

**FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT
CERTIFICATION SHEET**

The following report is submitted on behalf of Cyprus in accordance with decision I/8.

Name of officer responsible for submitting the national report:	Nasia Dikigoropoulou
Signature:	
Date:	4.1.2008

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

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Provide brief information on the process by which this report has been prepared, including information on which types of public authorities were consulted or contributed to its preparation, on how the public was consulted and how the outcome of the public consultation was taken into account and on the material which was used as a basis for preparing the report.

Answer:

The report was prepared by the Environment Service, which is the competent authority for the implementation of the Aarhus Convention. It was then uploaded on the Environment Service webpage inviting comments from the public, NGOs and other bodies. Comments were received, mainly by the Federation of Environmental and Ecological Organisations of Cyprus (which represents a number of active environmental NGOs). These have been incorporated in the report following discussions.

Report any particular circumstances that are relevant for understanding the report, e.g. whether there is a federal and/or decentralized decision-making structure, whether the provisions of the Convention have a direct effect upon its entry into force, or whether financial constraints are a significant obstacle to implementation (optional).

Answer:

Cyprus has a central decision-making structure and any laws and policies are applicable to the whole country.

Up to date there has been no capacity building, apart from providing information on the provisions of the relevant laws concerning the Aarhus Convention. Recognizing the constraints faced by public authorities and other bodies in the effective practical implementation of these provisions, particularly with regards to public participation, a series of activities are currently planned aimed at capacity building within government services and institutions, local authorities, NGOs and the general public (including seminars, newsletters, etc.)

Article 3

List legislative, regulatory and other measures that implement the general provisions in paragraphs 2, 3, 4, 7 and 8 of article 3.

Explain how these paragraphs have been implemented. In particular, describe:

- (a) With respect to **paragraph 2**, measures taken to ensure that officials and authorities assist and provide the required guidance;
- (b) With respect to **paragraph 3**, measures taken to promote education and environmental awareness;
- (c) With respect to **paragraph 4**, measures taken to ensure that there is appropriate recognition of and support to associations, organizations or groups promoting environmental protection;
- (d) With respect to **paragraph 7**, measures taken to promote the principles of the Convention internationally;
- (e) With respect to **paragraph 8**, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.

Answer:

- (a) In 2000 a Law was passed providing for Free Public Access to Information Relating to Environmental Issues (No. 125(I)/2000). The Law made it obligatory for public authorities to provide to the public upon request any information they have available relating to environmental issues.

In 2004 a new Law on Public Access to Environmental Information (No. 119(I)/2004) came into force, based on the requirements of the relevant EU Directive and repealing Law 125(I)/2000. According to this new law, public authorities are required to make available environmental information held by or for them to any applicant at his request and without his/her having to state an interest. Furthermore, according to Article 6 of this Law, public authorities must ensure that:

1. its officials support the public in seeking access to information, and
2. its lists are publicly accessible, and to this end public authorities must implement practical arrangements to ensure that the right of access to environmental information is exercised effectively. The Law specifies that such arrangements can include:
 - ⇒ the designation of information officers,
 - ⇒ the establishment and maintenance of facilities for the examination of the information required,
 - ⇒ the keeping of registers or lists of the environmental information held by public authorities or information centers with clear references of where such information can be found.

The Law also specifies that environmental information must progressively become available in electronic databases which are easily accessible to the public through public telecommunication networks. To this end, the Environment Service has recently launched its website which contains much of the information currently available in electronic format. This is also the case for all other relevant departments.

It is appreciated that the webpage of the Environment Service is still in the process of being upgraded by gradually enriching its contents and making it more accessible to ensure that it can be more widely used by the public. Furthermore, it is considered essential that further efforts should be made towards making the general public more aware of the existence of both the webpage, as well the obligations of government authorities in making the information readily available.

The practical arrangements provided for by the law have been implemented by all departments holding environmental information. Every department has assigned an information officer and publicized the contact details, also specifying the facilities made available for examination of the requested environmental information by the public. Additionally, lists have been prepared detailing the information held by each department. These practical arrangements have been uploaded on the website of each department.

An information booklet has also been prepared by the Environment Service providing information on the citizens' rights of access to environmental information, the provisions of the law and the contact details of information officers. This will be distributed to the public and will be uploaded on the webpage of the Environment Service. The intention is to notify the general public through newspaper announcements of the existence of the booklet. Furthermore, a newsletter is intended to be produced every 3 months which shall be distributed electronically to all stakeholders, as well as being posted on the webpage.

Regarding public participation, the amending Laws which have been passed (implementing Directive 2003/35/EC), as well as the Laws on the Assessment of the Impacts on the Environment from Certain Projects (140(I)/2005) and on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) contain provisions which facilitate participation in the decision-making process. According to these Laws, the competent authorities must notify the public through the Official Gazette of the Republic, two daily newspapers and the Internet of any proposal for projects, plans or programmes covered by the Laws, together with the times and place where the relevant information can

be accessed and the practical provisions for submitting opinions. All the relevant information regarding a project, plan or programme, including information on the ways in which the opinions of the public have been taken into account in the decision-making process is kept in registers which are accessible to the public. The competent authorities are obliged to notify the public of any opinions expressed, decisions taken and how the registers can be accessed.

For access to justice, the Law on public access to environmental information provides that any person who believes that their request for environmental information was not dealt with in accordance with the provisions of the Law, has the right to an appeal before the Court of Law. In case a request for information is rejected, the competent authority must inform the applicant of the right to an appeal procedure. Additionally, according to the Law on the assessment of the impacts on the environment from certain projects (140(I)/2005), any legal person registered for at least five years and, in accordance with its charter, has been created with the purpose of promoting environmental protection has the right to appeal against a decision taken. The environmental authority must inform the public through notices on the internet and the press of the practical details for access to court appeal procedures.

- (b) The Environment Service actively supports environmental awareness campaigns and has an annual budget assigned to financially assist in their organization.

The Ministry of Education, in consultation with the Environment Service and other bodies, has prepared the Strategy for Education for Sustainable Development, which introduces environmental education into the school curriculum. Implementation of the Strategy has already began. Moreover, the establishment of a network of Environmental Education Centers throughout Cyprus has also began.

The Environment Service's website has been designed to facilitate the dissemination of information on a variety of topics, promoting the education of the general public and environmental awareness raising. Recognizing that the wider public to a large extent still remains unaware of the major environmental issues, further targeted attempts will be made towards raising public awareness, informing the public and ensuring easier accessibility to information.

- (c) The Environment Service supports environmental non-governmental organizations through an annual funding amount which is offered to organizations active in the field of environmental protection, in addition to the financial assistance offered to organizations for individual environmental awareness raising and educational activities. It is also intended that more financial and technical support will be given to NGOs for actions and campaigns concerning the Aarhus provisions, in an attempt to overcome obstacles and ensure the effective implementation of such provisions.

The importance and role of NGOs has long been recognized and their participation in the decision-making process has been ensured through the relevant environmental legislation. The Federation of Environmental and Ecological Organizations of Cyprus, which represents these NGOs, is a permanent member in all major committees formed under environmental law, including the Scientific Committee for the Protection of Nature and Wildlife, the Committee for Genetically Modified Organisms, the Committee for Waste Management, the Committee for the Evaluation of Environmental Impact Assessments, the Committee for the Evaluation of Strategic Environmental Assessments, and others. It is noted, however, that the views of the NGOs, although taken into consideration, are not necessarily endorsed. Similarly are the views of all stakeholders, although always sought and taken into consideration in decision-making.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 3 listed above.

Answer:

None

Provide further information on the **practical application of the general provisions of the Convention.**

Answer:

See above.

Give relevant web site addresses, if available:

www.moa.gov.cy

Article 4

List legislative, regulatory and other measures that implement the provisions on access to environmental information in article 4.

Explain how each paragraph of article 4 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in **paragraph 2** are respected;
- (c) With respect to **paragraphs 3 and 4**, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;
- (d) With respect to **paragraph 5**, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;
- (e) With respect to **paragraph 6**, measures taken to ensure that the requirement to separate out and make available information is implemented;
- (f) With respect to **paragraph 7**, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;
- (g) With respect to **paragraph 8**, measures taken to ensure that the requirements on charging are met.

Answer:

The Law on Public Access to Environmental Information (119(I)/2004) implements the requirements of Article 4 of the Convention regarding access to environmental information. The Law came into force in 2004, repealing Law 125(I)/2000 and is in close line with the relevant EU Directive 2003/4/EC.

The relevant definitions are given in Article 2 of the Law. The definition for "public authority" is in accordance with Article 2 of the Convention, with the exception that in paragraph (a) government is defined in greater detail to include any governmental or other public administration service, as well as public advisory bodies, at national, regional and local level.

The definition for "environmental information" is also in close line with the text of the Convention, although it has been structured in greater detail:

1. In paragraph (a), natural sites have been specified to include wetlands, coastal and marine areas.
2. Paragraph (b) of the Convention has been divided as follows:
 - "(b) factors, such as substances, energy, noise, radiation, or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
 - (c) measures, including legislative and administrative measures, such as policies, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect these elements;
 - (d) reports on the implementation of environmental legislation;
 - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c);".
3. In paragraph (c) of the Convention the state of human health and safety has been defined in the Law to include also the contamination of the food chain, where relevant.

The definition for the "public" is similar to that given in the text of the Convention, although the words "natural or legal" have been excluded.

Additionally definitions are provided in the Law for the following:

- ⇒ "applicant" means any natural or legal person requesting environmental information.
- ⇒ "information held by a public authority" means environmental information in its possession which has been produced or received by that authority.
- ⇒ "information held for a public authority" means environmental information which is physically held by a natural or legal person on behalf of a public authority.

- (a) Article 3 of Law 119(I)/2004 states that public authorities are required to provide environmental information held by or for them to any applicant at his request and without his having to state or prove an interest.

Article 5 provides that where an applicant requests from a public authority environmental information in a specific form or format, including in the form of copies, the public authority shall satisfy his demand, with the exception of those cases where:

1. the information is already publicly available in another form or format which is easily accessible by applicants, or
2. it is judged reasonable for the public authority to provide the information in another form or format. In this case, the public authority is required to give the reasons why the information is provided in that specific form or format.

- (b) Paragraph (2) of Article 3 of the Law states that having regard to any timescale specified by the applicant, the environmental information shall be made available to him: (a) as soon as possible or, at the latest, within one month after the receipt of the relevant application by the public authority, or (b) within two months after the receipt of the request by the public authority if, due to the volume and complexity of the requested information, the one-month period referred to in (a) cannot be complied with. In such a case, the applicant

must be informed as soon as possible and in any case before the end of the one-month period, of any such extension and the reasons necessitating it. Although every effort is being made to respond timely to enquiries from the public, not all answers are provided in due course, mainly due to the limited human resources available.

- (c) Paragraphs (1) and (3) of Article 8 of the Law, regarding exemptions from requests, are in close line with the relevant text of the Convention.

Paragraph (1) states that the public authority may refuse a request for environmental information when:

- ⇒ the information requested is not held by or for the public authority to which the request is submitted,
- ⇒ the request is manifestly unreasonable,
- ⇒ the request is formulated in too general a manner,
- ⇒ the request concerns material in the course of completion or unfinished documents or data,
- ⇒ the request concerns internal communications, taking into account the public interest served by the disclosure of this information.

According to paragraph (3) a public authority may refuse requests for environmental information if the disclosure of such information would adversely affect:

- ⇒ the confidential nature of the proceedings of the public authority, if such confidentiality is provided for by law,
- ⇒ the international relations of the republic, public security and national defense,
- ⇒ the course of justice, the right of every person to receive a fair trial or the ability of a public authority to conduct an enquiry if a criminal or disciplinary nature,
- ⇒ the confidentiality of commercial or industrial information where national or European Community law provide for such confidentiality to protect a legitimate economic interest, including the public interest, in maintaining the confidential nature of statistical data and tax secrecy,
- ⇒ intellectual property rights,
- ⇒ the confidential nature of personal data or files concerning a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by the Law on the Processing of Personal Data (Protection of the Individual),
- ⇒ the protection interests of any person who supplied the requested information on a voluntary basis without being under, capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned,
- ⇒ the protection of the environment to which such information relates, such as the location of rare species.

The grounds for refusal mentioned in paragraphs (1) and (3) shall be interpreted in a restrictive way, taking into account, for the particular case, the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighted against the interest served by the refusal. The public authority may not refuse a request where the request relates to information on emissions into the environment.

- (d) In accordance with paragraph 5 of the Convention, paragraph 2(b) of article 8 of the Law provides that in the case of a refusal if the public authority is aware that the information requested is held by or for another public authority, it shall, as soon as possible, forward the request to the authority concerned and inform the applicant accordingly, or inform the applicant of the public authority to which it believes it is possible to apply for the information requested. Furthermore, where the request is refused on the basis that it concerns material in the course of completion, the public authority shall inform the applicant of the name of the authority preparing the material and the estimated time for completion (Article 8, paragraph 2(a)).

- (e) Paragraph (7) of Article 8 provides that environmental information held by or for the public authority and which has been requested by an applicant shall be made available in part where it is possible to separate any information which is exempted from the rest of the information requested.

(f) Paragraph (8) of Article 8 of the Law provides that a refusal to make available all or part of the information requested shall be notified to the applicant in writing or electronically, if the request was in writing or if the applicant so requests, as soon as possible or, at the latest, within one month after the receipt by the public authority of the applicant's request, or within two months after the receipt of the request if the volume and complexity of the information justify it. The notification must state the reasons for the refusal and include information on the review procedure provided for by this Law (Articles 10 and 11).

(g) According to Article 9 access to any public registers and lists of environmental information established and maintained under this Law, and examination in situ of the information requested is free of charge. A public authority may impose a charge for the provision of environmental information, but this charge may not exceed the reasonable charge for supplying the information. Where charges are made, the public authority shall publish and make available to applicants a list of the charges applied, as well as information regarding the circumstances in which a charge may be levied or waived.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 4.

Answer:

None.

Provide further information on the **practical application of the provisions on access to information**, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

No statistics. No complaints received.

Give relevant web site addresses, if available:

www.moa.gov.cy

Article 5

List legislative, regulatory and other measures that implement the provisions on the collection and dissemination of environmental information in article 5.

Explain how each paragraph of article 5 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Public authorities possess and update environmental information;
 - (ii) There is an adequate flow of information to public authorities;
 - (iii) In emergencies, appropriate information is disseminated immediately and without delay;
- (b) With respect to **paragraph 2**, measures taken to ensure that the way in which public

authorities make environmental information available to the public is transparent and that environmental information is effectively accessible;

(c) With respect to **paragraph 3**, measures taken to ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks;

(d) With respect to **paragraph 4**, measures taken to publish and disseminate national reports on the state of the environment;

(e) Measures taken to disseminate the information referred to in **paragraph 5**;

(f) With respect to **paragraph 6**, measures taken to encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products;

(g) Measures taken to publish and provide information as required in **paragraph 7**;

(h) With respect to **paragraph 8**, measures taken to develop mechanisms with a view to ensuring that sufficient product information is made available to the public;

(i) With respect to **paragraph 9**, measures taken to establish a nationwide system of pollution inventories or registers.

Answer:

(a) According to paragraph (1) of Article 12 of the Law on Public Access to Environmental Information (119(I)/2004), public authorities shall organize the environmental information which is relevant to their function and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunications and/or electronic technology where available.

Article 18 of the Law on the Assessment of the Impacts on the Environment from Certain Projects (57(I)/2001) provides that every government or public administrative body that holds information that could be considered relevant or necessary for the preparation or evaluation of an environmental impact assessment study or the preliminary environmental impacts assessment report has to make such information available to the developer, if it is requested, unless the information is considered to be of a confidential nature or it cannot be made available in accordance with the provisions of Law 119(I)/2004. Article 16 of the Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) provides that in accordance with the provisions of Law 119(I)/2004 every public business, local authority or government service which holds information that could be considered relevant or necessary for the preparation or evaluation of an impact study is obliged to make such information available to the relevant authority, if this information is requested, unless it is considered to be of a confidential nature according to legislation.

According to paragraph (6) of Article 12 of Law 119(I)/2004, in the event of an imminent threat to human life or the environment, whether caused by human activities or due to natural causes, every public authority shall disseminate all information held by or for it, immediately and without delay, and which enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat.

(b) Article (6) of Law 119(I)/2004 includes provisions which require public authorities to ensure that their officials support the public in seeking access to information and that their lists are publicly available, to which end they are required to define the practical arrangements so as to ensure that the right of access to environmental information can be

exercised effectively. These arrangements can include:

- ⇒ the designation of information officers,
- ⇒ the establishment and maintenance of facilities for the examination of the information required,
- ⇒ keeping registers or lists of the environmental information held by these public authorities or information centers, with clear indications of where such information can be found.

According to Article 7 the public shall be adequately informed of their rights and provided with, to the extent appropriate, information, guidance and advice to this end. Furthermore, according to paragraph (6) of article 8, the criteria are set on the basis of which public authorities will be able to decide on how to examine requests for the provision of environmental information.

Article 9 ensures that access to any relevant public registers and lists which are established and maintained under this Law, as well as the examination in situ of the information requested shall be free of charge. In the case where charges are made for supplying environmental information, public authorities are required to publish and make available to applicants a table of these charges as well as the information on the circumstances in which a charge may be levied or waived.

- (c) According to Article 5 of Law 119(I)/2004, public authorities shall make all reasonable efforts to ensure that the environmental information held by or for them is provided in forms or formats that are readily reproducible and accessible by computer telecommunications or by other electronic means.

Article 12 contains more detailed provisions for the dissemination of information to the public. Generally, environmental information must progressively become available in electronic databases which are easily accessible to the public through public telecommunication networks. The information to be made available and disseminated shall be updated as appropriate and shall include at least:

1. the texts of international treaties, conventions and agreements, as well as those of Community and national legislation on the environment or relating to it,
2. policies, plans and programmes relating to the environment,
3. progress reports that public authorities prepare or hold in electronic form on the implementation of the items referred to in points (1) and (2) above,
4. reports on the state of the environment,
5. the data or summaries of the data derived from the monitoring of activities affecting, or likely to affect the environment,
6. authorizations with a significant impact on the environment and environmental agreements or a reference to the place where such information can be requested or found,
7. environmental impact studies and risk assessments concerning environmental elements or a reference to the place where an information can be requested or found within the framework of the current Law.

The information made available by means of computer telecommunication and/or electronic technology need not include information collected before the entry into force of this Law unless it is already available in electronic form.

- (d) According to paragraph 5 of article 12 of the Law, the Minister of Agriculture, Natural Resources and the Environment will prepare every two years a report on the state of the environment which will be distributed to the public and will include information on the quality of, and pressures on, the environment. Public authorities will provide the Minister with all the data, reports or evaluations they have available or which are judged as necessary by the Minister for the preparation of the report.

- (e) According to Article 12 of the Law the environmental information held by or for public authorities must be organized with the purpose of its active and systematic dissemination to the public, in particular through computer telecommunication and/or electronic technology. The information that will be made available and disseminated will include at least the information listed in point (c) above. Such information has already been included

on the website of the Environment Service.

(g) According to the relevant Laws, the competent authorities must keep in the public registers information on how the opinions of the public were taken into account in the decisions over the projects, plans and programmes examined under these Laws, as well as the reasons and assessments on which the final decisions were based.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 5.

Answer:

Often the public is not aware of the kind of information available to them and where this can be obtained. Steps have already been taken to address this publicizing on the internet lists of the environmental information that is held by each department, together with contact details, however more efforts are still required to ensure easier and wider accessibility by the public.

Provide further information on the practical application of the provisions on the collection and dissemination of environmental information in article 5, e.g. are there any statistics available on the information published?

Answer:

Information is held and published by a multitude of agencies.

Give relevant web site addresses, if available:

www.moa.gov.cy

Article 6

List legislative, regulatory and other measures that implement the provisions on public participation in decisions on specific activities in article 6.

Explain how each paragraph of article 6 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
- (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;

(b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in **paragraph 2**;

(c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of **paragraph 3**;

(d) With respect to **paragraph 4**, measures taken to ensure that there is early public participation;

(e) With respect to **paragraph 5**, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;

(f) With respect to **paragraph 6**, measures taken to ensure that:

- (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
- (ii) In particular, the competent authorities give to the public concerned the information listed in this paragraph;

(g) With respect to **paragraph 7**, measures taken to ensure that procedures for public participation allow the public to submit comments, information, analyses or opinions that it considers relevant to the proposed activity;

(h) With respect to **paragraph 8**, measures taken to ensure that in a decision due account is taken of the outcome of the public participation;

(i) With respect to **paragraph 9**, measures taken to ensure that the public is promptly informed of a decision in accordance with the appropriate procedures;

(j) With respect to **paragraph 10**, measures taken to ensure that when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 are applied making the necessary changes, and where appropriate;

(k) With respect to **paragraph 11**, measures taken to apply the provisions of article 6 to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

Answer:

Decisions on whether to permit specific activities are subject to the provisions of the Law on the Assessment of the Impacts on the Environment from Certain Projects (140(I)/2005), which has replaced Law 57(I)/2001. According to this the projects listed in Annex I, which is similar to Annex I of the text of the Aarhus Convention, are subject to an environmental impact assessment study. Projects listed in Annex II are subject to a preliminary environmental impact report to decide whether to permit the project or whether a full study is required prior to taking a decision.

According to the Law "public" is defined as one or more natural or legal persons

(a) Law 140(I)/2005 applies to any project listed in Annex I or Annex II of the Law and which concerns the execution of construction works or other installations or schemes, which are expected to have impacts on the environment or the landscape, including the use of natural resources. Projects listed in Annex I are those which are expected to have significant impacts on the environment and are subject to a full environmental impact assessment study. Projects listed in Annex II are smaller in scale and are subject to a preliminary environmental impacts assessment report. Based on this, it is then determined whether it is necessary to request a full environmental impact assessment study or to permit the project by simply imposing terms and measures to minimize or eliminate impacts.

The Law does not apply to projects serving national defense purposes.

Law 140(I)/2005 applies the provisions of Article 6 of the Convention regarding public participation in decisions on whether to permit specific activities.

(b) According to Article 21 of Law 140(I)/2005, every person or public authority submitting an environmental impact assessment study has, at the same time, to issue a public notice in at least two daily newspapers of the Republic, announcing the following:

1. The application.
2. That the project is subject to an environmental impact assessment procedure.
3. The date of submission of the study and the name of the person or public authority submitting it.
4. The nature of the possible decisions or the decision plan.
5. The nature of the proposed project and the area where it will be executed.
6. That the study can be examined during working days and hours at the offices of the environmental authority or the competent town planning authority, or, where a public project is concerned the offices of the competent public authority which has submitted it, or if it concerns a project which will be executed by a public organization, at the offices of this organization. The study can also be examined at the offices of the relevant local authority.
7. That any person may submit comments and opinions to the environmental authority regarding the content of the study or the possible environmental impacts that could result from the project.

Within 30 days from the notification any person may submit to the environmental authority comments or opinions regarding the content of the study or the possible environmental impacts that could result from the project. These will be taken into account by the Technical Committee when evaluating the study and the environmental authority when preparing its opinion.

Article 22 of the Law provides that once a decision is taken by the competent authority on whether to permit the project, it informs the environmental authority regarding:

1. the content of the decision and any terms that accompany it,
2. the way in which the concerns and opinions expressed by the interested public were taken into account in the decision-making process, the main reasons and assessments on which the decision was based, including the provision of information regarding the public participation process,
3. where necessary, a description of the main measures necessary to avoid, reduce and, if possible, compensate the major adverse impacts.

The environmental authority then informs the members of the Technical Committee and the public of the decision issuing a notice in two daily newspapers of the Republic and through the Internet, also specifying that the information is listed in the Register and the time and place where it can be obtained.

According to Article 23, the environmental authority keeps a Register in which the following information is listed:

1. All the environmental impact assessment studies and preliminary environmental impact reports submitted,
2. any document submitted by another state in the case of transboundary impacts,
3. all the opinions submitted by the environmental authority to the town planning or other public authority responsible for the project,
4. the opinions submitted by any organization, body or person to the environmental authority regarding an environmental impact assessment study or preliminary environmental impact report,
5. the decision of the town planning or other public authority responsible for the project,
6. the minutes of the meetings of the Technical Committee
7. information on any projects which were excepted from the provisions of the Law.

The Register is available to the public and can be inspected during working days and hours. Moreover, the environmental authority shall put a notification on the Internet when any of the information listed above is submitted to, or by, her.

Additionally, the environmental authority issues a public notice on the internet when the following are submitted to it or by it:

1. an Environmental Impact Assessment
2. any document submitted by another state
3. its opinion to the town planning or other public authority responsible for the project
4. the opinions of any organization, body or person degrading an environmental impact assessment.

(c) According to Article 13 of Law 140(I)/2005, once the environmental authority receives the environmental impact assessment study it has to send, within 30 days from the date of submission, a copy to the Technical Committee which will evaluate it. The person or public authority submitting the environmental impact assessment report has to publish, at the same time, a notification (as mentioned in point (c) above) for the study. Any person may examine the study and submit opinions to the environmental authority regarding the content of the study and the possible environmental impacts of the project, also within 30 days from the date of the notification. These opinions and representations are then taken into account by the Technical Committee when evaluating the report. This ensures that the public is informed at an early stage in the process and allows sufficient time to prepare and participate effectively during the decision-making.

(d) The provisions mentioned above (points (b) and (c)) ensure that the public is involved early in the decision-making process, when all options are still open. This is also strengthened by the fact that it is required to include in the environmental impact assessment study an analysis of the major alternatives examined and the basic reasons for the final choice with respect to environmental impacts. The public can examine these alternatives and submit opinions regarding these and the final choice. At this stage, it is possible to change the parameters of the project, e.g. size, location, structure, etc., draft measures and impose terms to eliminate or minimize impacts.

(e) According to Article 6 of the Law, when the Technical Committee convenes to evaluate an environmental impact assessment study, a representative of the local authority of the community where the project will be implemented is invited to express his opinions. This provides an incentive to the person or public authority submitting the study to identify the public concerned, inform them of the project, get their opinions and concerns and enter into discussions to ensure their support. The opinions of local communities have an important weight in the decision-making process.

(f) As mentioned in point (b) above, once the EIA study is submitted, the public is notified of the submission and of the times and place where the study can be examined. According to the law the study must contain the following information:

1. A description of the project and in particular:
 - ⇒ a description of the physical characteristics of the whole project and land use requirements during the construction and operational phases,
 - ⇒ a description of the main characteristics of the production processes,
 - ⇒ an estimate by type and quantity of expected residues and emissions resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental impacts.
3. A description of the aspects of the environment likely to be significantly affected by the proposed project and its alternatives, including in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape, and the inter-relationship between these factors.
4. A description of the possible significant impacts of the proposed project on the environment resulting from:
 - ⇒ The existence of the project,
 - ⇒ The use of natural resources,
 - ⇒ The emission of pollutants, the creation of nuisances and the disposal of waste, and a description of the forecasting methods used to assess the impacts on the environment.
5. A description of the measures proposed to prevent, reduce and, where possible, offset,

or compensate for, any significant adverse impacts on the environment.

6. A non-technical summary of the information listed above, including a visual presentation with maps, drawings, diagrams, tables, photographs, etc., where necessary.
7. A description of the prediction methods used to assess impacts on the environment and the basic assumptions and hypothesis that have been adopted, as well as the data and measurements used, the models, and the calculations followed. An indication of any difficulties encountered in compiling the required information.
8. Where relevant, a detailed monitoring and management programme, and suggestions for the assessment of the situation following project completion and the examination of long term environmental and social impacts that will be identified.

All this information is contained in the study and is publicly accessible, together with the information listed in point (b) above.

- (g) Within 30 days from the date of the notification any person may submit to the environmental authority opinions and representations regarding the content of the environmental impact assessment study or the possible environmental impacts that could result from the project. These will be taken into account by the Technical Committee when evaluating the study and the environmental authority when preparing its opinion.
- (h) The comments and opinions expressed by the public during the 30-day period are taken into account by the Technical Committee when evaluating the environmental impact assessment study and the environmental authority when preparing its opinion. Moreover, the opinion expressed by the representative of the local authority, who represents the opinions of the community where the project will be executed, together with the opinions expressed by the Federation of Environmental and Ecological Organizations of Cyprus, as the representative of non-governmental environmental organizations in the Technical Committee are taken into account by the environmental authority and have an important weight in the decision-making process.
- (i) Once the final decision is taken by the competent authority, the environmental authority notifies the public of the decision in two daily newspapers of the Republic and through the Internet. The content of the decision is kept in the Register which is publicly available, together with a description of the way in which the concerns and opinions expressed by the interested public were taken into account in the decision-making process, and the main reasons and assessments on which the decision was based, including information on the public participation process.
- (j) In the new Law, Annex I was extended to include any change to or extension of any of the projects listed in the Annex, where such a change or extension in itself meets the thresholds, if any, set out in this Annex. In such a case, the proposed change or extension is subject to an environmental impact assessment study and the provisions set out above regarding public participation will apply.
- (k) Projects involving installations where genetically modified organisms are produced or used, or are planned to be produced or used, are included in Annex I of the Law and are therefore subject to an environmental impact assessment study and the provisions of the Law, as set out above regarding public participation. Where the project will involve the storage or use of genetically modified organisms the study must include a scientific description of the organisms and an assessment of their origin and the necessary means and measures for their conservation.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 6.

Answer:

None

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 6, e.g. are there any statistics or other information available on public participation in decisions on specific activities or on decisions not to apply the provisions of this article to proposed activities serving national defence purposes.

Answer:

The process was implemented for approximately 300 public and private projects since 2001. Interest by the public has been considerable.

Give relevant web site addresses, if available:

www.moa.gov.cy

Article 7

List the appropriate practical and/or other provisions made for the public to participate during the preparation of plans and programmes relating to the environment. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

1. Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005)

The Law introduces environmental issues in the preparation and approval of plans and programmes, ensuring the assessment of the impacts on the environment from those plans and programmes which could potentially result in significant adverse impacts on the environment. According to the Law, an assessment of the impacts on the environment is required for every plan and programme:

- ⇒ prepared in the areas of agriculture and animal husbandry, forestry, fishing, mining and quarrying, energy, industry, transport, waste management, water resource management, telecommunications, tourism, land planning and land use; or
- ⇒ which results in impacts in specially protected areas.

Furthermore, the Law ensures public participation in the decision-making process. "Public" is defined as one or more natural or legal persons, as well as their associations, organizations or groups.

The Law ensures the participation of non-governmental organizations promoting environmental protection, as the Federation of Environmental and Ecological Organizations of Cyprus is a permanent member of the Committee for the Assessment of the Impacts on the Environment from Plans and Programmes.

Regarding public participation, according to Article 13 of the Law, when a competent authority submits a preliminary plan and/or programme and the study conducted for the assessment of its environmental impacts has, at the same time, to issue a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet with which to announce:

- ⇒ the date of submission of the study and the name of the competent authority which has submitted it,
- ⇒ the nature of the proposed plan and/or programme and the area it concerns,
- ⇒ that the study can be examined during the working days and hours at the offices of the Environmental Authority and the competent authority,
- ⇒ that any person can submit comments or opinions to the Environmental Authority

regarding the content of the study or the impacts likely to result on the environment from the approval of the plan and/or programme, within 35 days from the date of the notification.

During the evaluation of the study consultations are carried out with the public. The public with which the Environmental Authority carries out consultations includes the public that is affected or likely to be affected, or whose interests are at stake from the decision-making process regarding a plan and/or programme and includes non-governmental organizations promoting environmental protection.

During the evaluation of the study by the Committee the opinions and representations submitted to the Environmental Authority by any person, or the information and comments submitted during a public hearing procedure, if one was carried out, must be taken into account when the Committee members form their opinions and suggestions on which the Environmental Authority will base its opinion.

The opinion of the Environmental authority is filed in the Register kept in accordance with Article 23 of the Law. The Environmental authority issues a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet informing the public that the opinion is kept in the public Register. Before taking a decision regarding the plan and/or programme the competent authority must take into account the opinion of the Environmental authority and the results of the public hearing, if one was carried out.

Once the decision is taken by the competent authority, the Environmental authority informs the public of the decision by issuing a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet, and that the following information is available to the public, specifying the time and place where it can be obtained:

- ⇒ a description of the plan and/or programme as this was approved,
- ⇒ a summary statement regarding:
 - the way in which the environmental parameters were incorporated in the plan and/or programme,
 - the way in which the study and the opinion of the Environmental Authority were taken into account,
 - any opinions expressed by the public or during public consultations,
 - the reasons why the plan and/or programme approved was chosen taking into account other alternative possibilities examined,
- ⇒ a description of the major adverse environmental impacts that will arise as a result of the plan and/or programme, and
- ⇒ a description of the measures to monitor and control the adverse impacts that may result from the implementation of the plan and/or programme.

The Environmental Authority keeps a Register of the following information:

- ⇒ all the studies submitted,
- ⇒ the opinions and comments expressed by the public,
- ⇒ the opinions of the environmental authority,
- ⇒ the information mentioned above, and
- ⇒ the results from the monitoring if the environmental impacts that may result from the approval of the plan and/or programme.

The Register is available to the public and can be examined during working days and hours.

2. Apart from Law 102(I)/2005, a number of other existing laws relating to the environment and which require the preparation of plans and programmes, but did not contain sufficient provisions on public participation, have been amended so as to ensure consistency regarding participation and compliance with the Aarhus Convention and EU legislation. These include:
 - (a) the amending Law on the Control of Water and Soil Pollution (160(I)/2005),
 - (b) the amending Law on Solid and Hazardous Waste (162(I)/2005),
 - (c) the amending Law on Packaging and Packaging Waste (159(I)/2005),

- (d) the amending Law on the Control of Air Quality (161(I)/2005), and
- (e) the amending Law on Integrated Pollution Prevention and Control (15(I)/2006).

The amendments to these laws have been incorporated the following basic provisions regarding public participation:

- (a) The competent authority must issue a public notice in the Official Gazette of the Republic and two daily newspapers, informing the public:
 - ⇒ For every proposal made for a new plan and/or programme, or the modification or review of an existing one,
 - ⇒ Of the nature of the possible decisions which may be taken,
 - ⇒ Than any information relevant to the proposal is available to the public during working days and hours at the offices of the environmental authority, and
 - ⇒ That any person may submit comments or opinions regarding the proposed plan and/or programme within 35 days from the date of the notification.

The competent authority also makes an announcement through the Internet every time that:

- ⇒ a proposal is submitted for a plan and/or programme, or the modification or review of an existing one, and
 - ⇒ opinions are submitted regarding the proposal.
- (b) During the evaluation of the plan and/or programme the competent authority may carry out consultations with the public. This includes the public that is affected or may be affected, or whose interests are at stake from the decision-making process regarding a plan and/or programme, and includes non-governmental organizations promoting environmental protection. Before a decision is taken over the proposed plan and/or programme the opinions expressed by the public must be taken into account.
 - (c) Once the decision is taken it must be notified to the public. The competent authority must issue a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet informing the public of the decision and that the following information is kept in the Register, specifying the times and place where it can be obtained:
 - ⇒ A description of the plan and/or programmes as this was approved,
 - ⇒ A summary statement regarding
 - the way in which the opinions expressed by the public were taken into account in the final decisions,
 - the reasons and assessments on which the final decisions were based, including information about the public participation process.

3. Public Hearings

According to the provisions of the amending Law mentioned above, the Council of Ministers may decide, following the suggestion of the competent authority, the conduct of a public hearing for a proposal for a plan or project. In the Integrated Pollution Prevention and Control Law the public hearing is obligatory for the proposals covered by the Law.

Under these Law, Regulations have been prepared specifying the practical arrangements for conducting a public hearing, and are now in the process of being approved. The public hearings will be a form of public debate and consultation, and will ensure transparency and democracy in the decision-making process. A public hearing will be notified to the public and the competent authority will invite all natural and legal persons who believe they are affected by the proposed plan or programme, as well as any other person with a lawful interest to present their opinions, and evidence to support this. Those wishing to participate in the hearing must submit their opinions in written form, at least 15 days before the public hearing. At the public hearing those who have submitted written opinions will be called to present these. In those cases when the hearing will be open to the public the competent authority must emphasize this in its notification. However, only persons who have submitted written comments may participate in the hearings.

The results of the public hearing will be taken into account in the decision-making over the plan or programme.

Explain what opportunities there are for public participation in the preparation of policies relating to the environment.

Answer:

Public hearings and consultations are now carried out for all major environmental policies, such as the sustainable development strategy, the national plan for the reduction of greenhouse gas emissions, etc.

Describe any **obstacles encountered** in the implementation of article 7.

Answer:

None

Provide further information on the practical application of the provisions on public participation in decisions on specific activities in article 7.

Answer:

See above.

Give relevant web site addresses, if available:

www.moa.gov.cy

Article 8

Describe what efforts are made to promote effective public participation during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

There is public participation in the preparation of Strategies relating to the environment, such as the Sustainable Development Strategy, prior to their approval by the Council of Ministers.

Describe any **obstacles encountered** in the implementation of article 8.

Answer:

Provide further information on the practical application of the provisions on public participation in the field covered by article 8.

Give relevant web site addresses, if available:

ARTICLE 9

List legislative, regulatory and other measures that implement the provisions on access to justice in article 9.

Explain how each paragraph of article 9 has been implemented. Describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9. Also, and in particular, describe:

- (a) With respect to **paragraph 1**, measures taken to ensure that:
 - (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;
- (b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in **paragraph 2** have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;
- (c) With respect to **paragraph 3**, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;
- (d) With respect to **paragraph 4**, measures taken to ensure that:
 - (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;
- (e) With respect to **paragraph 5**, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

- (a) The Law on Public Access to Environmental Information (119(I)/2004) includes provisions on access to justice. According to Article 10 of the Law, any person who thinks that his

request for environmental information was:

- ⇒ Unjustifiably ignored, wrongfully refused, whether in full or in part,
- ⇒ Was answered inadequately, or
- ⇒ Was not dealt with in accordance with the provisions of the Law,

Has the right within 30 days from the notification of the decision or from the passing of the time period specified in Article 3 (within which the public authority must provide the information requested) to appeal to the Minister to review the actions or omissions of the public authority in question. The Minister examines the matter and makes a decision, which is then notified to the interested person and the public authority.

Independently of the provisions of Article 10, Article 11 gives the applicant the right to a review procedure before a Court of Law, in accordance with Article 146 of the Constitution.

(b) The proposed Law which will amend the Law on the Assessment of the Impacts on the Environment from Certain Projects (57(I)/2001) will introduce provisions for access to justice. According to this, any member of the interested public:

- ⇒ having a sufficient interest, or alternatively
- ⇒ maintaining the impairment of a right, where such a right is required as a precondition in accordance with the administrative procedural legislation,

has access to a review procedure before a Court of Law or another independent and impartial body established by Law, to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Law.

The Council of Ministers will issue Regulations regarding the following:

- ⇒ at what stage the decisions, acts or omissions may be challenged,
- ⇒ what constitutes a sufficient interest and impairment of a right, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organization meeting the requirements set out in this Law shall be deemed sufficient. Such organization shall also be deemed to have rights capable of being impaired,
- ⇒ if judged necessary, the adoption of a preliminary review procedure before an administrative authority.

(c) Similar provisions as mentioned in point (b) above were included in the proposed amendment to the Law on Integrated Pollution Prevention and Control (56(I)/2003).

(d) According to the proposed amendment to Law 57(I)/2001, the procedures that will be adopted through the Regulations mentioned in point (b) above must be fair, equitable, timely and not prohibitively expensive.

(e) The proposed amendment to Law 57(I)/2001 provides that the environmental authority must ensure, through the Internet and the daily press that practical information is made available to the public regarding access to administrative and judicial review procedures.

Describe any **obstacles encountered** in the implementation of any of the paragraphs of article 9.

Answer:

None

Provide further information on the practical application of the provisions on access to justice pursuant to article 9, e.g. are there any statistics available on environmental justice and are there any assistance mechanisms to remove or reduce financial and other barriers to access to justice?

Answer:

Give relevant web site addresses, if available:

www.moa.gov.cy

Articles 10-22 are not for national implementation.

General comments on the Convention's objective:

If appropriate, indicate how the implementation of the Convention contributes to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being.

Answer: