

## Granting of Superficies Licence

The Consumer Protection and Technical Regulatory Authority is the competent authority that processes applications for a superficies licence and decides on the initiation of the procedure as well as the granting of the superficies licence.

### Facts and Procedural History

1. On 11 April 2022, OÜ Utilitas Wind (registry code 16171123, hereinafter also the developer) submitted to the Consumer Protection and Technical Regulatory Authority (hereinafter CPTRA), an application for a superficies licence for the installation of electric and communication cables (hereinafter export cables) in the Gulf of Livonia for the purpose of connecting the Saare–Liivi offshore wind farm to the national electricity transmission grid. The application was supplemented on 12 August 2022, 22 August 2022 and 5 September 2025. The application and related documents are registered in CPTRA's public document register under file no. 16-7/22-04713.

1.1. Pursuant to § 25<sup>1</sup> (1) of the Act to Implement the Building Code and the Planning Act, applications for superficies licences submitted between 25 May 2017 and 7 May 2022 must be processed based on the procedural and substantive law in force at the time of submission. As the application was submitted on 11 April 2022, the proceedings must follow the provisions of the Water Act as in force between 1 October 2021 and 6 May 2022 (hereinafter Water Act<sup>2022</sup>).

1.2. Under § 217 (1) of the Water Act<sup>2022</sup>, a superficies licence is a right to encumber, for a specified period of time, a delimited part of a public water body with a construction work that is permanently connected to the bottom of the water body or to the seabed but does not have a permanent connection to the shore. Although the planned export cables will connect the offshore wind farm to a substation located on land, they must still be regarded as construction work that does not have a permanent connection to the shore. Therefore, their installation requires a superficies licence.

1.3. Pursuant to § 216 (1) and § 222 (1) of the Water Act<sup>2022</sup>, the authority responsible for issuing the superficies licence is CPTRA.

1.4. The objective of the proposed activity is to connect the Saare–Liivi offshore wind farm to the Estonian transmission network. According to the application, the estimated length of the export cables from the boundary of the wind farm's encumbered area to the landfall point is approximately 25 km, with a corridor width of 6–20 metres, depending on the mutual distance and layout of the cables. The export cables will consist of up to six approximately 50 cm diameter three-core cables with a joint armoured sheath, or up to eighteen approximately 25 cm single-core armoured cables with a voltage rating up to 400 kV. The communication fibres are integrated into the same sheath with the electric cables and no separate communication cable will be installed. To prevent mechanical damage (e.g. from ice movement), the cables will be installed into the seabed using a specialised cable-laying vessel and anchored or protected as necessary (e.g. burial or covering with seabed material). In the shallow coastal area, installation may require horizontal directional drilling to minimise impacts on environmentally sensitive areas. The cables are planned to land at Laoküla shore, on the cadastral unit 82603:003:0257 (land register no. 7019250).

2. On 22 December 2022 the CPTRA initiated the superficies licence procedure and the environmental impact assessment (hereinafter EIA) for the Saare–Liivi offshore wind farm's subsea cable line — i.e., the export cables by Decision No. 1-7/22-473. This EIA was merged with the EIA procedure for the construction of the Saare–Liivi offshore wind farm, which had already been initiated by CPTRA's Decision No. 1-7/21-521 on 23 December 2021. The procedures were merged because CPTRA

determined that the EIA programme submitted by OÜ Utilitas Wind on 14 November 2022 sufficiently addressed the impacts related to the installation of the export cables. CPTRA concluded that the ongoing EIA process for the offshore wind farm already accounted for the impacts of the export cables and that the necessary environmental studies would be carried out in sufficient scope during the preparation of the EIA report.

3. On 10 February 2025, OÜ Utilitas Wind submitted to CPTRA the EIA report, prepared by Roheplaan OÜ and titled “Environmental Impact Assessment of the Saare–Liivi Offshore Wind Farm. EIA Report, for public disclosure on 10.02.2025” (hereinafter the EIA report), for public consultation and for obtaining the opinions of relevant authorities. The EIA report was prepared for the construction of the offshore wind farm within the initially requested area, as well as for the installation of the export cables required for connecting the wind farm to the transmission grid. The report was supplemented on 3 March 2025 following CPTRA’s comments. The EIA was carried out by OÜ Roheplaan, and the lead expert was Riin Kutsar (EIA licence No. KMH0131).

3.1. Since the amendments to the Environmental Impact Assessment and Environmental Management System Act (KeHJS) entered into force on 21 June 2024, including the provisions in § 21 and 22 on the publication of the environmental impact assessment report and compliance control, which pursuant to § 56 (15) of the KeHJS applied when initiating a new procedure, the publication of the EIA report and the declaration of its conformity were carried out on the basis of the current version of the KeHJS.

3.2. The public display of the EIA report took place from 17 March 2025 to 21 April 2025 (inclusive), and the public hearing was held on 29 April 2025 at the Kihnu Community Centre. The EIA report and the related documents were available for review in CPTRA’s public document register (documents No. 16-7/21-02502-174 and No. 16-7/21-02502-172) as well as on CPTRA’s website. Comments, objections and questions regarding the EIA report could be submitted until the end of the public display period, i.e. 21 April 2025.

3.3. On 14 March 2025, by letter No. 16-7/21-02502-178, CPTRA forwarded the draft EIA report to the relevant authorities for the submission of their opinions, and by letter No. 16-7/21-02502-177 of the same date informed the other participants in the proceedings of the public disclosure of the report. The Ministry of Climate (hereinafter KliM) notified Finland, Sweden, Latvia and Lithuania on 17 March 2025, by letter No. 16-3/25/1197-3, of a potential transboundary impact. During the public display, the following authorities and organisations submitted their positions: the Ministry of Climate (KliM), the Environmental Board (KeA), the Estonian Fishermen’s Association, the National Heritage Board (Muinsuskaitseamet), Liivi Offshore OÜ, the Transport Administration (TraM), the Ministry of Economic Affairs and Communications (MKM) and CPTRA. In addition, within the framework of transboundary consultation, on 22 May 2025, the KliM forwarded to CPTRA, to the EIA lead expert and to the developer the feedback received from Finland, Sweden, Latvia and Lithuania.

3.3.1. KliM requested in its letter No. 16-3/25/1197-4 of 17 April 2025 that the chapters on seabed geology, geophysical and geotechnical conditions, and construction geology be supplemented. KeA, in its letter No. 6-3/25/5326-3 of 21 April 2025, requested the supplementation of several impact assessment chapters, the refinement of mitigation measures, the treatment of disposal (dumping) areas, and the assessment of impacts related to the installation of the export cables. KeA also proposed amendments to the assessment of impacts on Natura 2000 sites. The Estonian Fishermen’s Association proposed in an e-mail dated 21 April 2025 that the EIA report be supplemented with a number of fisheries-related studies. The National Heritage Board requested in its letter No. 5-14/828-2 of 21 April 2025 that the treatment of cultural heritage in the EIA report be supplemented and that an underwater archaeological survey also be conducted in the planned dumping areas. Liivi Offshore OÜ, in its letter

No. TM-JUH-4/8 of 21 April 2025, submitted proposals for improving the assessment of cumulative impacts. TraM requested in its letter No. 7.2-4/25/4219-3 of 22 May 2025 clarification or further explanation of the maritime navigation safety risk analysis and the mitigation measures for vessel traffic. MKM, in its letter No. 13-4/1206-2 of 21 April 2025, requested clarification regarding fishing areas, stationary net fishing and trawling, and asked that all relevant time periods be specified during which works must be avoided or during which certain works may be carried out. CPTRA, in its letter No. 16-7/21-02502-187 of 21 April 2025, requested clarification in the EIA report regarding the description of the proposed activity and an assessment of the impact of the export cable corridor's protection zone on coastal fishing.

3.3.2. The Health Board (letter of 08.04.2025 No. 9.3-4/25/2729-7), Saaremaa Municipality Government (letter of 11.04.2025 No. 8-5/1671-2), Lääneranna Municipality Government (letter of 17.04.2025 No. 2025/8-1/327-2), and the Police and Border Guard Board (e-mail of 23.04.2025) informed that they will not submit proposals for supplementing the EIA report.

3.3.3. The Ministry of Defence, the Ministry of the Interior, the Ministry of Regional Affairs and Agriculture, the Defence Forces, the Rescue Board, the Agriculture and Food Board, the Environmental Agency, the Kihnu Municipality Government, the Pärnu City Government, the Ruhnu Municipality Government, the Häädemeeste Municipality Government, the Estonian Council of Environmental NGOs, the Liivi Bay Fisheries Local Action Group (MTÜ Liivi Lahe Kalanduskogu), MTÜ Saare Rannarahva Selts, Tuuletraal OÜ, UAB Ignitis renewables projektai 6, Elering AS and Elektrilevi OÜ did not submit any opinions during the public display period.

3.3.4. The developer provided written responses on 3 May 2025 to the questions and proposals that had been submitted during the public display, and the EIA report was corrected and supplemented on the basis of the relevant comments. Since no additional questions or proposals were submitted to the CPTRA, it was concluded that the relevant authorities and persons interested in the proceedings had no further proposals or objections regarding the EIA report.

3.4. On 16 June 2025, OÜ Utilitas Wind submitted the report prepared by Roheplaan OÜ titled "Environmental Impact Assessment of the Saare–Liivi Offshore Wind Farm by OÜ Utilitas Wind. EIA Report, for recognition of compliance on 17.06.2025" to CPTRA for verification of its compliance with the requirements. On 17 June 2025, by letter No. 16-7/21-02502-206, CPTRA forwarded the EIA report to the the manager of the protected natural object, KeA, for approval. By letter No. 6-3/25/5326-6 of 18 July 2025, KeA informed CPTRA that it would approve the EIA report subject to the comments outlined in its letter. On 22 July 2025, CPTRA forwarded KeA's comments to the developer and requested that the EIA report be amended accordingly. On 23 July 2025, OÜ Utilitas Wind submitted to CPTRA the revised EIA report for compliance review and confirmed that the report had been updated and that all comments raised by KeA had been taken into account. On 10 July 2025, by letter No. 16-7/21-02502-207, CPTRA extended the deadline for the compliance review of the EIA report until 6 August 2025. On 30 July 2025, by letter No. 16-7/21-02502-210, CPYTRA issued additional proposals for amendments to the wording of the EIA report. On 31 July 2025, OÜ Utilitas Wind submitted a further revised version of the EIA report for compliance review.

3.5. On 6 August 2025, by letter No. 16-7/21-02502-212, CPTRA declared the report prepared by Roheplaan OÜ titled "Environmental Impact Assessment of the Saare–Liivi Offshore Wind Farm by OÜ Utilitas Wind. EIA Report, for recognition of compliance on 17.06.2025 (revised 30.07.2025)" as compliant. The report assessed the environmental impacts of the initial area of the Saare–Liivi offshore wind farm as well as of the export cables to be installed for its connection to the national electricity

transmission grid. CPTRA established the requirement that the mitigation measures proposed in the EIA report must be taken into account in the subsequent permitting procedures.

4. On 22 August 2025, after the EIA report was declared compliant, OÜ Utilitas Wind submitted to CPTRA the adjusted coordinates of the area to be encumbered by the export cables. As a result, the size of the encumbered area decreased from 39.7 km<sup>2</sup> to 25.9 km<sup>2</sup>.

### **Legal Justifications**

5. Pursuant to § 222 (1) and § 223 (1) and (2) of the Water Act<sup>2022</sup>, CPTRA, as the competent authority, may decide to issue a superficies licence provided that there are no grounds for refusal.

5.1. Under § 223 (1) of the Water Act<sup>2022</sup>, the competent authority must refuse to grant a superficies licence if: 1) the applicant has failed to comply with the conditions set out in the decision initiating the superficies licence procedure and has not applied for an extension of the deadline for complying with them; 2) the conditions of the requested superficies licence conflict with an existing superficies licence; 3) the conditions of the requested superficies licence conflict with a valid planning document; 4) the conditions of the requested superficies licence conflict with the national security interests of the state; 5) the activity results in a significant adverse environmental impact that cannot be adequately avoided or mitigated; 6) the structure forming a material part of the superficies licence would interfere with air traffic, maritime traffic on shipping routes or within a port aquatory, or the safe mooring of vessels; 7) the applicant does not meet the requirements established for the holder of a superficies licence; 8) based on the results of the procedure, the area of the public water body to be encumbered must be modified, and the applicant does not agree to such modification. Under § 223 (2) of the Water Act<sup>2021</sup>, the competent authority may also refuse to grant the superficies licence if there is reason to believe that the applicant might pose a threat to public order, public safety, or national security.

5.2. Pursuant to § 113<sup>21</sup> (1) of the Building Code, where a public water body is encumbered with a construction work that does not have a permanent connection to the shore, the owner of the construction work must pay a yearly superficies fee.

6. No grounds for refusing the issuance of the superficies licence were identified during the licence procedure. Therefore, CPTRA considers the granting of the superficies licence to be justified.

6.1. Based on the conclusions of the EIA report, the developer must, in carrying out the proposed activity, comply with the mandatory mitigation and monitoring measures set out in Chapter 7.2 and Sub-chapter 7.5.1 of the report. CPTRA considers it reasonable and appropriate to establish these mitigation measures as conditions of the superficies licence.

### **Hearing**

7. On 30 October 2025, by letter No. 16-7/22-04713-028, CPTRA submitted the draft of this decision for review and for the submission of opinions and comments to OÜ Utilitas Wind, the relevant authorities, Liivi Offshore OÜ, MTÜ Liivi Lahe Kalanduskogu, MTÜ Eesti Kalurite Liit, the Estonian Council of Environmental NGOs, MTÜ Saare Rannarahva Selts, Läänemaa Rannakalanduse Selts, Tuuletraal OÜ, Estonia Offshore Wind DevCo OÜ, Elektrilevi OÜ and Elering AS.

7.1. The Läänemaa Municipality Government, in its letter No. 2025/8-1/1036-2 of 6 November 2025, the Health Board, in its letter No. 9.3-4/25/8764-2 of 11 November 2025, and the Ministry of Climate, in its letter No. 21-6/25/96-2 of 4 December 2025, notified that they had no proposals or objections regarding the draft decision on granting the superficies licence.

7.2. TraM pointed out, in its letter No. 7.2-4/25/4219-8 of 19 November 2025, that the Aleksandri shoal spar buoy (navigation mark No. 2162) is located within the area of the superficies licence at coordinates 58° 13.874' N, 23° 50.309' E, and stated that the export cables must pass the buoy at a sufficient distance so that the buoy does not fall within the protection zone of the cable.

7.3. KeA stated, in its letter No. 6-2/25/20817-2 of 20 November 2025, that the mitigation and monitoring measures set out as licence conditions must be further refined and clarified, and that the applicable time restrictions must be presented as concrete calendar dates. KeA also pointed out that the environmental permit for special use of water for constructing the wind farm has not yet been applied for, and it cannot be ruled out that the conditions of that permit may need to be regulated differently from those of the superficies licence—particularly if a significant amount of time passes between the issuance of the two permits or if new relevant circumstances arise.

7.4. OÜ Utilitas Wind submitted, in its letter of 20 November 2025, proposals for grouping the mitigation measures, supplementing the wording of the draft, and clarifying the conditions regarding the superficies fee and the environmental management plan.

7.5. The Estonian Fishermen's Association (EKL) stated, in its response of 20 November 2025, that the draft decision leaves excessive room for interpretation regarding the impacts on fish fauna and fisheries, including cumulative impacts, as well as regarding post-assessment and monitoring. EKL requested the establishment of a threshold value for suspended sediment during cable installation, requirements for expert assessments of disturbances and their disclosure, the extension of post-construction monitoring to include electromagnetic field impacts, including a requirement to prioritise AC three-core cables to reduce electromagnetic effects. EKL further stated that the proposed seasonal restriction (July–January) for certain works was insufficiently justified and should be specified. EKL emphasised that these conditions may not be deferred to later permit procedures, as doing so would jeopardise the substantive legality of the licence.

7.5.1. CPTRA amended and refined the wording of the conditions to be imposed with the superficies licence based on the proposals submitted by TraM, KeA and OÜ Utilitas Wind. However, CPTRA noted that requirements concerning the collection, storage, publication and/or accessibility of data arising from monitoring activities cannot be regulated more specifically in the superficies licence, as there is currently no harmonised national framework for regulating or organising such activities consistently.

7.6. CPTRA cannot accept OÜ Utilitas Wind's request to prepare and coordinate the environmental management plan briefly before submitting the notice of commencement of building work. CPTRA emphasises that the environmental management plan is not a static document but an "open" one. This means that the plan is first submitted during the building permit procedure with the level of detail available in the corresponding construction design. As the level of detail increases over time, the plan is intended to be updated consistently after the building permit has been issued. This ensures that, by the time construction begins, the best available knowledge and technology of that moment is used without compromising the legality of the initial permit. It is also important to note that the notice of commencement of building work is merely an informative notification and does not trigger a separate substantive procedure or document approval. If the submission of the plan were postponed to the time of the notification, the relevant authorities would lack both the time and the legal basis to meaningfully review the plan and request necessary amendments. Additionally, in the interest of national oversight and equal treatment of developers, it is essential that a consistent practice be followed for all offshore wind farms—namely, ensuring the environmental safety of the development before granting the right to build, while still allowing the developer sufficient flexibility to refine the technical aspects of the plan before construction actually begins.

7.7. CPTRA does not agree with the specific proposals submitted by EKL on 20 November 2025 to impose additional conditions on the export cables within the superficies licence. CPTRA considers these proposals not suitable, given the general level of detail associated with this stage of the licensing procedure. CPTRA emphasises that deferring the detailed conditions and measures to subsequent procedures (e.g. building permit, use permit or separate administrative acts) is not unlawful. The superficies licence assesses only the general permissibility of the proposed activity and its compliance with spatial plans and environmental requirements. More detailed requirements—regarding implementation and mitigation—will be specified in later procedural stages, ensuring that the rights and interests of fisheries operators are fully considered.

7.7.1. When issuing the superficies licence, CPTRA establishes conditions solely on the basis of those impacts and measures identified in the EIA as unavoidable and proportionate for mitigating the effects of the planned activity. Establishing additional optional or more stringent conditions beyond those assessed in the EIA would require further relevant and scientifically substantiated information. The issues raised by EKL—such as the precise application of mitigation measures, development of monitoring methodologies, refinement of construction schedules, communication procedures, appointment of contact persons, and arrangements for day-to-day cooperation and dispute resolution—are, by their nature, matters intended to be addressed in later procedural stages through the preparation of the environmental management plan.

7.7.2. For the installation of export cables, the superficies licence already requires real-time monitoring of suspended sediment and the suspension of works if sediment disperses beyond a 300-metre buffer zone into waters shallower than 6 metres. Considering the natural variability of suspended sediment in shallow coastal areas, real-time monitoring is assessed in the EIA report (Section 3.3.3) as a more effective measure than setting a fixed sediment threshold. This requirement, derived from the assessment of impacts on benthic habitats, is not directly related to fish fauna.

7.7.3. Cumulative impacts have been assessed in the EIA report by thematic areas and in summary. However, the need for separate cumulative impacts monitoring has not been identified. The superficies licence establishes monitoring obligations according to the EIA report. Detailed methodologies for post-assessment and monitoring (including analyses of the abundance and status of fish fauna) will be developed during the preparation of the environmental management plan. Setting monitoring methodologies too narrowly in the superficies licence—years before construction—would limit the flexibility to apply future improved research methods.

## **DECISION**

**On the basis of the above and pursuant to § 25<sup>1</sup> (1) of the Act to Implement the Building Code and the Planning Act, § 222 (1)–(2) and § 224 (1) of the Water Act in the version effective 01.10.2021-06.05.2022; § 113<sup>18</sup> (2) point 3, § 113<sup>20</sup> and § 113<sup>21</sup> (1) of the Building Code; Annex to Regulation No. 51 of the Minister of Economic Affairs and Infrastructure of 02.06.2015 “List of Building Use Types”; and based on the report by Roheplaan OÜ “Environmental Impact Assessment of the Saare-Liivi Offshore Wind Farm of OÜ Utilitas Wind. EIA Report, declared compliant on 17.06.2025 (amended 30.07.2025)”, the materials collected in the proceedings, and the superficies licence application submitted by OÜ Utilitas Wind on 11.04.2022, the CPTRA decides as follows:**

1. To grant a superficies for encumbering the seabed of a public water body for the installation of a subsea cable line required to connect the Saare-Liivi offshore wind farm to the national electricity transmission grid. The cable line consists of electric and communication cables (export cables) within the area specified in point 4.

2. To designate OÜ Utilitas Wind (registry code 16171123) as the holder of the superficies licence.

3. To set the validity period of the superficies licence at 50 years.

4. To determine the coordinates of the area of the public water body to be encumbered as the L-EST coordinate system values listed in Annex 1. The size of the encumbered area is 25,829,715 m<sup>2</sup>.

5. To determine the following purpose of use of the construction work:

22144 – submarine cable line;

22245 – Overhead or cable telecommunication line.

6. To impose the following conditions on the construction work:

1) maximum trench depth: 5 m;

2) maximum number of export cables: 3;

3) the exact number of submarine cables, their type, and the related width and area parameters, including the maximum ground projection area that is authorised for a construction work, shall be determined during the preparation of the building design documentation.

7. In implementing the planned activity, the following conditions and mitigation measures must be taken into account:

1) When installing export cables in the photic zone of the seabed near sensitive areas (i.e., sandbanks and seagrass habitats), all trenching-related activities must be scheduled so as to avoid the peak vegetation period (1 May–31 August). Marine biologists must be involved in the detailed preparation of the work plan to identify the environmentally optimal solutions.

2) For the sandbank habitat type, the licence holder must restore seagrass habitats after the construction of the export cable route. Damaged seagrass habitats must be restored within at least one vegetation season. Restoration must be based on a detailed mapping of seagrass distribution carried out prior to construction (as part of pre-construction monitoring). The mapping must cover the entire potential impact area (depth 0–6 m, 300 m on both sides of the cable route). Restoration must use a density equivalent to natural seagrass meadows in the area. The success of the restoration must be monitored for at least two subsequent seasons, and restoration work must be repeated if necessary.

3) Where export cables cross reef habitat types, the buried cables must be covered with material similar to the natural substrate. If the reef consists of limestone, limestone must be used for covering. If the reef is formed by granite boulders, material of the same type must be used.

4) All seabed-intrusive construction works within the export cable area must be avoided during the spawning period of herring and other fish species, i.e. 1 April–31 May.

5) To reduce potential electromagnetic field impacts generated by the export cables, the cables must be buried in the seabed or covered.

6) Within the coastal section of the Pärnu Bay bird area, any direct installation works involving noise-generating equipment must be avoided during the bird breeding season, i.e. 1 April–31 July. This restriction applies in particular to the mainland section of the bird area and the shallow nearshore zone, where bird nesting or presence near nests is more likely. Spatially, the restriction must also apply to the underwater area, extending up to 2 km seaward from the shoreline and to a depth of approx. 10 metres, depending on local topography. The exact installation technology will be determined no later

than in the detailed design and work execution plan. If, in cooperation with ornithologists, it is established in the work execution plan that the cables can be installed using a method that does not disturb birds, the Environmental Board may, during the approval of the environmental management plan in the building permit procedure, decide to waive these seasonal restrictions.

7) To ensure rapid response to potential oil pollution, the licence holder must prepare a pollution response plan for both the construction and operational phases. The plan must include, where feasible, also the installation and use of intelligent buoys. Before finalisation, the pollution response plan must be submitted for comments to the Navy, the Environmental Board, the Transport Administration, and the Ministry of Climate.

8) The export cables must pass the Aleksandri shoal spar buoy (navigation mark No. 2162, coordinates 58° 13.874' N, 23° 50.309' E) at a sufficient distance to ensure that the buoy does not fall within the protection zone of the cable.

8. In implementing the planned activity, the following mandatory monitoring measures must be taken into account:

1) A comprehensive environmental management plan for the installation of the export cables must be prepared in cooperation with sectoral experts, applying the best available technological solutions. The plan must be submitted, together with the building design documentation, during the building permit procedure to the Consumer Protection and Technical Regulatory Authority and the Environmental Board for approval. The environmental management plan must include both the mandatory environmental measures arising from the superficies licence, and all voluntary environmental measures proposed by the developer. A post-assessment plan, including a detailed monitoring programme, is a compulsory part of the environmental management plan. The environmental management plan for the export cables may be incorporated into the environmental management plan prepared for the offshore wind farm's building design documentation.

2) During the installation of the export cables, real-time monitoring of suspended sediment must be carried out. Because suspended sediment levels can fluctuate naturally, monitoring must be conducted at a minimum of two locations: within the expected impact area of the works, near a sensitive area or habitat (e.g. sandbanks and seagrass habitats in the photic zone), and in an analogous area nearby (similar depth and sediment type) located outside the expected impact area. If the sediment plume spreads beyond the 300-metre buffer zone around the export cable corridor into waters shallower than 6 metres, the works must be suspended. The detailed methodology for this measure—once the layout plan for the export cables has been finalised—must be developed in cooperation with experts in water quality, benthic habitats and fish fauna, and must be approved by the Environmental Board before the building permit is issued and before the start of any pre-construction monitoring. This measure will be further specified during the preparation of the environmental management plan.

3) To assess the condition of marine seabed habitats before construction, an inventory survey must be carried out within the export cable corridor and its 300-metre buffer zone on both sides. The buffer zone must be refined in advance using sediment dispersion modelling. The monitoring must enable detailed mapping of: habitat types listed under the EU Habitats Directive, HELCOM Underwater Biotopes (HUB) at levels 5 and 6, and HELCOM Red List biotopes within the corridor and buffer area. If, in the coming years, a methodology for assessing the status of marine strategy framework directive key habitats is developed, that methodology must be used for the assessment. Data collection must be sufficient to allow high-resolution mapping.

4) The effectiveness of seagrass habitat restoration after construction must be monitored for at least two consecutive vegetation seasons. Where necessary, restoration procedures must be repeated.

5) The extent of disturbances caused by construction works must be assessed both within the export cable corridor and within its buffer zone.

6) Post-installation monitoring of the export cables must be carried out once a year during the summer period (15 June – 15 September) for at least five years. If, after this five-year period, the affected habitats have not recovered (i.e. there remains a statistically significant difference between the reference area and the impacted area), the monitoring must continue for an additional five-year period, following the methodology described in Table 7.5-1 of the EIA report.

9. From the date that follows the date on which a building permit was issued under the superficies licence, the licence holder must pay an annual superficies fee in accordance with the provisions of the legal act in force for the respective year. The Consumer Protection and Technical Regulatory Authority will issue the corresponding payment notice to the licence holder.

10. The licence holder is obligated to remove a construction work that constitutes an essential part of the licence from the public water body when the period of validity of the licence expires.

11. This superficies licence does not replace other permits required by law for the construction and use of the construction work that forms an essential part of the superficies licence.

Any person who considers that their rights or freedoms have been violated by this decision or during the administrative procedure has the right to file an objection with the Consumer Protection and Technical Regulatory Authority (Endla tn 10a, 10122 Tallinn; e-mail: info@ttja.ee) in accordance with the Administrative Procedure Act within 30 days from becoming aware of the decision, or a complaint with the Tallinn Administrative Court (Tallinna Courthouse, Pärnu mnt 7, 15082 Tallinn).