

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

CERTIFICATION SHEET

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

Name of officer responsible for submitting the national report: Angeliki Tsachali-Kalogirou

Signature: Angeliki Tsachali-Kalogirou

Date: 31/3/2008

IMPLEMENTATION REPORT (Rev.)

Please provide the following details on the origin of this report

Party: GREECE

National Focal Point

Full name of the institution: MINISTRY OF THE ENVIRONMENT, PHYSICAL PLANNING AND PUBLIC WORKS (Department of International Relations and EU Affairs.)

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Question 1

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:

- Regarding the process by which this report has been prepared, the Hellenic Ministry for the Environment, Physical Planning and Public Works, (YPEHODE), through the Department of International Relations and EU Affairs, has invited the following Public Authorities for consultation and contribution to the preparation of the present report: Ministry of Foreign Affairs, Ministry of National Education and Religious Affairs, Ministry of Development, Ministry of Interior Public Administration and Decentralisation, Ministry of Justice, Ministry of Rural Development and Food, Hellenic Food Authority (EFET), as well as Ministry of Mercantile Marine and of Aegean and Island Policy. Additionally the following departments of the Ministry of the Environment, Physical Planning and Public Works, Competent Bodies and NGOs have also been consulted for the completion of this report.: Department of International Relations and EU Affairs, Special Service for the Environment, Environmental Planning Directorate, Bureau of National Network for Environmental Information, Control of Air Pollution and Noise Directorate, Central Water Service, Special Service of Managing the Competitive Project “Environment and Sustainable Development” (EPPER), Spatial Planning Directorate, Urban Planning Directorate, Directorate for Special Upgrading Projects, the National Centre of Environment and Sustainable Development, and the NGO Mediterranean Information Office.(MIO- ECSDE). Recent reports of the Ministry for the Environment, recent studies, as well as relevant inputs of Public Authorities (included the Regional ones) to the parallel OECD environmental performance review preparation, concerning issues of this Report, have also been taken into consideration.
- The above participation included, a consultation period of appr. 12 weeks, before the first draft is available on the Internet, by e-Mail, and where necessary with clarifications meetings and discussions. After the completion of the first draft, it was displayed for public consultation on the Website of the Ministry of Environment for 4 weeks. Additionally a special e-mailbox has been set up for the public and NGOs to submit comments on the contents of the questionnaire and on the first draft of the Report. Submitted comments, have been integrated. Decisions 1/8 and 11/10 on reporting were taken into consideration and where possible the recommendations of the Aarhus Convention Compliance Committee. Since it is the first report of Greece, it was difficult to meet due time frames but efforts were made to meet the quality requirements of the information included in the Report.

Question 2 (optional):

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).

- According to Article 101 of the Constitution the administration of the State is organised in accordance with the principle of decentralisation. Regions constitute , another level of administrative organisation provided by law Besides according to article 102 of the Constitution the administration of local affairs belongs to the local government agencies. The first level of local government (the municipalities and the communes) has been also established. Finally relevant laws provide for the second level of local government ,the prefecture government whose authority extends to the territory of all the local government agencies of a prefecture.
- International treaties and Conventions such as the Aarhus Convention require, according to article 28 of the Constitution , a national law voted by the Parliament , through which they are ratified and do not apply directly or have a direct effect upon its entry into force. Greece ratified the Aarhus Convention at the end of 2005 and thus became a Party to the Convention.(see more under Article 3) Besides and for the purpose of a better understanding of this report, it should be noted that the implementation of Aarhus Convention in Greece is generally based on EU Directives which have already been transposed into national law.(see more under Article 3)

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 Greece there is a complete legal framework regulating access to environmental information and generally access to information and ensuring that officials and authorities assist and provide the required guidance.

The Convention on access to information ,public participation in decision- making and access to justice in environmental matters(Aarhus Convention) of the United Nations Economic Commission for Europe (UNECE), was ratified by the Greek Parliament in December 2005 through Law 3422/12-12-2005 (Official Journal of the Government A 303 /2005) .

According to Article 3 par 9(a) of the Joint Ministerial Decision(JMD) 11764/653/2006 (OJG 327B/17-3-2006) through which the Directive 2003/4/EC ,on public access to environmental information was transposed, officials are required to support the public in seeking access to information The 2003/4/EC Directive was formulated by EC for the better implementation of the first pillar of the Aarhus Convention by the Member States. According to article 3 para 1 of the above JMD Public Authorities make available environmental information held by or for them to any applicant at his request within the deadlines set by law. If a request is formulated in a too general manner, the public authority asks as soon as possible the applicant to specify the request and assists the applicant in doing so .If the information requested is not held by or for the public authority to which the request is addressed , the public authority transfers the request to the competent authority within 3 days and informs the applicant accordingly. **(for more information see under Article 4)**

In Greece, the right of access to information is not limited only to environmental issues. This right has been increasing in significance since, according to the **Hellenic Constitution the competent service or authority is obliged to reply to requests for information and for issuing documents**, especially certificates, supporting documents and attestations within a set deadline not exceeding 60 days, as specified by law. In case this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences at law, **special compensation is also paid to the applicant**, as specified by law. (article 10, para.3 of the Hellenic Constitution 1975/1986/2001). The right of access to information and to electronically handled information is also provided in Article 5 A of the Hellenic Constitution where it is stated that **facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State**. The right to access to official documents is also ensured by Law 1599/86(art.16)as well as by Law 2690/1999 regarding “Administrative Procedure Code.

Citizens Service Centers (CSCs) have been established by the Ministry of Interior, Public Administration and Decentralization in Regions, Prefectures and Local Authorities all over Greece by law 3013/2002.The CSCs are assisting effectively the citizens in dealing with Public Administration, and in accessing information and documents .The website of CSCs has been designed and developed for the citizens’ efficient electronic information and service.

In addition it now gives citizens the possibility to submit comments and electronic applications regarding a wide series of administrative documents, thus implementing a substantial step towards e-governance in Greece. The Citizen Service Call Centre (1564) is also an important step towards citizens’ information.

Additionally a Citizens' Service Bureau operates within the Ministry for the Environment, Physical Planning and Public Works and a Citizen's Service Bureau or a Public Relations Department operates also in other Ministries to assist citizens, dealing with Public Administration. Besides, a Press Department operates in every Ministry, competent for diffusing press releases regarding each Ministry's activities. It should be also mentioned that a special helpdesk, which consists of officers especially appointed for public information and assistance on relevant issues, has been established by the Managing Unit of the "Operational 'Environment' Programme" (EPPER) under the Ministry for the Environment. Access to environmental information concerning the EPPER, is also acquired through the respective website (www.epper.gr). Additional information on environmental matters and on the activities of the Ministry for the Environment is also accessed through the Ministry's official website (www.minenv.gr) currently under reconstruction. Information on environmental issues of other Ministries is accessed through their official websites.

Besides citizens have the possibility to **submit, through the established web line of communication with the citizens, their questions, comments etc on the issues of the Ministry for the Environment (YPEHODE),**

The National Network for Environmental Information (NNEI) established in the MoE is an important action towards disseminating of environmental information. (see more below - Article 5ai and 5aii)

(b)+(c) In the framework of actions for Environmental Education (EE) and Education for Sustainable Development (ESD) Greece is following the UNECE and UNESCO processes at a satisfactory level. Within these processes:

- A National Commission for ESD has been set up which includes NGOs, as well as museums, etc.
- The Ministry of Education has set up a programme of action for the Decade for ESD (DESDE), identifying focus issues for each year, and has invited NGOs to participate in the implementation of the programme.
- Collaboration of the Hellenic Ministry for the Environment Physical Planning and Public Works(Dept.of of International Relations and EU Affairs)with the Ministry for National Education in the framework of Education for Sustainable Development
- The Ministry for the Environment /Central Water Agency, in the framework of the implementation of WFD(Water framework directive) implementation, proceeds to the following supporting actions: establishment and operation of a related web site, translation of the EC WFD guidance documents, and education of the personnel of the competent authorities, public information and awareness (ongoing).
- With the support of the Ministry of Education's Operational Programme EPEAEK (funded by the Community Structural Funds, the Cohesion Fund and national funds) and in coordination with the Ministry for the Environment, projects have been approved which focus on enhancing awareness, education, training and participation in decision making bodies of protected areas. NGOs are running these projects and local civil society is a key target group as well as local administrative bodies.
- Ministry for the Environment (YPEHODE) supported awareness raising efforts, giving priority to information, education and training programmes issues.

- In the context of the Decade of Education for Sustainable Development 2005-2014 the Ministry of Education formulated the National Strategy and the progress and evaluation Indicators.
- During the period 2004-2007, 18500 programmes of environmental education and 27000 programmes of health education took place in primary education, 19000 programmes of environmental education and 18000 programmes of health education took place in secondary education, 4686 school programmes financed by EU through Aegean University, 380 financed school programmes on gender equality – RCGE and 820 financed interventional school programmes – National Youth Institute with co-operations of 6000 schools
- There are 35 national thematic networks, each one in 120 schools. Its subject coincides with all the activities of the education for sustainable development.
- Training of 15000 educators is in process as well as teacher training .
- Periodical material production on sustainable development from Centres of Environmental Education (CEE).
- All academic years of the Decade 2005-2014 are nominated according to sustainability issues in the frame of the Decade of ESD
 - The Programmes of School Activities consist a current form of education that develops in the frame of either the school unit or environmental networks /collaborations of schools.
 - Development of National Network of Centres of Environmental Education
 - 6000 programmes of school activities per year for awareness
 - National, regional and local Thematic Networks of school activities (biodiversity, energy, river, etc.)
 - Production of educational material at a regional and local level
 - Pilot regional programmes (schools for recycling)
 - Co-operative activities with public sectors, universities, NGOs, local communities
 - The Mediteranean Information Office (MIO –ECSDE) has established the Circle of Mediterranean Journalists for Environment and Sustainable Development(**COMJESD**)in Meditteranean level.
 - Press releases of the MoE (YPEHODE),on the occasion of the ratification of the Aarhus Convention by the Hellenic Parliament ,as well as on the transposition of the relevant Directives 2003/4 and 2003/35, for the information of the public on its environmental rights ,published in newspapers and also displayed on the official Website of the MoE.
 - An information leaflet on Aarhus Convention was published by the Athens Bar Association contributing in the information of the public on its environmental rights under the Convention..
 - A conference on the implementation of the Aarhus Convention was held in 2007 by initiative of the Hellenic Society for the Protection of the Environment and the Cultural Heritage in cooperation with the Athens Bar Association in which participated the Hellenic Ministry for the Environment, as well as representatives from the Council of State, the Hellenic Ombudsman, the EU ,and other stakeholders.
 - A lot of workshops, seminars and presentations were organized, as well as publications and information leaflets were produced by the state competent bodies, for the information and awareness raising of the public and all interested parties on alternative waste management issues.
 - According to the opinion of an NGO and a member of the public, a wider public information is necessary concerning the environmental rights provided by Aarhus Convention as well as training lessons on environmental rights

included in the curricula of the schools in the framework of environmental education.

(c) The implementation of Special Actions for supporting the NGOs in the field of the Environment ,is financed ,with total budget 1 million Euros in the framework of the Special Service for managing the Operational Programme Environment 2000-2006 (EPPER)and the Operational Programme Environment and Sustainable Development 2007-2013,(EPPERA). In addition a special project on environmental awareness of the citizens_ is also financed Concerning EPPER the relevant budget comes up to 2 million Euros ,and concerning EPPERAA the relevant budget is not yet defined.

In the same framework of EPPER 2000-2006 a special project on Publicity and Promotion is provided concerning the results from the implementation of the project with total budget 2 millions Euros ,while in EPPERAA the budget of the whole activity is estimated to rise up to 10 million Euros for the period 2007-2013.

- The implementation of the Operational Programmes of the above Managing Special Service,(EPPERA)is monitored regularly by an established Monitoring Committee ,with approved Rules of Procedure ,in which several representatives from competent bodies ,civil society ,and NGOs participate.
- In the framework of Operational Environmental Programmes (OEP) 2000-2006, funds have been bound for environmental awareness raising programmes, with a total budget of 2.8 million €.Funds were made available to school units, classrooms or groups of teachers and students, in order to set up and complete environmental programmes: This led to the founding of more than 200 registered Non-Governmental Environmental and Ecological Organizations in Greece, whose members are often either teachers or former students who had the chance to participate in one of the Environmental Education programmes during their schooling years.
- NGOs in Greece are very active in awareness raising activities and according to the opinion of an NGO they are supported less often by Greek funds and more often by direct EU funds .
 - 22 projects were initiated by Universities and Scientific Institutes in the framework of the Development Assistance Programme of the MoE (YPEHODE), These activities were implemented by 19 Universities and 19 Non Governmental Organisations (NGOs) that were included in the Programme; the budget allocated to NGOs reached 45% of the total budget. Projects implemented in the framework of the Programme were fully funded from Greek national funds.
 - Moreover, Greece ,through Ministry of Foreign Affairs supports, coordinates and assists NGOs and other agencies in the implementation of development programmes,in accordance with the UNs Millennium Development Goals (MDGs), with the focus on combating poverty.
 - Greece has been the leading Country of the Mediterranean Component of the EU Water Initiative (MED EUWI), since 2002. MED EUWI also serves as a platform for promoting strategic partnerships between the EU and the Mediterranean and Southeastern European countries as well as between government, civil society and the private sector
 - NGOs are officially registered and recognized as partners in various Ministries.

- In Greece, the general public and the NGOs can submit comments and proposals on environmental issues at the preliminary stages of the decision making process.
- The Hellenic Ministry for National Education, collaborates with the public sector in a wider range, with the local government and the environmental NGOs for the promotion of the principles of sustainable development and in the frame of initiatives for the academic years
- According to the new legislation for the protection and sustainable management of water resources in Greece (Law 3199/2003 - Art. 3, par 6 & Art.6), which integrates the public participation requirements of the EU Water Framework Directive (2000/60/EC), the active involvement of interested parties is ensured through their representation to the National and Regional (in the 13 Regional Water Districts) Water Councils that are being developed as part of the new administrative framework of the country. **The National and the 13 Regional Water Councils are advisory boards in which all national and regional interested groups, such as involved organisations, NGOs, etc., are represented.**The national Water Council has already been established by Decision of the Minister of the Environment
- According to L. 1650/86 and L. 2742/99, twenty seven Management Bodies have been established in protected areas of Greece . Administrational Councils of these bodies are composed by representatives of central, regional and local authorities, representatives of local stakeholders groups, researchers and NGOs. Management Bodies were supported by the 3rd Community Support Framework and national funds.Moreover the Natura 2000 Committee (provided under Law 2742/1999) consists of representatives from Ministries, Universities and NGOs.
- Actions for the management of protected species are undertaken in the framework of various projects. Major projects have been funded by the European Commission Financial Instrument Life-Nature. National funds (ETERPS Fund from the Ministry of the Environment) have also been allocated. Major beneficiaries of these projects are Research institutes, Development Companies and NGOs.
- Projects aiming mainly to the implementation of nature conservation actions have been financed also from a national funding instrument which incorporates a percentage of the money coming from the tax for gas. Through this instrument (ETERPS Fund) approximately 7,5 million € (from national funds) were allocated for the period 2000 – 2007 including the Programme “**Voluntarism and Environmental Protection**” (total amount 1 million euros),and the Programme on Environmental Protection and Sustainable Development. Moreover, the Ministry has drawn up the Register of Environmental Non Governmental Organisations.
- In total, around 260 environmental NGOs have been inventoried, in mid 2007, nation-wide. **by the ‘Environmental Team of the Institute of urban and Rural Sociology of the National Centre for Social Research’** (<http://www.ekke.gr/estia/> **under a project financed by the Hellenic Ministry for the Environment** .
- In Greece there is not one single entity responsible for registering and inventorying NGOs active both on general as well as on environmental matters. Apart from the above inventory , registries are also kept by Ministry of Foreign Affairs (MoA), for different purposes. Besides YPEHODE has

also inventoried environmental NGOs which it has funded over the years, either as core funding or for the implementation of specific projects following a certain call. Ministry of Foreign Affairs, on the other hand, and in particular its Service for the implementation of the Development Assistance and Cooperation Programme of Greece, the so-called “Hellenic Aid” Service, is inventorying (since 2000) NGOs active in all fields (e.g. medicine, humanitarian, environment, education etc), which fulfil certain “quality” criteria and are, thus, able to receive state funding to implement, as intermediaries, development aid and cooperation projects in third/developing/recipient countries.

(d) Greece promotes the principles of the Aarhus Convention of transparency, access to information and public participation in international forums, in international environmental negotiations and decisions –making processes. The Greek Ministry for the Environment as well as other Ministries are inviting NGOs representatives to participate as experts in international meetings. Those representatives have as far as possible been included in Greek delegations as expert members, for which their travel expenses have been partially or fully reimbursed. NGOs can also participate upon invitation, in national preparatory meetings for international meetings.

- Greece, through Ministry of Foreign Affairs supports, coordinates and assists NGOs and other agencies in the implementation of development programmes, in accordance with the UNs Millennium Development Goals (MDGs), with the focus on combating poverty. Ministry of Foreign Affairs through YDAS-2 handles Greece's relations with the OECDs DAC, participating in its Working Groups and Networks, as well as in the Ministerial Councils
- NGOs were invited by the Ministry for Environment to participate in environmental performance review preparation under the auspices of the Organisation for Economic Cooperation and Development (OECD). (2007-2008).
- Greece has been the leading Country of the Mediterranean Component of the EU Water Initiative (MED EUWI), since 2002 which serves as a platform for promoting strategic partnerships between the EU and the Mediterranean as well as between government, civil society and the private sector. One of the key recent developments, is the initiation of the ‘**Country Policy Dialogues**’ on water for Mediterranean non-EU partner countries.
- The partner countries of the Development Assistance Programme of MoE (YPEHODE) belonged to the wider geographic regions of S.E. Europe, and activities were implemented by NGOs and Universities which covered inter alia **capacity building** as well as **environmental information and awareness, training and education on environment and sustainable development**. The actions and projects selected for funding were characterised by applicability, sustainability, perspective of actions, transferability, as well as **accountability and transparency of all activities**.
- Participation of Greece in High Level International Meeting of Education and Environment Ministries in Vilnius (Lithuania) promoting environmental education, ESD and awareness.
- Participation in the 6th Conference of Ministers of Environment, “Environment for Europe”. (Belgrade 2007)
- Project of Associated Schools with the UNESCO: The implementation of programs within the framework of the Decade of Education for Sustainable

Development, where UNESCO is the lead agency, by 20 of the 80 schools participating in the network

- SEMEP: Participation of Greece in the South Eastern Mediterranean Environmental Project, a network of 40 schools. It began as Program of environmental education.
- Official launching of the UN decade for the Sustainable Development in the Mediterranean Area, in Athens where the principles of the Aarhus Convention were mentioned by the Ministry for the Environment (2005)
- The contribution of Greece in the natural disaster in South –East Asia, the development and humanitarian assistance offered by Greek State agencies, and the ever expanding presence of Civil Society in international assistance projects show that the awareness of Greek public opinion has indeed been raised and that the view that our country must participate and assist countries that face natural disasters has taken root. Greece supports such initiatives and is participating in the discussions already taking place within the UN framework with interventions **intended to increase transparency** and enhance the UN control systems while making its actions more effective.

(e) In Greece there is a complete legal framework, as already mentioned, ensuring the exercise of the rights of the persons under the Aarhus Convention. The right of access to information, is provided and guaranteed by the Hellenic Constitution as well as by “Administrative Procedure Code”.

- According to Article 4&1 of the Hellenic Constitution all Greek citizens are equal before the law. Citizens have also the constitutional right of previous hearing. Articles 4 to 25 of the Hellenic Constitution provide for the protection of human rights, including the free development of one’s personality and recognize the value of human dignity.
- Every act of the State must be in conformity with the law and it must also be provided for by a law. Besides and according to the opinion of an NGO the Environmental NGOs can be critical of governmental actions, decisions, etc. without repercussions (if there is a real basis for criticism).
- The citizens, in the framework of their protection, have several possibilities for administrative and judicial review as well as actions for compensation according to the civil liability provisions. (see more information under Article 9 of the Convention)

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

Answer:

The obstacles and problems identified and stated by the involved public authorities are:

- Non-flexible timetable which does not facilitate the relationship between school and society through active learning
- Incomplete training of educators
- Non existence of up-to-date relevant educational material
- Non existence of institutional framework of co-operation with NGOs

- Activities of educators and students on voluntary base (single-digit number percentage of educators and students who participate in programmes)
- Little / insufficient financial support in the framework of environmental education.
- The implementation of the Aarhus Convention is a major task which demands the collaboration of several Ministries and sectors as well as Regions, Prefectures and Local Government.
- Lack of sufficient resources
- According to the opinion of an NGO there is no apparent link with issues relating to access to justice concerning environmental issues in school curricula. However, it is not yet clear what these links should be. Through ESD implementation, the development of critical thinking of students could be interpreted indirectly as serving towards this purpose.

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

Answer:

Give relevant web site addresses, if available:

Answer: <http://www.minenv.gr> ,<http://www.mfa.gr>,[http:// www.yen.gr](http://www.yen.gr),
[http:// www.ypepth.gr](http://www.ypepth.gr) , <http://www.medies.net>

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: Concerning relevant definitions in article 2 and the non discrimination requirement in article 3 see information under article 5.

(a)(i) In Greece, access to environmental information of any person without having to state an interest ,is provided first of all under Law 3422/12-12-2005 (OJG A 303/2005).Access to environmental information of any person without having to state an interest is also ensured in the Article 3 par 1 of the Joint Ministerial Decision 11764/653/2006 (OJG B 327/17-3-2006). According to this Article of the above JMD every natural or legal person is entitled to access to environmental information by submitting a relevant written request without having to state an interest .The written request enters the Public Authority's register(protocol)under a certain number and a registration receipt is given to the applicant.

According to the Hellenic Constitution (Article 10) the competent service or authority is obliged to reply to requests for information and for issuing documents,(see more under Article 3) According to Article 5 par 1 of Law 2690/1999 regarding Administrative Procedure Code every interested person is entitled to access to administrative documents by submitting a relevant request. A special interest is required only for access to private documents held by Public Authorities ,on matter concerning the applicant.(Article 5 para 2 of Law 2690/1999). Finally, Directive 2003/98/EC on the further use of public sector information has been incorporated into the Greek legislation by Law 3448/2006, providing the right for further use by persons or legal entities of documents held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose for which the documents were originally produced.

(a)(ii) According to Law 3422/12-12-2005(OJG A 303/2005) Public Authorities in response to a request of environmental information make such information available to the public including where requested copies of the actual documentation containing or comprising such information .The Article 7 of the Joint Ministerial Decision 11764/653/2006 also ensures that Public Authorities provide for copies of the actual documentation upon request and some exceptions are provided concerning the form or format of the required information. (see below (a)(iii)) . The Article 5 of Administrative Procedure Code" referring to access to documents (OJG A45/9-3-1999) provides and regulates similar issues. Upon an application, the Special Environmental Service and the other competent departments provide in due time the information requested concerning official documents or other documentation concerning the EIA/SEA files submitted to it, as soon as the public participation process has begun. No internal consultation document concerning open judicial procedures is provided.

(iii) Taking into account those referred in the above point (ii)and according to Article 4 par 1 (b) (i) (ii)of the Convention ratified by law 3422/2005 and Article 3 par 7 of the JMD 11764/653/2006 ,the form or format of the information is supplied as follows: Where an applicant requests a public authority to make environmental information available in a specific form or format(including in the form of copies),the public authority makes it available unless it is already publicly available in another

form or format , which is easily accessible by applicants.Further details on the above issue are regulating under the above JMD.(Art.3 para 7).

(b) The time limits of the Article 4 par 2 of the Convention are met in the Law 3422/2005 .The environmental information is made available as soon as possible and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months.

- In addition the aforementioned time limits of the Convention are fully met (**to the stricter**) in Article 3 par 3 of the JMD 11764/653/2006 .More specifically Public Authorities, having regard to any timescale specified by the applicant , make available environmental information held by or for them to any applicant at his request , at the latest within 20 days after the receipt of the request by the public Authority or within 2 months after the receipt of the request, if the volume and the complexity of the information is such that the 20 days period cannot be complied with.
- Besides Law 2690/1999 “Administrative Procedure Code” (OJG A45/9-3-1999)stipulates also in Article 4 relevant time limits for Public Authorities (60 days at the latest)and in Article 5 -one month- time limit after the receipt of the request for informing the applicant of any rejection of his request. Additionally, according to the Hellenic Constitution the competent authority is obliged to reply to requests for information and for issuing documents, especially certificates, supporting documents and attestations within a set deadline not exceeding 60 days, as specified by law.
- In case this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences at law, special compensation is also paid to the applicant, as specified by law. (article 10, par.3 of the Hellenic Constitution 1975/1986/2001).
- According to Article 5A of the Hellenic Constitution 1. All persons are entitled to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of protecting rights and interests of third parties and 2. All persons are entitled to participate in the Information Society. Facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State, always in observance of the guarantees of articles 9, 9A and 19. It is generally considered that according to the above Constitution provisions’ a general civil right of access to information is established

(c)(i) The public authorities may refuse the request for accessing to environmental information for the reasons and exceptions provided under Article 4 par 3 and 4 of the Convention ratified by Law 3422/2005 ,as well as under Article 4 of the JMD 11764/653/2006 which transposed Directive 2003/4.Additionally Administrative Procedure Code (Law 2690/1999 (art.5)and law 1599/86 art.16 stipulate certain cases in which Public Authorities may refuse the request to accessing to administrative documents . The reasons of refuse of the request under the Aarhus Convention are fully met in the above JMD which transposed EU Directive 2003/4 . Public Authorities may not provide for a request to be refused if where the request relates to information on emissions into the environment. Concerning the

confidentiality of personal data Public Authorities take into consideration the requirements of the provisions of law 2472/1997(A 50) through which Directive 95/46/EC , on the protection of individuals with regard to the processing of personal data and the free movement of such data, has been transposed.

(c) (ii)According to Article 4 par 2 of the above JMD 11764/653/2006 ,the grounds for refusal mentioned in paragraphs 1 and 2 of the same Article are 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 weighed against the interest served by the refusal. Further details on the above issue are regulated by the same article of the above JMD which transposed Directive 2003/4. For the purposes of the application of (subpar.f)concerning the confidentiality of personal data, relating to a natural person ,Public Authorities take into consideration the requirements of the provisions of Law 2472/1997 (A50) which has transposed Directive 95/54/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data .

(d) According to article 3 par 4 of the JMD 11764/653/2006,if the information requested is not held by or for the public authority to which the request is addressed , the public authority transfers the request to the competent authority within 3 days and informs the applicant accordingly. Besides according to Article 4 par. 1 of Law 2690/1999 “Administrative Procedure Code” (OJG A45/9-3-1999)if the request is addressed to a Public Authority which is not responsible for a response ,the public Authority transfers the request to the competent authority within 5 days and also informs the applicant accordingly.

(e)According to Article 4 par.5 of the JMD 11764/653/2006 environmental information held by or for public authorities which has been requested by an applicant is made available in part where it is possible to separate out any information, falling within the scope of par. 1 (d) and (e) or par 2 from the rest of the information requested. Paragraph 1 (d)concerns material in the course of completion or unfinished documents or data and par 1 (e) internal communications .and par 2 concerns cases for a request for environmental information to be refused.

(f) According to law 3422/2005 the refusal is made as soon as possible and at the latest within one month unless the complexity of the information justifies an extension of this period up to 2 months after the request. According to article 4 par 6 of JMD 11764/653/2006 is provided a stricter time limit .More specifically a refusal to make available all or part of the environmental information requested is notified to the applicant in writing or electronically ,within 20 days or, in case of complexity of information , 2 months. Further details on this issue are regulated by the above JMD through which EU Directive was transposed. Besides according to Law 2690/1999(“Administrative Procedure Code”)the refusal to access to administrative documents should also state the reason for the refusal and be notified to the applicant at the latest within 1 month from the receipt of the request.

(g) According to Article 5 of the JMD 11764/653/2006 access to any public registers or lists established and maintained as and examination is situ of the information requested is free of charge. Public Authorities do not make any charge for supplying any environmental information.Yet it is provided that under a relevant JMD-not yet edited- public authorities may make a charge for supplying any environmental information ,but such charge shall not exceed a reasonable amount.

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

Answer:

The obstacles and problems identified and stated by the involved public authorities are

- Lack of resources (staff, funds for copies e.t.c.)
- In many cases the requests are general or unreasonable and Administration asks the applicant to submit documentation with more details.
- In many cases there is a complexity and a volume of requested information and for this reason a collaboration with other authorities is required .Administration informs the applicant within the time limits mentioned above.
- A possible excess of the provided time limits by the Public Authorities is stated as a possible obstacle in the implementation of this Article.

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: Most of the departments do not have available statistical data. A few departments can provide such statistical information upon request.

Give relevant web site addresses, if available:

www.minenv.gr , www.ggb.gr.

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:

- Law 3422/2005 provides for collection and dissemination of environmental information. Besides Article 7 of JMD 11764/653/2006 (OJG B 327/17-3-2006) which transposed Directive 2003/4/EC, regulates also dissemination of environmental information through electronic databases and public telecommunication networks.
- The relevant definitions of the Article 2 and the non-discrimination requirement in Article 3 of the Convention are described and met in Law 3422/2005 by which the Aarhus Convention was ratified. The above Article 2 definitions of the Convention are also met in Article 2 of JMD 11764/653/2006 which transposed Directive 2003/4/EC.
- In addition according to Article 4 par 1,2& 3 of Hellenic Constitution (1975/1986/2001) all Greeks are equal before the law. Greek men and women have equal rights and equal obligations. All persons possessing the qualifications for citizenship as specified by law are Greek citizens. Article 5A par 1 and 2 of the Hellenic Constitution also states that all persons are entitled to information, as specified by law and all persons are entitled to participate in the Information Society. Besides Law 3304/2005 on the "Implementing of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" constitutes a landmark in the promotion of the principle of equality and the protection of human rights in Greece. By this law two EU Directives were transposed into the Greek legislation: EC Directives 2000/78 and 2000/43 "for the promotion of the principle of equal treatment and the fight against discrimination on grounds of race, nationality, religion or belief, disability, age, sexual orientation".

There are also two bodies in Greece with similar responsibilities both assigned with combating discrimination in the private sector: the Labour Inspectorate (SEPE), whose competence covers ordinary employment contracts, and the Equal Treatment Committee (ETC) of the Ministry of Justice, whose competence covers the rest of the private sector. The General Secretariat for Equality of the Ministry of the Interior also plays an important role in the implementation of the principle of equal treatment and the gender equality. At the same time a Permanent Committee on Equality and on Human Rights as well as a Permanent Committee on Institutions and on Transparency operate in the Greek Parliament.

- 5(a)(i.) Ministry for the Environment operates the following monitoring systems to assure the production and update of environmental data for the following environmental sectors: Air Quality, Air emissions, Water Quality and Quantity,

Industry, Emissions from Stationary combustion sources installations and Vehicles, Fuel, Waste, Noise.

Main Monitoring and Inventory activities
Air Quality monitoring
Water Quality, Water Quantity and Ecological Status monitoring
Air emissions monitoring (main industrial installations emissions)
Combustion and fuel monitoring programs
Inventory of Local and Waste Management Authorities reporting on waste quantities, treatment and management
Noise monitoring
Environmental Inspectorate monitoring
Air Emissions Trade Registry

Datasets
Water Quality, Water Quantity and Ecological Status <ul style="list-style-type: none"> • River Basins • Waste Water Treatment Plants
Air Quality
Air Emissions
Industries and other installations
Combustion <ul style="list-style-type: none"> • Stationary combustion sources installations • Vehicles
Nature and Biodiversity NATURA 2000 network. Habitat types within Natura 2000
Noise <ul style="list-style-type: none"> Noise measurements from motorcycles In situ measurements of noise from installations Measurements from noise control stations Noise barriers and implementation bodies
Environmental Impact Assessments
Waste <ul style="list-style-type: none"> Waste generation sources Waste treatment and final disposal installations Hazardous waste Municipal waste Register of waste management bodies
CORINE LAND COVER

5 (a)(ii) The National Network for Environmental Information (NNEI) is an important action towards this direction. It comprises of a horizontal mechanism for the collection and dissemination of data, through intranet or internet, in relation to the main environmental sectors (air, water, nature, waste, emissions, legislation). It is a national repository of environmental data and a mechanism for exchanging data between relevant environmental administrative services as well as for providing data to the public.

- A new project is promoted today under the E.C. Structural Funds for the modernisation and extension of the network in order to become Web based, to

involve more environmental organisations as active users and more external interested people and organisations as viewers. Most of the data of the system will be available to the public. It will also include spatial data and services providing support for responding with environmental data to the INSPIRE Directive. The content of the System concerns the main environmental topic areas where the Ministry collects data (air, water, natural environment, wastes, Combustion, Fuels, Industry, Noise, environmental impact assessment studies and areas like waste recycling, Ozon Depleting Substances, Physical Planning, etc.). A new functionality will be added based on INTERNET technologies to facilitate and encourage electronic submission of Environmental Impact Assessment studies which will also provide more visibility on this area.

The system will also include functionalities for serving the national node for SEIS (ongoing call for tender), for supporting national EIONET communication as well as for operating the Clearing House Mechanism for the Aarhus Convention.

(5)(a)(iii) Air pollution episode

In case of air pollution episode: Information on the evolution on hourly basis through

INTERNET - Radio and TV messages – implementation of relevant measures (directions to people affected etc)

Flood Protection and Prevention

According to the new law on water (3199/2003), transposition into national law of the Water Framework Directive (2000/60/EC), the Regional Water Directorates (total: 13) are the competent authorities for taking the appropriate measures for flood mitigation on a river basin basis.

Forecasting and early warning

This issue is handled in Greece by several operational centres. Comprehensive activities and plans that have been undertaken in the field of early warning and forecasting in our country include:

Traditional measuring instruments, radar and numerical weather forecasts.

Identification and mapping of high-risk areas through the “National Bank of Hydrological and Meteorological Information”, a data bank in which all the hydrological and meteorological data measured during the last 100 years have been collected and elaborated, using the most updated computer science and telecommunications.

Development of an effective and reliable early-warning and forecasting system, supported by meteorological information, to inform, at respective level, flood authorities and citizens in threatened areas.

National emergency plan for Civil Protection (XENOKRATIS), covering the emergency management before, during and after the flood events.

Measures linked to public information and awareness raising: information for the general public through the media (TV, leaflets, posters, internet, etc.) on possible flooding events because of forecasted heavy rains and thunderstorms and on self-protection instructions.

5b. Concerning Air Quality in the city of Athens, an online system is providing regularly information on the measurement values of a series of pollutants as well as exceedances against basic standards and potential announced measures.

Public Information

By fixed phone message (tel. Nr. 1448, three messages per day)

Through INTERNET (www.minenv.gr) (in greek and english) on daily basis:

Analytical description of air quality situation, max. and average pollutant values for the present day and the previous one,

Extended presentation of ozone exceedances

3-Monthly and yearly reports

In case of air pollution episode: Information on the evolution on hourly basis through INTERNET - Radio and TV messages – implementation of relevant measures (directions to people affected etc).

National Reports on the state of the water environment (Art. 5 and Annexes II & III of the WFD) as well as any information related to the implementation of water related EU legislation are or will be available for public information. A related web site is under development by the Central Water Agency, which will serve as an active information and discussion forum. It will include national reports and any other related documentation or information (data, maps, etc.). Furthermore, several workshops are or will be organised at regional or national level.

5c. On the above environmental areas Ministry for the Environment has established relevant databases with data from the respective monitoring systems and registers as well as information on relevant activities, plans, measures, institutional structure etc. Part of the above is being displayed on the Ministry's Web Site. The final objective is to include gradually all necessary data and information. Furthermore, concerning the monitoring of the implementation of the legislation, a positive step taken by YPEHODE has been the regular posting of all related information (on both transpositions and implementation enactments being issued) on the Ministry's website, thus, ensuring a wide public diffusion of information, data and knowledge as well as more participatory process.

-National Environmental Information Network: it is a national repository of environmental data and a mechanism for exchanging data between relevant environmental administrative services as well as for providing data to the public. (see more information under par.a ii)

-National Data Bank of Hydrological and Meteorological Information: it is a distributed data base and a wide area network for exchanging and disseminating Hydrological and Meteorological information produced by relevant organisations belonging to the network. A new project developed today under the E.C. Cohesion Funds will upgrade and update the database with more recent information and relevant analysis and assessments. The system also provides information to the INTERNET.

- Communication tools used to convey environmental information to a non expert audience and to high level decision makers (web-based tools, user-friendly brochures, aggregated indices, etc.)

-Specific web site, in the framework of the implementation of alternative management of packaging and other waste (Law N. 2939/2001), linked directly with the internet home page of Hellenic Ministry for the Environment, which provides environmental information in respect to

alternative management (recovery and recycling) of packaging waste, ELVs, used tires, waste oil, WEEE, batteries & accumulators and construction & demolition waste.

- A Web Site for establishing the Clearing House Mechanism for the Aarhus Convention, in the framework of the implementation of the National Environmental Information Network (planned).
 - In the framework of supporting actions regarding WFD implementation, establishment and operation of a related web site, translation of the EC WFD guidance documents, preparation of “legislative texts” for the harmonization of the existing national legislative framework to the WFD and education of the personnel of the competent authorities, public information and awareness (ongoing).
 - Participation to the EEA OZONE WEB site with data from Athens City.
 - Presentation on the INTERNET, of various Reports submitted to E.C. following relevant legal obligations, as well as of relevant environmental legislation.(EC Directives transposed in the Greek legislation, ratified international environmental Conventions and multilateral agreements .
 - Development of an electronic tool to facilitate the application of the European Waste Catalogue. The tool will be accessible on the Web site of the Ministry of Environment Physical Planning and Public Works (ongoing).
 - Function of Clearing House Mechanism on Biodiversity, bringing together seekers and providers of environmental information and contributing to making environmental information and data flows available to the public.
- A related web site is under development by the Central Water Agency, which will serve as an active information and discussion forum, in the framework of supporting actions regarding WFD implementation. It will include *national reports and any other related documentation or information (data maps, etc.)*.

Overview of current and planned activities, initiatives and events

In the framework of implementation of EC Directive 2002/49

Planned Project on “Evaluation of Environmental Noise” which will produce Noise maps of Athens Municipality(implementation in 2008).

On going Project for Mapping of Noise in the Aeroport of Athens and relevant action plans.

Survey on packaging sector and packaging waste – Development of a database (completed on 2007).

Survey on electric and electronic equipment sector and waste of electric and electronic equipment – Report and database development (ongoing).

Survey on construction and demolition sector and Construction and Demolition waste produced in Greece – Report and database development (ongoing).

Inventory of the uncontrolled dump sites in Greece – Report and data base development (completed on 2005).

National Hazardous Waste Management Plan (legislation: JMD 8668/2007 (OJG 287/B/2-3-2007). (Completed on 2007).

National Health Care Waste Management Plan (ongoing)

National Plan for the management of biological sludge (Project at allocation procedure) (ongoing)

Guidance Document for the industrial waste management plan (completed on 2006).

Guidance Document for the internal control of the landfill sites and occupational safety (Circular under preparation) (completed on 2007).
Permanent inventory of control system on combustion from permanent sources and vehicles. Establishment of data base and production of relevant annual report.
Program for the re-evaluating of 69 important bird areas for their characterization as Special Protection Areas for Birds. Action plans for the protection of species of priority (ongoing).
Identification of compatible activities in compliance with the qualifying species of the special protected areas.

(d) Overview of current and planned activities, initiatives, dates and frequencies of reports:

The regular response to the European Commission Reporting Obligations is being continued on the basis of respective national laws.

Between these some specific issues are the following:

In the framework of the new Law 3199/9-12-2003 (OJG 280A/2003) on water protection and the sustainable management of the water resources, followed by the PD 51/8-3-2007, with which the EU Water Framework Directive (WFD) (2000/60/EC) is transposed into the national legislation, some of the relevant activities concerning environmental information are:

Project on Supporting actions regarding WFD implementation, including, inter alia, the drafting of a national guidance describing specific actions in every RBD (ongoing).

Implementation of the WFD Articles 5 & 6 and Annexes II – IV. CWA, aiming to reporting to the EC through WISE system on the following topics: characterization of each RBD, analysis of anthropogenic pressures and impacts, determination of reference conditions, economic analysis of water uses, registration of protected areas (ongoing).

Project for the development of a new monitoring network for inland surface (rivers, lakes), transitional, coastal and ground waters, including the development of monitoring programs for biological quality parameters and assessment/classification of their ecological quality (ongoing).

An annual report on the quality of bathing waters.

Project for the update of the “National Databank of Hydrological and Meteorological Information”. This project aims at the organization and dissemination of the Hydrological Information in Greece. It’s a Distributed Relational Data Base working in a wide area network (ongoing).

Monitoring and protection of bathing waters and the marine environment (ongoing).

Athens Air pollution daily report available also on the INTERNET:

Annual Report on “Air Pollution in Athens-2006” available also on the INTERNET

Report on the Revision of the 2002 NSSD of Greece, encompassing the same priorities (7 challenges and 2 cross cutting issues) as the Renewed EU Strategy for S.D. (2006) plus four additional priorities of national interest, i.e. Culture, Tourism, Agriculture and Physical Planning.

- ✓ According to conventional obligations of Greece, national reports are being submitted on a regular basis which includes environmental information. These are:
 - The Third National Report for the Convention of Biological Diversity, which is in its final stage of preparation.

- The National Report for the Ramsar Convention on Wetlands (under preparation).
 - National Report for the Cartagena Protocol on Biosafety (under preparation).
 - National Report on the Application of the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona Convention).
 - Regular response to the reporting of the E.C. Air Emissions and Climate Change Directives: 88/609 (2005), 2001/81 (2005,2006,2007), 96/61 (2006), 1999/13 (2006). Reporting to IPPC-CLRTAP Convention.
 - Reports on the implementation of various Directives of the European Commission relating to waste and the protection of the environment:
 - Directive 75/442/EEC on waste,
 - Directive 86/278/EEC on the protection of the environment, and in particular the soil, when sewage sludge is used in agriculture
 - Directive 91/689/EEC on hazardous waste
 - Directive 1999/31/EEC on the landfill of waste
 Preparation of a National State of the Environment Report(ongoing) (MDGs),
 -In the framework of the directive 96/61/EC concerning integrated pollution prevention and control (IPPC), and the European Pollutant Emission Register (EPER), two reports were drafted and rendered in public (Reports EPER 1 and 2)in the years 2004 and 2006
- ✓ . Ministry of Foreign Affairs through directorate YDAS-2 handles Greeces relations with the OECDs DAC,. It maintains the official statistical database on development assistance provided by Greece and sends detailed statistical data to the DAC, in fulfilment of our countrys obligation . YDAS-2 also draws up the Annual YDAS Report, which is submitted to the Hellenic Parliament, as well as other publications, such as Greeces Contribution towards Attaining the Millennium Development Goals.

(e) Measures taken to disseminate the information referred to in **paragraph 5**;
 (See above under para a.b c d)

(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;

- Programmes, inter alia, for the funding of several organizations for EMAS registration and ISO14001 certification as well as for the awarding of the Eco-Label are being implemented under the 3rd CSF. Ministerial Decision 15624/1025/2004 , provides for Funding for SMEs, (Industrial enterprises.),as well as Ministerial Decision 24378/2233/2006,also provides for Funding for SMEs, and industrial and tourist enterprises.In addition there are no fees for Emas registration.Under Emas Scheme all Emas registered organisations submit regularly updated environmental statements including inter alia the environmental impact of their activities and products.

- In recent years, the register of EMAS certified organisations is growing rapidly in Greece. The number of registered organisations has jumped from 1 in January 2001, to 10 in January 2004, and to 55 in December 2007. Registered organisations come from diverse business areas, as well as organisations, universities and local authorities. Moreover, environmental services companies have been added to the registry and the Public Sector has started showing interest as well. The Annual European EMAS awards ceremony was organized in Athens in 2006, during which the European Commission granted to our country the award for Member State with the largest increase in registrations among old Member States. In the meantime, enterprises from all sectors (Manufacturing, Services, Trade, Tourism) have been receiving funding for the development of Environmental Management Scheme, (Emas), ISO 14001 certification and Eco-label. An increasing interest from businesses has been noticed as 180 enterprises have been included in the latest round of the pertinent call of the Operational Programme “Competitiveness” of the 3rd CSF. Law 3325/2005 encourages companies from the Attica region whose operation carries significant environmental effects to establish and achieve EMAS or ISO14001 certification by 2010.
- The *European Eco-Label* has been awarded to 150 products from 22 companies and to 4 services (hotels). The indications are, that there is an increasing trend since there is a number of applications awaiting to be evaluated. With regard to the total number of labels that have been awarded to Greek companies’ products, our country is ranked 4th among EU Member States. Emphasis is also placed on further promoting and publicizing the Eco-label.

5(g)

Selected data from databases of the above mentioned environmental fields(Air Quality, Air emissions, Water Quality and Quantity, Industry, Emissions from Stationary combustion sources installations and Vehicles, Fuel, Waste, Noise) is published on the Web Site of the Ministry, in the section of the National Environmental Information Network.(see more information under 5 (a) (i))

5(h) Cartagena Protocol which was ratified through Law 3233/2004(OJG A 51/18-2-2004) provides for a Biosafety Clearing House Mechanism . Moreover, actions being taken for the development of a **certification of products** from sustainable forestry ,constitute a major challenge.(For eco-labeling of products see under5(c))

5 (i) - Registry of emissions’ trading allowances (*Greenhouse Gas Emission Allowances*)

National Center for Environment and Sustainable Development (NCESD) was assigned as responsible for the operation of the Registry according to Joint Ministerial Decision (JMD)54409/2632/27-12-2004 (OJG 1931 B 2004)which transposed into the Greek legislation Directive 2003/87/EC as amended by Directive 2004/101/EC

The institutional framework for the management and updating of the electronic Registry of emissions’ trading allowances has been concluded with the setting up of the *Bureau for GHG Emissions Trading* within the Ministry and the assignment of the Registry’s management to the above mentioned *National Centre for the Environment*

and Sustainable Development (NCESD). Greek Registry has started to operate since 27/4/2006. All EU Directives pertinent to the Registry have been transposed into the Greek Law

-European Pollutant Emission Register (EPER).

- In the framework of Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), and the European Pollutant Emission Register (EPER), two reports were drafted and rendered in public (Reports EPER 1 and 2) in the years 2004 and 2006 with statistical and inventory data from the implementation of the Directive. Most important industries in Greece monitor continuously the main pollutant emissions aiming at enhancing the relevant inventories of the country. European Pollutant Release and Transfer Register (E-PRTR) that replaced EPER from 2007 reporting period onwards. (EC Regulation 166/2006) has not been ratified yet.

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

Answer:

Possible problems may occur by :

- Delayed flow of information to the Central Administration
- Delay in rendering in public of Reports and data

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:

Establishment in the framework of Environmental Accounts –Statistics and Sustainable Development Index, of a particular estimation system according to the proposed methodology of EUROSTAT (General Secretariat of National Statistical Service,).

Establishment in cooperation with Eurostat of the accounts NAMEA for Air Emissions and Energy. (General Secretariat of National Statistical Service, Annual data for five years,).

Implementation of a Project for producing Estimations on forest accounts, according to the EUROSTAT methodology, in the framework of Environmental Accounts program (General Secretariat of National Statistical Service Annual data for five years).

Give relevant web site addresses, if available:

www.minenv.gr - Ministry for the Environment, Physical Planning and Public Works.

www.minenv.gr/emas Hellenic site for Emas MoE(YPEHODE)

www.edpp.gr – National Environmental Information Network

www.ekpaa.gr – National Centre for the Environment and Sustainable Development

www.mfa.gr –Ministry of Foreign Affairs

www.noa.gr – National Observatory of Athens

www.okxe.gr - Hellenic Mapping and Cadastral Organization

www.minenv.gr/medeuwi - EU Water Initiative / Mediterranean Component

www.minenv.gr/3/31/313/31303/g3130304.html - Organization for Planning and Environmental Protection of Athens

Article 6

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

Concerning relevant definitions in article 2 and the non discrimination requirement in article 3 ,see information under article 5. In Greece, the general public and the NGOs can submit comments and proposals on environmental issues at the preliminary stages of the decision making process .

All requirements of Article 6 are met in Law 3422/2005 which ratified the Aarhus Convention.

Law 3010/2002 transposing into national legislation EU Directives 96/61/EC, where appropriate, as well as 97/11/EC and amending Law 1650/1986 for the protection of the environment in conjunction with 3 relevant Joint Ministerial Decisions (JMDs) have upgraded since 2003 our national Environmental Impact Assessment (EIA) procedure for projects and activities. These JMDs, which specify the groups of projects or activities that are subject to an EIA, the environmental permitting procedure, and the contents and publication process for the Environmental Impact Study (EIS), are the following:

-**JMD 15393/2332/2002**(OJG 332B/2002) on the classification of public and private projects and activities into groups

-**JMD 11014/703/2003**(OJG 332B/2003) on the procedures of preliminary environmental impact assessment and approval of environmental terms

-**JMD 37111/2021/2003**(OJG 1391B/29-9-2003), on the procedure for informing the public and public participation within the framework of the environmental permitting system .

EU Directive 2003/35 on “providing for public participation regarding the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC” was effectively transposed into the Greek legislation through the enactment of two Joint Ministerial Decisions (JMD):The above mentioned **JMD 37111/2021/2003**(OJG 1391B/29-9-2003). And the **JMD 9269/470/2007**(OJG 286B/2-3-2007) that defines measures of judicial protection of the public against acts or omissions of the Public Administration regarding access to information and public participation during environmental impact assessment process and in particular during the procedure for approval of environmental terms.

The above JMD also meet all requirements of Article 6 of the Convention.

In general, the EIA procedure is carried out on a central, regional and local authority level for large, medium and small scale projects respectively. EIA is a two-stage process that involves the following steps:

- screening and scoping (carried out as a preliminary EIA procedure, at the end of which the public is informed of outcome) **(a)**
- submission of application (including the EIS) to the competent environmental authority
- quality review of the submitted documentation
- consultation with other relevant authorities & public participation **(b)** (these take place concurrently and include transboundary consultations when necessary)
- opinions sent to competent authority within specified time period **(c)**
- EIA decision issued (“decision for approval of environmental terms”)
- publication of decision-public is informed **(d)**

Moreover :

- Public participation indicated as ‘b’ takes place early enough when all options are still open, although public administration has already expressed its preliminary opinion during the preliminary EIA opinion.
- Public concerned is provided enough time to express its opinion.

-Environmental impact assessment studies are announced publicly to the competent Prefectural Councils. The official opinions on the Preliminary Environmental Assessment and Evaluation and on the Decisions of environmental terms approval are also notified to the above Competent Prefectural Councils. The Preliminary Environmental Estimation and Evaluation (PEEE) is a first opinion of the Administration and it is not binding . In addition the text of PEEE is publicized (for public information only) by the Competent Prefectural Council. A similar public announcement is also provided to the Authorities of a neighbour EU Member State (transboundary consultation) when there are possible environmental impacts of the assessed activities. Environmental NGOs, local representatives and local competent bodies as well as every person can submit comments either to the Prefectural Council or to the competent Public Authority respectively.

-During the EIA/SEA procedures (environmental permitting of projects/plans and programs) appropriate environmental information concerning each case is submitted to the Competent Administration Service.

- All official legislative documentation concerning EIA/SEA procedures is provided upon request. Upon an application, Administration provides in due time the information requested concerning official documents or other documentation concerning the EIA/SEA files submitted to it, as soon as the public participation process has begun. No internal consultation document concerning open judicial procedures is provided.

-Within the framework of national legislation, public authorities and specifically the Prefectures have the responsibility to publish or otherwise make publicly available specific information of the “Environmental Impact Survey” of any industry and any plan of organizing Industrial Area and Industrial Parks, **while options are still open and during the preparation of the regulations and acceptance.** Opportunity to comment is given to public at the latest within 30 days, directly, or through representative consultative bodies.

-Request for permitting of electric energy production to the Competent Authority of Energy (Ministry of Development), is rendered in public by the applicant according to procedure provided by the relevant Regulation and law 2773/1999. A feasibility study and a Preliminary Environmental Assessment is preredquired. Any interested person can access to information concerning the relevant request, held by the above

Authority and submit reasoned objections. An environmental impact assessment decision(JMD), issued by the Ministry of Environment is also required.

(k)Public participation with regard to decisions permitting the deliberate release of genetically modified organisms (GMOs)into the environment under the Article 6 par11 of the Convention is provided by Law 3422/05 which ratified the Aarhus Convention. In addition the deliberate release of GMOs into the environment ,including their placing on the market within the Community is provided by Directive 2001/18/EC. Article 12 of the JMD 38639/2017/2005(OJG B 1334)which transposed the above directive provides for public participation regarding decisions permitting the deliberate release of GMOs into the environment (for experimental use) .Article 15 of the above JMD provides for public participation regarding their placing on the market (for commercial use).

As regards GMOs, Nature Management Section of the Ministry for the Environment is dealing with all non commercial (i.e. experimental) issues of the subject.No notification files have been submitted until today regarding GMOs under Directive 2001/18/EC.

In addition JMD 11642/1943/2002 which transposed Directive 98/81 regarding contained use of Genetically modified microorganisms (GMMs),also provides in Article 12 for public participation. Labeling and traceability of GMOs are also provided by EU Regulation 1830/2003.

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

Answer:

- ◆ Possible delays during the procedure of rendering in public the environmental impact assesement studies

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 : No statistical data available

Give relevant web site addresses, if available:

www.minenv.gr Ministry of Environment, Physical Planning and Public Works
www.biodiv-chm.gr Site of Clearing House Mechanism of Biodiversity in Greece
www.ekpaa.gr National Centre for Environment and Sustainable Development
www.edpp.gr National Environmental Information Network
www.epper.gr Operational Program for the Environment
Eionet/ CDR: <http://cdr.eionet.europa.eu>
OHE: <http://www.unece.org>

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.

-Joint Ministerial Decision (JMD) 107017/2006 has introduced the necessary provisions for the assessment of the effects of certain plans and programs on the environment, or else Strategic Environmental Assessment (SEA). A number of plans and programs, on a national, regional or local level, to be adopted through a formal procedure, in several sectors such as agriculture, forestry, fisheries, energy, industry, transport, tourism, water resources management, waste management, urban or physical planning or land use, that are likely to have significant environmental effects, are made subject to a SEA.

- In particular, a consultation process was followed on the respective SEA studies for the three Special Frameworks of Spatial Planning on: Renewable Energy Sources, Industry and Tourism.

-In general, the SEA procedure takes place on a central level for national, inter-regional and regional plans and programs and on a regional level for local (prefectural and inter-prefectural) plans and programs, and entails the following steps:

-optional scoping

-screening (public is informed of outcome) (a)

-submission of application (including the Strategic Environmental Impact Study: S-EIS) to the competent environmental authority

-quality review of the submitted documentation

-consultation with other relevant authorities & public participation (b) (these take place concurrently and include transboundary consultations when necessary)

-opinions sent to competent authority within specified time period (c)

-SEA decision issued, which includes monitoring measures

-Publication of decision-public is informed (d)

-Thereafter, the proposed plan or program must be adapted in order to comply with the SEA decision. The Special Environmental Service is the central competent authority for the environmental permitting of plans and programs.

- According to the EU Water Framework Directive requirements, Member States must encourage the active involvement of all interested parties, in particular in the production, review and updating of the River Basin **Management Plans** to be developed by the end of 2009. Member States are obliged to publish the River Basin Management Plans for comments by any interested party. The publication procedure of the River Basin Management Plans to be developed for each RBD of the country is described in Art. 15 of the Presidential Decree 51/2007, which transposes mainly the technical requirements of the EU Water Framework Directive into national legislation. According to this legislative framework, the Regional Water Councils are responsible to inform the public and make available the draft copies of the River Basin Management Plans for comments. Comments in writing to the draft copies by the public can be submitted within 6 months (at the latest) from the publication date.

- On request, access can be given to background documents and information used for the development of **the draft river basin management plans**. According to the new legislation for the protection and sustainable management of water resources in Greece (Law 3199/2003 - Art. 3, par 6 & Art.6), which integrates the public participation requirements of the EU Water Framework Directive (2000/60/EC), the active involvement of interested parties is ensured through their representation to the National and Regional (in the 13 Regional Water Districts) Water Councils that are being developed as part of the new administrative framework of the country. **The National and the 13 Regional Water Councils are advisory boards in which all national and regional interested groups, such as involved organisations, NGOs, etc., are represented.**
- All calls for tenders, in order to be financed by the Special Service for Management of the Operational Programme “Environment and Sustainable Development”, (EPPER), are publicized in large and high circulation’s newspapers as well as they are displayed in the official website of the above Special Service (EPPER) of the Ministry for the Environment.
- -The implementation of the Operational Programmes under the competence of this Special Service (EPPER) is monitored regularly by an established Monitoring Committee which operates under approved Rules of procedure. Representatives of Competent bodies, as well as representatives of social partners (stakeholders) and of NGOs participate in this Monitoring Committee.
- -Two public consultations were held on Plans of the Operational Programme drawn by the above Special Service concerning the preparation and the drawing of the Operational Programme Environment and Sustainable Development (EPPERAA) 2007-2013. The first public consultation took place during the time period from 31-10-2006 until 30-3-2007. And the second public consultation took place during the time period from 2/4/2007 until 20/7/2007. During these two periods the draft of the Operational Programme were early displayed for public consultation for a long time in the official website of the Ministry for Environment as well as they were sent to 150 representatives Competent Bodies asking for any kind of contribution eg. comments, suggestions, or remarks. Many written as well as oral -by phone- suggestions were submitted and were taken into consideration in the final draft of the Operational Programme which was sent to European Commission for the final approval.
- -The Strategic Environmental Impact Assessment of the Operational Programme Environment and Sustainable Development (EPPERAA) drawn under the responsibility and guidance of the above Special Service (EPPERAA) was also opened to public consultation and Press communication according to JMD107017 / 5-9-2006 which has introduced the necessary provisions for the assessment of the effects of certain plans and programmes on the environment, or else Strategic Environmental Assessment (SEA), transposing Directive 2001/42/EK (ΦΕΚ 1225 Β)
- The National Council for Spatial Planning and Sustainable Development (NCSPSD), established according to Law 2742/1999, had given its opinion in 2002 on a draft Special Framework of Spatial Planning of Coastal Areas prepared by the Ministry of the Environment and Physical Planning, but the process was not concluded. More recently, the NCSPSD gave also its opinion

on two National Frameworks of Spatial Planning, one General and one Special (= Thematic) on Renewable Energy Sources. Two more National Special Frameworks of Spatial Planning are to be submitted to the NCSPSD for consultation in the next weeks: one on Industry and one on Tourism. When this process will be concluded, in the next months, two more National Special Frameworks of Spatial Planning, which are currently close to be finalised by the Ministry of the Environment and Physical Planning, will be submitted to the NCSPSD: one on Coastal and Insular Areas and another on Mountainous Areas.

- According to Law 2508/97 the involved Public Authorities and relevant local stakeholders are asked to provide their official opinion for the approval of the General Master City Plan. Concerning the Urban Studies and City Plans a publication on the newspapers is required and a consultation takes place in the Local Authority. Interested public can submit relevant rejections. In the case of a radical renewal project in an Urban Area a consensus of 60% of the owners of the land is required for the project to be approved.
- The local authorities are mainly involved in urban planning and they have general advisory competence, according to which the central authorities ask for their previous consultation every time they plan to adopt a regulatory measure that will affect the environment or local planning.

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

- The adoption of policies relating to the environment rather takes the form of strategies or programmes or legislative acts. In this framework the National Strategy for Sustainable Development, drawn up by the National Centre for the Environment and Sustainable Development and approved by the Ministerial Council in June 2002, was prepared through collaboration with the “National Coordination Committee of the Government Policy in the field of Spatial Planning and Sustainable Development” that was at the time also acting as the National Preparatory Committee of Greece in view of the Johannesburg World Summit on Sustainable Development, encompassing representatives from competent Ministries and the NCESD. Representatives from **Local Authorities, employers and trade unions, research institutes and NGOs also participated in the preparation procedure, directly through thematic working groups or through participation in wider Workshops.** In the “*National Council for Physical Planning and Sustainable Development*” also participated representatives from MoE(YPEHODE), Local Authorities, employer and trade unions, research institutes and NGOs. Currently we are in a *Review of the 2002 Strategy* process, which is to be finalized shortly. Almost all Ministries and Society groups are involved in this Review process since its very initial preparatory stages. Prior to the drafting of the Revised Strategy’s first draft, an open invitation was uploaded on the MoEn. website to all groups and entities to be involved in a Dialogue process, in the context of a public consultation.

- -Participation of National Center of Environment and Sustainable Development through its official opinion as well as of other local stakeholders and civil partners in the consultation for the following programmes and plans:
 - Elaboration of National plan of Strategic Agricultural development for the period (2007-2013) on environment issues such as water resources management, biodiversity, protected areas, climate change etc
 - .-Elaboration and implementation of policy regarding the management of water resources in a water basin based on Agenda 21 Principles and on Framework Directive guidance 2000/60/EE.(Life 04 /Env.Gr/000099 Water Agenda)
 - Management of Water Resources and Wetland protection in tourism developing areas programme.(MANWATER INTEREG III,STRAND B,ARCHIMED).
 - Elaboration of the National Development Plan (National Strategic) Framework
 - Elaboration of the European Rural Policy (2007-2013).

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

Answer:

- ♦ Participatory processes can take a lot of time and money, effecting the timely implementation of the Water Framework Directive (possible delays, potential changes in the plans).
- ♦ Lack of public ability and willingness to participate.

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

Answer:

Give relevant web site addresses, if available:

<http://www.unfccc.int>

<http://www.minenv.gr>

<http://www.ekpa.gr>

<http://www.ypan.gr>

<http://www.unece.org>

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 nondiscrimination requirement in article 3, paragraph 9.

Answer:

Consultation is usually provided by law either as a consultation with national representative bodies or as a general public consultation and not as a general institutionalised procedure for public participation in preparing national legislation or executive regulations. In the Greek Parliament, a Permanent Committee on the

Protection of the Environment established in 2005 contributes in the consideration and debating of environmental issues.

Some indicative cases of public participation under article 8, apart from the cases stated above under Article 6 and 7, are the following:

-According to Law 1650/86 for the protection of the environment, for the designation of protected areas, a Specific Environmental Study (SES) is prerequired. **After its completion, the SES is approved and then, together with the draft legislation text for the designation of the area, it is available in public. Comments are incorporated and then the legislative text is signed by the competent Ministers.**

-According to L. 1650/86 and L. 2742/99, twenty seven Management Bodies have been established in protected areas of Greece covering app. 1.700.000 ha. Administrational Councils of these bodies are composed by representatives of central, regional and local authorities, representatives of local stakeholders groups, researchers and NGOs. **Management Bodies are entitled to draft regulations for administration and functioning for their areas.**

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.

Answer:

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:

According to Article 24 of the Hellenic Constitution the protection of the natural and cultural environment constitutes a duty of the State and a right of everyone. The State is bound to adopt special preventive and repressive measures for the preservation of the environment in the concept of sustainable development. The Greek legal system fulfils the rights and obligations proclaimed by the Convention, as it adequately secures judicial protection in environmental cases, irrespective of whether the dispute arisen derives from private entity activities or from acts or omissions of the public authorities and whether the claims for judicial protection involve the prevention of environmental damage or the payment of damages.

Law 1650/86 on the protection of the Environment as amended by law 3010/2002 and implemented by several Presidential decrees and JMD is the basic environmental protection law in Greece. A great number of EU Directives on the environment have been transposed in the Greek legislation and several laws on environmental issues e.g. on the protection of the marine environment, on the protection of forests etc also provide for environmental protection.

Besides, concerning access to information, according to the **Hellenic Constitution the competent service or authority is obliged to reply to requests for information and for issuing documents**, within a set deadline not exceeding 60 days, as specified by law. In case this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences at law, **special compensation is also paid to the applicant**, as specified by law. (article 10, para.3 of the Hellenic Constitution). (see more information on the right of access to information under article 3).

Aiming at citizens' protection there are also several possibilities for administrative and judicial review, such as the application for remedy, special recourses, quasi-judicial recourses, hierarchical recourse and hierarchical control exercised by superior authorities over subordinate authorities, actions for compensation according to civil liability provisions as well as several judicial recourses.

The enactment of the JMD11764/653/2006 on access to environmental information has also contributed in facilitating public seeking access to justice in environmental matters. According to Article 6 of the above Joint Ministerial Decision (JMD), the citizen has the following possibilities for administration and judicial review:

1. File an action for compensation before the Special Committee provided by Law 1943/1991 (Article 5, par 13)
2. File an action for compensation before the Competent Court according to the civil liability provisions.

3. File a Quasi-judicial recourse before the Special Committee provided by Law 1943/1991(Article 5 par.13)for the modification or reconsideration of the acts or omissions of the Public Authority. The interested physical or legal person has the right to file an administrative recourse before the Administrative Court ,against the decision of the above Special Committee.

The JMD 11764/653/2006 which transposed 2003/4 directive repealed the JMD 77921/1440/6-9-95on access to environmental information. By the repealed JMD a Committee on Access to Environmental Information had been established , competent for the administrative review of the applicant's request rejection by the Public Authority. Today according to the new JMD 11764/653/2006 this Committee has been replaced by a Special Committee established by Law 1943/1991(Article 13 par 5)as it was amended, which is competent today for the above administrative review of the applicant's request rejection

Additionally the enactment of the JMD 9269/470/2007(OG 286B/2-3-2007) that defines measures of judicial protection of the public against acts or omissions of the Public Administration regarding access to information and public participation during environmental impact assessment , has also contributed essentially in facilitating access to justice in environmental matters. According to Article 3 of the above Joint Ministerial Decision(JMD), the citizen has the following possibilities for administrative and judicial review:

1.For administrative review:

- a. Application for remedy submitted before Ministry for the Environment according to law 2690/1999 (article 24)by which the applicant asks for the annulment or modification of the initial administrative decision/act concerning public information and participation during environmental impact assessment of the relevant activities.
- b. Special recourses that are submitted before the Minister for the Environment ,by which the applicant asks for the annulment or modification of the General Secretary of the Region Initial Act concerning public information and participation during environmental impact assessment of the relevant activities.

2. For judicial review

- a. File an action for compensation before the Competent Court according to civil liability provisions.
- b. Petition(writ)of annulment before the Council of State 1.against acts or omissions of the Public Administration whether an application for remedy has been submitted or not.2.Against the administrative decisions/acts or against omissions of the Ministry for the Environment taken after the submission of the special administrative recourse or against its omission (silent rejection)

Additionally an important legal mechanism in many environmental cases constitutes the interim injunctive relief when an administrative decision with environmental consequences cannot be revoked.If the interim injunctive relief is admitted ,a stay of execution is ordered if the danger is deemed probable unless there are specific grounds of public interest.

- Regarding enforcement, the Special Service of Environmental Inspectors (SSEI) has been established under Presidential Decree 165 on the “administrative organization of SSEI” (OJG A137/ in June 2003, covering with its 2 Divisions for Northern and Southern Greece the whole country, thus, contributing to the effective enforcement of environmental legislation and increasing the overall credibility of environmental policy in the country. Hellenic Environmental Inspectorate is responsible for environmental infringements concerning breach of environmental law , monitoring and compliance with environmental legislation

-Additionally the Hellenic Ombudsman has jurisdiction over cases concerning disputes between citizens and public administration units, such as: Government services, Local and regional government (communities, municipalities, prefectures), other Public institutions and Private law entities of the public sector, corporations and organizations that are under control either by the state or by legal entities of the public sector. The Ombudsman can intervene when, in dealing with the public administration, an individual or legal entity encounters: Refusal to supply information or insufficient provision of information. Unreasonable delay in processing applications. Infringement of laws or violation of procedure. Administrative irregularities or omissions Discrimination against individuals.

Hellenic Constitution art 4.(1975) provides for the principle of equality.(see more under article 5) Besides Law 3304/2005 on the "Implementing of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation" through which the relevant EU Directives were transposed ,constitutes a landmark in the promotion of the principle of equality and the protection of human rights in Greece. This law reinforces the role of the Ombudsman by adding new competencies that are expected to help it fulfil its institutional objective more effectively and promote the principle of equal treatment. In addition The Equal Treatment Committee (ETC) of the Ministry of Justice, is assigned with combating discrimination in the private sector together with the Labour Inspectorate (SEPE).

The independence of the judges is safeguarded by the Constitution. (Article 26)The Greek legal system allows direct access to the civil courts both to individuals and NGOs. In environmental cases the scope of legal standing has been remarkably expanded as a result of the jurisprudence of the Council of State.

In addition there is no express prohibition against citizens from other States participating in Court proceedings. NGOs in general can participate if they fulfil some requirements. The most important is that NGOs should have as their aim , provided by their statutes, the protection of the Environment. It could be said that in Greek law a quasi-actio popularis has been introduced by the jurisprudence of the Council of State since the actio- popularis itself is not accepted.

Concerning costs in the judicial procedure the applicant for the annulment of an administrative act before a Court must pay the standard stamp fees(normally not exceeding an amount of 10-30 Euros depending on the degree(instance) of the Court and a special trial deposit fee set at the amount of 10-20Euros for general annulment disputes, depending also on the degree(instance) of the Court. As for the legal counselling ,the lowest mandatory costs are provided by law but generally in practice they are formulated and depend on the expertise of the appointed advocate and on Court degree(instance). Concerning costs for administrative procedure (special administrative recourse, and quasi –judicial recourse),there is no special cost .

Finally, concerning training curricula for judges, the school of National Judges established by law 2236/1994 provides educational seminars for judges on several issues while also providing special training for candidate judges. The judges can also take a leave of absence for a certain period of time to follow relevant University studies in Greece or abroad. Special seminars on the environment and environmental law are also provided by the Athens Bar Association, Specialized Institutions, the Technical Chamber of Greece etc. The Fifth Section of the Council of State is responsible for environmental administrative disputes. In this framework, a Member of the Hellenic Council of State participates in the Forum of International Environmental Judges.

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

- *Answer:* According to the opinion of an NGO there is relative scarcity of resources for access to justice.

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: The president of the Court may at the applicant's request, exempt poor litigants from the duty to pay stamp fees and the deposit for the submission of an application if it is deemed that the applicant is in poor financial condition.

Besides law 3226/2004 (OJG A24/2004) provides for legal aid for poor litigants concerning cases of civil, commercial and criminal law

Give relevant web site addresses, if available:

www.Ministryofjustice.gr, Ministry of Justice

www.ste.gr Council of State

www.dsa.gr Athens Bar Association

www.synigoros.gr Hellenic Ombudsman

www.minenv.gr/eyep Hellenic Environmental Inspectorate

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:

Aarhus Convention's implementation constitutes an important step forward in the efforts of the International Community to ensure a sustainable environment for future generations. Greece believes that the existence of timeframes, practical implementation measures and the possibility for governments to work together with civil society provide the foundations for effective environmental protection.