
ESTONIAN APPROACH FOR ENVIRONMENTAL COMPLIANCE AND ENFORCEMENT

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SUMMARY

Agenda 21, produced by the UN Conference on Environment and Development held in Rio de Janeiro in 1992, stated that the effective environmental compliance and enforcement programs were key elements of environmental management, and recognized the need to build institutional capacity for effective enforcement in national environmental programs.

Since restoring its independence 1991, the Republic of Estonia has actively pursued a policy aimed at reestablishing ties with its Western neighbors and resuming its historic place amid the democratic European states. During the last 6 years, the Estonian Parliament has adopted more than 30 legislative acts and amendments which cover approximately 80% of necessary environmental legislation. Special attention should be paid to the adoption of the Act on Sustainable Development in 1995, as well as the National Environmental Strategy in 1997 and the Environmental Action Plan in 1998.

1 LEGISLATIVE AND ADMINISTRATIVE FRAMEWORK

Estonia has embarked on a process to achieve "approximation" of its legislation with EU environmental law which is binding on the member countries. The status of an being a country in preparation for accession has given environmental authorities a stronger position in relation to various sector and exploitation interests, as compared to the situation where countries would have to comply with other types of non-binding international agreements. The need to implement EU legislation is speeding up the process of drafting national legislation. The entire environmental acquis of the EU consists of more than 200 different legislative instruments - regulations, directives, decisions and recommendations.

The authority responsible for enforcement of environmental legislation is the Environmental Inspectorate established in 1996 as an independent governmental institution. However, many of the present enforcement tasks are delegated to the regional environmental departments. The Inspectorate is responsible for the coordination of control and supervision of the use of natural resources and environmental protection. They prepare bills of legal acts and analyze relevant legislation. The Inspectorate claims through courts for compensation for the damage done to the environment or illegal use of natural resources.

Similar functions dealing with the sea are fulfilled by the Marine Inspectorate which is responsible for exercising surveillance over the state of aquatic environment in the coastal and territorial sea areas, within the economic zone and in Lake Peipsi-Pihkva, and for protecting marine environment and fish stock. All matters related to sea inspection, including oil pollution control, are dealt with by the Inspectorate. It carries out inspections related to environmental regulations of the marine environment and inspects the merchant fleet, including passenger vessels and the fishing fleet. It is responsible for matters related to shipping and navigation in

the context of the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area and the International Convention for the Prevention of Pollution from Ships (MARPOL), including oil spill contingency planning.

Environmental permits by media (air, water, waste) are currently required in Estonia for the operation of industrial and commercial facilities. Environmental permitting is linked to the environmental standards and norms. We are preparing for introduction of an integrated permitting system (IPPC).

An environmental impact assessment (EIA) often provides the basis for environmental permits for air, water and waste, based on information presented by enterprises. Permits are issued for one to five years.

One of the preconditions for successful compliance and enforcement is the availability of reliable data on pollutant loads discharged into the environment. The leading and coordinating office for monitoring is the Environmental Information Centre (EIC).

At the present stage, enforcement of laws is not an easy task because the technology to meet environmental standards is not available in many enterprises and upgrading or changing their current technology requires major investments. Also, the capacity of local authorities to monitor compliance is almost nonexistent. There is a major need for investment in new technology that could be provided with the help of foreign assistance. What drives facilities to comply with legislation is the need to do business with western countries, especially the EU member countries. Enforcement needs to be strengthened through improved compliance monitoring and an integrated permitting system.

Because Estonia is a small country and the Government's current resources are limited, cooperation between the national, regional and local authorities, and industry is all the more important. The lack of capacity within the Government could be compensated by, for example, establishing self-monitoring and reporting requirements for enterprises when issuing permits.