

Estonia

I. General background of the MS relevant for nature protection

- *the legislative and executive competencies in Estonia with regard to nature protection*

Estonian new Nature Conservation Act was passed on 21 April 2004.¹ One of the main purposes of this new act was full transposition of EU nature directives and establishment of mechanisms for implementation of these directives. According to the Nature Conservation Act - nature conservation is carried out by means of restricting the use of areas important from the aspect of conservation of the natural environment, by regulating activities involving specimens of species of wild fauna and flora, and by promoting nature education and scientific research. As set up in article 3 of the Nature Conservation Act - nature conservation shall be based on the principle of sustainable development and in each individual case, alternative solutions shall be considered which, from the position of nature conservation, are potentially more effective.

Areas and species are placed under protection by a regulation of the Government of the Republic or by a regulation of the Minister of the Environment. The general protection regime of various types of protected areas is stipulated in Nature Conservation Act. The particularities of the protection regime of a certain protected area is established by the protection rules of the area (adopted by the Government or Minister of Environment) The protection rules set out the extent of several protective zones with different degrees of strictness of restrictions, and determine whether the restrictions provided by Nature Conservation Act are applicable in part, in full, permanently or temporarily in each protective zone.

The Ministry of the Environment can be considered the main executive body responsible in the field of nature protection. The task of the Ministry of the Environment is to organize and coordinate environmental policy. The area of government of the Ministry of the Environment includes the management of national environmental and nature protection, the management of the use and protection of natural resources, environmental supervision, the management of nature

¹ Previous act „Act on Protected Objects of Nature“ entered into force in 1994.

and marine research, and the preparation of corresponding draft legislation. The Ministry of the Environment is present in every part of Estonia. While the centre of the Ministry is located in Tallinn, environmental authorities (County Environmental Departments) are in all 15 counties. Protected areas also belong to the Ministry's area of government. The protection of a particular protected area is organised and managed by the administrator of the protected area.

- *the characteristics of Estonian natural resources and major threats for nature*

Compared to other regions with similar areas situated to the north of the 57th northern parallel, the diversity of Estonian flora and fauna is one of the richest in the world. The reasons for it are geographically conditioned diversity of Estonian climatic conditions; the existence of both islands and continent; the influence of the sea and large number of inland waters; diversity of soils; large proportion of natural landscapes in Estonia; retention of traditional methods of land use until the middle of this century – and in many areas until the latest decades, and the respective relatively extensive retention of semi-natural habitats (heritage habitats). Small-scale species richness of some Estonian habitats is one of the greatest in the world. Such are the communities in preserved wooded meadows under long-term use in western Estonia, where the number of vascular plants may be as high as 74 species per square metre. One of the important reasons for the fact is retention of traditionally extensive methods of land use until the middle of this century. Thus, Estonian biodiversity richness has, besides local and regional importance, global value.²

Major threats for nature in Estonia include the following:

1. Extensive economic development of natural areas – in particular erection of new residential areas and industrial assest – especially in costal zones, both on mainland and on islands.
2. Big infrastructure projects (partly financed by EU)
3. Intensive forestry
4. Expansion of tourism sector on protected areas.

² Estonian Biodiversity Strategy and Action Plan. P.9. Available: http://www.undp.org/bpsp/nbsap_links/NBSAP_estonia.pdf

II. Natura 2000

1. Identification and notification of special areas of conservation (SACs) and special protection area (SPA's) in MS

a) Article 4(1) Dir 92/43 and 4(1) Dir 79/409

- *How were the areas identified which went into the national list of candidate areas for SACS (Article 4(1) of Directive 92/43)? Which criteria were used, if any?*

National programme “Estonian NATURA 2000” was adopted by the Government of Estonia in 2000, the programme outlined actions for 2000–2007. The timetable of actions included:

- gathering and evaluating existing data;
- preparation of preliminary list of SACS (and SPAs)
- additional inventories on species and habitats
- analysis of coverage (overlapping) and linkages between existing protected areas, SACS and SPAs
- analysis of the lists in County environmental departments and additions to the list
- hearings and negotiations with stakeholders
- final preparations for adoption of the list

The Ministry of the Environment and 15 County Environmental Department co-coordinated the preparation of the lists. Scientist and experts prepared the data and carried out fieldwork.

Data for designation of the sites was provide by experts from scientific institutions. Several databases which were compiled by NGOs were used for designation as well. Several projects for testing site designation methodologies were completed, such as: the “Inventory of species and habitats protected by international conventions and directives in Estonia”; “Implementation of the EU Birds and Habitats Directives in Lääne and Rapla counties”; “Implementation of the Natura 2000 network in Estonia regarding freshwater and brackish water species and habitats”. Five projects were financed since 2001 under the LIFE Nature programme, which have also contributed to the establishment of Natura 2000 sites.

The final decision on the list of SACs was made by the Ministry of Environment. According to the information from the Estonian Ministry of Environment the criteria for designation of SACs were based on Annex III of the directive 92/43.

- *Has your country identified sufficient candidate SACs and notified them to the Commission? Have core zones and puffer zones been suggested?*

509 SACs (approximately 1 million hectares) were identified and notified to the Commission by the date of accession – 1st of May 2004. Only core zones have been designated. Control of activities which take place outside the designated areas can be achieved in Estonia via environmental impact assessment procedure.

- *Which criteria were used to designate SPA's (art. 4(1) Dir. 79/409)?*

For designation of SPA's a special methodology was elaborated³. The methodology was based on the principle of the Birds Directive, that upon "classifying the most suitable territories in number and size" only ecological criteria can be taken as the basis in the procedure of classification.

Estonian site selection criteria have been defined within the framework of Matra-SPA⁴ project. Potential Special Protection Areas were selected and the statement of grounds for the selection thereof was provided on the basis of the following criteria:

1. Criteria for breeding species:

C1: One of ten best sites for a species of Annex I of the Birds Directive (additional condition: at least 1% of the Estonian population and at least two pairs).

C2: threshold of =>1% of the Estonian population of migratory waterfowl in this site (additional condition: at least two pairs).

2. Criteria for non-breeding species:

C1: One of ten best sites for a species of Annex I of the Birds Directive (additional condition: at least 0,1% of a flyway population and at least 5 individuals).

C2: threshold =>0,1% of a flyway population of migratory waterfowl.

C3: A "bottleneck site" (a site where at least 3000 *Accipitriformes* and *Falconiformes* or the Common Crane pass during migration).

C4: A stopover site for 20,000 birds of waterfowl.

The so-called justification tables of the selection of sites were compiled in the course of the selection of Special Protection Areas, separately for breeding and non-breeding bird species.⁵

On the basis of the mentioned criteria 66 SPAs (1,2 million hectares) were selected and notified.

- *Was there any public consultation or discussion with regard to the selection of sites of Article 4(1) of Directive 92/43 and to designate SPA's (Dir. 79/409)?*

Dissemination of information to local communities about sites designation (and Natura 2000 in general) was largely the responsibility of the Ministry of the Environment and County Environmental Departments. Involvement and participation of local communities (as well as NGOs) in the Natura 2000 designation process was insufficient. Some information was published in newspapers and in Internet. Public hearings in County centres were organized as well, but these were formal and there was not enough time to comment. Due to the lack of information about Natura process and regime of Natura sites a large part of the landowners

³ The timetable of activities was defined by above mentioned programme "Estonian Natura 2000

⁴ Estonian-Dutch joint project "Selection of Special Protection Areas for Natura 2000 Network in Estonia" MAT0/ES/9/1 i.e. MATRA-SPA within the period of January 2001 – August 2002.

⁵ MATRA-SPA. PRINCIPLES AND RESULTS OF THE SELECTION OF SPECIAL PROTECTION AREAS IN ESTONIA. Kaja Peterson (SEI-Tallinn), Andres Kalamees(EOS) &Andrus Kuus(EOS) . August 2002

did not accept the establishment of new protected areas. But local protests were not active. Only in some cases protests had organised character. Despite public participation process was insufficient, in some cases the objections of landowners and municipalities were taken into account and the proposed borders of the designated sites were changed as a result.

- *What were the main obstacles in process of identification these areas (e.g. local protests, lack of explicit criteria, lack of national data base on such areas)*

It seems that the main obstacle in the process of identification of the areas was lack of sufficient and systemized data on areas. Local protests and lack of explicit criteria had minor negative impact.

b) Article 4 para. 2 and Art. 5 Dir 92/43

- *Is the Commissions decision with regard to the lists of areas (Article 4(2) of Directive 92/43) final? How many areas of those that had been proposed have been retained (number and surface)? What then happens to the candidate areas which had been proposed by a Member State, but not retained?*

The final decision has not been taken by the Commission, as yet.

c) Art. 4(4) Dir 92/43

- *Has your country already taken decisions with regard to Article 4(4) of Directive 92/43 (final decision to consider an area as special area of conservation of Community interest)? What is the state of decision-taking?*

Such decisions have not been taken, as yet. However on some of the sites which were notified and taken under temporary protection – temporary protection regime has been replaced by permanent protection regime.

- d) *Are Natura 2000 sites protected through a genuine category of area protection, or are the existing categories of protected areas used for Natura 2000 areas?*

The existing categories of protected areas are used for Natura 2000 areas

- e) *Are there decisions by national courts which deal with the identification and notification of areas under Article 4(1) of Directive 92/43?*

The answer is no

- f) *If the notification of the first round is completed, is there an obligation to improve the list of Natura 2000 sites, eg under Art. 10 Dir 92/43?*

Estonian national legislation does not regulate the issue of improving the list. Estonia has not yet received final comments about the list from the Commission as well. Accordingly Estonia does not have direct obligation to improve the list at the moment; nevertheless emergence of such obligation in future is highly probable – because in some cases Estonian authorities changed the boundaries of proposed sites as a result of local protests.

Is it possible to reduce or abolish already designated sites (for others reasons than indicated in point II. 3.c).

In principle it seems to be possible, at least theoretically – but in practice it is very unlikely. Estonian national legislation does not regulate the issue.