



Ms Sandija Balka  
Ministry of Environmental Protection  
and Regional Development  
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Our ref 18 June 2019 No 7-12/19/1964-5

Notification in accordance with Article 3 of the  
Convention on Environmental Impact Assessment  
in a Transboundary Context (Espoo Convention)  
concerning the Rail Baltic railway project

Dear Ms Balka,

As the Party of origin, Estonia is hereby sending a notification in accordance with Article 3 of the Espoo Convention and Article 6 of the Agreement between Estonia and Latvia on Environmental Impact Assessment in a Transboundary Context (bilateral EIA agreement) of the project plan by the developer, RB Rail AS, to construct a fast double track railway from Tallinn and Muuga in Estonia to the Lihuanian-Polish border. The notification comprises the section „Pärnu–Estonia-Latvia border“ of the railway line in Estonia.

In 2013, Estonia as the Party of origin notified Latvia regarding the strategic environmental assessment (SEA) of the Rail Baltic 1435 mm railway route county plans of Harju, Rapla and Pärnu counties. Latvia participated in the transboundary procedure as an affected Party. The location for the Rail Baltic railway route corridor in Estonia was determined with the forementioned three county plans which were adopted in 2018. The developer RB Rail AS has started with the preparation of technical design of the new railway line and has entered the environmental impact assessment (EIA) stage.

#### Description of the project

Rail Baltic is a fast, conventional double-track electrified railway line with maximum design speed of 249 km/h (the maximum operational speed of 234 km/h) on the route from Tallinn through Pärnu–Rīga–Panevėžys–Kaunas to the Lithuanian-Polish border, with a connection from Kaunas to Vilnius. The railway line will be designed with 1435 mm gauge. To facilitate freight movement on the line, three large-scale multimodal terminals are being developed: in Muuga (Estonia), Salaspils (Latvia) and Palemonas (Lithuania). In Estonia, the new railway line with the total length of 213 km passes three counties (Harju, Rapla and Pärnu). The technical design phase should be completed within 2,5 years.

## Initiation of EIA

According to the Building Code, the building permit for railway structures is issued by the Consumer Protection and Technical Regulatory Authority. A building permit grants the right to build the construction work that corresponds to the building design documentation on the basis of which the building permit is issued. Thus, the building design documentation is the prerequisite for applying for the building permit. In addition, the use and occupancy permit for railway structures is also issued by the same authority.

According to the Environmental Impact Assessment and Environmental Management System Act, the decision-maker (i.e. issuer of development consent) will make a decision to initiate or refuse to initiate EIA on the basis of an application for development consent. However, environmental impact of the proposed activity may, if the developer so prefers, be assessed in the course of preparation of building design documentation.

On February 2, 2019 the developer notified the decision-maker – the Consumer Protection and Technical Regulatory Authority – of the intention to assess environmental impact of the Rail Baltic railway project in the course of preparation of building design documentation. The developer applied for the initiation of EIA in eight sections of the railway line in Estonia. On the basis of the submitted application (annex 1), the decision-maker initiated eight EIAs on March 29, 2019 (annex 2).

Regarding the section „Pärnu–Estonia-Latvia border“, the proposed activity potentially results in significant environmental impact which may be transboundary and the decision-maker has asked the Ministry of the Environment to notify Latvia (annex 3). The map of the section „Pärnu–Estonia-Latvia border“ is attached (annex 4). According to the developer, impacts arising from the barrier effect will possibly affect people's mobility as well as nature values. Transboundary impacts arising from traffic load become evident on roads (estimated to decrease) and railroads. Indirect impacts of the project will manifest themselves in the whole economic area of the Rail Baltic railroad. Inter alia, the results and data of the SEA of the county plans will be taken into account in the EIA procedure, including the results of Natura assessment of the Mernieku dumbraji Natura 2000 area.

## EIA procedure

According to the Environmental Impact Assessment and Environmental Management System Act, after the initiation of EIA the leading expert or, an expert group under the supervision of the leading expert, will, jointly with the developer, prepare an EIA programme (scoping document). Before the publication of the EIA programme, the decision-maker must ask for an opinion on the content of the programme from all the authorities concerned. After the publication of the EIA programme (i.e. public display and public hearing) the developer submits the programme to the decision-maker for verification of its compliance with the requirements.

On the basis of the EIA programme that has been declared compliant, the EIA report is prepared. The EIA report stage includes similar proceedings as the EIA programme stage (asking for opinion from the authorities concerned, publication). As part of verification of compliance of the EIA report with requirements, the report is also sent to the authorities concerned for approval.

Upon making a decision to grant or refuse to grant development consent, the decision-maker must take into account the results of EIA and the environmental measures contained in the EIA report. This also includes the results of transboundary consultations, where applicable. In this particular case, EIA is part of the design of the railway project and the results of the assessment must be considered in the design. Furthermore, the EIA report is a separate part of the building design

documentation. The building permit is issued if the submitted building design documentation conforms to the requirements established in respective legislation.

If the affected Party intends to participate in the EIA procedure, the draft EIA programme and EIA report are forwarded to the affected state. Consultations are commenced concerning environmental impact resulting from the proposed activity and environmental measures to be taken. In addition, regarding the timeframes and translation of documentation the agreed approach of the Commission on Transboundary EIA between Estonia and Latvia is followed.

#### Answer to the notification

Kindly send the answer to this notification to the Ministry of the Environment (keskkonnaministeerium@envir.ee) by July 31, 2019 at the latest, and:

- acknowledge the receipt of the notification;
- indicate whether your country intends to participate in the transboundary EIA procedure;
- provide possible comments concerning the scope for the assessment of the environmental impacts of the project affecting your country.

#### Contacts information

Developer: RB Rail AS – Mr Roland Määr, roland.muur@rbe.ee.

Decision-maker: Consumer Protection and Technical Regulatory Authority – Ms Liina Roosimägi, liina.roosimagi@ttja.ee.

Transboundary EIA procedure: Ministry of the Environment of Estonia – Mr Rainer Persidski, rainer.persidski@envir.ee.

Sincerely Yours,



Kaupo Heinma  
Point of Contact for the Espoo Convention

- Enclosures:
1. Annex 1 – application of the developer
  2. Annex 2 – EIA initiation decision
  3. Annex 3 – information letter of the decision-maker
  4. Annex 4 – map of the section „Pärnu–border of Estonia and Latvia“

For information: Ms Iveta Jegere, Ms Liina Roosimägi, Mr Roland Määr

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