be included in delegations as the fully-fledged members, but the prerequisite for that is covering of the costs incurred by the State, as NGOs mainly lack own funds. NGOs also consider that the public should be more engaged in the forging of national viewpoints already during the early stages and more substantive manner. ~~In 2016, one NGO emphasised in their response that, although environmental associations are involved in decision-making bodies, it is often the case that a representative of only one organisation is selected, while the number of interested organisations might be higher, and this can be considered as a problem. Exchange of information between different environmental associations may be inconsistent and involving only the representatives of umbrella organisations in different bodies is therefore insufficient.~~

~~In 2016, Estonian Council of Environmental NGOs (EKO) pointed out that it considers the support received for its activities each year from the state budget as a positive factor. Yet, the amount of support has remained the since 2010, although the cost of living as well as the number of the Council members has risen in the meantime. According to the Estonian Council of Environmental NGOs, the procedure of financing the activities of environmental organisations lacks common rules and transparent decision-making. The activities are primarily supported through the financing provided by the Environmental Investment Centre, but this is meant for specific purposes and for realising specific projects, not for supporting the capability of associations.~~

In 2016, one NGO highlighted the problem that there is no development plan of environmental education in the form of a strategic source document and the amounts invested into environmental education are not agreed upon in many respects. ~~The NGO admitted that at the environmental education conference in 2016 the Ministry of Education and Research and the Ministry of the Environment promised that the development plan would be prepared.~~ On 31 March 2017, the Ministry of the Environment and the Ministry of Education and Research signed a Joint Action Memorandum. Its operational programme “Environmental Education and Awareness Action Plan 2019–2022” was adopted in October 2018. The latter provides guidelines for both existing and new activities, from quality assessments of environmental education, cooperation with schools and local authorities, to campaigns. The action plan states, inter alia, that environmental awareness can only be increased through reliable, up-to-date, and clearly presented environmental information and environmentally conscious choices. Those responsible for the activities have been appointed, and possible funding has been determined.

~~In the process of updating the 2016 report, the representative of the office of the Chancellor of Justice pointed out that in the past few years, there have been some cases where the disagreement between parties about each other's viewpoints and communication (e.g. in social media) has led to filing a civil claim or warning for filing a claim for refutation of (false) information or compensation for damage. The developers have found that the planned project is described incorrectly; the persons who have presented the viewpoints unacceptable for the developers have pointed out that the plans of developers have been confusing or they have not been given sufficient information about the plans. As courts have not been able to take a stand in these issues (one dispute resulted in a compromise, other disputes have not reached the court), a representative of the Chancellor of Justice deems it impossible to say whether the parties to the proceeding submitted false information on the project and, if that was the case, the claim of the developer for refutation of false information is understandable.~~

V Further information on the practical application of article 3

Starting from 2007 Estonian Environmental Law Center, a non-governmental non-profit organisation, is operating in Estonia with the aim to promote the development of environmental law and application thereof.

EELC webpage (www.k6k.ee) explains in detail the content of various issues of environmental law and legal regulation and links have been provided to respective international, EU and Estonian legislation and other appropriate materials (e.g. analyses regarding application of legislation), and also the content of the rights arising from Aarhus Convention and the opportunities for the use thereof are explained in detail.

The activities of EELC ~~in 2013–2016~~ in assisting and counselling the public in participating in the decision making process of environmental issues and in addressing the Court in these matters are as follows:

- 1) EELC has developed guidelines (www.k6k.ee/oskaosaleda) for participating in the procedures of plans and environmental permits. ~~The guidelines were published in 2013; within the 2014–15 project, we supplemented the guidelines and introduced to local communities at information days (15 information days all over Estonia).~~
- 2) Under the coordination of EELC, a team of environmental specialists compiled comments on the General Part of the Environmental Code Act (<http://www.k6k.ee/keskkonnaseadustik>), which introduced thoroughly the provisions and court practice of environmental law. As the Act also transposes the main provisions of the Aarhus Convention, it is a substantial evidence of the field.
- 3) EELC has provided legal aid or legal assistance for low price to non-governmental organisation and individuals for participating in different procedures of plans and environmental protection permits.
- 4) EELC issues a monthly newsletter on environmental law which reflects relevant developments in the field of environmental law and has readers among the representatives of the public, state and local governments, as well as companies.
- 5) EELC has organised various trainings and information days for the representatives of the public and officials on the subject of environmental law, incl. involvement in making environmental decisions.

VI Website addresses relevant to the implementation of article 3

Starting from 2000, the Network of Estonian Non-profit Organisations has arranged assessment of the sustainability of Estonian associations based on the index of United States Agency for International Development (USAID) that is based on seven dimensions: legal environment, organisational capacity, financial viability, guardianship and embracery of politics, service provision, infrastructure and public image. As similar assessments are made in all Central and Eastern European countries, the results allow us to become acquainted with the situation of the associations in other countries and to compare them with the Estonian situation. Estonia is well-developed; the characterising keywords are co-operation, sound legislative environment, strong infrastructure and positive media coverage. Organisational capability and financial capability need developing.

The survey results are available on the website of Network of Estonian Non-profit Organisations: (<http://www.ngo.ee/index>, http://transition.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/, <https://heakodanik.ee/uuringud-analuusid-koolitood/>)

VII Legislative, regulatory and other measures implementing the provisions on access to environmental information in article 4

The terms set out in **article 2** have been partly defined in national legislation. The term “public authority” is defined in § 8 (1) of the Administrative Procedure Act as “any agency, body or official, which is authorized to perform public administration duties by an Act, a regulation issued on the basis of an Act or a contract under public law”.

§ 3 (1) of the Public Information Act defines “public information” as information which is recorded and documented in any manner and on any medium and which is obtained or created upon performance of public duties provided by law or legislation issued on the basis thereof. Thus, the definition of “public information” also includes “environmental information”.

On 16 February 2011, Riigikogu adopted the General Part of Environment Code Act, the aim of which is to codify the environmental law, liquidate the overregulation and create systematised and harmonised concept of environmental law. Inter alia, the objectives of the act are to ensure everyone the environment suitable for one’s health welfare needs; to ensure awareness of environmental issues, including awareness of environmental danger and measures of avoiding danger; to increase environmental awareness; to collect information for environmental decision-making processes; to legitimate the environmental decisions with wide margin of discretion; to ensure the participation of persons in important decision-making processes affecting the environment; to allow persons to protect themselves effectively from negative environmental impacts; to provide persons comprehensive usage of the environment, ensuring the protection of landowners and public interests. The Act entered into force at the enforcement of the General Part of Environmental Code Act on 1 August 2014.

Section 24 of the General Part of Environmental Code Act defines environmental information as information in written, visual, hearable, electronical or any other material form, which concerns: 1) environmental elements, such as air, atmosphere, water, soil, ground, landscapes and natural

areas, including the state of wetlands, coast and sea areas, natural diversity and parts of nature, including the state of genetically modified organisms (GMOs) and their mutual effect;

2) factors, such as substances, energy, noise, flashing light, vibration, radiation or waste, which affect or probably will affect the environmental elements mentioned in clause 1 of this subsection;

3) measures, including administrative measures, such as legislation, plans, programmes, plans, environmental agreements and actions, which affect or probably will affect the environmental elements and factors mentioned in clauses 1 and 2 of this subsection, and also the measures or actions proposed for protection of these environmental elements;

4) reports regarding implementation of environmental legislation;

5) analyses of revenue and expenditure and other economic analyses and estimates, that are used in the framework of measures and actions mentioned in clause 3 of this subsection;

6) health and safety of people, including pollution of drinking water and food chain, and the living conditions of people and the situation of cultural heritage and buildings in a way, that they are affected or may be affected by the state of the environmental elements mentioned in clause 1 of this subsection or through these elements any factors, measures or actions mentioned in clauses 2 and 3 of this subsection.

The terms “the public” and “the public concerned” have not been directly defined, but they are, however, used in various environmental legal acts as general terms. The General Part of Environment Code Act uses the term “public”.

Access to environmental information is guaranteed under the Public Information Act. Sections 9 and 10 of the Act require that holders of information are obliged to grant access to information in their possession. The persons making requests for information do not have to justify their interest or the request for information. The grounds for refusal are exhaustively listed in the Act. Requests are refused, inter alia, if the information requested is intended for the internal use of the public authority. Such use includes information on national defence, international relations, industrial solutions, intellectual property rights, inquiries and court proceedings, and sensitive and private personal data.

Pursuant to section 24 of the General Part of Environmental Code Act, everyone has the right to ask for environmental information by submitting a request for explanation based on the Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act or a request for information on the basis of the Public Information Act or on the basis of other act. A person making a request does not have to publish neither the aim of requesting environmental information nor to justify the request for information in any other way. At the request of the person making the request, the holder of information shall explain the methods of collecting data and allow access to the information regarding sampling and analyse of methods.

A request for information shall be complied with promptly, but not later than within five working days. If the request cannot be met within this deadline, the person who made the request shall be notified. The deadline can be extended to a maximum of 15 working days.

Public institutions, local governments and their officials are obliged to register requests for information, memoranda and requests for explanations addressed to them on the basis of the Public Information Act and the Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act. Memoranda and requests for clarification must be complied with in writing within one month since receiving of the memoranda or request for clarification. If additional research is needed, this deadline may be extended to two months.

Pursuant to section 25 of the Public Information Act, generally a holder of information shall cover the expenses relating to compliance with requests for information. A person making a request for information shall pay up to 0,19 euros per page for printouts and copies on paper starting from the twenty-first page, unless a state fee for the release of information is prescribed by law.

VIII Obstacles encountered in the implementation of article 4

~~In 2016, one NGO pointed out that documents including personal names and addresses are continuously declared as for internal use only in document registers of institutions. This means that a restriction on access has been placed upon positions presented in various planning procedures or procedures for environmental permits (and assessment of environmental impact). The NGO considers it more reasonable to cover the personal data in the documents, but the rest of the information used in the procedure should remain public. In 2020, one NGO pointed out a case where an explanation of why information was needed was requested in connection with a request for information. However, it is not known that the disclosure of the information was refused.~~

In 2020, one NGO highlighted a case where the Ministry of the Environment did not respond to a request for information on the grounds that the requested analysis had not been completed or formally approved. In this case, the Data Protection Inspectorate considered the refusal to disclose the analysis to be lawful. When the analysis was approved, it was published on the website of the Ministry of the Environment.

IX Further information on the practical application of article 4

Environmental information in Estonia is held mainly by the Ministry of the Environment, the Environmental Board and. Estonian Environment Agency (EEIC), (KAUR in Estonian) and the Land Board; to a certain extent, requests for information are sent also to other state and local government authorities.

As a rule, there have been no problems with the term for complying with requests for information. In some cases, still problems have occurred with responding within the prescribed term. One of the reasons of delay in answering is often the further need to process initial information (the information does not exist in requested form), but also requests that are too general or unclear. Very many requests are sent in by students and schoolchildren and students.

State authorities that have sent their inputs to the report of 20~~2016~~ have declared that they usually follow the regulation on responding to requests for information, although in the case of very many requests some of them are answered with a delay ~~and a few left unanswered~~. In some cases, a prolongation of the deadline has been asked for. In general, answering to requests for information has become an everyday task and is well rooted. The average response time to a request has become shorter: the cases when an answer to the request for information is received within a couple of days are frequent. On the basis of answers submitted in 20~~2016~~, there are no reported cases about requests being rejected without a legal basis. The submission of requests and answering thereto has been also made less complicated by the development of electronic document management in agencies. NGOs have reported that they are using requests for information rather as an exception, because generally the environmental information is available in public databases administrated by relevant authorities on the basis of Public Information Act, if necessary also directly from the

officials. According to the responses submitted in 202016, there is one case where a request for information submitted by the Ministry of the Environment did not receive a response.

During the reporting period, there was one case where the State Forest Management Centre did not respond to a request for information within the time limit, and the requester submitted a challenge to the Data Protection Inspectorate. The Data Protection Inspectorate obliged the information holder to substantially review the request for information and to issue the information to the information requester in the form in which the information can be extracted and issued from the application. The Data Protection Inspectorate also asked the State Forest Management Centre to fulfil its obligation to clarify and assist information seekers in the future. In order to solve the problem, the map application (<https://rmk.ee/metsatoode-kaart>) has been published on the website of the State Forest Management Centre, which reflects all areas for which an agreement has been reached with local communities regarding the designation of an area of increased public interest and the corresponding activities agreed.

Pursuant to the responses to the questionnaire distributed for the preparation of the 202016 report, a fee was charged on a couple of occasions during the reporting period for the printing of paper copies at the rate provided by law. there were no cases where a fee was charged for the performance of a request for information. Charging a fee is allowed for such requests for information in the case of extracts of registers or other information, where the obligation for payment arises from law (e.g. in the case of an issue of a plan of a cadastral unit approved by the cadastral registrar or a cadastral report).

The EEA pointed out from the 2016 input that the number of requests for nature-related information is tens of times smaller than before. Formerly, notary offices asked for information about nature conservation restrictions from the EEA in the form of an information request for each real estate transaction. They received 10 000–13 000 requests for information in a year, which was very heavy work load. After the Land Board implemented the e-Notary system, the number of nature-related requests decreased to couple of hundred per year, as now notaries can see the nature conservation restrictions established on a land unit themselves from the e-Notary.

X Website addresses relevant to the implementation of article 4

XI Legislative, regulatory and other measures implementing the provisions on the collection and dissemination of environmental information in article 5

The general disclosure of information is addressed in the Public Information Act, which pursuant to the sections 28 and 29 is to be published on the website of the holder of information, and, if necessary, in public broadcasting or printed press, local government institution or public library, official publication or in any other manner prescribed by legal acts related to the duties of the holder of information:

- Information on life-threatening dangers, or risks to health and property of persons;
- Information concerning the state of the environment, environmental damage and hazardous environmental impacts;
- Other information and documents that must be disclosed under an international agreement, Act or legislation passed on the basis thereof, or which the holder of information deems necessary to disclose.

Legal acts, international agreements, reasoned rulings of the Supreme Court, announcements and other documents of the Republic of Estonia are published in accordance with the State Gazette Act in the official publication Riigi Teataja (State Gazette). The term of enforcement of the acts, decisions etc. published and requiring enforcement is in most cases linked to publication in Riigi Teataja (a law enters into force on the tenth day pursuant to section 108 of the Constitution and a regulation of the Government of the Republic or a minister enters into force on the third day after publication in Riigi Teataja pursuant to subsection 2 of section 93 of the Administrative Procedure Act).

Pursuant to subsection 4¹ of section 12 of the Public Information Act access to electronic documents registered in the document register and contained in the document management system of the agency, access to which is not restricted, shall be granted through the document register starting from 1 January 2009 by the government agencies. This means that the document register must provide an opportunity to examine the documents. The document register must also be equipped with the search engine providing an opportunity to seek for documents through various details. The registrars of document registers shall grant access to the document registers, shall create indexes and instructions in order to facilitate the finding of documents and enable finding of documents by a global search through a computer search system from metadata or public view of the register. The holder of information shall register all created and received documents while performing its tasks. The form of creation, receipt or sending of the document or the information carrier cannot serve as a basis for denying registration of the document. Documents received by the agency and documents released by the agency shall be registered not later than on the working day following the day on which the documents are received or released; legislation prepared and signed in the agency, on the date of signature thereof or the working day after such date and contracts entered into on the day after the date of signature thereof.

The requirements for the document register are established in § 12.

Pursuant to section 25 of the General Part of Environment Code Act, upon emergence of an environmental risk as well as upon emergence of sufficient likelihood of occurrence of a significant adverse impact on the environment by natural factors, everyone who might be affected by the significant adverse impact arising from the realisation of the risk must immediately be informed by providing them with information that allows for taking measures that prevent or reduce the impact. The information shall be forwarded via broadcasting, printed media or the Internet or in another appropriate manner that effectively ensures the receipt of the information by the potentially affected persons and will not result in unreasonable costs. When the holder of the information is legally in a position to refuse from issuing environmental information, the person is obliged to consider every time whether the interest served by the refusal will outweigh the potential public interest associated with the disclosure of environmental information.

Pursuant to section 26 of the General Part of Environment Code Act, the administrative body collects and maintains the environmental information necessary for completing its duties in a way, that ensures its comprehensibility, accuracy, comparability and relevance and allows an effective disclosure of that. Environmental information shall be disclosed in Internet or other relevant manner, that will ensure the effective awareness of public. The disclosed environmental information covers at least the following information:

- 1) reports regarding the implementation of international agreements, European Union and national legislation related to environment;

- 2) reports of the programmes and plans, including development plans related to environment and strategies of relevant field and the implementation of them;
- 3) data of environment monitoring;
- 4) reports related to the environmental state;
- 5) environmental permits and other administrative acts, which provide basis for action with significant environmental impact, and environmental administrative arrangements and free will agreements;
- 6) assessment reports of environmental impact, strategic assessment reports of environmental impact, and environmental risk assessments.

Pursuant to section 27 of the General Part of Environment Code Act the administrative body shall disclose on its website:

- 1) explanatory conclusion about its environmental duties;
- 2) explanatory conclusion about the environmental information in its possession;
- 3) references to websites of other relevant administrative bodies;
- 4) explanation about the right to ask environmental information;
- 5) explanation, how the access to information is provided.

The collection, processing, storing and disclosing of environmental information are addressed in practically all national environmental acts (Environmental Register Act, Environmental Impact Assessment and Environmental Auditing Act, Environmental Monitoring Act, Industrial Emissions Act, Planning Act, Water Act, Forest Act, Earth's Crust Act, the Release of Genetically Modified Organisms into the Environment Act, Waste Act, Chemicals Act, Radiation Act and Nature Protection Act). On the basis of these, environmental information is divided between over 40 different data sets.

In order to consolidate, link and simplify public access to the environmental information, the Environmental Register (<http://register.keskkonnainfo.ee/>) was established; the EEIC is the authorised processor of the register, regarding the list of mineral deposits the Land Board. Beside that all are entitled to submit a written request in order to receive public data from the Environmental Register free of charge (§ 43 (1) and (2) of the Environmental Register Act). By way of an exception public access to environmental data is denied in case disclosure could result in danger to public safety environmental damage or inadmissible disturbance to protected species in their permanent habitats, the data is not final and, as such, does not enable a correct evaluation of the situation to be made or the disclosure of the data may infringe intellectual property rights.

In 2021, a draft act is being processed, the aim of which is to update the procedure for handling environmental information in state databases. The draft act repeals the Environmental Register Act. The new procedure corresponds to how environmental information has actually been collected, incl. defines information systems hitherto referred to as subsystems of the environmental register as independent databases. Most of the existing lists/data of the environmental register are currently and have been consolidated in the Estonian Nature Information System in the draft act. In the meantime, separate databases or information technology-independent information systems have been created for several datasets that have previously been considered to be listed in the environmental register. The draft act is intended to provide for the obligation to create a single information technology access point (web environment) for accessing and interfacing databases containing environmental information.

Information regarding nature conservation (protected natural objects, protected species and introduced species, hunting districts, key biotopes, game trophies, international areas, eligible areas etc.) is assembled, checked and entered by Estonian Environment Agency to Estonian Nature Information System (EELIS, <https://eelis.ee/available-at-the-address-http://loodus.keskkonnainfo.ee/>). EELIS includes also information regarding these natural values that are not included in the environmental register, such as data of the Estonian book of ancient natural objects and objects of heritage culture. Through EELIS, the data reaches the public service of Environmental Register, the service of the Land Board, State Forest Management Centre and other clients.

The Environmental Board issues geological exploration permits, geological investigation permits, waste permits, integrated environmental permits, ambient air pollution permits, special use of water permits, [environmental](#) mineral extraction permits etc. All environmental ~~protection~~ permits shall be accessible to the public [in the environmental decision information system KOTKAS \(kotkas.envir.ee\)](#), ~~in e-services portal of the Environmental Board (https://eteenus.keskkonnaamet.ee/)~~. E-services portal of environmental services is the customer portal of Environmental Board, which allows customers to use various electronical services provided by the Environmental Board. Issue and amending of permits shall be reflected generally real-time.

~~An~~ ~~The~~ integrated autonomous [information](#) system of environmental decisions, KOTKAS, ~~is under development. (https://kotkas.envir.ee/).~~ ~~KOTKAS~~ is an online document management system which aims to ensure a single procedure for environmental permits by enabling access to and assessment of the environmental use applicable based on the valid environmental permits. [As at 2020, an integrated environmental permits are issued and managed through KOTKAS; it is also used for issuing and managing radiation practice licences, declaring an environmental fee in the field of waste, water use, and ambient air, issuing and managing environmental permits, submitting and verifying annual reports on environmental use, as well as declaring an environmental fee in the field of the earth's crust, and applying for a geological exploration permit. After KOTKAS will be implemented in 2017, it will be possible to submit applications for new integrated environmental permits via the KOTKAS information system. In addition, all current valid integrated environmental permits will be entered into the KOTKAS information system. The enterprises holding integrated environmental permits will be able to declare environmental charges and report the performance of the obligations relating to the permit.](#)

Pursuant to the bylaws of EEIC, one of the main tasks of the Agency is the collecting, processing and analysing environmental information in Estonia and the factors affecting it, and preparing environmental assessments, administrating relevant databases, communication of environmental information to public network in order to ensure protection of security and health of the Estonian population. The environmental information compiled on the basis of the data collected by EEIC is made available to the public mainly on the web page of EEIC (www.keskkonnaagentuur.ee), through the Environmental Register and the public service of the forest register. The collection and processing of data in EEIC generally takes place in close cooperation with the Environmental Board, Ministry of the Environment, Statistics Estonia and other partners, incl. NGOs. The procedure and time intervals for forwarding information are mainly established in laws, international obligations or agreements between agencies. Both general information regarding environmental situation in Estonia (based on environmental indicators) and biodiversity as well as specific data through the public service of Environmental Register and Forest Register. [In order to raise public awareness there has been established a new website, intended to provide information to a wider target group <http://seire.keskkonnainfo.ee/>. The state environmental monitoring data has](#)

been made available through the environmental monitoring data collection and disclosure information system KESE, which is located here: <https://kese.envir.ee/kese/>.

EEA collects data on the spread and status of biota, nature protection objects, production and management of waste, ambient air pollution, water use, forest resources, hydrological and meteorological events, and monitoring results. Collection and transfer of information varies across areas: hydro-meteorological data are available in real time in the database, some other data are collected quarterly, and the third data, once a year. For example, some of the data about nature and nature conservation are collected to EELIS on an ongoing basis, but others at certain intervals. The Nature Observation Database, which is related to the EELIS database, also receives information on an ongoing basis (observations are entered at the point of observation via a smart application) – data are entered by citizens (principle of the CitizenScience). EEA has been established, according to its statutes, for collecting, processing, analysing and storing environmental information. EEA includes a great extent of Estonia's environmental information.

EELIS is one of the systems interlinking to the environmental register and it is meant for managing the environmental registry records on nature conservation, bodies of water, and monitoring data. Each week, the data of the environmental registry that are stored in EELIS are sent to the public environmental registry service, where the registry data is available to everyone. Once a week, an automatic data transfer takes place from the EELIS to the restrictions system of the Land Board and to the database of the State Forest Management Centre. Once a month, map layers related to EELIS are sent to contractual customers. There are also the contractual customers who have the right to use the EELIS program (desktop program EELIS for using the database).

However, the current EELIS is technologically outdated. Therefore, the Ministry of the Environment, together with the Environmental Agency, the Environmental Board, and the Information Technology Centre of the Ministry of the Environment, has started the development of the new Estonian Nature Information System (EELIS). The project will run for three years (2020–2023) and aims to provide high-quality nature data that is more accessible to the public. The EELIS development project makes a great contribution to the Environmental Portal being created. The Environmental Portal replaces the current Environmental Register. In addition, the website loodusveeb.ee is being developed, which is a platform for covering biodiversity issues (available to the public from 2021).

EEIC comprises and publishes regular publications both electronically and on paper. These include “Environmental review”, a summary based on environmental indicators, annual monitoring publication “Environmental monitoring”, yearbook “Forest”, yearbook “Estonian forests” concerning national forest resources and sectoral reviews.

Besides analyses of the collected data and publication of the results through printed matter, web page and other channels EEIC compiles and forwards a lot of reports regarding environmental sector to the European Environment Agency, European Commission, OECD, secretariats of international conventions and other organisations. As a rule, Estonian public has access to the reports through the EEIC web page.

Once in four years the consolidated report of the programmes of environmental monitoring is disclosed.

In 2003, Estonia, together with other countries, signed the Protocol on Pollutant Release and Transfer Registers (PRTRs), which should be ratified either in 2005 or 2006. The protocol was accepted by Estonia in August 2007.

Information concerning factors that may be hazardous to human health or the environment must be disclosed immediately. Such provisions are included in the Environmental Register Act, the Environmental Monitoring Act, the ~~Atmospheric Ambient~~ Air Protection Act, and the Release of Genetically Modified Organisms into the Environment Act.

Constant monitoring of the environmental condition and the aspects having an impact thereon is regulated by the Environmental Monitoring Act. Pursuant to § 8 (1) of the Environmental Monitoring Act data from environmental monitoring shall be accessed, released and published pursuant to the procedure provided for in the Environmental Register Act. Pursuant to § 42 of the Environmental Register Act the data of the environmental monitoring performed on the basis of a monitoring programme of the national and local governments and in the amount determined by the natural resources exploitation or pollution permit are published on the web page of the national programme of environmental monitoring (<http://seire.keskkonnainfo.ee/>) and in the amount determined by the Minister of the Environment in the form of general periodical publications.

Since 2013, the Health Board implements Water Health Information system (VTI in Estonian), which currently includes data of drinking water, bathing water, swimming pools water, bottled water and mineral water. Data is available on the homepage of the Health Board (http://vtiav.sm.ee/index.php/?active_tab_id=JV,
http://vtiav.sm.ee/index.php/?active_tab_id=SV_____ and
http://vtiav.sm.ee/index.php/?active_tab_id=U).

Access to information regarding goods and services offered on the commodities market is regulated primarily under the Consumer Protection Act. Product safety and the related provision of information to consumers is regulated under the Product Safety Act. Pursuant to section 3 of the Consumer Protection Act, obtaining necessary and truthful information on the goods and services offered in order to make an informed choice is one of the fundamental rights of consumers (clause 2). A consumer has the right to obtain necessary information on safety, protection of health, property and economic interests related to goods or services offered.

Disclosure of data is regulated by specific laws or EU regulations, e.g. REACH (EC) No 1907/2006 and Regulation concerning the making available on the market and use of biocidal products (EU) No 528/2012.

The Environmental Management System Act establishes in accordance with Regulation (EEC) No. 1221/2009 allowing voluntary participation by organisations in a European Community eco-management and audit scheme (EMAS) the rights and obligations of respective institutions in Estonia. ~~In accordance with its section 50, the Ministry of the Environment must prepare a strategy and plan of activities for promoting environmental management and auditing systems for promoting the European Unions environmental management and auditing system and for organizing the necessary information campaigns and training. The strategy is approved by the Government of the Republic.~~ The same act also establishes the national provisions detailing the application of the voluntary eco-label of the European Union. Regulation (EC) No. 66/2010 of the European Parliament and of the Council on EU eco-label award scheme which is directly applicable also in Estonia, establishes in article 12 the obligation of the Member States and the European Commission to promote the use of eco-label by performing information campaigns for consumers, producers, merchants, distributors and the public.

The Ministry of the Environment has since the end of the 1990s concluded several free-will agreements with enterprises, whose activities have a significant impact on the environment (available to the public on the website of the Ministry of the Environment), with the aim of mutual cooperation to improve environmental conditions. This cooperation consists the Ministry providing information on future changes in environment-related legal acts and involving representatives of the enterprises in the development of legal acts, and the enterprises assuming additional obligations that are not directly mandatory under the applicable law but considerably improve environmental conditions, such as the implementation of International Standardization Organisation (ISO) 14001-compliant environmental management systems, informing the public of their activities influencing the environment and carrying out additional scientific research. Such agreements have been concluded with the Estonian Association of Mining Enterprises, Estonian Association of Environmental Management, Association of Fishermen of the Lake Peipus, Association of Fishermen of the Sub-basin of the Lake Peipus, Federation of the Estonian Chemical Industry, Estonian Forest and Wood Industries Association, Estonian Water Works Association, Estonian Traders Association, Non-profit organisation KEEL, OÜ Eesti Pandipakend AS Nordic Kunda Tsement, ~~and OÜ Kumari-Reisid, and SA Things-~~

XII Obstacles encountered in the implementation of article 5

According to the responses submitted in 20~~2016~~, there are no indications of obstacles to the implementation of Article 5 of the Convention.

XIII Further information on the practical application of the provisions of article 5

Relevant publications providing substantial and statistical information on the county are issued by some counties. Several booklets have been prepared on various environmental issues.

Local government authorities operate registers and databases with information regarding their own territories. Also NGOs and profit organisations collect and disseminate information related to their activities regarding environment. State authorities collect and disseminate environmental information according to requirements set out in legal acts and keep and develop relevant databases. More and more environmental information is available through the Internet, printed publications are prepared for specific target groups. Tartu Environmental Education Centre has set a target to collect and store a copy of all materials regarding environment printed in Estonia, creating relevant information base and sharing best practices with the public.-

Since 2021, the Environmental Board and the Environmental Inspectorate have been merged into one agency which is called the Environmental Board. The Environmental ~~Inspectorate Board~~ has prepared the yearbooks reflecting the organisation, exercise and results of environmental supervision in the form of printed matter, these are also available at the web page of the Inspectorate at (www.kikeskonnaamet.ee). The yearbooks contain information regarding environmental situation and changes thereto (mainly in the form of general estimations). The printed issue is distributed to other agencies and NGOs free of charge. The website of the Environmental Board also contains the results of analyses ordered in the course of environmental monitoring; for example, in case of odour problems, detailed studies have been ordered to map the area's emission sources and plan to improve the situation. In such problem areas, co-operation between the state and local governments and interested local people is carried out and the public

~~is informed about them. The results of analyses ordered by KKI within the process of environmental supervision are also available from the web page of KKI.~~

The bureau of fuel quality of OÜ Eesti Keskkonnauuringute Keskus (Estonian Environmental Research Centre) prepares and submits annual reports to the Ministry of the Environment regarding the quality of fuels for forwarding to the European Commission. The reports and results of the monitoring of fuel quality are publicly available on the Internet through the ~~f~~Fuel monitoring data-base (<https://kytus.keskkonnainfoenvir.ee/>) of the ~~Environment Agency Environmental Information Centre~~ where data are entered by the OÜ Eesti Keskkonnauuringute Keskus, Tax and Customs Board and other institutions.

Air quality management system of Estonia (<http://airviro.klab.ee/>) collects data and measuring results from continuous monitoring stations making them also accessible for the public on the web portal www.ohuseire.ee. Colour coding makes it easier to understand the relevant indicators so that the data is understandable to everyone.

The public is very interested in the topic of odour nuisances. Plans to reduce odoriferous substances have been prepared in problem areas, which can be seen together with the reports here: <https://www.keskkonnaamet.ee/et/lohn>.

In order to improve availability of environmental information a relevant regulation INSPIRE has been prepared, in the framework of which a complete databases of spatial data is being formed. Interoperability of different databases ensures an opportunity to get complete information about specific areas. The public can access information on the existing spatial data and services at the geoportal of the Land Board (<http://geoportaal.maaamet.ee/>). Map applications allow examining and making inquiries from different thematic layers (e.g. cadastral units, roads, soil map, geology, deposits, cultural monuments etc.) that, inter alia, help to improve public awareness of the environmental condition and sites of interesting natural objects. Geoportal discloses meta data of all data collected and services offered by the Land Board, but also the total balance of mineral reserves and the reports pertaining to INSPIRE Directive. The aim is to improve also availability to spatial data of other authorities and increase their interoperability.

XIV Website addresses relevant to the implementation of article 5

XV Legislative, regulatory and other measures implementing the provisions on public participation in decisions on specific activities in article 6

The specific activities provided for in article 6 of the Convention have been regulated in national legislation through the issuing of authorizations and EIAs. The objective of EIAs is to provide information to the issuer of the authorisation on the planned activity and the environmental impact arising from its actual alternative opportunities, and for choosing the best suitable solution for the planned activity for avoiding or decreasing adverse effect on the environment and promoting sustainable development. The necessity of performing an EIA to the planned activity is determined in the process of issuing the authorisation. The Environmental Impact Assessment and Environmental Management System Act sets forth the activities for which it is necessary to initiate impact assessment, and the activities for which an ex ante assessment has to be performed to establish whether conducting an EIA process is necessary or not. The Act establishes thresholds for most of the activities; these thresholds determine when it is obligatory to perform EIA upon

crossing the limits and when it is necessary to consider the necessity of EIA, or perform an ex ante assessment of the possible impacts.

Authorizations upon the issuing of which environmental impacts are assessed are, inter alia:

- ~~b~~Building permits or permits for the use of construction works (procedure based on the Building Code);
- ~~i~~Integrated environmental permits (based on the Industrial Emissions Act) or environmental permits within the meaning of the General Part of the Environmental Code Act (permit for a special use of water – based on the Water Act; ambient air pollution permit – based on the Atmospheric Ambient Air Protection Act; waste permit and hazardous waste handling licence – based on the Waste Act; extraction permit – based on the Earth's Crust Act, or the radiation practice licence – based on the Radiation Act) or design specifications;
- ~~Permits for geological research and permits for general geological research (on the basis of the Earth's Crust Act);~~
- ~~a~~Any other document permitting to carry out activities that are likely to have a significant environmental impact.

According to section 3 of the Environmental Impact Assessment and Environmental Management System Act, an assessment of environmental impacts is mandatory if:

- upon application for or application for amendment of a development consent if the proposed activity which is the basis for application for or amendment of the development consent potentially results in significant environmental impact;
- the planned activity can result, based on objective information, either individually or in combination with other activities in a significant adverse impact on the protection objective of the Natura 2000 network area and is not directly related to the organisation of protection or is not directly necessary for it.

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

~~In August 2008 an amendment to § 16 of the~~In accordance with the Environmental Impact Assessment and Environmental Management Act~~, was enforced. Pursuant to this~~ notification of the public display and discussion of an ~~KMH (Environmental Impact Assessment)~~ programme and report must be made to *Ametlikud Teadaanded* (Official Announcements), ~~and~~ a newspaper, and in at least one public building or place of the site of the proposed activities (e.g. shop, library, school, bus stop). In addition, the relevant authorities, non-governmental organisations, and persons likely to be affected by the proposed activity must be informed in writing.

Upon the issuing of permits, the provisions on open proceedings provided for in the Administrative Procedure Act are applied. These open proceedings mean that, as a rule, public participation in the procedures have been foreseen and are obligatory.

Public participation in decisions on the intentional release of genetically modified organisms (GMOs) into the environment is regulated by the Release of Genetically Modified Organisms into

the Environment Act (adopted in April 2004). The Act determines that GMOs may be released into the environment only with the written authorisation of the Minister of the Environment. For this purpose, a relevant application is submitted to the Ministry of the Environment, and pursuant to section 10 of the Act the Ministry of the Environment notifies about open proceedings of issuing a permit and subsequent granting of permit in the official publication *Ametlikud Teadaanded* (Official Notice) and at least in one national newspaper within seven days from the receipt of the application and the issuing of the permit. Regarding release of genetically modified organisms (GMOs) into the environment and granting marketing permits open procedure provisions shall be applied.

Pursuant to section 28 of the General Part of the Environment Code Act, it is provided expressly that everyone has the right to participate in procedure of granting permit for activity with significant environmental impact and in planning an activity with significant environmental impact. In case of the decision-making procedure related to significant environmental impact, public shall be informed with efficiency that does not cause unreasonable expenses, but ensures that the information shall reach those persons, who have significant connection to the affected environment. Pursuant to the same section public has to be involved in decision-making processes of significant environmental impact effectively and in early phase, before the final solutions have been chosen. In case of public involvement the procedural time-limit must be such that having regard to scope and complexity of the case, it should allow public to participate effectively, including possibility for sufficient preparation time. Pursuant to section 28 the important materials regarding to a case must be easily accessible for public in Internet or in other manner.

The General Part of the Environment Code Act also regulates in detail the procedure of open proceeding regarding the review of environmental permit application.

XVI Obstacles encountered in the implementation of article 6

The public's proposals and objections are sometimes based on the emotional reaction that the activity should not be carried out in anyone's "back yard" may very well be caused by lack of knowledge. NGOs consider that the state should make efforts to educate the public concerned with regard to participation in the decision-making process. The objections and proposals prepared by NGOs are better worded and reasoned.

However, in this field the following problems were indicated:

- In case of environmental permits the information does not often reach affected persons – also the Estonian National (Supreme) Court has indicated that an administrative body has to guarantee efficient informing, even if this would require more intense measures than those foreseen by the law;
- Although the deadlines for public participation foreseen by the law are usually sufficient it may still not be enough in case of more complicated cases;
- Sometimes the participation of the public may be formal and does not take into account the internal objectives of the participation;
- NGOs claim that there have been cases where the public is not engaged in the decision-making process in a sufficiently early stage and the form of engagement is not efficient enough, which is rather the case at the level of local governments;
- In real life the content of notices is not always inspiring but rather technical and formal and therefore in case of newspaper announcements the appropriate persons may not become aware of the importance of the issue;

- Electronic means could be more applied for the engagement of the public in the future (besides already existing means). E. g. automated electronic message system would be suitable for more efficient notification. The system would allow for the registration of the participants and to notify what are the activities and/or locations of the activities they would like to receive information;
- Currently no efficient regulation exists that would require environmental impact assessment of logging. In addition, obligation for environmental impact assessment does not seem to work for building permits; in addition, the proceeding process of building permits does not include general involvement (the state register of construction works does not allow publishing notes of initiating or failure to initiate environmental impact assessments, although publishing of such information should be operated through the register of construction works).

~~In a response provided in 2016, one NGO pointed out that compared to 2013, involvement has gained greater appreciation in the society, which has also resulted in a somewhat more efficient and reasoned involvement in environmental issues. As substantial changes took place in the legal framework in 2015 (new Planning Act and Building Code entered into force, thorough amendments were introduced to the rules for environmental impact assessment), there might be some changes in the practice of involvement. Presumably, these will be primarily positive. At the same time, considering the Aarhus Convention, the provisions that establish a maximum deadline, thereat a very short one (up to ten days), for submitting the positions implemented in the processes of design criteria and building permits. One of the specific challenges continues to be scheduling engagement processes to holiday periods and setting rather short deadlines for them. Problems occur also in justifying the choice of considering or disregarding the opinions presented within the process of engagement.~~

~~One NGO emphasised in 2016 that it is often unclear in multi-stage decision-making processes which issues are decided in which decision-making process and by which institution, which decision-making processes are open for participation, and which decisions can be contested. In addition, the NGO considers the availability of data problematic, which may considerably hinder participation in the process. The NGO brought an example where the activities of the Ministry of Economic Affairs and Communications were not, in their opinion, in compliance with article 6 (6) of the Aarhus Convention and subsection 28 (5) of the General Part of the Environmental Code Act, which reflects this provision in the Estonian law. The NGO also pointed out that the quality of the EIS content is poor. For example, the Supreme Court has established an incorrect practice of state institutions in setting up wind generators in terms of assessing both the noise created by the generators and assessment of their impact on the nearby Natura areas. If the impact of certain activities are assessed as lower than the actual impact, it is difficult for the public to participate in the process of issuing permits to them.~~

XVII Further information on the practical application of the provisions of article 6

Regarding EIA and issuing permits, the disclosure requirements determined under the law have been performed. Environmental Impact Assessment and Environmental Management Act obligates notify in public of the decision to initiate or not initiate environmental impact assessments, disclose a programme or a report – through the official publication *Ametlikud Teadaanded* and newspapers, also the appropriate agencies and persons etc. must be notified in writing. The public display of the impact assessment programme (both the environmental impact assessment and the strategic evaluation of environmental impact) shall take place at least for 14 days, the public display of the report at least for 21 days, and in the case of a report of strategic assessment of environmental impact, at least for 21 days (excl. plans). In the Planning Act, which entered into force on 1 July 2015, the planning procedure and the strategic evaluation of environmental impact have been integrated into one single process. Pursuant to the Planning Act, the duration of the public display of the report on planning and strategic evaluation of environmental impact is at least 30 days. In general, these terms are reasonable, while often the large volume of documentation and the complicated nature of the planned activity is not taken into account while assessing environmental impact – regardless of the volume of the report a tendency is to set the limits according to the minimum term allowed by law. During the process of the assessment of the impact, all persons can examine the materials, submit proposals and objections regarding the programme and the report on the basis of which the programme and the report are improved, if possible. The persons submitting proposals must receive feedback on whether the proposals were taken into account or not. During the processing of the plans, the engagement of the public takes place already at the initiative stage of the plan and later at the stage of disclosing the plan.

In 202016, it is still found that involvement of the public and interested parties has remarkably improved and in general this can be considered as efficient and sufficient – it is possible to take part in the decision-making process for those who so wish. In the Ministry of the Environment participation in early phase has improved remarkably. More and more stakeholders are included already before completion of a draft document. However, often there is less interest for participation in early phases. Most of the information is available electronically, new initiatives are announced through the mass media and local advertisements and by ordinary mail. The deadlines are usually met, the participation is not limited and the results of participation (remarks, proposals) are taken into account.

XVIII Website addresses relevant to the implementation of article 6

XIX-XX Legislative and other measures implementing the public to participate during the preparation of politics, plans and programmes relating to the environment pursuant to article 7 of the Convention.

Section 31 of the new EIA and Environmental Management System Act defines the term of strategic planning document. Strategic planning document is a national, county, comprehensive or detailed plan, or a national or local government designated spatial plan within the meaning of the Planning Act, a development plan of an area within the meaning of the State Budget Act, and a plan, programme or strategy the requirement for which arises from the law or from other legislative act provided based on a provision delegating authority established in the law, and which shall be prepared or adopted by an administrative authority or which shall be prepared by an administrative

authority and adopted by the Riigikogu, the Government of the Republic or other administrative authority. Pursuant to the law, the open procedure provisions of the Administrative Procedure Act apply to public participation in the preparation of these documents. ~~On the basis of the applicable law, this has been done for instance in the strategic environmental assessment (SEA) of the “Sustainable Estonia 21” strategy, the Estonian National Development Plan for 2007–2013, and the revision of the Estonian environmental strategy. The public has also been involved in the preparation of the Rural Development Plan and the operational programme for EU Structural Funds for the period 2021–2027. Public participation was also organized in the preparation of the Forestry Development Plan.~~ The documents are accessible to the public for at least two weeks in the disclosure and SEA process, after which, an open meeting is organized for asking questions and expressing opinions; proposals are expected in writing. The large number of participants has sometimes been a problem, and at the same time the interests of the various interest groups are different and often contradictory, which has made taking the proposals into consideration very difficult.

The waste management plans of local governments prepared on the basis of the Waste Act are public documents, and a disclosure process must be completed upon the preparation thereof. The public is informed of the initiative and public display of the national waste management plan, as well as of the relevant public sessions, through notices published in the *Ametlikud Teadaanded*, on the Ministry’s homepage and in a national newspaper (county plans are not prepared any more). Practice has shown so far that people are very interested in this kind of disclosure process and take an active part in it. The opinions of the public differ – there are hasty and poorly considered conclusions but also constructive proposals are often made that can be taken into account while preparing the waste management plan. Generally speaking, public participation in the process has a positive effect and helps to reduce the occurrence of problems and errors at the later stages.

The public is informed of the submission of applications for a waste permit ~~–hazardous waste handling licence~~ issued on the basis of the Waste Act in ~~the~~ *Ametlikud Teadaanded*. The data contained in the notice such as the business name of the applicant, registry code and location, the planned location of Activity, short description of the location of activity and information regarding how and when the application for the waste permit and the draft waste permit can be examined and proposals and comments submitted. Depending on the planned activity, public interest in this process has generally been very passive.

Public participation in the preparation of plans is regulated by the Planning Act, pursuant to which different means of notification are established to different types of planning. The Ministry of Financeministry, other government agency, county governor or local government administering the preparation of the plan provide the main characteristics and time frame of the process. The completed plans are put on public display either in the local government or county centre.

Everyone has the right to present proposals and objections concerning a plan during the duration of public display. The local government or county governor administering the preparation of the plan must inform persons who have sent proposals and objections by post or electronic mail during the time the plan is on display of their opinion on such proposals and objections, and specify the time and place of the public discussion within two weeks from the end of the public display of the plan. On the basis of the outcome of the public display and discussion, the local government or county governor make the necessary amendments to the plan.

XXI Obstacles encountered in the implementation of article 7

~~NGOs have pointed out a problem that the deadline for disclosure of plans — two weeks — may be too short. The new Planning Act and the amendment to the Environmental Impact Assessment and Environmental Management System Act, which entered into force on 1 July 2015 and which change the period of public display, are expected to change that. The public display period for most plan types is 30 days; only the period of public display for detailed plans concerning comprehensive plans is 14 days (presuming that a strategic environmental impact assessment is not performed).~~ The responses received in 2020~~16~~ did not reflect the situations, where NGOs did not receive any feedback on proposals and objections submitted by them in respect of national and local strategies and action plans.

The impact of public participation is usually valued as positive, necessary and informative by both the public and authorities. However, often the limitation of resources may also limit the effect of public participation (in the case of voluminous documents, there is not enough capacity for adequate elaboration) and all proposals made in respect of documents cannot be taken into account (it is not possible in every case also due to conflicting interests, but often the participation pursuant to the responses received from the State authorities and taking into account the submitted proposals are considered as synonyms). Some shortcomings have been indicated in justifying rejected proposals. NGOs have also noted that the disclosure process is often formal, not substantial. Disclosure meets the requirements set out in law, but no efforts are made to ensure that the information reaches stakeholders. The notice regarding public discussion may be published in a national newspaper and the web page of the municipality, but in case these sources are not constantly followed, no information is received.

XXII Further information on the practical application of the provisions of article 7

~~By-As at 2020,16~~ the involvement of the public in the development of strategic documents has remarkably increased and the public participation phase is foreseen for all more important documents prepared by state and local authorities.

The legal basis of involvement is the regulation No 180 “Regulation for good legislative drafting and standard techniques” of the Government of the Republic of 22 December 2010; pursuant to § 1 (5) of this regulation, the involvement of interest groups and public in draft preparation intention, concept and draft act preparation and coordination shall be done on the basis of rules and regulations of the Government of the Republic in a manner of good practice. In the case of post assessment of act impacts, interest groups are involved in a manner of good practice.

Pursuant to § 4 (2) of the regulation No 10 from 13 January 2011 “Rules and regulations of the Government of the Republic” by the Government of the Republic relevant interest groups shall be involved in preparation of a draft or other matter accordingly to good practice of involvement, which shall be approved by the Government of the Republic. A good practice of involvement shall be published on the website of the Government of the Republic.

The Government of the Republic approved at the sitting of 29 December 2010 “Good practice of involvement” i.e. principles, which have to be followed by all authorities of public sector. The objective of good practice of involvement is to provide more clear instructions for involvement planning and arrangement and harmonise the involvement practice quality of governmental institutions. Further objective of involvement is to increase the transparency of decision-making

processes and increase the reliability of the governmental sector in relations with the public.

In the document, the instructions for notifying the interest groups and organising a public consulting are described. In relation to the latter, the ministry has to involve interest groups in the preparation of a decision, submit a draft for expressing their opinion and providing feedback regarding the consideration of collected opinions.

A good practice of involvement shall be implemented in course of policy initiatives preparation, which can be legislation draft preparation of Riigikogu, government and minister, also a development plan preparation, and other type of political initiative, in which consulting with NGOs is important despite of the fact whether the decision shall be made in the form of legal concept or not.

The basis for the preparation of good practice are the rules and regulations of the government and the action programme of the government. The requirement to involve interest groups in the preparation of a draft act stated in the development trends of legal policy until 2018 by Riigikogu has been taken into account. Once a year the Government Office submits a review to the government regarding the implementation of involvement good practice.

The State Forest Management Centre (hereinafter referred to as RMK) involves the public in the preparation of different plans, of which the most important one for RMK is definitely the RMK development plan. Involvement of the public in the preparation of User Management Plans for nature protection is considered a good practice. A good practice is the involvement of the public in the preparation of user management plans for nature preservation, in the preparation of long-term forest management plans of a forest district and in preparation of more important strategies e.g. strategy of logging in spring and summer and in the preparation of economic strategy of drainage systems.

~~In 2016, the Ministry of Economic Affairs and Communications pointed out the long-term development plan of the energy sector until 2030 as a good example of involvement. The influence of involvement is considered positive—the overview obtained in the current preparatory phase about the data and possibilities for conducting analyses available in Estonia for establishing a development plan of energy management is much better than before. A negative side of involvement is the fact that the process has become rather long (4 years since the commencement of developing the plan).~~

In the area of government of the Ministry of Interior environmental associations are involved into decision-making bodies through the Estonian Council of Environmental NGOs, ~~represented by the Estonian Ornithological Society~~. Under the management of the Minister of Interior, the joint committee of the implementation of activity plans of the Estonian Civil Society Development Concept and assessment of completion of the activity plans and improvement of state cooperation meets, consisting of the representatives of the Government of the Republic and citizen associations to which relevant representative belongs. Further information is available on the address <https://www.siseministeerium.ee/ekak>.

~~Among the documents developed by the Ministry of Rural Affairs, the main strategic document related to the environment has been “Estonian Rural Development Plan 2014–2020” (hereinafter referred to as ERDP). From 2004, the representatives of all related stakeholder groups—agricultural producers, environmental organisations (incl. the Association of Estonian Environmental Organisations), representatives of other undertakings and stakeholders—have been engaged in the preparation of ERDP. Besides, there have been such organisations related to environment among our partner organisations whose direct aim is not protection of environment as such but development of environmentally friendly agricultural production (Centre of Ecological Technologies, Cooperation Group of Organic Farming, Estonian Association of Organic Farmers, and Estonian Foundation of Organic Farming). In the opinion of the Ministry of Rural Affairs, the impact of the engagement has been productive and positive. During the cooperation with the environmental NGOs the measures of the 2nd axis of the Rural Development Plan are mainly developed, several proposals submitted by them have been integrated in the conditions of the measures.~~ The number of organisations engaged in the working

group for preparing ERDP was 29, but in the expert groups of the measure, there were 50–60 organisations. The proposals submitted within the collaboration with environmental NGOs have been integrated into several conditions of the measure. Considering that different interest groups have different interests, inevitably some compromises had to be made. Nevertheless, the Ministry of Rural Affairs has done their best to have the good involvement practices in mind, and it is considered that the influence of involvement has been productive and positive.

At the same time, one NGO pointed out in their response that, in their opinion, environmental organisations have been under-represented in the working groups or commissions led by the Ministry of Rural Affairs, as the representatives of agricultural producers tend to prevail in those bodies.

By the autumn of 2020, the Ministry of Rural Affairs had completed a draft development plan for agriculture and fisheries until 2030. In addition, a corresponding strategic plan for the period 2021–2027 is being prepared for the use of the budgetary resources of the EU Common Agricultural Policy, in which a number of institutions and organisations are involved. Several commissions and councils have been set up under the Ministry of Rural Affairs, involving NGOs, such as the Council for Agriculture and Rural Development and the Fisheries Council. NGOs are also involved in the preparation of strategic documents and support measures in the administrative area of the Ministry of Rural Affairs and in the evaluation of the effectiveness of the implementation of measures (Rural Development Plan Monitoring Committee).

The Ministry of the Environment has engaged NGOs in developing various strategic documents. For example, stakeholders are thoroughly involved in the development of the Public Water Supply and Sewerage Act, where a working group is formed who meets regularly. Stakeholders have been very pleased with the involvement.

The biggest process is the development of a new forestry development plan, which has used innovative inclusion solutions, such as the creation of a forest collection for which all people could apply. The process is currently in progress. According to the inputs received in 2020, NGOs are critical of the implementation of the process. The Ministry of the Environment is trying to find a compromise that satisfies all parties. With the help of NGOs, drafts for two important strategic documents have been prepared: “General Principles of Estonian Climate Policy until 2050” and “Development Plan for Adaption to Climate Change until 2030”. For example, a wide involvement process was conducted in order to prepare the draft for the “General Principles of Estonian Climate Policy until 2050”. From March 2015 until March 2016, input was collected from interest groups from five sectoral involvement working groups: energetics and industry, transport, agriculture, forestry, and waste management. Even a separate involvement expert was hired for engaging interest groups. Involvement groups met dozens of times within this period and also exchanged thoughts electronically. Approximately 80 interest groups (incl. experts, unions, enterprises, researchers) participated in the work.

The working group that was active at the preparation of the adaption development plan included also the members of the Association of the Municipalities of Estonia, Association of Estonia Cities, the sustainable development specialist of the Estonian Fund for Nature as the representative of the Network of Estonian Non-Profit Organisations. The development plan was also added to the Participation Web (-).

Tallinn Environmental Board pointed out the processes of preparing the Tallinn Environmental Strategy until 2030 and the Tallinn Environmental Protection Action Plan for 2013–2018 prepared

based on the former, Tallinn Greenery Action Plan for 2013–2025, and Tallinn Waste Management Plan as good examples of involvement. Based on the estimation of the Tallinn Environmental Board, the influence of involvement has been constructive and has broadened horizons.

Based on the information received from NGOs, they have been engaged in the process of preparation of almost all strategies, national development plans and also some draft acts in the area of administration of the Ministry of the Environment. The proposals submitted by NGOs have been analysed and used for the improvement of documents. As a result of involvement, the needs of (protection of) the environment have gained increased reflection in the development plans in some cases. In response to the 2020~~16~~ questionnaire, ~~one~~several NGOs marked that they have been involved in the development of environment-related plans, programmes, and strategies and their proposals have been analysed and used for improving documents. However, there are still cases where their viewpoints have not been taken into consideration. It was also pointed out as a shortcoming in 2020 that the draft National Energy and Climate Plan 2030 was submitted to NGOs at a very late stage.

XXIII Website addresses relevant to the implementation of article 7

XXIV Efforts made to promote public participation in the preparation of regulations and rules that may have a significant effect on the environment pursuant to article 8

In accordance with § 28 clauses 15)–17) of the Public Information Act, the following documents must be disclosed:

- Draft Acts prepared by ministries and draft Government regulations, together with explanatory memoranda, when such drafts are sent for approval or presentation to the Government;
- Draft regulations of ministers and local governments together with explanatory memoranda before such drafts are presented for adoption;
- Draft concepts, development plans, programmes and other projects of general importance before such drafts are presented to the competent bodies for approval, and the corresponding approved or adopted documents.

For approval, draft decisions of the Riigikogu, draft regulations of the Government and draft regulations of ministers together with all annexes are made available in the draft legislative act approval information system managed by the Ministry of Justice. The ministries and the Government Office will post a link to the Internet location of the draft legislative act approval information system on their websites. The documents entered into the draft processing information system are public. The public has the possibility to submit proposals in regards to draft legal acts during the duration of the display.

In accordance with the rules and regulations of the Government, drafts or other documents, except for draft acts, draft decisions of the Riigikogu and draft regulations forwarded to the Government by a ministry or the Government Office, can be classified as information intended for internal use either by the minister or the State Chancellor, respectively, on the grounds and in the order established in the Public Information Act, until the adoption of a decision by the Government or for another term prescribed by law. The Ministry and State Chancellor must not release or publish the drafts and documents annexed thereto submitted to the Government and classified as

information intended for internal use until the adoption of a decision by the Government or until the end of another term of restriction on access.

During the preparation of draft legal acts for the Ministry of the Environment, drafts are also sent to relevant NGOs and professional unions and other interested persons. The Ministry's internal procedure for preparing legal acts have been brought into conformity with the rules of engagement of the public and the good involvement practice. Proposals submitted in regard to legal acts are taken into account to the extent possible.

Pursuant to the good involvement practice, involvement is implemented at the Ministry of the Environment for the development of all draft acts with significant impact. A separate involvement plan is prepared, which includes the process of involvement, involved interest groups, and preliminary schedule. A separate webpage is created, where the entire information is available to the public. All interest groups influenced by the draft are involved. Interest groups are given sufficient time for presenting proposals – 4 weeks is a good practice. A more recent solution is to collect proposals through a form created on the website if it is not possible to hold meetings.

The Ministry of the Environment also organises a partner day at the beginning of each year for all of its partners to introduce the plans for the year and the priorities. In addition, they meet separately with environmental organisations few times a year.

Pursuant to section 29 of the General Part of the Environment Code Act, the Government Office and the ministries publish on their websites relevant information on which draft regulations and acts that have a significant impact on the environment they intend to draft, publishing the intent of drafting, timetable, research to be carried out in the course of drafting, persons responsible, possibilities of participating in drafting, the issues on which public opinions are expected, and the results of consultations. If it helps the public to follow the legislative drafting process and to involve the public more effectively, the information may be published on another website or in another manner, referring on its website to the source where the information is published.

XXV Obstacles encountered in the implementation of article 8

NGOs have pointed out in the implementation of article 8 that the involvement practice is unsystematic.

General principles for the involvement of the public have been adopted by several ministries and the Government Office, such principles are usually followed, in particular in the case of more important draft legal acts. The results of the involvement of the public are valued by drafters of acts as very positive, however, the representatives of the public and authors of amending proposals (in particular NGOs) are not so content with the process. The deficits in planning of the involvement process is being criticised (not enough resources, including time) also in 2020~~16~~¹⁶, in addition to reactions to proposals made and the low level of consideration thereof, and that despite of all the public is often excluded in the development of many legal acts (especially in the case of amending legal acts in force). NGOs consider that for effective involvement, the good practice requirements of the government should get more attention, particularly important should be consulting with the public already in the phase of establishing the intention to make a draft, also providing feedback. Statements of the involved persons should be considered more thoroughly. In the case of many drafts, no involvement plan is prepared and it remains unclear in the early stage, when and in which stage they can express their opinions. NGOs find that, generally, the ministries consult with NGOs on the same basis as with other ministries or institutions, not considering the fact that NGOs have significantly less resources for working through materials and developing an approach.

XXVI Further information on the practical application of the provisions of article 8

Based on the responses submitted in 2020~~16~~¹⁶, the state authorities still found that increased involvement causes an increase in administrative work load, but also an increase of awareness. In order to avoid subsequent misunderstandings, early involvement is always recommended and therefore the state authorities have been guided by this principle pursuant to their responses.

Competent parties from different fields shall be added to working groups preparing drafts of legislation and cooperation with relevant professional associations shall be done. Due to involvement, the information is more objective and the involvement is educating and allows getting new experiences and knowledge. Involvement ensures that the interests of all parties are taken into account as much as possible and compromise solutions satisfying parties are found. Involvement also guarantees information to users in early phase about which obligations they shall meet in future and they can start making preparations for implementation in the early phase.

In the field of chemicals, there are many directly applicable EL legislation, and based on the information of the Ministry of Social Affairs, many different interest groups (representatives of producers, consumers, etc.) are involved already at the EU level when the legislation is prepared.

XXVII Website addresses relevant to the implementation of article 8

XXVIII Legislative, regulatory and other measures implementing the provisions on access to justice in environmental issues in article 9

With regard to an administrative body, the following proceedings are possible:

Challenge proceedings

Challenge proceedings are regulated under the Administrative Procedure Act. Their aim is on the one hand to allow for an inexpensive and prompt review of decisions, and on the other to give the administrative system a chance to correct its mistakes. Challenge proceedings are free of charge for persons. Currently, as a rule they are not mandatory (except the mandatory challenge procedure foreseen in the Environmental Charges Act and the Environmental Liability Act) and the relevant person may turn directly to the court. A challenge may be filed by a person who finds that his or her rights have been violated or freedoms restricted by an administrative act or in the course of administrative proceedings (section 71). However, a challenge cannot be filed against an act or measure of an administrative authority over which the Government exercises supervisory control.

A challenge concerning an administrative act or measure shall generally be filed within 30 days. Execution of the administrative act may be suspended for the duration of adjudication. A challenge is generally adjudicated within 10 days, but the term of review may be extended for additional investigation by up to 30 days.

A decision on a challenge must be in writing and, upon dismissal of a challenge, must be reasoned and contain an explanation concerning the filing of an action before an administrative court. A person whose challenge is dismissed or whose rights are violated in challenge proceedings has the right to file an action before an administrative court.

In general, challenge proceedings are considered as a positive and good opportunity for an administrative body to correct its mistakes quickly and efficiently. However, the negative side of the proceeding is that the authority may not see its own mistakes and also the impartiality and independence of the decision on challenge are not guaranteed. As there is also a not very expensive alternative to challenge a decision in an administrative court (if the fee of legal aid is not taken into account), the challenge proceedings are not used very often.

According to the Environmental Board, challenge proceedings set forth in the Administrative Procedure Act are practical and efficient. Challenge proceedings provide an opportunity to once again explain to the person who filed the challenge the positions of the Environmental Board in making the decision and thereby prevent unnecessary court action. Challenge proceedings sometimes also enable identifying the infringement of procedural or substantive rules in an early stage and give the Environmental Board an opportunity to review the decision, or make a new decision. In addition, challenge proceedings are fast (duration 10 to 40 days) and cheap (possible without using legal assistance) compared to judicial proceedings in terms of processing economics.

Supervisory control proceedings

Supervisory control is organised to ensure the legality and purposefulness of administrative activities. Supervisory control is the internal control of administrative activities. A person cannot

demand that supervisory control be exercised, but he or she can draw the attention of the administrative body exercising supervisory control to circumstances that demand its exercise. Supervisory control is not exercised in matters related to (State) supervision measures and acts, e.g. it is not exercised over the precepts of the Minister of the Environment.

A person exercising supervisory control has the right to:

- 1) Issue an order for the elimination of the deficiencies in a legal instrument or act;
- 2) Suspend the performance of an act or validity of a legal instrument;
- 3) Invalidate a legal instrument.

~~Pursuant to the information collected in 2016, supervisory control proceedings have been initiated based on a public complaint or application in two local government units.~~

Administrative court

As a rule, there are three conditions are applicable in determining the existence of a right to file an action:

1. The relevant environmental legal standard has to give rise to a legal public right;
2. This right must be held by the person filing an action, i.e. there must be a personal connection;
3. A causal connection must exist between the administrative activities and the violation of the rights.

In case of legitimate interest, there are two main conditions applicable to the right to file an action:

1. The person filing an action must have a certain personal connection to the case;
2. The person filing an action must demonstrate the need to determine the unlawfulness.

An administrative court has the right:

- 1) To annul an unlawful administrative act in its entirety or partially;
- 2) To issue an order to execute an unlawfully suspended administrative act, to issue an administrative act that has not been issued or to adopt a measure that has not been adopted;
- 3) To declare an administrative act or measure unlawful. An administrative court shall verify both the procedural and the substantive lawfulness of administrative activities.

Section 30 of the General Part of the Environmental Code regulates separately the right of recourse of environmental organisations to administrative courts in environmental matters. Pursuant to that, each person whose right has been violated, including the right to health and welfare needs arising from the environment, can file a challenge to an administrative authority pursuant to the procedure established in the Administrative Procedure Act, or file a claim to administrative court pursuant to the procedure established in the Administrative Procedure Act. If an environmental organisation challenges an administrative act or an operation performed pursuant to the procedure established by the Code of Administrative Court Procedure or the Administrative Procedure Act, it is presumed that its interest is justified or its rights have been infringed, if the administrative act or the operation are related to the environmental objectives of the organisation or current area of activity related to environmental protection.

For the purposes of the General Part of the Environmental Code Act, a non-governmental environmental organisation is:

- 1) a non-profit association or a foundation, in whose articles of incorporation protection of the environment is provided as an aim of the association or foundation and whose work promotes protection of the environment;
- 2) an association of persons which does not possess legal personality and which, pursuant to a written agreement between its members, promotes protection of the environment and represents the views of a significant proportion of the local population.

Promotion of protection of the environment is also deemed to constitute the protection of an element of the environment as a means to ensure the health and well-being of humans, as well as research and popularisation of nature and of natural heritage. In assessing promotion of protection of the environment, the capability of the association to realise the aims provided in its articles of incorporation must be reckoned with by considering its hitherto work or, where this is not applicable, the organisational structure of the association, the number of its members and the preconditions for membership established in the articles of incorporation.

Data Protection Inspectorate

The Public Information Act is the main national legal act implementing the requirements of article 4 of the Aarhus Convention (access to environmental information). According to section 46, a challenge may be filed with the Data Protection Inspectorate in case of a violation of the Public Information Act. The Data Protection Inspectorate (hereinafter the Inspectorate) is a government institution whose main function is State supervision over the processing of personal data, maintaining of databases and access to public information. The proceedings conducted by the Inspectorate are challenge proceedings of a certain specific nature. The Inspectorate has the right to issue orders upon the holders of information to comply with the law and take the necessary measures within five working days. In the case that the holder of information neglects to fulfil the order issued by the Inspectorate, and does not challenge it in the administrative court, the Inspectorate will initiate misdemeanour proceedings or turn to the superior institution or body of the holder of information in order to perform supervisory control. However, problems might arise in ensuring the implementation of the orders issued by the Inspectorate.

Supervisory proceedings carried out by the Chancellor of Justice

The main duties of the Chancellor of Justice include reviewing the legislation of general application of the legislative and executive powers and of local governments for conformity with the Constitution and legal acts. In addition, section 19 of the Chancellor of Justice Act establishes that everyone has the right of recourse to the Chancellor of Justice in order to control the activities of governmental authorities, including the guarantee of constitutional rights and freedoms. As the independence of the Chancellor of Justice is stressed in Chapter XII of the Constitution, the Chancellor can doubtlessly be considered an independent body in the meaning of article 9, paragraph 1, of the Convention. The proceedings carried out by the Chancellor are free of charge for the person who made the recourse; neither have definite proceeding deadlines been established. Therefore, the review and supervision carried out by the Chancellor of Justice is not appropriate for implementing the requirements of the Convention, but the proceedings may have a supportive role.

The following are relevant in respect of private persons:

Environmental supervision

In accordance with subsection 28 (1) of the Law Enforcement Act, which entered into force on 1 July 2014, the relevant law enforcement authority has the right to place an obligation of preventing danger or eliminating the disorder to the person with a precept upon danger or disorder. The mentioned principle replaces sections 21 and 22 of the previously valid Environmental Supervision Act. If the offender does not observe the precept, the law enforcement authority has the right to issue a precept to the subject of supervision and impose penalty based on and in accordance with the Substitutive Enforcement and Penalty Payment Act. The upper limit of the penalty is 9,600 euros, if not otherwise provided for in the special law.

Criminal proceedings

Section 6 of the Code of Criminal Procedure establishes that investigative bodies and Prosecutors' Offices are required to conduct criminal proceedings upon the appearance of facts referring to a criminal offence unless there exist circumstances which preclude criminal procedure or the grounds to terminate criminal proceedings for reasons of expediency.

Neighbourhood rights

According to sections 143 and 144 of the Law of Property Act, the owner of an immovable does not have the right to prohibit the spread of gas, smoke, steam, odour, soot, heat, noise, vibrations and other such nuisances emanating from another immovable unless this significantly damages the use of the owner's property or is contrary to environmental protection requirements. The intentional direction of nuisances to a neighbouring immovable is prohibited. The owner of an immovable has the right to demand that a construction or installation be not erected or preserved on a neighbouring property if there is reason to presume that it will cause or causes a prohibited nuisance to the owner's property.

Compensation for unlawfully caused damages

Pursuant to section 133 of the Law of Obligations Act, if damage is caused by environmentally hazardous activities, damage related to deterioration of the environment shall also be compensated for in addition to the damage caused to persons or the property thereof. Expenses relating to the prevention of an increase in the damage, reasonable measures for mitigating the consequences of the damage and the damage arising from the application of such measures shall also be compensated.

Pursuant to subsection 2 (2) and section 126 of the Code of Administrative Court Procedure, administrative cases have to be settled within reasonable time. Pursuant to the subsection 100 (1) of the same act, a party to a proceeding can apply for the implementation of a measure appropriate for concluding the judicial proceeding faster, if the administrative matter has pended before the court at least for nine months and the court has not performed a necessary procedural act without any good reason, in order to guarantee that the judicial proceeding is completed within reasonable time.

Extra-judicial proceedings are in principle free of charge, and charges in administrative court proceedings are low except in cases related to compensation for damages in which the fee consists in 3% of the claim for damages, but no more than 750 euros. At the same time, procedural expenses are not limited only to fees charged by the reviewing body, but include also other charges such as legal aid and expert expenses, as well as compensation of the defendant for expenses upon losing the case. Expenses are obviously highest in court cases. The court can reduce the legal aid expenses the defendant has to be compensated for, and in certain cases decide not to charge these altogether. This way, e.g., the respondent shall pay for the procedure expenses, if the procedure was terminated for the reason that the administrative act contested in the complaint has been repealed or the administrative act has been issued or the action has been performed. In order to ensure justice of a single case, § 108 (11) of the Code of Administrative Court Procedure is important, which provides a court discretion to order the parties to bear a part or all of their own expenses, if it would be highly unjust or unreasonable to order a party against whom judgment was given to pay the expenses of the adverse party. Pursuant to subsection 109 (6) of the same act, the court only orders compensation of procedure expenses that are necessary and reasonable. Unjust and unreasonable are imprecise legal concepts that the court has to detail in terms of the circumstances of the specific case. In specifying imprecise legal concepts, the court is bound by Estonian judicial area, incl. the decision practice arising from the European Court in applying the Aarhus Convention and the directives implementing it. Therefore, in the process of charging for legal costs by specifying the term “unjust”, the court also has to consider the requirement arising from the Aarhus Convention, which says that recourse to court cannot be so expensive that it prohibits the recourse to court.

It may also decide that the legal aid expenses of an insolvent natural person will be covered by the State. An attempt to provide a more comprehensive solution to providing free legal aid to insolvent natural persons as well as to environmental NGOs acting in the public interest has been made in the State Legal Aid Act. The Response to Memoranda and Requests for Explanations and Submission of Collective Addresses Act obliges administrative bodies to provide free legal aid to a limited extent. However, ~~most some of the~~ NGOs are of the opinion that in financial terms the court proceeding may prove to be too expensive and hence this can be an obstacle for challenging administrative decisions. However, the general opinion was that most of the problems find solutions without the court and the court is seen as an ultimate measure.

The fact that, within an administrative court procedure, the dispute is between the appellant and an administrative authority. When ordering compensation of the procedure expenses of the administrative authority from the appellant, the judicial practice is rather strict. Therefore, administrative authorities generally have to be able to defend their administrative acts independently in administrative proceedings. Although it is not prohibited for an administrative authority to use external legal assistance in an administrative proceeding, to justify the compensation of the expenses on the legal assistance service not concerning administration, the case has to generally remain outside the framework of the main daily activities of the administrative authority. There are no grounds to consider disputes arising from fulfilling the tasks established to an administrative authority by legal acts as outside the framework of the main daily activities of the administrative authority. Asking for a preliminary ruling from the European Courts also does not make the dispute as outside the framework of the main daily activities of the administrative authority. The Supreme Court has restricted the order for compensation of the procedure expenses from the appellant in favour of the administrative authority with several conditions, incl. the necessity of using external legal assistance for an administrative authority, compliance with the principle of proportionality, qualification of the officials or employees of the administrative authority, the economic situation of the appellant, etc. In addition, other substantial

and exceptional circumstances can also be taken into account when dividing procedure expenses, for example the special meaning of the issue under dispute under legal order. Therefore, based on the court practice, it is possible that the appellant is not ordered to pay procedure expenses, even if the complaint is decided in favour of the administrative authority.

The written form of decisions is a requirement clearly established in basic proceedings and can be presumed in other proceedings, such as the review proceedings carried out by the Chancellor of Justice. The public accessibility of decisions is a more sensitive question. All court rulings are in principle accessible on the Internet since 2001. Decisions taken in other proceedings are also accessible to the public. Administrative bodies are obligated to maintain a document register which is in principle publicly available and accessible on the Internet. In some cases, such as the supervision proceedings carried out by the Data Protection Inspectorate, the administrative bodies must disclose the results of proceedings on their websites.

XXIX Obstacles encountered in the implementation of article 9

NGOs have pointed out the following problems in the implementation of article 9:

- A possible ruling of the court regarding payment of the legal costs of the other party or a third party involved in the proceeding may prove to be an obstacle to filing the claim;
- It is suggested that establishment of specific provisions in the proceedings of environmental cases regarding coverage of legal costs should be considered;
- Complainants need legal counselling, because in complicated environmental matters, it is difficult without legal counselling to have recourse to court and participate equally in court proceedings with other parties to proceeding, but the relevant mechanisms for help have not been determined.

In 2020, one NGO stated that the challenge procedure was not effective because the reviewer of the challenge was not sufficiently impartial, as it was difficult for the administrative body to distance itself from the original decision. One NGO pointed out the deadlines for appeal procedures as problematic and found that the Environmental Board interprets the law in this respect to the detriment of the appellant. Dispute setters who have provided input to the administrative area of the Ministry of the Environment do not agree with these statements; the challenge procedure is still considered to be lawful, expedient, and effective.

XXX Further information on the practical application of the provisions of article 9

Everyone's right of recourse to court is established in the Constitution. However, the public is obviously not equally well informed of exactly how to go to court and of the alternatives to court proceedings. The general website of the court system contains a guide on how to take legal actions (<http://www.kohus.ee/et/kohtusse-poordumine/kuidas-poorduda-kohtusse>), also a guide on recourse to court in civil and administrative matters. The website of the Ministry of the Environment introduces the principles of the Aarhus Convention and contains relevant materials that can be helpful to the public in learning of possibilities of access.

In the input submitted in 2020, the representative of the Supreme Court pointed out that the Estonian courts have interpreted the concept of environmental organisation in the context of the

right of appeal broadly in the spirit of the Aarhus Convention. An example of the broad interpretation is case no. 3-18-551, where MTÜ Eesti Geograafia Selts applied to the court with an environmental complaint. The statutory goals of the NGO are to develop geography, apply research results in Estonia, and popularise geographic knowledge and sustainability ideas. In a ruling of 17 May 2018, the Tallinn Circuit Court found that the activities of the non-profit organisation are covered by the concept of promoting environmental protection pursuant to subsection 31 (2) of the General Part of the Environmental Code Act. The representative of the Supreme Court also pointed out that in recent practice, for example, in the decision of 8 August 2018 in case no. 3-16-1472, the division of procedural costs in environmental matters has been justified by the principle familiar from the case law of the Court of Justice that the risk of awarding procedural costs may not have a deterrent effect in environmental disputes (paragraph 54 of the judgment).

~~One NGO pointed out in their 2016 response that problems related to the expenses of legal proceedings, incl. the risk of compensating for the costs of a third person, continue to be relevant. However, the NGO admitted that the parliament of Estonia has recently noted (in the administrative case No 3-3-1-67-14) that in determining how to divide the compensation of procedure costs it is necessary to comply with Article 9 (4) of the Aarhus Conventions, meaning that the situation where costs ordered for compensation are impedingly expensive. At the same time, the NGO pointed out problems in two more areas noticeable in the court practice within the last three years. First, Estonian courts are very conservative in applying initial legal protection in environmental cases. Second problem area concerns contesting the inactivity of administrative authorities, especially in supervision proceedings. As a result of a great discretionary power of administrative authorities in initiating and conducting supervision, challenging unlawful inactivity in court by third persons (e.g. environmental associations, neighbours) is restricted in practice. At the same time, both the Aarhus Convention and the EU law establish that public representative have to be able to challenge the unlawful activity and inactivity of the public authority. According to the NGO, the most appropriate solution would be adding clear rules to legislative acts. Responding to the questionnaire of 2016, one NGO admitted, that compared to the situation in several states of the EU, application of Aarhus Convention works rather well, especially regarding opportunity of using the right of appeal.~~

XXXIII Legislative, regulatory and other measures implementing the provisions on genetically modified organisms pursuant to article 6 bis and Annex I bis

In Estonia, the release of GMOs into the environment and marketing is subject to the Deliberate Release into the Environment of Genetically Modified Organisms Act that also contains provisions regarding the engagement and participation of the public in the decision process regarding the release of GMOs into the environment, and marketing.

Pursuant to section 5 of the Act, the Gene Technology Committee has been established in the administrative area of the Ministry of the Environment that inter alia revises and provides assessments regarding the applications for licences to release GMOs in the environment and marketing. Besides government agencies and universities, the committee also includes representatives of environmental organisations who have through the committee a direct access to the information contained in the licence application and the right to submit additional questions and comments. The committee assesses the licence applications submitted both in Estonia and through any other EU Member State (only regarding marketing).

The act comprises several clauses on disclosure related to the licence application. E.g. pursuant to § 8 and § 23 the Ministry of the Environment must notify the public in at least one newspaper of national circulation, if new data have become available during the processing of the licence or after the granting of the licence regarding the hazards to human health or environment related to the release into the environment or marketing. The content of the information to be disclosed is established in the regulation of the Minister of the Environment No. 68 of 8 June 2004 “Information submitted and disclosed for the hazard having become known related to the release of GMO into the environment or marketing of a product containing or composed of genetically modified organisms”.

Section 10 of the Act establishes the procedure for the disclosure of the application for the licence to release GMOs into the environment and marketing and the issued licence. Under this article, the Ministry of the Environment must inform the public of the initiative of the proceeding of the licence and later also of the granting of the licence in *Ametlikud Teadaanded* and at least in one national newspaper. The content of the notice provides information regarding the applicant, the content of the application, the site of release of the GMOs into the environment and examination of the application. In the respective notice, the period of time when the public can give their opinion shall be designated. This period cannot be shorter than 30 days or longer than 60 days. The Ministry of the Environment must respond to the comments of the public within the period of two weeks after their receipt.

Any already marketed GMO must be labelled so that the consumer is able to choose whether he or she wants to buy a product containing or composed of GMOs (§ 24). The labelling obligation stems directly from the Regulation (EC) No. 1831/2003 of the European Parliament and of the Council concerning the labelling of genetically modified organisms.

Any information contained in the application for the licence and the data of the valid licence are public and they are maintained in the Environmental Register (§ 29). Any relevant information regarding the owner of the licence, GMOs, the acceptable environment and allowed manners of use shall be entered into the permit (§ 12 (5) and § 22 (5)).

In case the applicant for the licence wishes to keep some of the data as business secret, the respective decision shall be made by the Minister of the Environment. The following data must not be considered as a business secret: the description of GMOs, the name and address of the applicant, the aim, site and time of release of GMOs into the environment, and the intended method of use, the planned monitoring method and plan, the results of risk analysis and action plan in case of an accident.

In 2021, it is planned to bring the Release into Environment of Genetically Modified Organisms Act into line with Regulation (EC) 2019/1381 of the European Parliament and of the Council. The purpose of the regulation is to ensure greater transparency by giving citizens and researchers access to all food safety information provided by the operator during the risk assessment process, with the exception of information classifies as confidential business information. Subsection 29 (4) of the Act will be amended. The applicable law lists information which may not be treated as confidential business information, but the amendment provides for information which may be treated as confidential business information. In accordance with the amendment, the following may be treated as confidential business information: 1) manufacturing and production processes, except for information that is relevant for the safety assessment; 2) business information and, where appropriate, business relations between the manufacturer or importer and the applicant;

3) breeding schemes and breeding strategies; and 4) DNA sequence information that is not used to determine whether a genetically modified organism is involved.

The requirements established in the law meet the requirements of the Cartagena Protocol and facilitate the performance of the aims of the Protocol.

XXXIV Obstacles encountered in the implementation of article 6 bis and annex I bis

XXXV Further information on the practical application of the provisions of article 6 bis and annex I bis

No licences for release into environment or marketing of GMOs have been issued in Estonia. Therefore it is impossible to speak of obstacles or experiences in this area. Still, the representatives of NGOs participate in the Gene Technology Committee where the EU applications for the marketing permits are assessed. Annually, approximately twenty applications for licences are assessed.

Annex

List of Public Authorities and Organisations that responded to the questionnaire circulated in the preparation of the report

Non-profit organisations and NGOs

1. Estonian Society for Nature Conservation
2. Estonian Environmental Law Centre
3. Council of Estonian Environmental Nongovernmental Organisations (umbrella organisation)
4. Estonian Institute of Human Rights
5. Estonian Forest Aid

Profit Organisations

6. State Forest Management Centre
7. Estonian Environmental Research Centre

State Authorities

8. Estonian Parliament
9. Supreme Court of Estonia
10. Chancellor of Justice
11. Ministry of Education and Science
12. Ministry of Justice
13. Ministry of Economic Affairs and Communications
14. Ministry of Rural Affairs
15. Ministry of the Interior
16. Ministry of Social Affairs
17. Ministry of the Environment
18. Environmental Inspectorate
19. Environmental Board
20. Estonian Environment Agency
21. Land Board
22. Centre of Environmental Investments

Local Authorities

23. Association of Estonian Cities and Municipalities