

Mrs. Annika Uudelepp  
Secretary General  
Ministry of the Environment  
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Ours: 21.12.2006 No. 7.5/13875

**Initiating and publishing the transboundary EIA programme  
of Russian-German gas pipeline project**

Dear Mrs. Annika Uudelepp

As response to your letter from 27th of November 2006 Estonian Ministry of Foreign Affairs gives the following comments about initiating and publishing the transboundary EIA programme of Nord Stream (Russian-German) project:

1. According to the information presented in the EIA programme, the alternative locations of the pipeline have been investigated in 1997-1998 by North Transgas Oy (company registered in Finland). In our opinion these investigation results are insufficient, because the primary task of North Transgas Oy included connections with Finland and Sweden. Therefore investigated alternatives terminated with north and west part of the Baltic Sea (mainland, territorial sea and exclusive economic zone of Finland and Sweden). The EIA programme presented by Nord Stream AG does not foresee this kind of connections and deriving from that fact, it is necessary to investigate all possible alternatives for gas transport from Russia to Germany, including alternatives outside the Baltic Sea region.

a) The second Yamal-Europe pipeline project has been excluded from the alternatives because of the „need for diversification of transport routes”. As it has not been specified, wherein the need for diversification consists of, it is not possible to consider this kind of exclusion sufficient. Also the fact that constructing the second gas pipeline to a existing route has probably lower environmental impacts than constructing a completely new pipeline route, should be considered.

b) It has been mentioned in the EIA programme that working with Amber pipeline project continues. As the mentioned pipeline is one of the potential alternatives to the pipeline project proposed by developer, it is incomprehensible, why this project has not been evaluated as a potential alternative.

c) The potential location of the gas pipeline in the Baltic Sea has been investigated only in limited area. According to the information presented in the programme of the EIA, investigations in EEZ's of all the countries next to the Baltic Sea have not been conducted - it is not possible to confirm that gas pipeline location has been chosen on the assumption of potential smallest environmental impacts.

2. Based on maps annexed to the EIA programme, the location of the gas pipeline is adjacent with the borders of the exclusive economic zones (EEZ) of Estonia and Finland in several sections. According to the EIA programme, the width of the project area is 2 km and thereby the investigations of the gas pipeline route had to include EEZ of Estonia. According to the § 8 of Exclusive Economic Zone Act of Estonia, for this kind of investigations, the application of research permit has to be submitted to Estonian Ministry of Foreign Affairs. Nord Stream has not submitted this kind of applications and also it has been confirmed in the EIA programme that there has been made no investigations in the EEZ of Estonia. Mentioned conflict raises a question if there have been enough investigations before selection of a gas pipeline route.

3. Information presented in the EIA programme about the mine clearance operations in the Baltic Sea is incomplete, therefore it is possible to claim that developers of the project have not considered risks related to mines enough thoroughly. We find it necessary to consider risks related to mines thoroughly during the EIA.

4. During the EIA we find it necessary to assess thoroughly risks, which derive from crossing and covering of the pipeline with ship traffic corridors. It turns out from the project description that the gas pipeline route has been projected into the passageway of the Gulf of Finland, with most intense shipping traffic, where already now the guiding passageways of shipping traffic apply by the rules of IMO. Construction of the gas pipeline in that passageway creates additional risks, which can considerably harm navigation rules used for the protection of sea environment.

It is necessary to establish a safety zone, where anchoring is not allowed, for the security of the gas pipeline and navigation but in relation with the fact that in the Gulf of Finland the gas pipeline runs under a seaway on a large scale, it can considerably limit the rights of navigators and raise unreasonable expenditures. As the navigation passageways are engaged for the protection of the Baltic Sea, as the protection of particularly sensitive sea area, then no new risk creating activities should be allowed, what are in contravention of marine environment protection measures. As a whole, in the EIA programme the aspects related to the fact that the Baltic Sea was determined as particularly sensitive sea area (PSSA) by IMO in 2005 have been neglected completely.

5. As the gas pipeline will be located in EEZ's of Finland and Sweden, close to the border of EEZ of Estonia, we find it necessary to efficiently cooperate with adequate authorities of Finland and Sweden to provide reckoning with environmental interests of Estonia in the EIA and later in the process of giving out the permits.

6. If we take the fact, that the gas pipeline is located next to the border of the EEZ of Estonia, into consideration, then it is possible that construction will partially take place in the EEZ of Estonia. We ask for legal evaluation, how will this affect the status of Estonia in the meaning of Espoo convention and what kind of permit procedures are necessary in case of this kind of activity.

We point out the fact to the Ministry of the Environment that the translation presented by the project developer is sporadically unclear and maybe even misleading as a result of insufficient quality of translation.

For better co-ordination between authorities of Estonia, Ministry of Foreign Affairs makes a proposal to arrange a discussion with adequate authorities before sending a response about the participation in the EIA, to ensure complex reflection of all potential problems in a response from Estonia and in the latter EIA process.

At the same time Estonian Ministry of Foreign Affairs makes a proposal to involve University of Tartu, Estonian Academy of Sciences and Estonian Ministry of Defense in the process of the EIA.

Sincerely yours,

Matti Maasikas  
Secretary General

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