

Ms. Riige
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Maardu City Council
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Your 08.06.2009 No. 7-2.12/1871
Our 17.06.2009 No. 5.2-2/7986

Proceeding of the construction licences of Tallinn Prison

You have addressed the Ministry of Justice with regard to the proceeding of the construction licences of Tallinn Prison. We hereby inform you that according to regulation No. 91 "Increasing Share Capital of Riigi Kinnisvara Aktsiaselts and Transfer of State Assets" (RTL, 2009, 27, 349) of the Government of the Republic from 12th March 2009, the registered immovables located in Maardu City at Vana-Narva Road 13 and Paemurru 1 and 4 have been transferred to the ownership of Riigi Kinnisvara Aktsiaselts.

The Ministry of Justice entered in 2007 into a cooperative agreement with Riigi Kinnisvara Aktsiaselts for the purpose of establishing Tallinn Prison in Maardu. The designing process of the prison and all respective communication with all institutions and companies has been based on the mentioned agreement. According to the provisions of the cooperation agreement, the Ministry of Justice participated in the designing process within the framework of competence in the field of imprisonment.

In your letter No. 7-2.12/187 from 8th June 2009 you sent us letter No. 1.1/107 from AS Vopak E.O.S. from 27th May 2009 and asked that we state our opinion with regard to it. The letter No. 1.1/107 from AS Vopak E.O.S. from 27th May 2009 communicates the standpoint that it is not possible to issue the applied construction licence to the project prepared by AS Amhold as it does not comply with safety regulations.

The Ministry of Justice is aware of Riigi Kinnisvara AS having ordered project No. E1184 (hereinafter project). We are also aware of its contents and of the fact that it has been forwarded to Maardu City. Riigi Kinnisvara Aktsiaselts has in its letter No. 900204/433 from 8th June 2009 indicated that basing upon the results of the project it is possible to build the prison at the proposed location according to the submitted project.

The Ministry of Justice has not participated in the preparation of the abovementioned project, neither has the Ministry of Justice granted an approval for it. We have drawn the attention of Riigi Kinnisvara Aktsiaselts to the fact that the project does not clarify the methods, statistics, or comparable data, according to which the risks arising from the location of the prison and from imprisoned persons are assessed. As the abovementioned project is not connected with the issuing of construction licences for the prison facilities but is by its nature merely auxiliary material for continuing the prison project, the Ministry of Justice does not find the existence of an approval by the Ministry of Justice regarding the project necessary.

Nevertheless, we would like to draw the attention of the City Council to the material circumstances indicated in the project. We must underline that those having prepared the project have found it necessary to note in the commentary made with regard to the opinion of Arvo Sirel, Senior Specialist of the crisis management office of the North Estonian Regional Rescue Centre on page 49 of the project that they agree that it is possible to establish a prison on the chosen area.

Neither can we agree with the claims made by AS Vopak E.O.S. according to which the project would involve danger so highly dangerous or life-threatening that it would hinder the establishment of the prison. In the summary of the project on page 48 it is clearly stated that "It is possible to establish Tallinn Prison on the Vana-Narva Road 13 plot" and that "The ordinary resources of the rescue service are probably sufficient for eliminating primary accidents." In addition, we refer to page 46 of the project, on which it is stated that upon preparing the project they have been guided by highly conservative standpoints considering the peculiarities of the prison.

Arvo Sirel, Senior Specialist of the crisis management office of the North Estonian Regional Rescue Centre has expressed his opinion about the proposed project in the risk analysis, referring to the Netherlands safety book PGS-3, and noted that "If flammable liquids are released, the probability of ignition is 0.1... In the risk matrix used in Estonia, such probability corresponds to *very small*."

To sum up, Senior Specialist Arvo Sirel has found that "From the point of view of fire safety requirements, the NERRC has no grounds for banning the building of the prison onto the chosen area." (see risk analysis pages 48, 49).

We would also like to point out that if presuming that the personal right of use granted by the Harju County Governor to the area underneath and surrounding the pipeline is valid, the right of use for the pipeline is approximately 13 metres (basically 5 metres on both sides of the pipeline). The documents provided by VOPAK E.O.S. have provided a basis for granting the right of use. Thus, VOPAK E.O.S. as well has previously agreed that such right of use is sufficient.

If VOPAK E.O.S. still finds that extreme precautionary measures must be followed upon the displacement of the pipe, they should also express preparedness for implementing such measures on their own account in the scope of the whole pipe, including the areas on which the permanent population of Maardu City is located.

Thus, the execution of the proposed project does not pose such a threat to life or health that would provide a basis for the Maardu City Council to refuse from issuing the applied construction licence.

Sincerely yours

(digitally signed)

Margus Sarapuu
Chancellor

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