



riigikontroll
National Audit Office of Estonia

Follow-up activities of the audit “Forest Felling in Protected Areas”

Does the Environmental Board ensure the protection of natural values when it permits felling?

Report of the National Audit Office to the
Riigikogu
Tallinn, 11 March 2025

Summary of audit results

Forest felling in areas selected to compensate for damage caused by the construction of the Rail Baltic railway route showed that the Environmental Board is still not complying with the National Audit Office’s recommendation from 2023¹ to make sure that the impact of felling on natural values has been assessed before a logging permit² is issued. The Rail Baltic case showed that the organisation of work at the Environmental Board makes it possible to continue felling in areas the high natural value of which is known and where the Board has the information necessary to prevent damage.

Main observations

This resulted in both damage to the nature and economic damage. The most suitable replacement habitats for a species were destroyed, and 26 times as much forest land that can no longer be managed in the usual way had to be additionally protected to compensate for the damage. In addition, the adoption of the county plan of Southern Pärnu County necessary for the development of Rail Baltic was delayed for more than half a year.

Did you know that...

In 2023, the National Audit Office published the audit report “Forest Felling in Protected Areas”.

The key message of the report was that the Ministry of Climate is not doing enough to protect nature, because

- natural values have been damaged by felling in both limited management and special management zones; and
- the impact of felling had not been analysed before the logging permit was approved.

The Environmental Board approved the permits to cut down forests that were chosen as areas that compensate for the capercaillie habitats that will be destroyed due to the construction of the Rail Baltic railway route (Natura compensation areas) and that were pending approval together with the adoption of the county plan of Southern Pärnu County. Both the State Forest Management Centre (RMK), which wanted to cut down the forest, and the Environmental Board, which approved the logging permits, participated in the selection of the compensation areas and the issue of logging permits, and were aware of the planned restrictions and locations.

The RMK planned felling on 1,108 hectares of Natura compensation areas and the forests intended to be the buffer zones around them, even though it was aware of the content of the compensation scheme and had agreed to it. At the time when the RMK applied for the logging permits, it was also giving its approval to the county plan that would have established the restrictions of the compensation scheme. In doing so, the RMK disregarded the precautionary principle under environmental law.³ The RMK justified the application for logging

¹ Audit of the National Audit Office “Forest Felling in Protected Areas” (2023).

² The phrase ‘logging permit’ is used hereinafter instead of the phrase ‘forest notification’ for the sake of simplicity.

³ General Part of the Environmental Code Act, § 11; Oliver Kask. Annotation to § 53 of the Constitution, annotation 11. – Ülle Madise et al. (ed). Constitution of the Republic of Estonia. Annotated edition. 2020, Tartu, Iuridicum Foundation; Communication from the Commission on the precautionary principle.

permits by explaining that the restrictions had not yet been officially established.

In total, the RMK managed to carry out felling on 282 hectares, 62 hectares of which were the planned location of the compensation areas. Of this area, 17 hectares were located in a forest area, which would have been the best replacement for the capercaillie habitat that were going to be lost due to the construction of Rail Baltic.

The extent of the damage caused by the felling in the Reiu area was demonstrated by the fact that the damage done on 17 hectares was so extensive and irreversible that a much larger area of forest land managed by the RMK (443 ha) had to be taken under protection to ensure equivalent protection, as there was no more equivalent forest left in the vicinity. As this made it necessary to start amending the compensation scheme and set new restrictions, the adoption of the county plan of Southern Pärnu County necessary for the development of Rail Baltic was delayed for almost seven months.

Recommendations of the National Audit Office

Recommendation of the National Audit Office to the Director General of the Environmental Board:

- before approving a logging permit, the Environmental Board must make sure that the impact of felling on the natural values of the forest area and the surrounding areas has been assessed. Among other things, take into account the information on natural values in the area to be felled that is actually known to the Environmental Board.

Response of the Director General of the Environmental Board: The Environmental Board has approved rules that require checking whether any nature conservation restrictions have been established on an area when a logging permit is issued. If they exist, the logging permit will be referred to a specialist who will make their decision on the basis of the conservation rules of the specific conservation area, the management plan, the species action plan and, in the case of protected species, the guidelines for the organisation and management of value-based forest conservation.⁴ Following these documents ensures that an assessment of the impact of felling on the affected natural values has been carried out when the logging permit is approved.

In the case of an application for felling in Natura areas, a specialist will make a discretionary decision or carry out a preliminary assessment of the Natura impacts, which is based, among other things, on the natural values and the proposed felling method. In both cases, the information in the Estonian Nature Information System (EELIS) database will be used as a starting point and, if necessary (e.g. the data is old or

⁴ The guideline is also publicly available at the [website of the Environmental Board](#).

incomplete), additional field work will be carried out and input will be sought from the nature conservation departments.

Comment of the National Audit Office: The National Audit Office notes that in order to avoid cases similar to Rail Baltic, the Environmental Board must also take into account information that has not yet been entered into the EELIS, but which is crucial in deciding whether to allow felling.

Recommendation of the National Audit Office to the Minister of Climate:

- amend the Nature Conservation Act and the Forest Act and establish rules to prevent damage to natural values in areas with regard to which the establishment of compensation areas has started. Specify the stage of the planning or authorisation procedure at which activities must be approved by the Environmental Board as well as in which cases and when planned sites must be entered in EELIS.

Response of the Minister of Climate: the Ministry has prepared an amendment to the Nature Conservation Act that complies with the proposals of the National Audit Office.

We will stipulate that, if compensation or mitigation areas need to be established, the measures to be implemented there will be described, with the purpose, justification and boundaries of the area, by:

- 1) the Environmental Board, if the conservation objective of a protected area, a limited-conservation area, a special protection site or an individual protected natural object are compromised;
- (2) the organiser of the planning process or the applicant for a permit required for activities, except in the case referred to in clause 1. The plan of the proposal for compensation or mitigation areas or the permit requested for activities must be submitted to the Environmental Board for approval and verification of the data and suitability of the areas as soon as possible.

In addition, the draft contains a provision according to which the administrative body that received the application for an administrative act (e.g. a logging permit) that may affect the status and objectives of a compensation or mitigation site included in the EELIS has the right to suspend the procedure for granting the administrative act or to impose conditions on its grant, compliance with which will ensure that the objectives of the compensation or mitigation site are achieved. The procedure will be suspended until the decision to protect or refuse to protect the natural site is made, but for no longer than 28 months from the date of the decision to suspend the procedure.

The draft act is being approved by the Ministry of Justice and will be submitted to the Government of the Republic during the first quarter of 2025.

For as long as the amendment has not entered into force and a separate data layer does not yet exist, the Environmental Board, which is involved in the process of designating compensation and mitigation areas, will submit a proposal to the Ministry of Climate to take an area for protection under § 8 of the Nature Conservation Act, and the proposed areas will be included in the EELIS in the layer of areas to be designed. The Environmental Board will also ensure that if the boundaries of compensation and mitigation areas are changed in the course of further proceedings, the proposal for taking them under protection will also be updated.

