

**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 2024 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 Climate. There were altogether 22 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 2020 was completed by the Ministry of Climate and submitted for commenting by all those who had responded and on its website. 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 § 9 of the Public Information Act. A more detailed description of the obligations is provided in § 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.

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

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 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) 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 Climate and its agencies have also applied other measures that assist the public in accessing environmental information.

The Green Reform Department at the Ministry of Climate 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.

Every two years the Ministry of Climate organises a survey of the environmental awareness of the Estonian population. The survey reports are published on the web page of the Ministry (<https://kliimaministeerium.ee/rohereform-kliima/keskkonnateadlikkus/keskkonnateadlikkuse-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 Climate can use it in planning their information activities. Inter alia, the survey reflects the use of media among the population of Estonia, various resources for obtaining environmental information, and environmentally friendly behaviours. According to the latest Estonian Environmental Awareness Survey, the environmental knowledge of the Estonian population has improved (e.g. awareness of the consequences of climate change and ways to mitigate these changes). People's understanding of what it means to be environmentally friendly is also gradually changing - it is increasingly associated not only with dealing with the consequences of environmental damage (e.g. sorting waste), but also with activities that prevent such damage, such as limiting consumption (the proportion of people who said that limiting consumption was their daily environmentally friendly activity has increased from 4% to 24% compared to 2018). Understanding of environmental issues has become more scientific and systematic. More generally, this improvement in knowledge also creates opportunities for people to change their behaviour in a more environmentally friendly way. At the same time, however, environmentally friendly behaviours are not significantly more widespread than at the time of the

last survey. Compared to 2022, the proportion of the population who prioritise economic benefits over environmental friendliness when making economic decisions in society has increased (21% in 2022 and 29% in 2024). Support for abandoning the expectation of sustained economic growth has also declined (from 43% to 35% among supporters and increased from 39% to 51% among those who do not support it), and the proportion of people who do not support reducing production and consumption in society has increased slightly (from 30% in 2022 to 35% in 2024). In a situation of prolonged economic decline, the willingness of the population to make (even more) concessions to their economic well-being in the name of the environment is reduced.

The Environmental Board operating in the administrative area of the Ministry of Climate 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.

During the period from 2020 to 2023, the Environmental Board has engaged approximately 146,000 participants in various information events. The information activities of the Environmental Board 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). In the period from 2020 to 2023 affected by COVID-19, more than 55,000 pupils participated in the Environmental Board's educational programmes. At the same time, a strong emphasis has been placed on the development of educational programmes and the quality of their content. The Environmental Board is one of the most effective implementers of the quality system for environmental education. In 2025, the Environmental Board plans to end the provision of environmental education.

The Environmental Board also compiles information materials which are publicly available at the Environmental Board's website (at www.keskkonnaamet.ee) or on its YouTube channel. Most of the publications are available at the web page of the Environmental Board (Trükised)

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, 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 roundtables is available on the website of the Environmental Board <https://keskkonnaharidus.ee/et/vorgustik>.

From 2024, the Estonian steering group for environmental education is convened by the Green Reform Department of the Ministry of Climate. In order to increase environmental awareness and enhance environmental education, the former 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 updated operational programme, the Environmental Education and Awareness Action Plan 2023–2025 was signed in February 2023. The Action Plan has three objectives: to increase the environmental awareness of all Estonian citizens; to promote systemic environmental education at all levels of education; and to describe the objectives of the sub-areas, the actors, the division of roles between the different actors, the priorities, the target groups and the activities needed for development. 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 Climate.

The Ministry of Climate is cooperating with MTÜ Eesti Keskkonnahariduse Ühing to develop a three-tier quality system for environmental education: a tool for self-assessment of environmental education experts, quality assessment of training programmes and environmental education centres.

In addition to ministries, strategic partners are also involved in the discussions regarding the Environmental Education Action Plan and its implementation. The strategic partners of the Ministry of Education and Research for the implementation of the policy on green and digital issues in general education are MTÜ Mondo, MTÜ Tagasi Kooli and SA Tartu Keskkonnahariduse Keskus, for the years 2022 to 2024. Based on the Action Programme of the Government of the Republic 2023–2027 and the Environmental Education and Awareness Action Plan 2023–2025, the Ministry of Climate has launched the Programme for the Development of Environmental Education 2025–2027. The target groups are formal and non-formal education teachers, lecturers, heads of educational institutions, youth workers, environmental education experts and spokespersons in various fields.

In 2015, the United Nations agreed on Sustainable Development Goals, which are intended to guide global development and national policies until 2030. The links with the UN Sustainable Development Goals and the contribution of education to their achievement are outlined in the Education Strategy 2021–2035. The strategy sees learning as a way of life, with responsibilities, needs and opportunities as prerequisites for sustainable development. Education that supports sustainable development must develop students' capacities for action and their values. The Strategic Framework for EU Cooperation in Education 2021–2030 highlights as a priority the need for "Supporting the green and digital transitions in and through education and training". In the Eurydice report Learning for sustainability in Europe: Building competences and supporting teachers and schools, published in April 2024, Estonia stands out for its long-standing systematic and cross-sectoral approach to promoting environmental education and awareness, in cooperation with the Ministry of the Environment (now the Ministry of Climate) and the Ministry of Education. The report cites the Estonian Environmental Education and Awareness Action Plan as an example of good practice in the areas of in-service training for teachers and heads of school on the green

transition, circular economy and biodiversity, outdoor learning and the development of teaching materials (including in cooperation with the Ministry of Education and Research and strategic partners), the development of a self-evaluation tool for schools (Rohepeegel), support for community initiatives and cooperation between schools and environmental education centres. In Estonia, the curriculum is seen as an important part of a school-wide approach to sustainability. In recent years, the link between formal learning opportunities and the school environment and local community concerns has been strengthened.

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.

During the reporting period, due to the COVID-19 pandemic, more attention was paid to virtual trainings and the aggregation and creation of online learning materials. For example, a multi-part e-learning material was created to help people to cope with situation when coming into contact with wildlife. A series of short clips provides information on the same topic. The learning material is suitable for use both in schools (aid materials for teachers have been prepared) and to raise public awareness.

The environment and sustainable development is reflected in the national curricula of primary, basic and secondary education in Estonia. In Estonia, the environment has been a cross-curricular topic since 1996 and environment and sustainable development since 2002. Learning outcomes and competences have been developed for each school level, describing in more detail the environmental knowledge, skills, attitudes and values to be developed in pupils.

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 a competition for students' research, in the framework of which the Ministry of Climate, the Ministry of Regional Affairs and Agriculture and the Estonian University of Life Sciences have awarded special prizes for students' research on environmental issues. Of particular note is the contest for student inventors, which attracts a large number of inventions aimed at protecting and saving the environment. For example, the Ministry of Climate and, last year, the Estonian Centre for International Development have awarded special prizes in their respective fields as part of the contest. The Ministry of Climate recognises research on environmental issues with special prizes, including the Surprise Prize, for the identification of an unexpected environmental issue and/or an unexpected and innovative solution or approach to such an issue. In the process of developing the national curricula, the learning outcomes on the topic of environment in the curricula were last updated in 2021 to 2023. The Ministry of Education and Research has coordinated the Climate Change Adaptation Development Plan until 2030 and the updated learning outcomes create the precondition for improving young people's awareness of the risks and opportunities of climate change. The development of a science-based worldview and an appreciation of the principles of sustainable development will also be reflected in vocational education and training curricula.

In 2024, the learning outcomes for higher education were updated in Annex 1 to the Standard of Higher Education, and the following learning outcome has been formulated for level I higher education: to receive a bachelor's degree, the student will be able to demonstrate that he or she acts as a professional and citizen in ways that support environmental and social sustainability. All higher education institutions need to take account of these innovations when designing their curricula.

The results of IEA's International Civic and Citizenship Education Study 2022 (ICCS 2022) in Estonia showed an increase in young people's environmental awareness and concern about the environment and global issues, with the highest improvement in environmental awareness concerning climate change among young people in Italy (31%) and Estonia (21%) compared to other European countries. The results of the Estonian Student Environmental Awareness Pilot Study 2023 show that people with a deep knowledge of environmental issues, an emotional connection with nature and science-based thinking are more environmentally aware and resource saving in their behaviour. Therefore, it is important to support the development of a systematic and interconnected knowledge of nature and the environment, the ability to act in an environmentally aware way, to engage in reasoned dialogue and to communicate environmentally responsible values.

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>) in more than 100 schools, as well as the Eco-Schools programme. More than 235 schools and kindergartens are involved in the Eco-Schools programme (<https://www.tartuloodusmaja.ee/roheline-kool>). There are 61 full members and 5 candidate schools in the UNESCO International Network of Comprehensive Schools and the Baltic Sea Project Network. UNESCO Associated Schools Network in Estonia is coordinated by MTÜ Mondo with Tartu Nature House involved as a partner. 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. In 2024, the Ministry of Education and Research allocated €3 million in support to general education schools for the purchase study materials for practical work to be performed by pupils.

During the previous as well as the current structural funds period, the Ministry of Education and Research has supported the availability of environmental information.

Promoting a sustainable approach to VET has been one of the main focuses of the activities of the Estonian Erasmus+ VET Team. A series of events on sustainable development (monthly virtual green mornings, annual green awareness seminar, green day, etc.) have been launched, which have generated a strong response from participants and provided an opportunity for inspiring discussions, as well as showcasing sustainable and green practices and projects in schools. Estonian examples have also been featured in the European Union's Green Transition and

Vocational Education and Training Compendium of inspiring practices² and in the CEDEFOP newsletter.

In 2024, the Ministry of Regional Affairs and Agriculture 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. A number of agricultural environmental interventions under both the ERDP and the CAP strategies require participation in training courses on environmentally sound farming and animal husbandry practices. The organisation of these training courses is funded by the CAP strategy and other instruments;
- 2) the results of the studies of the Agricultural Research Centre, from 2023 the Centre of Estonian Rural Research and Knowledge (METK), are also an important input for raising environmental awareness (nutrient balance study, various soil and biodiversity studies, etc.);
- 3) in the field of spatial planning, a training programme on various impact assessments in the planning proceedings will be carried out in 2024 for state and local authorities to raise their awareness on how to carry out impact assessments, including strategic environmental assessments, in spatial planning proceedings;
- 4) the Ministry of Regional Affairs and Agriculture will organise the work of the Information Centre of the University of Tartu, which will, among other things, include environmental awareness projects (EMFAF measure 2021-2027).

In addition to the environmental programme, the Environmental Investments Centre's Fisheries Programme regularly supports projects that raise awareness on fisheries, such as seminars/information days, camps, voluntary cooperation.

The common website for protected areas, www.kaitsealad.ee, which was launched in 2017 and updated in 2020, is being updated once again with the aim of making it more attractive and meaningful for landowners of protected areas. By 2024, sub-sites have been created for the 25 largest and most important protected areas, the ABC of Nature Conservation has been significantly updated and guidelines and recommendations have been added to help nature observers. Information and news on events in protected areas will be added to the website on an ongoing basis and other information will be kept up to date. In addition, the site 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 2024, there was general contentment nationally with the legal requirements on the establishment and functioning of NGOs, problems arose with the instability of support schemes (e.g. the different approach by ministries to the theme of strategic partnership). A NGO considered in the response of 2013 that the bases for determining the operating grant are not transparent.

² European Commission, Directorate-General for Employment, Social Affairs and Inclusion, *Vocational education and training and the green transition – A compendium of inspiring practices*, Publications Office of the European Union, 2023, <https://data.europa.eu/doi/10.2767/183713>

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** with an annual operating grant. The members of the network also include Estonian Fund for Nature and Estonian Environmental Law Center (EELC), for whom the network provides protection of interest by legal means, but its members receive no support from the network.

Public funding opportunities are divided into three types: project grants, operating grants and public service delegation. The principles and guidance on public funding for NGOs are summarised in the guidance material for funding: https://heakodanik.ee/sites/default/files/files/yhenduste_rahastamise_juhendmaterjal.pdf. An overview of NGO funding from the state budget can be found in the funding database: https://heakodanik.shinyapps.io/vabayhendused_2022/. For example, in 2020, central government agencies paid a total of around €212 million to NGOs, while local government units added €68 million.

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 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.).

The MRAA has supported NGOs in organising various environmental events, such as the annual Environment Forum (Estonian Chamber of Agriculture and Commerce), the conference on renewable agriculture (Northern Roots), etc.

In the fisheries sector, the work of the management bodies of the local action groups (8 fisheries non-profit associations/NGOs) has been remunerated, usually the work of the CEO and the Chairperson of the Board, through the corresponding measure of the European Maritime, Fisheries and Aquaculture Fund.

The members of the NGOs have been awarded MRAA decorations for their activities.

The recognition events organised or initiated at national level can be divided into three types:

- 1) recognition events aiming to recognise outstanding citizens;
- 2) recognition events to recognise promoters of civil society;
- 3) recognition events at provincial and local level to recognise active citizens, community promoters, etc., who have made a significant contribution to the development of community life.

Every year, the Network of Estonian Nonprofit Organizations (NENO) organises a national event to recognise volunteers. This event has been held since 2005 and recognises the Volunteers of the Year, Volunteer Co-ordinators and Volunteer Supervisors (NGOs), and companies or institutions that have encouraged their employees to volunteer in NGOs

(<https://vabatahtlikud.ee/tunnustamine/>). The recognition event is funded by donations collected by NENO.

Mutual respect and partnership between the State and NGOs is working in general; 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/>).

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. Still it has to be noted that the total volume of EIC support has decreased.

In 2024, operating grants for umbrella organisations of NGOs in the field of nature conservation and environmental protection within the meaning of § 31 of the General Part of the Environmental Code Act were added to the grants available through EIC, which also covers the member organisations of these umbrella organisations and should help to improve the institutional capacity of these organisations. In 2024, the Council of Estonian Environmental Nongovernmental Organisations pointed out that, although this should be an operating grant, it is subject to project-based funding requirements and reporting, which is contrary to the nature and purpose of an operating grant. It also differs from the classic strategic partnership between an NGO and a policy maker in that funding is not channelled through the policy maker, the logical partner, but through the implementing agency. The Council of Estonian Environmental Nongovernmental Organisations has also received funding through this round, but the amount of funding has remained the same for 15 years despite the rise in the cost of living.

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>).

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

- 1) As a member of the CITES Scientific Unit, the NGO representative has been involved in various meetings at European and world level.
- 2) An NGO representative has usually been involved in the European meetings of the Ramsar Convention.
- 3) At key meetings of the Convention on Biological Diversity, an NGO representative has sometimes been a member of the delegation. NGOs play a very important role in the substantive work of the Convention, and NGOs have been involved through their own networks.
- 4) Every year, the Ministry of Climate, the Estonian National Youth Council and the Estonian Youth Environmental Council look for a courageous and enterprising young person aged 18–30 to represent Estonian youth at the next UN Climate Change Conference. According to the Estonian National Youth Council, the Youth Delegate Programme is an invaluable opportunity for young people who want to make their voices heard in the world. This year, a new two-delegate system has been set up, whereby a so-called junior delegate is recruited to join the youth delegate who attended last year's climate conference, and support the more experienced one from Estonia at the COP this year. The following year, the colleague who started this year will go to the COP themselves and will be supported by a junior colleague from home. However, the Council of Estonian Environmental Nongovernmental Organisations pointed out that the role of this young person has been confused and it is not clear what options he or she has to gather, communicate and defend the views of young people.
- 5) two representatives of NGOs participated in the biogeographical workshop on terrestrial biogeography in the Boreal region of Natura 2000.

If necessary, the Ministry of Regional Affairs and Agriculture will involve international environmental NGO networks at EU working group level through DG AGRI, DG MARE, DG REGIO or DG ENVIR. In addition, environmental organisations are represented in the The Baltic Sea Fisheries Forum BALTFISH, where Baltic Sea fisheries and environmental protection issues are addressed at regional level. More recently, there are some examples of the involvement of NGOs working on environmental and community issues in study visits delegations to Interreg projects (e.g. the Coop4RuralGov project on rural impact assessment).

NGOs are being involved in permanent decision-making bodies. In 2021, Estonia joined the Open Government Partnership (OGP), an international initiative to promote good governance worldwide, which includes, for example, rahvaalgatus.ee, a platform for holding discussions and drafting proposals, through which collective petitions (or initiatives) can be submitted to the Riigikogu. In the framework of the OGP, the Open Government Development Committee (ARVAK) has also been set up, in which NGOs are represented. There is also a Government Commission on the Concept for the Development of Civil Society in Estonia, which has been active since 2002, with at least half of its members being representatives of civil society. The Commission's task is to implement and evaluate the action plans for the implementation of the Concept for the Development of Civil Society in Estonia and to develop cooperation between civil society and the State. For example, a representative of the Council of Estonian Environmental

Nongovernmental Organisations is a member of the joint commission. More information on the Joint Commission and its composition is provided at <https://www.siseministeerium.ee/eesti-kodanikuuhiskonna-arengu-kontseptsioon-ekak#eesti-kodanikuuhisko>.

(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 § 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 2024, the prohibition to penalize, persecute or harass persons exercising their rights have not generally been violated in Estonia. NGOs and their representatives are free to act, publicly criticise and participate in any public discussion.

However, the Council of Estonian Environmental Nongovernmental Organisations stated in its reply that it has noticed an increasing number of physical or verbal attacks against environmental activists or associations or attempts to silence them. In the case of the example given, the police were unable to record the situation at the scene, but misdemeanour proceedings were initiated. An example was also cited in which a statement by an official of the Environmental Board could be interpreted as a call to silence the conservationists through legal action. However, no such cases are known to have been brought before the courts in Estonia.

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 involved in the forging of national viewpoints already during the early stages and more substantive manner.

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 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) 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.
- 2) EELC publishes a regular newsletter on environmental law, which reports on important developments in environmental law and is read by members of the public, state and local authorities, and businesses. In previous years, the publication of the newsletter was funded by the State through the Environmental Investment Centre, but the State stopped the continuous funding of the newsletter in 2020, which has meant that the EELC has not been able to publish the newsletter with the regularity (i.e. monthly) it used to.

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: (<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”.

the aim of the General Part of Environment Code Act 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.

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 § 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 § 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

According to the responses received in 2024, there is no known case of a fee being charged for responding to a request for information. According to the Council of Estonian Environmental Nongovernmental Organisations, the availability of environmental information has rather deteriorated compared to previous years. The Council has referred to the assessment of the Head of the Data Protection Inspectorate that state and local authorities use the internal use indication too lightly. The Council also considered that the full confidentiality of the Carbon Neutrality Action Plan of the state-owned company Eesti Energia with reference to business secrets was not in line with the Aarhus Convention.

The Council of Estonian Environmental Nongovernmental Organisations considers that the Public Information Act (PIA) restricts the meaning of public information to documented information and does not prescribe an obligation to consider whether the interest in releasing information with access restrictions outweighs the interest in restricting the information. Nor does Estonian law explicitly provide for an obligation to partially disclose information where possible.

However, it should be clarified that the definition of public information in the PIA is given in subsection 1 of § 3: 'Public information (hereinafter information) is 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.' This shows that it is essential that the information be recorded in any manner and on any medium, which cannot be understood to mean only an "official document" in the narrow sense. Thus, public information is information recorded on any medium in the performance of a public duty. Such information may also be recorded, for example, in the form of an image file on a mobile phone, an Excel spreadsheet, a tape recording, etcetera. Thus, the concept of public information is not limited to documented information. The principle underlying PIA is that all information processed by the State, a local authority or a legal person in the performance of a public duty is public unless it is subject to a restriction on access. Grounds for restrictions on access have been provided in § 35 of the PIA. The restrictions on access provided for in the PIA do not apply automatically, but

the holder of the information is under a duty to consider in each case whether or not to apply the restriction to the information. The obligation to weigh the conflicting interests when imposing a restriction on access can be read in the wording of the restrictions as a case by case construction. For example, clause 12 of subsection 1 of § 35 of the PIA provides that information which contains personal data must be classified as intended for internal use if enabling access to such information significantly breaches the inviolability of private life of the data subject, or clause 17 of subsection 1 of § 35 provides that a restriction must be imposed on information the disclosure of which may violate a business secret. In its comments to the Tromsø Convention expert group, Estonia has pointed out that under the PIA, each request for access to public information must be dealt with on an individual basis, and in the case of non-disclosure of information, the applicant must be provided a reason (subsection 3 of § 23 of the PIA). In addition, a holder of information is required to invalidate a restriction on access if the reasons for establishment thereof cease to exist (subsection 1 of § 41 of the PIA). Upon receipt of a request for information, the holder of the information must also reassess the appropriateness of the restriction on access to information previously imposed and, in the individual assessment of each request for information, disclose the part of the information which is not subject to a restriction (subsection 2 of § 38 of the PIA). Pursuant to subsection 2 of § 38 of the PIA, if the grant of access to information may cause the disclosure of restricted information, it shall be ensured that only the part of the information or document to which restrictions on access do not apply may be accessed. The provision does not in fact distinguish between the disclosure of information in response to a request for information and the active disclosure of information. In essence, the requirement applies in both cases. Thus, such an obligation is expressly set out in subsection 2 of § 38 of the PIA. Pursuant to subsection 2 of § 5 of the PIA, the obligations of holders of information extend to legal persons in private law and natural persons if the persons perform public duties pursuant to law, administrative legislation or contracts, including the provision of educational, health care, social or other public services, – with regard to information concerning the performance of their duties.

In its response, the Council of Estonian Environmental Nongovernmental Organisations also expressed the view that the provisions of the Forest Act, according to which data on, among other things, the growing stock, weighted average rotation age, increment, etc. of forests belonging to natural persons and on the volume of cutting, are excluded from the data to be disclosed in the forest register, and the locations of the data on the location of the permanent sample plots under the statistical inventory method (SMI) are declared for internal use, are not in conformity with the Aarhus Convention. On the latter point, the European Court of Justice has also made a preliminary ruling in Case C-234/22. The Court held that the data relating to the permanent sample plots for the statistical forest inventory are environmental information, that is usually subject to disclosure.

The Ministry of Climate is of the opinion that the data entered in the forest register are considered personal data if these forest data provide information on a person's assets and economic decisions and behaviour. Providing access to these data would undermine the protection of privacy. Although the preliminary ruling states that the data relating to permanent sample plots are environmental information, it is not clear at this stage in which cases the release of the data can be refused. The Court acknowledged that the disclosure of the data could undermine the interests protected by Directive 2003/4/EC, but the risk of that interest being undermined must be reasonably foreseeable and not merely hypothetical. The Ministry of Climate is of the opinion that the disclosure of the

locations of the SMI permanent sample plots would undermine the credibility of Estonian environmental information. The case is currently before the District Court.

IX Further information on the practical application of article 4

Environmental information in Estonia is held mainly by the Ministry of Climate, 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 2024 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. 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. Responding to requests for information can take time, especially if the information requested is voluminous or complex. On the basis of answers submitted in 2024, there are some 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.

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 §§ 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 § 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 § 93 of the Administrative Procedure Act).

Pursuant to subsection 4¹ of § 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 § 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 § 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 § 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 (**The General Part of the Environmental Code 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.

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.

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.

The integrated autonomous information system of environmental decisions, KOTKAS (<https://kotkas.envir.ee/>), is an online document management system which aims to simplify the application for and processing of environmental permits, the monitoring, reporting and other obligations associated with the permit, and the storage, use and accessibility of the data collected. Through KOTKAS, the public will be able to access a range of public data regarding environmental use. As at 2024, the following services have been moved to KOTKAS: granting and management of integrated environmental permits, environmental permits, registrations, radiation practice licences, permits in proof of right to use hunting district, geological investigation

authorisation, exploration permits, permits for the extraction of mineral resources and rock and sediments not registered as mineral resources, and permits for the consumption of extracted mineral matter, including monitoring and other obligations related to the permit; submission of notifications; submitting and verifying annual reports on the use of the environment; declaring environmental charges for waste, water, ambient air and mineral resources; declaring charges for production of electricity from wind energy; applying for and processing permits for transboundary shipments of waste and submitting accompanying documents; submitting a report on the demonstration of compliance with the requirements and criteria for the sustainability of biomass. Documents for the environmental impact assessment and the strategic environmental assessment are also available, for which the decision-maker or supervisor is the Environmental Board. More information on the services can be found at <https://kotkas.envir.ee/public/services>.

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 Environmental Portal (<https://keskkonnaportaal.ee/>), the web page of EEIC (www.keskkonnaagentuur.ee) and through 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 Climate, 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 the forest register.

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.

The Ministry of Climate, in cooperation with the Environment Agency, the Environmental Board and the Information Technology Centre of the Ministry of the Environment, has started to migrate the Estonian Nature Information System (EELIS) to a modern technological platform, e.g. to provide modern data services and support business processes. The first phase of the project lasted three years (2020-2023) and developments will continue in the following years. The aim of the development is, among other things, to provide high quality nature data that is more accessible to the public. The EELIS development project is also linked to the Environmental Portal, which is being developed as an essential website for users to access and use environmental data. In 2021, the website loodusveeb.ee was made available to the public as a platform for topics concerning

biodiversity. Over the past years, the website has also been translated into English and Russian, increasing its usability and improving the distribution of environmental information.

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 Monitoring Act, the Atmospheric Air Protection Act, and the Release of Genetically Modified Organisms into the Environment Act.

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. 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 (now Ministry of Climate) 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 Climate), 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, OÜ Eesti Pandipakend, AS Kunda Nordic Tsement, Rakvere City Government and SA Things

XII Obstacles encountered in the implementation of article 5

According to the responses submitted in 2024, 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 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.keskkonnaamet.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 bureau of fuel quality of OÜ Eesti Keskkonnauuringute Keskus (Estonian Environmental Research Centre) prepares and submits annual reports to the Ministry of Climate 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 fuel monitoring database (<https://kytus.envir.ee/>) of the Environment Agency where data are entered by the OÜ Eesti Keskkonnauuringute Keskus, Tax and Customs Board and other institutions.

[Air quality management system of Estonia](#) collects data and measuring results from continuous monitoring stations making them also accessible for the public on the web portal www.õhuseire.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://keskkonnaamet.ee/keskkonnakasutus-kiirgus/ohk-ja-kliima/lohn-mura>

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 environmental impact assessments (EIAs).

The objective of EIAs is to provide information to the issuer of the authorisation on the planned activity and the significant 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 the proceedings for applying for the authorisation. The Environmental Impact Assessment and Environmental Management System Act sets forth the activities for which it is necessary to initiate an EIA, and the activities for which an ex ante assessment has to be performed to establish whether EIA is necessary or not. The Act establishes thresholds for most of the activities; compliance with these thresholds determines when it is obligatory to perform EIA and when it is necessary to consider the necessity of EIA, i.e. perform an ex ante assessment of whether the environmental impact is significant (A detailed list of areas of activity is established by a regulation of the Government of the Republic).

Authorisations that belong within the scope of an EIA:

- building permits or permits for the use of construction works (procedure based on the Building Code);
- 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 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;
- any other document permitting to carry out activities that are likely to have a significant environmental impact.

According to § 3 of the Environmental Impact Assessment and Environmental Management System Act, environmental impact is assessed when::

- applying for development consent or for the amendment of development consent whereby the proposed activity which is the reason for applying for the development consent or for the amendment of the development consent potentially results in significant environmental impact;
- an activity is proposed whereby, according to objective information, it cannot be precluded that the activity alone or in conjunction with other activities may potentially significantly and adversely affect the protection purpose of a Natura 2000 site, and which is not directly related to or necessary for the protection procedure of the site..

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 accordance with the Environmental Impact Assessment and Environmental Management Act, notification of the public display and discussion of an Environmental Impact Assessment programme and report must be made to *Ametlikud Teadaanded* (Official Announcements), 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). The issuer of the authorisation must also give notice of the public display and discussion on its website or on another website. In addition, the relevant authorities, non-governmental organisations, and persons likely to be affected by the proposed activity must be informed electronically or 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. The Act determines that GMOs may be released into the environment only with the written authorisation of the Minister of Climate. For this purpose, a relevant application is submitted to the Ministry of Climate, and pursuant to § 10 of the Act the Ministry of Climate 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 § 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 § 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.

In 2024, the Council of Estonian Environmental Nongovernmental Organisations pointed out that electronic solutions have, partly thanks to the experience of the COVID-19 pandemic, facilitated public participation at least to some degree. The improvement of the KOTKAS database, implemented in December 2022, was mentioned as a positive example, which allows the public to access EIA materials more easily during the proceedings and provides a clear overview of the possibilities for public participation in the proceedings, although some shortcomings were also pointed out. Also, the practice of electronic discussion was introduced during the pandemic and is

still partially implemented. This possibility also facilitates the participation of environmental associations in these meetings, as it reduces the time and transport costs involved. However, after the end of the pandemic, enabling electronic participation in public discussion is uneven in practice and it is not clear on what a decision to enable this will be based on.

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, especially if the participation coincides with the summer or with the publication period of several other bills of legislation or major decisions. In 2024, a number of examples were given of situations where unreasonably short deadlines have been given for important bills of legislation concerning the environment;
- 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 involved in the decision-making process in a sufficiently early stage and the form of involvement 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 involvement 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.

There is no involvement in the proceedings for granting cutting permits or construction permits for drainage. The Forest Act provides for involvement in the planning of forestry operations in areas of high public interest (abbreviated as KAH in Estonian), but the legislation does not ensure that this involvement is effective and meaningful. To change the situation in KAH areas, a bill is pending, public involvement has taken place and stakeholders have been given the opportunity to make suggestions on the bill. However, according to the Council of Estonian Environmental Nongovernmental Organisations, the proposed bill does not solve the problems of involvement. In July 2024, an amendment to the Forest Act was introduced, according to which cutting may be

carried out after expiry of ten days from the date of registration of the forest notice in the forest register, in order to ensure the possibility of participation, as these are activities with a greater impact on the natural environment.

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, 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 involvement of the public takes place already at the initiative stage of the plan and later at the stage of disclosing the plan.

In 2024, 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. 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 if possible.

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. 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. 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 issued on the basis of the Waste Act in *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.

Spatial planning proceedings are open to the public. The authority that organises spatial planning work must inform the public of the proceedings in understandable terms, provide sufficient invitation to the public to be involved in the proceedings and, in the course of creation of the spatial plan, arrange public displays and public discussions of the plan in order to introduce the plan to the public.

Everyone has a right to participate in spatial planning proceedings and, during those proceedings, express their opinion regarding the spatial plan that is being considered.

Separate participation plans are drawn up for spatial planning by the State and more extensive invitation for involvement is carried out than is required by the Planning Act (i.e. additional meetings with affected persons, additional notification on social media, and other appropriate activities).

XXI Obstacles encountered in the implementation of article 7

The responses received in 2024 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. It was pointed out that Government of the Republic Regulation No. 117 "Procedure for the preparation, implementation, reporting and evaluation of the sectoral development plan and the programme and the amendments thereto" of 19.12.2019, which regulates the preparation of development plans, does not provide specific requirements for effective public participation at an early stage and that there is no provision for public participation in the preparation of the 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 website of the municipality, but in case these sources are not constantly followed, no information is received.

The Council of Estonian Environmental Nongovernmental Organisations highlighted the lack of invitation to participate in the preparation of the National Energy and Climate Plan (NECP) in 2024 as a specific problem. In Estonia, NECP is seen as an overview of existing development documents, the preparation of which does not involve public participation. At the same time, the public cannot properly participate in the preparation of the documents that are inputs to the NECP. Thus, in the opinion of the Council of Estonian Environmental Nongovernmental Organisations, in the preparation of NECP Estonia has not met the requirements of the EU Governance Regulation.

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

As at 2024, the public participation phase is implemented for most more important documents prepared by state and local authorities.

The legal basis of involvement is Government of the Republic Regulation No 180 "Rules for Good Legislative Practice and Legislative Drafting" of the 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. In the feedback received in 2024, the Council of Estonian Environmental Nongovernmental Organisations proposed that the requirements for involvement should be set at the level of the law, and should regulate the selection of groups to be involved to ensure a wide representation of social

groups, and set deadlines for involvement that are sufficient to allow those involved to actually participate in the process, and do not overlap with major holiday periods.

Pursuant to § 4 (2) of the Government of the Republic Regulation No 10 from “Rules of Procedure of the Government of the Republic” of 13 January 2011, by the 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 the “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 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 planning of forestry in areas of high public interest and in preparation of more important strategies, e.g. strategy of logging in spring and summer and a strategy of managing drainage systems.

The RMK document with the widest impact is the RMK Development Plan. In 2023, RMK involved various non-governmental organisations, including environmental organisations, in the preparation of the RMK Development Plan 2024-2028.

RMK will also involve public representatives (the local community) in the planning of forestry operations in areas of high public interest. On the basis of these involvements, the document "Descriptions of KAH areas and forestry operation plans" has been prepared.

In the input submitted in 2024, the Council of Estonian Environmental Nongovernmental Organisations cited the analysis of the Estonian Fund for Nature in 2023, which finds that the inconsistency of RMK's instructions and many other circumstances make the proceedings for planning forestry operations in KAH areas deceptive and misleading, which is why the regulation provided for in subsection 9 of § 43 of the Forest Act significantly violates the constitutional principle of legal clarity, as well as the fundamental right to procedure and organisation.

The Chancellor of Justice has also analysed the same issue, but has not found subsection 9 of § 43 of the Forest Act to be unconstitutional. The Chancellor of Justice has noted that the legislator has not laid down any special requirements for the management of forests close to a settlement unit, and RMK follows the general requirements for forest management in forests close to settlement units and is guided by the natural situation of the specific area and the planning in force. However, it was recommended that RMK should develop and publish clear guidelines on the timeframe, how (in what form) and on which issues local residents can make proposals for forest management planning. The Chancellor of Justice has clarified that RMK has to weigh two conflicting public interests where necessary. One may be the interest of local residents in preserving their existing living environment as far as possible. On the other hand, there is a public interest in maintaining the forest, preserving the associated jobs and generating revenue for the State. Within the framework of existing legislation, RMK must consider and, where possible, take into account those proposals the implementation of which would not significantly undermine the maintenance of the forest and the generation of revenue for the State in a particular area. The final assessment of the legality of cutting trees in the vicinity of each settlement can be made by the administrative court.

In the area of government of the Ministry of Interior environmental associations are involved into one advisory commission through the Estonian Council of Environmental NGOs. 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.

Environmental associations have been involved in the steering committees of all MRAA development plans and in the steering groups (usually members of the Council of Estonian Environmental Nongovernmental Organisations, which in turn has involved university researchers where appropriate) of the State's spatial plans (national spatial plans, county-wide spatial plans and designated national spatial plans).

Advisory councils have been set up to exchange expertise and opinions between representatives of undertakings, consumers, NGOs, scientists and government authorities, and to involve representatives of target groups in policy-making affecting them in a way that promotes mutual trust and effective cooperation. The MRAA website lists the advisory councils of the ministry and the area of government.

For example, the Fisheries Council, which includes NGOs from both the fisheries sector and environmental NGOs, meets regularly. Among the environmental organisations, the Estonian Fund for Nature (ELF) is represented, and all kinds of issues concerning fisheries policy and bills of legislation are discussed in the Council. In addition, there are additional meetings involving both fisheries and environmental organisations (ELF being the main partner).

The Ministry of Climate has involved NGOs in developing various strategic documents.

As an example, during the reporting period, the Ministry of Climate Change involved interested parties in the preparation of the draft Environmental Development Plan (KEVAD) through working groups and public consultation. The preparation of the draft development plan was led by a steering committee, composed of key umbrella organisations of stakeholders in the field, public authorities and academia. Representatives of sectoral stakeholders, relevant public authorities and academia were also involved in the working groups where the main work on the draft development plan was carried out. The working groups provided input for the design of the 16 lines of action. Major involvement events were organised for a wider range of stakeholders, such as the launch event of the development plan in spring 2021 and the broad input gatherings and public discussions in the framework of the impact assessment. At this stage, the preparation of the KEVAD has been suspended.

Based on the information received from NGOs, they have been involved 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 Climate. The proposals submitted by NGOs have been analysed and used for the improvement of documents. The Council of Estonian Environmental Nongovernmental Organisations is of the opinion that the input from environmental associations has a certain impact, but it is usually very limited, because the involvement does not take place at an early stage with the developer of the strategy, plan or similar document having a clear vision already at the beginning of the process. In general, the impact of environmental NGOs can be seen in the reduction of the environmental damage of the decisions taken, but success stories of high positive impact are scarce.

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 clauses 15–17 of § 28 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 Climate, drafts are usually 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 involvement 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 Climate for the development of most draft acts with significant impact. Where necessary, 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.

Pursuant to § 29 of the General Part of the Environmental Code Act, the Government Office and the ministries must 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 2024, 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. Where there is an involvement plan, it may not be adhered to, or the organisation of involvement may be changed. 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 2024, 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. As a result of involvement, 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 (§ 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.

Administrative court

As a rule, there are three conditions 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 Act 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.

In a recent ruling (paragraph 15 of 13.02.2023 order No 3-21-1360 of the Administrative Law Chamber of the Supreme Court), the Supreme Court held that an environmental organisation is also an association that promotes the protection of environmental elements for the purpose of ensuring human health and well-being. The qualification as an environmental organisation does not preclude the organisation from also addressing other issues outside the scope of environmental protection. Extract from the ruling of the Supreme Court cited above: 'Pursuant to subsection 2 of § 31 of the General Part of the Environmental Code Act, environmental organisations are not only associations which protect nature for its own sake, but also associations whose aim is to improve the living environment of people by protecting the environment'. Associations representing the interests of the local community which seek to improve the quality of life in the area may, inter alia, act for such purposes. The qualification as an environmental organisation does not preclude dealing with other forms of disturbance that fall outside the scope of environmental protection. It is not important in this case that it is an urban environment, as people's health and well-being are also affected by environmental disturbances in the urban environment and protection against them is covered by the General Part of the Environmental Code Act. /.../".

On 11.10.2023, the Supreme Court adopted judgment No 3-20-771, in which it recognised for the first time the right of an environmental association to launch a complaint under Article 9 in a dispute focusing on climate change. Specifically, the environmental association MTÜ Loodusvõlu was granted a right of appeal to challenge a building permit issued for a facility, relying in particular on the adverse climate impact of its greenhouse gas emissions during operation.

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 § 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, § 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 1 of § 28 of the Law Enforcement Act, 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. 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 §§ 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 § 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 of § 2 and § 126 of the Code of Administrative Court Procedure, administrative cases have to be settled within reasonable time. Pursuant to the subsection 1 of § 100 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, subsection 11 of § 108 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 6 of § 109 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, some 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 that have entered into force 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;
- there is no possibility for environmental associations to be involved as third parties in environmental court proceedings;
- the right of appeal in an environmental matter is manifestly inadequate to adequately protect the rights of individuals in cases of climate change related offences, due to the specific nature of climate change, which makes the traditional regulation concerning the right of appeal too restrictive.

In 2024, the Council of Estonian Environmental Nongovernmental Organisations 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. Dispute setters who have provided input to the administrative area of the Ministry of Climate 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 (<https://www.kohus.ee/mida-vaja-teada-kohtusse-poordumisel>), also a guide on recourse to court in civil and administrative matters. The website of the Ministry of Climate introduces the principles of the Aarhus Convention and contains relevant materials that can be helpful to the public in learning of possibilities of access.

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 2 of § 31 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).

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 involvement and participation of the public in the decision process regarding the release of GMOs into the environment, and marketing.

Pursuant to § 5 of the Act, the Gene Technology Committee has been established in the administrative area of the Ministry of Climate 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 Climate 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”.

Sections 10 and 19 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 Climate 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 Climate 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. 1830/2003 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 unless they have been declared a business secret and are kept in KOTKAS and data on the area of release of genetically modified organisms into the environment are kept in the Estonian Nature Information System. Data on the handling of genetically modified crops are entered in the plant health register (§ 28³, § 29 of the Release into Environment of Genetically Modified Organisms Act). The authorisation for release of genetically modified organisms into the environment and marketing authorisation include information on the authorisation holder and the GMOs, environmental protection conditions, conditions for handling and storage, the location of the release of the GMO into the environment, monitoring requirements (subsection 4 of § 12 and subsection 5 of § 22).

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 Climate.

The minister may classify as confidential business information:

- 1) information specified in Article 39(2)(a), (b) and (c) of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31, 1.2.2002, pp. 1-24);
- 2) information on DNA sequences other than those used for detecting, identifying and quantifying genetic modification;
- 3) breeding schemes and strategies.

On 23.01.2023, the Act Amending the Release into Environment of Genetically Modified Organisms Act entered into force, bringing the latter Act into line with Regulation (EU) 2019/1381 of the European Parliament and of the Council of 20 June 2019 on the transparency and sustainability of the EU risk assessment in the food chain and amending Regulations (EC) No 178/2002, (EC) No 1829/2003, (EC) No 1831/2003, (EC) No 2065/2003, (EC) No 1935/2004, (EC) No 1331/2008, (EC) No 1107/2009, (EU) 2015/2283 and Directive 2001/18/EC. 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 classified as confidential business information.

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. Network of Estonian Nonprofit Organizations
2. Council of Estonian Environmental Nongovernmental Organisations (umbrella organisation)
3. Päästame Eesti Metsad MTÜ
4. MTÜ Roheline Pärnumaa
5. Eesti Keskkonnahariduse Ühing MTÜ
6. SA Tartu Keskkonnahariduse Keskus
7. Estonian Waterworks Association

Profit Organisations

8. State Forest Management Centre
9. Estonian Environmental Research Centre

State Authorities

10. Estonian Parliament
11. Chancellor of Justice
12. Ministry of Education and Research
13. Ministry of Justice
14. Ministry of Economic Affairs and Communications
15. Ministry of Regional Affairs and Agriculture
16. Ministry of the Interior
17. Ministry of Social Affairs and the Health Board
18. Ministry of Climate
19. Environmental Board
20. Transport Administration
21. Estonian Environment Agency
22. Centre of Environmental Investments