

Questionnaire for the report of GREECE on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context in the period 2016–2018

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 EIA legislation provides that it is 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 “Specification of the procedures and the particular criteria for the environmental permitting of projects and activities in art. 3,4,5,6 & 7 of Law 4014/2011, 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 “Specification 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 “Specification 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: For large scale projects that may cause very significant environmental impacts, the authority responsible for EIA is the Directorate of Environmental Licencing, in the Ministry of Environment and Energy. For medium scale projects that may cause significant impacts, EIA is carried out at the regional administrative level by the Directorate of Environment and Physical Planning of the Decentralised Administration.

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): Directorate of Environmental Licensing at the Ministry of Environment and Energy

Your comments:

I.9. How does your country, As a Party of origin and as an 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 with article 8 par. 2 of JMD 1649/45/2014, Greece as a party of origin 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 the same as the one applied for the internal public consultation, or in some cases is agreed on a case by case basis. 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 evaluated during the decision-making procedure irrespective of their origin.

According to par. 5 of article 8 of JMD 1649/45/2014, Greece, as an affected party, ensures that the relevant information is made known to its public and the latter has the opportunity to provide its opinion within the timeframe set by the party of origin.

Article 3 Notification

I.10. As a 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 an EIA application has been filed for a proposed project listed in Appendix I of the Espoo Convention, and in the case that the project 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:

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): Paragraph 1(b) of article 8 of JMD 1649/45/2014 refers to a "reasonable timeframe". In practice, the average length is four weeks.
- (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:

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 considered as an indication that the affected party has no intention of participating in the transboundary consultation. If deemed necessary and feasible, an extension to a deadline may be agreed upon between 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 website¹

(b) Other (please specify):

Your comments:

I.15. On what basis is the decision made to participate (or not) in the transboundary EIA procedure as an 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 the 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 the public of the affected Party

(d) Other (please specify):

Your comments: The decision to participate or not in a transboundary EIA procedure is taken by the Ministry of Environment and 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 assessing the likelihood, extent and significance of the potential adverse transboundary impacts of the proposed project.

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.

Articles 3.8 and 4.2

Public participation

I.17. How can the public express its opinion on the EIA documentation of the proposed project (art. 5)? Please specify (more than one option may apply):

As a Party of origin

(a) By sending comments to the competent authority/focal point

(b) By taking part in a public hearing

¹ List available from http://www.unece.org/env/eia/points_of_contact.htm.

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

As an 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 sending opinions and comments to the competent authority of the relevant Region(s), which are then forwarded to the competent authority/focal point

Your comments:

I.18. 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:

I.19. 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:

Article 4

Preparation of the environmental impact assessment documentation

I.20. How do you ensure sufficient quality of the EIA documentation As a 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):

Your comments: The requirements for the content of the EIA report (JMD 170225/2014) include all necessary information required under appendix II.

I.21. 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): [Requirements of EIA as foreseen in JMD 170225/2014.](#)

Your comments:

I.22. 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): [EIA legislation requires consideration of feasible alternative options – including the “do nothing” option – particularly in regard to location, size, design, production process as well as the construction process of the project or activity](#)

(c) Other (please specify):

Your comments:

Article 5

Consultations on the basis of the environmental impact assessment documentation

I.23. Does your national EIA legislation have any provision on the organization of transboundary consultations 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): [The organization of transboundary consultations is provided for in paragraph 3 of article 8 of JMD 1649/45/2014.](#)

Your comments:

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): [The requirements for the content of an EIA final decision have been set in JMD 48963/2012.](#)

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:

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 provides for 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): Environmental licensing legislation has three standard provisions on this subject: (1) An environmental monitoring program is required in each permit, to oversee the application of the environmental terms and watch for environmental changes that have not been assessed during EIA. (2) If an environmental degradation is caused by the project, due to either violation of the environmental obligations or by an unforeseen situation, a compliance program must be imposed to repair the damages and prevent any similar future event. (3) The duration of the EIA license is 10 years and its renewal (which is mandatory) requires a post-project assessment of the environmental issues. On top of these provisions, most of the EIA decisions include requirements for publishing the monitor results or periodically report on the progress of the project realization.

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 (“Bucharest Agreement”, the Multilateral Agreement among the countries of south-eastern Europe for implementation of the Convention on environmental impact assessment in a transboundary context, has been signed by Greece but has not yet been ratified.)

(b) Yes Please specify with which countries:

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

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 national legislation

I.32. Please describe how the steps required for a transboundary EIA procedure under your national legislation correlate to domestic EIA in the lead-up to the final decision. If there are differences in the procedures for screening/scoping or for preparation of the environmental impact assessment and consultation, please specify.

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

Your comments: When a proposed project is likely to have significant adverse transboundary effects, the domestic EIA procedure incorporates all the required notification, information and consultations with the relevant affected Parties, as well as opinions of the public from the relevant affected Parties.

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:

Your comments: [Bilateral agreements on transboundary projects include the same EIA requirements as the domestic ones.](#)

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 2016–2018

Please report on your country's practical experiences in applying the Convention (not your country's procedures described in part one), whether As a 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 2016–2018

Cases during the period 2016–2018

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 a 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 a Party of origin

Project name	Starting date (date notification sent)	Affected Party/ Parties	Timing of the notification (screening, scoping or preparation of the EIA documentation)	Length of the main steps in months		
				Submission of the environmental report	Transboundary consultations (expert), if any	Public participation, including public hearing, if any
1. Interconnect ion Line Between Maritsa East 1 (BG) – Nea Santa (EL)	21/9/2017	Bulgaria				Notification sent, no intention for participation in EIA procedure received from BL. Final decision issued 22/2/2018.
2.						

Your comments:

Table II.2 (b)

Transboundary EIA procedures: As an affected Party

Project name	Starting date (date notification sent)	Party/Parties of origin	Timing of the notification (screening, scoping or preparation of the EIA documentation)	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. Construction of irrigation system and hydropower plants in HS Zletovica	4/7/2018	North Macedonia					EIA documentation has not been received yet.
2. Wylfa Newydd Generating Station	1/2/2017	United Kingdom					Notification received. Response with no intention to participate in EIA procedure.
3. PALLAS Research Reactor (Petten)	3/6/2015	Netherlands					Notification received and expired. Internal consultation concluded that no radiological or other environmental impacts were expected.
...							

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. The Convention does not mention the translation of EIA documentation as an important prerequisite for the participation of potentially affected Parties in a transboundary EIA procedure. Please explain:

(a) How has your country addressed the issue of the translation of EIA documentation? National legislation designates English as the official language for translating EIA documentation.

(b) What difficulties has your country experienced with regard to translation and interpretation, both as a Party of origin and as an affected Party, and what solutions has it found? No difficulties experienced

- (c) Which Party covers the cost of translation of EIA documentation?
- (i) As a Party of origin: Cost is incurred by the developer
 - (ii) As an affected Party: The Party of origin is expected to cover the cost
 - (iii) Other, please specify:
- (d) What parts of the EIA documentation does your country usually translate?
- (i) As a Party of origin: 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
 - (ii) As an affected Party: Each case is handled on its own merits
- (e) Please indicate whether and how the issue of translation is addressed in bilateral agreements between your country and other Parties.
- (f) As a Party of origin, in which language do you usually provide EIA documentation to the affected Party?
- (i) English
 - (ii) The affected Party's language
 - (iii) Other (please, specify)
- (g) As an affected Party, from which language do you usually translate?
- (i) English
 - (ii) Language of the Party of origin
 - (iii) Other (please, specify)
- (h) Describe any difficulties that your country has encountered during public participation procedures and consultations under article 5, for example with regard to timing, language and the need for additional information.

(i) As a Party of origin:

Experience with public participation
Experience with consultations under article 5

(ii) As an affected Party:

Experience with public participation

Experience with consultations under article 5

- (i) Please describe how the costs of interpretation during the hearings are covered:
- (ii) By the Party of origin:
- (iii) By the affected Party:
- (iv) Shared by both Parties concerned:
- (v) Developer:
- (vi) Other, please specify

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:

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. Please provide examples from your experience during the reporting period (either complete cases or elements such as notification, consultation and public participation) that, in your view, constitute good practice:

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 2016–2018

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 a Party of origin or as an 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 further suggestions (preferably specific drafting proposals) for how this report could be improved.