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To: Stavros Dimas, Commissioner for the Environment,
European Commission

To: Competent Authorities and Points of Contact of the affected parties in the Nord
Stream environmental impact assessment in the Member States of EU.

**A statement of Estonian Naturalists Society and Estonian Council of
Environmental NGOs concerning the transboundary environmental impact
assessment process of the Nord Stream gas pipeline**

Honorable Commissioner,
Honorable representatives of the Member States,

Please find enclosed our letter expressing the concerns on the transboundary
Environmental Impact Assessment of the Nord Stream gas pipeline, as an official
contribution to the national EIA processes in Denmark, Germany, Sweden and
Finland, where the announced deadline for submitting written opinions is May, 5,
2009.

The implications of the EU directives to the environmental impact assessment
process of the Nord Stream gas pipeline project are summarized in the speech by
the Commissioner for the Environment, Stavros Dimas (Speech 08/43 issued on
January, 29, 2008), which stresses that the "Nordstream" project is a subject to an
EIA under the *Convention on Environmental Impact Assessment in a Transboundary
Context* (Espoo Convention) signed in 1991 and that the Community has ratified the
Espoo Convention and provides in its internal legislation - the EIA Directive - for a
legal framework to assess environmental impact of projects which are likely to have
transboundary effects among Member States.

The aim of our statement is to draw the attention of the Member States and the
European Commission to the possible deviations from the best practice in the
implementation of the Espoo Convention and the EU EIA directive, with an emphasis
on the adequacy of information made available during the public participation
process of the transboundary EIA.

The process of public hearings of the EIA reports

The EU EIA directive, Article 6/6 states: "Reasonable time-frames for the different
phases shall be provided, allowing sufficient time for informing the public and for the
public concerned to prepare and participate effectively in environmental decision-
making subject to the provisions of this Article."

Public participation of the Espoo EIA in the affected parties was scheduled for March-
May, 2009, with the last date of written submission of opinions on May, 5, 2009 in
most countries and on May, 10, 2009 in Estonia.

Estonian Point of Contact, Ministry of the Environment, adequately informed the
public via its web site, www.envir.ee, where the information submitted by the
developer, the "Espoo EIA" in English and its translation to Estonian was made
available.

However, the examination of the "Espoo EIA report" revealed that this document is
mainly a technical description and promotion of the project in a declarative way,
including lists of statements on missing or minor environmental impacts. From the

perspective of the EU EIA directive and related guidelines of evaluation of the environmental statements, the information presented in the EIA report, according to our assessment, is incomplete and insufficient.

In the "Espoo EIA report", the statements on the environmental impacts arising from the project to Estonia (and other affected parties) are listed in less than two pages, without any supporting information. The "summaries of the national EIAs" are also declarative, consisting of statements, without any data or arguments supporting it.

It is the responsibility of the developer to provide the public with sufficient and adequate information on the project. As far as we understand, the developer did not have initially the intention to provide the public in the Baltic States and Poland with the national EIA reports of Finland, Sweden, Denmark, Germany and Russia that contain most of the information relevant for evaluating the trans-boundary impacts. There was no notification from the developer that this information was available and supports the Espoo EIA process.

However, according to the minutes of the meeting of the affected parties on February 13, 2009, the developer has claimed that the transboundary aspects not assessed in the Espoo EIA report can be found in the national EIA reports. In particular, this reference was made in the context of the discussion of dioxins in the Finnish EIA report.

Alongside with the Finnish EIA report, the Russian EIA report is most relevant for evaluating the trans-boundary impact to Estonia. However, it has not been made available neither to the Estonian authorities nor for the public during the entire process of the public hearing, ending in Finland today, on May 5, 2009.

Conclusions

We understand that the Espoo Convention and the EU EIA directive imply that the information made available in the transboundary EIA report and during the public hearings should be adequate, sufficient, unbiased and without extensive gaps.

We take into the consideration, that

- the "Espoo EIA report" presented by the developer was incomplete in most relevant aspects concerning transboundary impacts ;
- the public was not supplied with relevant information during the process of public hearings.

We conclude, that in the public presentation and hearings of the Nord Stream gas pipe in the Baltic States (Estonia, Latvia and Lithuania), the developer did not follow the best practice according to the guidelines related to the implementation of the EU EIA directive.

This concerns not only the "Espoo EIA reports", but also the individual country EIA reports, because the "Espoo EIA" is considered as an integral part of the national EIA reports in Denmark, Sweden, Finland and Germany.

It is the responsibility of the developer to make all the relevant information concerning the transboundary impacts available to the public in the reasonable time.

We would also like to emphasize that in the context of the vulnerable state of the Baltic Sea, the efforts of HELCOM in stabilizing and improving it, and effects of

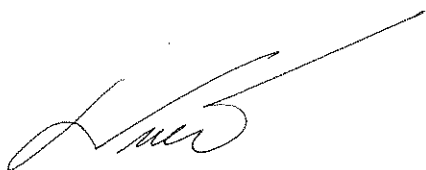
dioxins, methyl mercury and other hazardous substances in fishes to human health, the purpose of all the above legislature is to protect the environment and people's health.

We support all the viewpoints presented in the letter of April, 29, 2009 by the Commission of Nature Conservation, the Commission of Marine Sciences and the Council of Energetics at the Estonian Academy of Sciences to the Competent Authorities and Points of Contact of the Espoo EIA process. We expect that the environmental decisions of this scale should be made on a sound scientific basis, and we would welcome the initiation of independent expert opinions in the level of Member States and the EU.

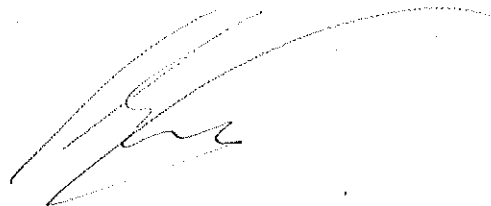
Because of the situation, where the treatment of the key issue of the Espoo Convention – the trans-boundary impact to all affected parties – is incomplete and insufficient, we have doubts whether it complies with the EU EIA directive and we ask the Member States and the European Commission to investigate this issue with full attention and caution. By providing this information, we trust the Member States and the EU institution that these possible deviations will be thoroughly investigated and that the necessary measures will be applied.

Tartu, 05.05.2009

Yours respectfully,



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Estonian Naturalist Society (ENS), established 1853, joins 800 natural scientists and environmentalists with academic background in a wide spectrum of fields. Except for its academic activities, ENS has been and is actively involved in preparation of state-level strategies and development plans concerning environmental issues. It has been and is involved in EU projects promoting Natura 2000 and relevant EU directives, dissemination of knowledge and environmental education to different target groups, focusing on educators. Since 1998, ENS has association agreement with the Estonian Academy of Sciences.

Estonian Council of Environmental NGOs, established 2002, unites 9 environmental NGOs (Estonian Ornithological Society, Estonian Fund for Nature, Estonian Green Movement-FoE, Estonian Institute for Sustainable Development, Estonian Seminatural Community Conservation Association, Estonian Student Society for Environmental Protection Sorex, Nõmme Road Society, Tartu Student Nature Protection Circle and MTÜ Läänerannik). Estonian Council of Environmental NGOs is currently represented by: Estonian Green Movement, Tiigi 8-24, Tartu, Postal address: Box:318 50002 Tartu, Estonia e:mail info@eko.org.ee (co-ordinator Mr. Rainer Rohtla), <http://eko.org.ee/?lang=en>.