

Title of the process

**Estonia:
Negotiating the Conditions of the Mining Permit for the Merko Oil-Shale Mine**

Type of procedure

- | | |
|-----------------------------------------------------|-----------------------------------------------------------------|
| <input type="checkbox"/> Mediation procedure | <input type="checkbox"/> Procedure including mediation elements |
| <input checked="" type="checkbox"/> Other procedure | |

Topic area

- | | |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Urban and land use planning | <input type="checkbox"/> Water management/supply and distribution |
| <input type="checkbox"/> Waste management | <input type="checkbox"/> Industry, trade, enterprises |
| <input checked="" type="checkbox"/> Power industry | <input type="checkbox"/> Telecommunications |
| <input type="checkbox"/> Traffic, transportation | <input type="checkbox"/> General environmental policies (genetic engineering, nuclear policy etc.) |
| <input checked="" type="checkbox"/> Nature conservation | <input type="checkbox"/> Neighbourhood conflict |
| <input type="checkbox"/> Tourism | <input type="checkbox"/> Other: |
| | |

Initiator(s)

Estonian Fund for Nature

Short description of the case

OU Merko Kaevandused is going to open a new oil-shale mine near the Puhatu wetlands, a protected area under the Ramsar Convention. The environmental impact assessment (EIA) stated that mining could drop the water level of the wetland, but did not design any particular measures for protecting the swamp. The Ministry of Environment issued a mining permit without preventive measures. The Estonian Fund for Nature, an environmental non-governmental organisation, disputed the permit in court. After implementation of the injunctive relief by the court, OU Merko Kaevandused initiated negotiations about a possible settlement. The parties reached an agreement about changing the conditions of the mining permit and the court proceedings were ended.

Parties and other participants (number of individuals, names of participating public authorities, institutions, interest groups, etc.)

- Estonian Fund for Nature (ELF)
- OU Merko Kaevandused

- Ministry of Environment
- Law Firm Lepik & Luhaaar (representative of OU Merko Kaevandused)
- Attorney Ain Alvin (representative of Ministry of Environment)

Client/financial sponsor

The legal activities of Merko Kaevandused were financed by the developer itself. Legal activities of the Estonian Fund for Nature were financed through different ongoing projects, financed by European or Estonian funds.

Procedural guidance by (e.g. professional mediators etc)

The negotiations were guided by attorney Toomas Luhaaar, representing OU Merko Kaevandused

Geographic dimension

- | | | |
|-------------------------------------------|-----------------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> local | <input type="checkbox"/> regional | <input type="checkbox"/> state-wide |
| <input type="checkbox"/> international | <input type="checkbox"/> EU-wide | |

Status of process

- | | |
|-----------------------------------------------|---------------------------------------|
| <input checked="" type="checkbox"/> concluded | <input type="checkbox"/> in execution |
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Start, end, duration of the process (if still in execution: estimated end)

Whole process: February 2003 – February 2004 (one year)

Negotiations: October 2003 – February 2004 (five months)