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ENVIRONMENTAL POLICY IN ESTONIA

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Summary

Following independence from the CIS, the environmental situation in Estonia has improved considerably because of the economic recession and high investments. Despite the very recent signing of the Association Agreement, Estonia has already made considerable progress in harmonization of environmental legislation. All White Paper legislation will probably have been transposed by the end of 1999. Adoption of the remaining *acquis communautaire* is planned for the end of 2001. Even though this date is rather unrealistic, the *acquis* will probably be adopted before Estonia's accession.

However, application and transposition in the high-investment areas is currently very patchy and has to be improved.

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ENVIRONMENTAL POLICY IN ESTONIA

I. Introduction

With a population of 1.46 million and a surface area of 45,100 square kilometres, Estonia is the smallest of the Baltic States. 47.7% of its surface area consists of forests, 27.07% agricultural land, 20% marshland and 0.67% in built-up areas.

The economic decline which started after independence was stopped in 1994; since 1995 the economy has been booming again (average growth rate 4%). However, in 1997, Estonia failed to reach the 1990 level of GDP.

In terms of environmental policy, Estonia faces the problem of the legacy of the Soviet era and obsolete industries, while at the same time - in common with most of the CECs - it has valuable and untouched natural areas. Pollution of the environment has been cut considerably since 1990 following the economic collapse and as a result of investments in the environment.

In the Baltic States too, opposition forces are lined up behind the environmental movement. As a consequence, environmental protection played a significant role in the first few years in Estonia. Because of the economic problems caused by the transformation and the desire for more consumer goods and mobility, environmental policy has been pushed increasingly into the background despite the large level of interest on the part of the general public.

II. Environmental policy

1. Legislative developments

Estonia has been pursuing an independent environmental policy since the 1980s, although environmental protection was not incorporated in the constitution until the new constitution was adopted in 1992. It set aside some previous legislation (e.g. on water), but most of it continues unchanged (e.g. legislation concerning air).

The environmental protection law adopted in 1990 provides the framework for further environmental legislation. It defines the principles and objectives of Estonian environmental policy. These are in line with those of the EU. One major concern of the law is the creation of economic instruments to achieve environmental objectives. To this end, levies have been introduced for the use of natural resources and for environmental pollution. They are payable for the use of oil, natural construction materials, peat and water. Environmental pollution levies are payable for the discharge of harmful substances into water or into the air and for the dumping of waste matter.

As part of the task force work on enlargement of the EU, a separate working paper has appeared with the title 'Environmental Policy and Enlargement' (PE 167.402) which discusses the environmental issues connected with enlargement.

A compulsory environmental impact procedure has also been introduced. In 1993, 34 environmental compatibility studies were carried out. The environmental compatibility procedure is anchored in the law on sustainable development (1995) as part of environmental policy. An independent environmental compatibility directive is to be adopted in April 1998, but the Integration Pollution and Prevention Control Directive (IPPC)¹ will not take effect until the year 2000.

In many areas of Estonian environmental policy only framework laws have been adopted so far. In most cases there are no detailed measures. In countless instances, many laws from the Soviet period continue to apply. In recent years a lot of new environmental laws have been adopted which introduce new features and replace old ones as the following table shows:

Table 1: *Environmental law: 1990-1997²*

Year	Law	Government Order	Ministerial Order
1990	1	6	4
1991	2	9	12
1992	1	9	4
1993	5	22	32
1994	12	24	61
1995	9	56	44

Source: <http://www.envir.ee/ehp/legisl.htm>

According to the UN's ECE, Estonia has been relatively successful in drafting new environmental legislation. Most of its new laws are based on western European or international models. The ECE concludes: 'the main concern is the ability of the government to implement them'.

In fact the regions and local authorities often do not have the requisite experts; nor do they have adequate human and financial resources to carry out their tasks. Firms, by contrast, do not have the necessary funding to purchase western technology to comply with the stringent standards. The authorities often 'turn a blind eye' in order not to jeopardize jobs.

The national environmental action plan (NEAP) was developed in the mid 1990s and is currently being implemented. Under this plan, \$ 690 m is to be invested over the next 10 years in environmental protection. In 1996 expenditure on environmental protection in Estonia amounted to ECU 60.3 m on the part of non-banks and private-sector regulatory bodies. The contribution by industry amounted to ECU 52 m (compared with ECU 25.2 m in 1995).

Public-sector expenditure on the environment as a percentage of GDP is roughly as high as the EU average. The government is concerned to secure financing for environmental investments, particularly for the critical Eastern Baltic region. Estonia has been very successful in mobilizing

¹ Based on Directive 96/61/EEC on the integrated prevention and reduction of environmental pollution, which provides for an integrated plant approval procedure.

² A survey of Estonian environmental legislation can be found on <http://www.envir.ee/ehp/legisl.htm>.

foreign support. For example, more than 40% of investments have been financed by international loans.

One other important factor in Estonian environmental policy is the Estonian Environmental Fund, which was set up in 1983 and reformed in 1994³. Its substantial income (ECU 2.7 m in 1995) comes from environmental levies from industry, fines, the granting of licences and also foreign donors. It finances environmental protection projects through credits on various terms and non-repayable advances.

2. Administrative structure

Since 1989 Estonia has had an independent environment ministry with a staff of 105 (1995) which is responsible not only for the environment and the protection of nature but also for the management of mineral resources, planning and building. The environment ministry formulates the national environmental strategy, prepares legislative processes, collects information and performs a supervisory role.

The enforcement of legislation is the responsibility of five authorities reporting to the ministry: the State Marine Inspectorate, the Environmental and Nature Protection Inspectorate, the Forestry Authority, the Land Authority and the Fisheries Authority. These are supported by 60 regional environmental administrations for purposes of implementing and monitoring laws. Responsibility for the application of environmental legislation lies with the Environmental and Nature Protection Inspectorate. Since 1993, the gathering and processing of information has been the responsibility of the Environmental Information Centre.

The environment ministry cooperates closely with other ministries in integrating horizontal aspects of environmental protection in other policy areas. It is the opinion of the UN's ECE, that the role of the environment ministry within the government has improved continuously from 1992 to 1996.

There is close cooperation with academic bodies. Consequently, there is little involvement on the part of NGOs and industry. Since Estonia's government is obliged to release information, subject to the usual restrictions (1990 Nature Protection Act), the work of the NGOs is in theory made easier. However, there are still no regulations spelling out details of the information directive and the law is accordingly applied in a restrictive way. Of the 35 environmental NGOs, the most important are the Estonian Nature Conservation, the Estonian Nature Fund, and the Green Movement.

III. Environmental situation

1. General

The state of the environment in Estonia has improved quite considerably in the years since Estonia's independence from the CIS. A large part of these improvements is due to the decline in industrial output, which was more marked in more environmentally intensive areas than elsewhere. Nonetheless, a considerable proportion is also due to a successful environmental policy and high investments in environmental protection.

³ For its activities see <http://www.envir.ee/ehp/econom1/htm>.

The most serious environmental problems are pollution in the industrialized areas of the north and the north-east. The main factors here are pollution from the oil shale industry and major power stations. Air pollution and the resultant acid rain are also one of the main environmental problems. There are still numerous hot spots due partly to heavy industry and partly to Red Army bases (1.8% of national territory). As far as waste is concerned, the inadequately equipped dumps with poor safety facilities and the low recycling percentage are causes for concern. There is also a considerable need to improve administrative and management capacities.

The 1 500 military installations of the former Soviet military army enjoy a special status. 290 installations are slightly polluted, 300 have medium pollution with oil and chemicals and 135 are very heavily contaminated. In addition, because of firing ranges, some 8 000 hectares are polluted with non-exploded bombs, heavy metals and chemicals (Pakri Island, Aegviidu and Utsali), and the former military airports polluted with oil and chemical residues are particularly seriously contaminated.

2. Air

2.1. Situation

Estonia emits a substantial volume of substances harmful to the air and consequently has a high degree of air pollution. The main sources of emission in 1995 were the energy sector (61.3%), the building industry (19.4%) and the oil shale industry (3.5%).

Since independence from the Soviet Union the air has become cleaner mainly because of the economic collapse and also because of high environmental protection investments, as the following table shows:

Table 2: Trends in air pollution in Estonia⁴

In tonnes per annum	1992	1993	1994	1995	1996
SO ₂	180 000	142 000	140 000	110 000	120 000
NO _x	39 000	40 000	42 000	48 000	no information available
CO ₂	29 000 000	23 000 000	24 000 000	18 000 000	no information available

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