

**Questionnaire for the report of [NAME OF COUNTRY] on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2013–2015**

**Information on the focal point for the Convention**

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## Part one

### Current legal and administrative framework for the implementation of the Convention

In this part, please provide the information requested, or revise any information relative to the previous report. Describe the legal, administrative and other measures taken in your country to implement the provisions of the Convention. This part should describe the framework for your country's implementation, and not experience in the application of the Convention.

Please do not reproduce the text of the legislation itself but summarize and explicitly refer to the relevant provisions transposing the Convention text (e.g., EIA Law of the Republic of ..., art. 5, para. 3, of Government Resolution No. ..., para. ... item...)

#### Article 1

##### Definitions

I.1. Is the definition of impact for the purpose of the Convention the same in your legislation as in article 1?

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of impact in the legislation

Your comments:

I.2. Is the definition of transboundary impact for the purpose of the Convention the same in your legislation as in article 1? Please specify each below.

- (a) Yes
- (b) Yes, with some differences (please provide details):
- (c) No (please provide the definition):
- (d) There are no definitions of transboundary impact in the legislation

Your comments:

I.3. Please specify how major change is defined in your national legislation:

“Major change” is not explicitly defined in our legislation. Nevertheless, it is linked to any modernization, extension, improvement or modification to a project or activity that results in substantial alterations to the environmental effects from the operation of the project or activity.

I.4. How do you identify the public concerned? Please specify (more than one option may apply):

- (a) Based on the geographical location of the proposed project
- (b) By making the information available to all members of the public and letting them identify themselves as the public concerned

(c) By other means (please specify): The public that is affected or is likely to be affected or whose legal rights are at stake during the decision-making process for the environmental permitting of a project or activity (including NGOs).

Your comments:

## Article 2 General provisions

I.5. Provide legislative, regulatory, administrative and other measures taken in your country to implement the provisions of the Convention (art. 2, para. 2):

The Espoo Convention has been ratified by Law 2540/1997.

(a) Law on EIA: Law 4014/2011 “*Environmental permitting of projects and activities, etc.*” as amended and currently enforced.

(b) EIA provisions are transposed into another law(s) (please specify):

(c) Regulation (please indicate number/year/name): There are Ministerial & Joint Ministerial Decisions (MD & JMD) specifying Law 4024/2011, such as:

- MD 37674/2016 “*Amendment and codification of ministerial decision 1958/2012 – Classification of public and private sector projects and activities in categories and subcategories according to art. 1 par. 4 of Law 4014/2011 as amended and currently enforced*”
- JMD 167563/2013 “*Specificity of the procedures and the particular criteria for the environmental permitting of projects and activities in art. 3,4,5,6 & 7 of Law 014/2011, etc.*”
- JMD 21398/2012 “*Establishment and function of a special website for posting decisions regarding the approval, renewal or amendment of environmental permits*”
- JMD 48963/2012 “*Specifications of the content of the Decisions for the approval of environmental terms for projects and activities under category A of MD 1958/2012 as currently enforced etc.*”
- JMD 170225/2014 “*Specificity of the contents of the environmental permitting files for projects and activities under category A of MD 1958/2012 as currently enforced etc.*”
- JMD 1649/45/2014 “*Specificity of the opinion giving procedures and ways of informing the public in public consultations during the environmental permitting of category A projects and activities of MD 1958/2012, etc.*” and in particular article 8 which covers requirements of the Espoo Convention for projects and activities of a transboundary nature.

(d) Administrative (please indicate number/year/name): There is a number of circulars, which are either procedural or project/activity-specific, that further clarify regulatory provisions for EIA.

(e) Other (please specify):

Your comments:

I.6. Please describe any differences between the list of activities in your national legislation and appendix I to the Convention, if any:

(a) There is no difference, all activities are transposed in the national legislation as is

(b) It differs slightly  (please specify):

Your comments:

I.7. Identify the competent authority/authorities responsible for carrying out the EIA procedure in your country (please specify):

- (a) There are different authorities at national, regional, local levels
- (b) They are different for domestic and transboundary procedures
- (c) Please name the responsible authority/authorities:
- (d) There is no single authority responsible for the entire EIA procedure:

Your comments: At a national level, the central environmental authority of the Ministry of Environment & Energy (Directorate of Environmental Licencing) and at a regional level, the decentralized environmental authorities. EIA is not carried out on a local level.

I.8. Is there an authority in your country that collects information on all the transboundary EIA cases? If so, please name it:

- (a) No
- (b) Yes  (please specify):

Your comments: Nevertheless, the Directorate of Environmental Licencing of the Ministry of Environment and Energy tries to maintain an unofficial record of the cases in which Greece has been involved in the implementation of the Espoo Convention.

I.9. How does your country, as Party of origin and as affected Party, ensure that the opportunity given to the public of the affected Party is equivalent to the one given to the Party of origin's public, as required in article 2, paragraph 6 (please explain): In accordance to article 8 of JMD 1649/45/2014, as a party of origin Greece provides the affected party with a reasonable timeframe for public participation in the EIA process and for transmittal of the opinions of the interested public. This timeframe is usually agreed upon on a case by case basis, or else the relevant national legal timeframes are applied. Relevant provisions regarding e.g. durations, deadlines etc. may also be agreed upon by joint working group(s) if established. Received comments and opinions from the interested public are treated with the appropriate manner, irrespective of their origin.

### **Article 3 Notification**

I.10. As Party of origin, when do you notify the affected Party (art. 3, para. 1)? Please specify:

- (a) During scoping
- (b) When the EIA report has been prepared and the domestic procedure started
- (c) After finishing the domestic procedure
- (d) At other times (please specify): After having received an EIA application for a proposed project or activity listed in Appendix I of the Espoo Convention, and as soon as it is ascertained that the proposed project or activity is likely to cause a significant adverse transboundary impact, the competent environmental authority proceeds to notify the affected party. This may take place during the scoping stage or the proper EIA procedure. In any case, notification takes place before initializing domestic public consultations (as foreseen in article 8 of JMD 1649/45/2014).

Your comments:

I.11. Please define the format of notification:

(a) It is the format as decided by the first meeting of the Parties in its decision I/4 (ECE/MP.EIA/2, annex IV, appendix)

(b) The country has its own format  (please attach a copy)

(c) No official format used

Your comments:

I.12. As a Party of origin, what information do you include in the notification (art. 3, para. 2)? Please specify (more than one options may apply):

(a) The information required by article 3, paragraph 2

(b) The information required by article 3, paragraph 5

(c) Additional information (please specify):

Your comments: We try to include the information required by article 3 paragraph 5 in the notification in order to expediate the process and further assist the affected party in their decision regarding their participation in the EIA.

I.13. As a Party of origin, does your national legislation contain any provision on receiving a response to the notification from the affected Party in a reasonable time frame (art. 3, para. 3, "within the time specified in the notification")? Please specify:

(a) National legislation does not cover the time frame

(b) Yes, it is indicated in the national legislation  (please indicate the time frame):

(c) It is determined and agreed with each affected Party case by case in the beginning of the transboundary consultations  (please indicate the average length in weeks):

Your comments: A reasonable time frame is given to the affected party for responding to a notification, which is set on a case by case basis and depends on the time restraints for the completion of the EIA procedure according to our national legislation.

Please specify the consequence if a notified affected Party does not comply with the time frame, and the possibility of extending a deadline: A lack of response is usually considered to be an indication that the affected party has no intention of participating in the transboundary EIA. If deemed necessary and feasible, an extension to a deadline may be agreed upon by the parties involved.

I.14. How do you inform the public and authorities of the affected Party (art. 3, para 8)? Please specify:

(a) By informing the point of contact to the Convention listed on the Convention website<sup>1</sup>

(b) Other (please specify):

Your comments: The relevant documentation is forwarded to the official Espoo Convention focal point of the affected party and its public is hence notified. The manner and

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<sup>1</sup> List available from [http://www.unece.org/env/eia/points\\_of\\_contact.htm](http://www.unece.org/env/eia/points_of_contact.htm).

the content of the public notification is left to the affected party, unless otherwise mutually agreed upon by the parties concerned.

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as affected Party (art. 3, para. 3)? Please specify:

- (a) Notified ministry/authority of the affected Party responsible for EIA decides on its own based on the documentation provided by Party of origin
- (b) Based on the opinions of the competent authorities of the affected Party
- (c) Based on the opinions of the competent authorities and that of public of the affected Party
- (d) Other (please specify):

Your comments: The decision of whether or not to participate in a transboundary EIA procedure is taken by the Ministry of Environment & Energy, following the proposal of the competent environmental authority and possibly, the opinions of other relevant environmental bodies, on a case by case basis. The decision is based on the environmental information provided, mainly by considering the likelihood, extent and significance of the potential adverse transboundary impacts of the proposed activity.

I.16. If the affected Party has indicated that it intends to participate in the EIA procedure, how are the details for such participation agreed, including the time frame for consultations and the deadline for commenting (art. 5)? Please specify:

- (a) Following the rules and procedures of the Party of origin
- (b) Following the rules and procedures of the affected Party
- (c) Other (please specify):

Your comments: Usually the timeframe for consultations and the deadline for commenting do not exceed those foreseen domestically. However, in view of possible administrative delays and/or other technical difficulties the duration might be extended on a case by case basis and following consultations between the parties involved. In addition, different deadlines might be agreed upon on the onset of the transboundary EIA process.

## **Article 4**

### **Preparation of the environmental impact assessment documentation**

I.17. How do you ensure sufficient quality of the EIA documentation as Party of origin? Please specify:

- (a) The competent authority checks the information provided and ensures it includes all information required under appendix II as a minimum before making it available for comments
- (b) By using quality checklists
- (c) There are no specific procedures or mechanisms
- (d) Other (please specify): According to legislative provisions regarding the content of the EIA documentation

Your comments: JMD 170225/2014 “*Specificity of the contents of the environmental permitting files for projects and activities under category A of MD 1958/2012 as currently enforced etc.*” sets out the obligatory content of the EIA documentation for projects and

activities –including those listed in Appendix I– which covers the requirements of Appendix II of the Espoo Convention.

I.18. How do you determine the relevant information to be included in the EIA documentation in accordance with article 4, paragraph 1? Please specify (more than one option may apply):

- (a) By using appendix II
- (b) By using the comments received from the authorities concerned during the scoping phase, if applicable
- (c) By using the comments from members of the public during the scoping phase, if applicable
- (d) As determined by the proponent based on its own expertise
- (e) By using other means (please specify): Legislative provisions of JMD 170225/2014

Your comments: See I.17 above. JMD 170225/2014 further specifies the required content of the EIA documentation according to project/activity type.

I.19. How do you determine “reasonable alternatives” in accordance with appendix II, paragraph (b)?

- (a) On a case-by-case basis
- (b) As defined in the national legislation (please specify): Viable alternative solutions –including the “do nothing” case– particularly in regards to location, size, design, the production as well as the construction process of the project or activity.
- (c) Other (please specify):

Your comments: As specified in JMD 170225/2014

## **Article 5 Consultations on the basis of the environmental impact assessment documentation**

### **(a) Public participation**

I.20. How can the public concerned express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

*As Party of origin*

- (a) By sending comments to the competent authority/focal point
- (b) By taking part in a public hearing
- (c) Other (please specify): By submitting opinions and comments to the appropriate authority of the relevant Region(s), which are then forwarded to the competent authority/focal point.

*As affected Party*

- (d) By sending comments to the competent authority/focal point
- (e) By taking part in a public hearing

(f) Other (please specify): By submitting opinions and comments to the appropriate authority of the relevant Region(s), which are then forwarded to the competent authority/focal point.

Your comments:

I.21. Please indicate whether your national EIA legislation requires the organization of a public hearing on the territory of the affected Party in cases where your country is the country of origin:

- (a) Yes
- (b) No

Your comments: Nevertheless, a public hearing may be carried out by the proponent, concerning the basic technical characteristics of the proposed project or activity and its likely main environmental effects.

I.22. Please indicate whether your national EIA legislation requires the organization of public hearings in cases where your country is the affected Party:

- (a) Yes
- (b) No

Your comments:

**(b) Consultations**

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations (expert, joint bodies, etc.) between the authorities of the concerned Parties? Please specify:

- (a) Yes, it is obligatory
- (b) No, it does not have any provision on that
- (c) It is optional  (please specify):

Your comments: However, such cooperation requirements may be specified in bilateral or multilateral agreements.

**Article 6  
Final decision**

I.24. Please indicate all points below that are covered in a final decision related to the implementation of the planned activity (art. 6, para. 1):

- (a) Conclusions of the EIA documentation
- (b) Comments received in accordance with article 3, paragraph 8, and article 4, paragraph 2
- (c) Outcome of the consultations as referred to in article 5
- (d) Outcomes of the transboundary consultations
- (e) Comments received from the affected Party
- (f) Mitigation measures
- (g) Other (please specify): JMD 48963/2012 “Specifications of the content of the Decisions for the approval of environmental terms for projects and activities under category



*A of MD 1958/2012 as currently enforced etc.*” describes the content of the environmental permit (final decision) for a proposed project or activity.

I.25. Are the comments of the authorities and the public of the affected Party and the outcome of the consultations taken into consideration in the same way as the comments from the authorities and the public in your country (art. 6, para. 1):

(a) Yes

(b) No

Your comments:

I.26. Is there any regulation in the national legislation of your country that ensures the implementation of the provisions of article 6, paragraph 3?:

(a) No

(b) Yes  (please specify):

Your comments: *There are no explicit requirements further specifying this provision.*

I.27. Do all activities listed in appendix I (items 1-22) require a final decision to authorize or undertake such an activity?:

(a) Yes

(b) No  (please specify those that do not):

Your comments:

I.28. For each type of activity listed in appendix I that does require a final decision, please indicate the legal requirements in your country that identify what is regarded as the “final decision” to authorize or undertake such an activity (art. 6 in conjunction with art. 2, para. 3), and the term used in the national legislation to indicate the final decision in the original language: *Law 4014/2011 foresees an environmental permit called the “Decision for the Approval of Environmental Terms” or «Απόφαση Έγκρισης Περιβαλλοντικών Όρων» for all projects and activities falling under category A, which includes the activities listed in Appendix I of the Espoo Convention.*

Your comments:

## **Article 7**

### **Post-project analysis**

I.29. Is there any provision regarding post-project analysis in your national EIA legislation (art. 7, para. 1)?:

(a) No

(b) Yes  (please specify the main steps to be taken and how the results of it are communicated): *National legislation provides for a post-project analysis and monitoring in the form of an environmental management plan for a project or activity and sets out the objectives for the environmental monitoring programme which constitutes an integral part of the plan. The details for each proposed project or activity are described in its EIA documentation and further provisions regarding environmental monitoring, as well as for informing on the results of the post-project analysis are specified in the relative environmental permit.*

Your comments:

## Article 8

### Bilateral and multilateral cooperation

#### (a) Agreements

I.30. Does your country have any bilateral or multilateral agreements based on the Convention (art. 8, appendix VI)?:

(a) No

(b) Yes  Please specify with which countries: Bulgaria, Croatia, Montenegro, Romania, Serbia and the former Yugoslav Republic of Macedonia.

If publicly available, please also attach the texts of such bilateral and multilateral agreements, preferably in English, French or Russian.

The “Multilateral Agreement among the countries of south-eastern Europe for implementation of the Convention on environmental impact assessment in a transboundary context” can be found at:

[http://www.unece.org/env/eia/bucharest\\_agreement.html](http://www.unece.org/env/eia/bucharest_agreement.html)

I.31. What issues do these bilateral agreements cover (appendix VI)? (more than one option may apply):

(a) Specific conditions of the subregion concerned

(b) Institutional, administrative and other arrangements

(c) Harmonization of the Parties’ policies and measures

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into the EIA

(f) Establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities

(g) Undertaking joint EIA, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies

(h) Other, please specify:

Your comments:

#### (b) Procedural steps required by the national legislation

I.32. Please describe the steps required in your national legislation for a transboundary EIA procedure:

(a) When EIA in a transboundary context is part of a domestic EIA procedure: When a proposed project or activity is likely to have significant adverse transboundary effects the domestic EIA procedure is followed incorporating the required notification and consultations with the relevant affected Party(ies). The proposed project or activity may be submitted to a preliminary assessment (scoping & consultations). The EIA documentation is submitted by the developer, reviewed for completeness by the competent authority, sent off for consultations with relevant authorities and public participation, followed by the evaluation of the opinions and views received and the drafting and issuing of the final

decision (environmental permit). In case it is decided to participate in a transboundary EIA as the affected party, the same procedure is followed in the appropriate stage.

(b) When EIA in a transboundary context is a separate procedure (please provide of how this procedure links to the domestic procedure and whether the steps are different):

Alternatively, this question can be answered or supported by providing a schematic flowchart showing these steps.

Your comments:

I.33. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for joint cross-border projects (e.g., roads, pipelines)?:

(a) No

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements: Bilateral agreements concerning specific projects.

Your comments:

I.34. Does your country have special provisions or informal arrangements concerning transboundary EIA procedures for nuclear power plants (NPPs)?:

(a) No

(b) Yes  (please specify):

(i) Special provisions:

(ii) Informal arrangements:

Your comments:

## Part two

### Practical application during the period 2013–2015

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether as Party of origin or affected Party. The focus here is on identifying good practices as well as difficulties Parties have encountered in applying the Convention in practice. The goal is to enable Parties to share solutions. Parties should therefore provide appropriate examples highlighting application of the Convention and innovative approaches to improve its application.

II.1. Does your country object to the information on transboundary EIA procedures that you provide in this section being compiled and made available on the website of the Convention? Please specify (indicate "yes" if you object):

(a) Yes

(b) No

Your comments:

#### 1. Experience in the transboundary environmental impact assessment procedure during the period 2013–2015

##### Cases during the period 2013–2015

II.2. If your country's national administration has a record of transboundary EIA procedures that were under way during the reporting period, in which your country was Party of origin or affected Party, please list them in the tables II.2 (a) and II.2 (b) below (adding additional rows as needed).

Table II.2 (a)

##### Transboundary EIA procedures: As Party of origin

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1.					
2.					
3.					
4.					
...					

Your comments: No transboundary EIAs as party of origin during 2013-2015.

Table II.2 (a)

**Transboundary EIA procedures: As affected Party**

Name of case	Starting date (date notification sent)	Length of the main steps in months			Final decision (date of issuing, if information is available)
		Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any	
1. <i>Paks Nuclear Power Plant II</i>	30-4-2015				
2.					
3.					
4.					
...					

Your comments:

Please share with other Parties your country's experience of using the Convention in practice. In response to each of the questions below, either provide one or two practical examples or describe your country's general experience. You might also include examples of lessons learned in order to help others.

II.3. Translation is not addressed in the Convention. How has your country addressed the question of translation? What difficulties has your country as Party of origin and affected Party experienced relating to translation and interpretation, and what solutions has your country applied? (Please specify, among others, the parts and type of the documentation translated, language, costs, etc.):

(a) As Party of origin: National legislation designates English as the official language for translating EIA documentation. Initially the non-technical summary, including relevant graphs, and maps and the corresponding tables of the Espoo Convention's guidance may be translated. Further into the process, the whole of the EIA documentation may also be translated. The relative costs are incurred by the developer.

(b) As affected Party: Provisions regarding the working language for a transboundary EIA (usually English) may be designated in a formal agreement (e.g. multilateral agreement) or arranged informally (e.g. bilateral agreement for a specific project). Greece usually requests documents to be sent in English.

II.4. Describe any difficulties that your country has encountered during transboundary public participation (expert consultation, public hearing, etc.), including on issues of timing, language and the need for additional information: There were no such cases during 2013-2015.

II.5. Does your country have successful examples of organizing transboundary EIA procedures for joint cross-border projects or that of an NPP?:

(a) Yes

(b) No

II.6. If you answered yes to question II.5, please provide information on your country's experiences describing, for example, means of cooperation (e.g., contact points, joint bodies, bilateral agreements, special and common provisions, etc.), institutional arrangements, and

how practical matters are dealt with (e.g., translation, interpretation, transmission of documents, etc.):

- (a) For joint cross-border projects:
- (b) For NPPs:

II.7. Name examples of good practice cases, whether complete cases or good practice elements (e.g., notification, consultation or public participation) within cases:

II.8. Would your country like to introduce a case in the form of a Convention “case study fact sheet”?

- (a) No
- (b) Yes  (please indicate which cases):

II.9. Has your country carried out post-project analyses in the period 2013–2015:

- (a) No
- (b) Yes  (please indicate which projects, along with the challenges in implementation and any lessons learned):

## 2. Experience in using the guidance in 2013–2015

II.10. Has your country used in practice the following guidance, adopted by the Meeting of the Parties and available online?:

(a) Guidance on Public Participation in Environmental Impact Assessment in a Transboundary Context (ECE/MP.EIA/7):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(b) Guidance on subregional cooperation (ECE/MP.EIA/6, annex V, appendix):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

(c) Guidance on the Practical Application of the Espoo Convention (ECE/MP.EIA/8):

No

Yes  (please provide details):

Your experience with using this guidance:

Your suggestions for improving or supplementing the guidance:

### **3. Clarity of the Convention**

II.11. Has your country had difficulties implementing the procedures defined in the Convention, either as Party of origin or as affected Party, because of a lack of clarity of the provisions?:

No

Yes  (please indicate which provisions and how they are unclear):

### **4. Suggested improvements to the report**

II.12 Please provide suggestions for how this report may be improved.