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QUESTIONNAIRE ON NATIONAL CASE LAW REGARDING ISSUES OF WASTE
Estonia Response

Prevention of waste - an acute problem for Estonia

Currently, in the framework of activities concerning the protection of environment, the protection of the Baltic Sea has caught attention of Estonia and many other countries. Our concerns have increased due to the Russian-German Gas Pipeline envisaged in the Baltic Sea. Despite of the economical and political importance of the Pipeline project one cannot overlook the questions that the planning of the Pipeline raises in the area of environment protection. Unfortunately today many of these questions remain still unanswered.

During the First and the Second World War, all kinds of dangerous and harmful substances and also chemical weapons whose exact location is unknown were dumped into the Baltic Sea. Although these substances have been on the bottom of the sea for decades and their harmful effect has decreased according to the opinion of some experts, any kind of activity on the bottom of the sea is accompanied by a potential danger of these substances leaking into the marine environment. After the Second World War, almost 40 000 tons of weapons were buried in the bottom of the sea to the east of the island of Bornholm and to the south-east of Gotland. The buried weapons contained up to 13 000 tons of noxious chemical substances, including sulphur mustard and other substances harmful to the respiratory tract.

The length of the gas pipeline would be almost 2 100 kilometres, 1 200 kilometres of this would be located on the bottom of the Baltic Sea and almost 400 kilometres would border Estonia. The gas pipeline may run across the dumping sites as we do not have accurate maps. By now, the mustard gas and sarin shells and the shells of other hyper-dangerous chemical weapons have rusted through and, hence, do not withstand lifting to the surface. As the Baltic Sea has been declared an especially sensitive marine area, all activities having an effect on the marine environment should be thoroughly evaluated.

The question of the intended Russian-German gas pipeline was also on the agenda at the last meeting of HELCOM heads of delegation on 4 November, where Estonia along with other Baltic Republics and Finland and Sweden expressed its concern and was not satisfied with the superficial information presented to the meeting on the subject. The meeting decided that this project should be thoroughly analysed on the basis of HELCOM environmental impact assessment requirements.

Construction of this gas pipeline is a project having a direct transboundary environmental impact on all Baltic Sea countries regardless of the high seas area. According to the Espoo Convention, a transboundary environmental impact assessment has to be initiated to find out the potential adverse effect of the gas pipeline construction on the marine environment. Although Russia is not a party to the Espoo Convention, it has to be noted that the standards of transboundary environmental impact assessment of the Convention could be considered as the established

standards of the international common law and also as neighbourly conduct. In any case, the gas pipeline project is a multilateral project and Germany, one party to this project, is a contracting party to the Espoo Convention as opposed to Russia and, hence, has to assess the transboundary environmental impact.

Both Russia and Germany are the members of HELCOM, and according to the Convention on the Protection of the Marine Environment of the Baltic Sea Area the parties to the Convention implement separately or jointly all measures required for preventing and avoiding pollution to achieve the ecological recovery of the Baltic Sea and the preservation of its ecological balance.

It is also important to consider the fact that the presidents of the Baltic Republics do not approve of this plan in its current form. They find that such an activity should be subject to the approval from all Baltic Sea countries, or at least to the assessment of the environmental impact of the project, and also to a discussion of this matter at the European Union level. International environmental organisations should also be interested in the environmental impact of the gas line. This gas line is not a one-time economic project, but it may have a decades-long effect on the political landscape and the environment of the entire Baltic Sea region.

There is no doubt that this fuel line also has an effect on the Estonian economy and energy policy, as huge amounts of fuel are going to move past Estonia and other Baltic Republics.

Estonia stresses the importance of an immediate and extremely strict assessment of the environmental impact, and transparency of the entire gas line construction process.

Justice Indrek Koolmeister, Supreme Court of the Republic of Estonia