

FORMAT FOR AARHUS CONVENTION IMPLEMENTATION REPORT

The following report is submitted on behalf of CYPRUS in accordance with decision I/8 and II/10

Name of officer responsible for submitting the national report:	Nasia Dikigoropoulou
Signature:	
Date:	14.3.2011

IMPLEMENTATION REPORT

Please provide the following details on the origin of this report

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I. PROCESS BY WHICH THE REPORT HAS BEEN PREPARED

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

Answer:

The report has been prepared by the Department of Environment, which is the competent authority for the implementation of the Aarhus Convention. It will be uploaded on the Department's webpage, for a one month consultation period, inviting comments from the public, NGOs and other bodies, accompanied by a questionnaire to assist the public in providing comments. The opinions received will be assessed and compiled into a report which will be sent to the Aarhus Secretariat to accompany the main country report. The results will be used to evaluate the implementation of the Aarhus Convention provisions and will provide insights for the future strategy to be followed regarding access to information and public participation.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

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

Answer:

Cyprus has a central decision-making structure and any laws and policies are applicable to the whole country. The provisions of the Convention have been applicable since its ratification in 2003.

III. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE GENERAL PROVISIONS IN PARAGRAPHS 2, 3, 4, 7 AND 8 OF 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; including:

(i) Measures taken to coordinate within and between ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, and the Almaty Guidelines, indicating whether the measures to coordinate are ongoing;

(ii) Measures taken to provide access to information at the national level regarding international forums, including the stages at which the access to information was provided;

(iii) Measures taken to promote and enable public participation at the national level with respect to international forums (e.g. inviting NGO members to participate in the Party's delegations in international environmental negotiations or involving NGOs in forming the Party's official position for such negotiations) including the stages at which the access to information was provided;

(iv) Measures taken to promote the principles of the Convention in the procedures of other international forums;

(v) Measures taken to promote the principles of the Convention in the work programmes, projects, decisions and other substantive outputs of other international forums;

(e) With respect to paragraph 8, measures taken to ensure that persons exercising their rights under the Convention are not be penalized, persecuted or harassed.

Answer:

(a) In 2000, the Law on Free Public Access to Information Relating to Environmental Issues (No. 125(I)/2000) came into effect in Cyprus, introducing provisions for public access to environmental information upon request.

With the accession of Cyprus to the EU, in 2004 the Law on Public Access to Environmental Information (No. 119(I)/2004) came into force, based on the requirements of the relevant EU Directive 2003/4/EC and repealing Law 125(I)/2000. According to its provisions, public authorities are required to make available the environmental information held by or for them to any applicant at his/her request and without his/her having to state an interest. In implementing this, public authorities must ensure that:

1. its officials support the public in seeking access to information, and
2. its lists are publicly accessible, to which end public authorities must establish practical arrangements to ensure that the right of access to environmental information is exercised effectively, including the:
 - designation of information officers,
 - establishment and maintenance of facilities for the examination of the information requested, and
 - maintenance of registers or lists of the environmental information held by public authorities or information centers with clear references as to where such information can be obtained.

The Law also specifies that environmental information must progressively become available in electronic databases which are easily accessible to the public through public telecommunication networks. To this end, the Department of Environment, as well as other public authorities, is progressively uploading information on their websites to enable wider public access.

Most competent authorities have prepared registers and lists of the environmental information they hold. Information regarding these practical arrangements has been posted on the website of the Ministry of Agriculture, Natural Resources and Environment and the websites of other competent public authorities. The Department of Environment is currently upgrading the section of its website relating to access to information and public participation, to include steps and guidelines for public authorities and the public, regarding the law on access to information, practical arrangements (information officers, facilities, available information, etc), and online request forms. To assist public authorities in implementing the Aarhus Convention provisions and the general public in exercising their rights under these provisions, the Department of Environment will prepare an Aarhus Manual, based on the Aarhus Implementation Guide currently discussed.

Aside from the information provided on websites, which includes the practical arrangements taken and a

simplified guide to the Law on Public Access to Environmental Information, an information booklet has also been prepared by the Department of Environment, as the competent authority, providing information on citizens' rights for access to environmental information, the provisions of the Law and the contact details of information officers. This booklet has been systematically distributed to the general public.

Despite efforts made, a significant section of the general public is still not adequately informed of their rights regarding access to information. There is a general tendency for the public only to become involved and request information when they are directly affected by a particular development project. Most information requests come from private consultants or companies conducting studies and environmental impact assessments, as well as students.

Regarding public participation, the amending Laws which have been adopted (implementing Directive 2003/35/EC), as well as the Laws on the Assessment of the Impacts on the Environment from Certain Projects (140(I)/2005) and on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) incorporate provisions which facilitate public participation in the decision-making process. According to these Laws, the competent authorities must notify the public through the Official Gazette of the Republic, two daily newspapers and the Internet of any proposal for projects, plans or programmes covered by these Laws, together with the times and place where the relevant information can be accessed and the practical provisions for submitting opinions. All the relevant information regarding a project, plan or programme, including information on the ways in which the opinions of the public have been taken into account in the decision-making process is kept in registers which are accessible to the public. The competent authorities are obliged to notify the public of any opinions expressed, decisions taken and how the registers can be accessed.

Regarding access to justice, the Law on public access to environmental information provides that any person who considers that their request for environmental information has been ignored, wrongfully refused, answered inadequately, or not dealt with in accordance with the law has the right, within thirty days from the notification of the decision by the public authority or the expiry of the time frames outlined above in case of failure by the competent authority to communicate any decision, to appeal to the Minister of Agriculture, Natural Resources and Environment for a review procedure. Irrespective of this, the applicant also has the right to appeal before the Supreme Court, in accordance with Article 146 of the Constitution. In case of refusal to a request, the competent authority must inform the applicant of the right to an appeal procedure.

Similarly, the laws on the assessment of the impacts on the environment from certain projects, plans and programmes provide that, any legal person that has been registered for at least 5 years in accordance with national law and which has been founded with the main purpose of promoting the protection of the environment according to its charter, is considered to have sufficient interests which could be affected by any decision taken over a project, plan or programme and has access to a review procedure before a Court of Law to challenge a decision, in accordance with Article 146 of the Constitution. The appeal may be based on procedural or substantive issues.

(b) The Department of Environment actively supports and funds environmental awareness campaigns. Furthermore, its website has been designed to facilitate the dissemination of information on a variety of topics, including public rights under the Aarhus Convention, so as to promote environmental education and raise awareness on environmental issues. Recognizing that a significant section of the public to a large extent still remains unaware of the major environmental issues, further targeted attempts will be made towards raising public awareness, informing the public and ensuring easier accessibility to information.

(c) The Department of Environment is implementing a programme for the financial support of non-governmental organisations and other bodies actively promoting environmental protection. The programme is divided into the annual NGO funding scheme and the awareness campaigns scheme. Under the annual scheme, financial aid is given to eligible applicant NGOs, i.e. non-governmental, non-profit-making, independent organisations active in the field of environmental protection, including the development and implementation of environmental policy and legislation, the provision of information to the general public and environmental awareness raising. The second scheme covers the funding for

the organization of environmental awareness campaigns and events by non-governmental organisations, local authorities, schools and other bodies.

The importance and role of NGOs has long been recognized and their participation in the decision-making process has been ensured through the relevant environmental legislation. The Federation of Environmental and Ecological Organizations of Cyprus, which represents a large number of NGOs, is a permanent member of all major committees formed under environmental law, including the Scientific Committee for the Protection of Nature and Wildlife, the Committee for Genetically Modified Organisms, the Committee for Waste Management, the Committees for the Evaluation of Environmental Impact Assessment, and the Committee for the Evaluation of Strategic Environmental Assessments.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

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

Answer:

V. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE GENERAL PROVISIONS OF ARTICLE 3

Provide further information on the practical application of the general provisions of article 3.

Answer:

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

Give relevant web site addresses, if available:

www.moa.gov.cy

VII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO ENVIRONMENTAL INFORMATION IN ARTICLE 4

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

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

- (a) With respect to paragraph 1, measures taken to ensure that:
 - (i) Any person may have access to information without having to state an interest;
 - (ii) Copies of the actual documentation containing or comprising the requested information are supplied;
 - (iii) The information is supplied in the form requested;
- (b) Measures taken to ensure that the time limits provided for in paragraph 2 are respected;
- (c) With respect to paragraphs 3 and 4, measures taken to:
 - (i) Provide for exemptions from requests;
 - (ii) Ensure that the public interest test at the end of paragraph 4 is applied;

(d) With respect to paragraph 5, measures taken to ensure that a public authority that does not hold the environmental information requested takes the necessary action;

(e) With respect to paragraph 6, measures taken to ensure that the requirement to separate out and make available information is implemented;

(f) With respect to paragraph 7, measures taken to ensure that refusals meet the time limits and the other requirements with respect to refusals;

(g) With respect to paragraph 8, measures taken to ensure that the requirements on charging are met.

Answer:

The Law on Public Access to Environmental Information (119(I)/2004) implements the requirements of Article 4 of the Convention, which transposes the relevant EU Directive 2003/4/EC.

PROVISIONS OF THE LAW ON PUBLIC ACCESS TO ENVIRONMENTAL INFORMATION (NO. 119(I)/2004)

Definitions (Article 2) – definitions are detailed in Article 2 of the Law, as follows

- i. Public Authority: In accordance with Article 2 of the Convention, public authority is defined to include
 - Any government or other public administration (including municipalities and community councils, public utilities, public bodies and public advisory bodies, at national, regional or local level)
 - Any person performing public administrative functions under national legislation (including specific duties, activities or services relating to the environment)
 - Any person exercising public responsibilities or functions or providing public services relating to the environment under the control of a body or person falling under the above.
- ii. Public: Public has been defined to include one or more persons, and their associations, organizations and unions.
- iii. Environmental information, has been defined to include any information in written, visual, aural, electronic or other form, concerning:
 - The state of the elements of the environment, such as air and atmosphere, water, soil, landscape and natural sites, including wetlands, coastal and marine areas, biodiversity and its components, including genetically modified organisms, and the interaction among these elements;
 - Factors, such as substances, energy, noise, radiation or waste, discharges and emissions into the environment, affecting or likely to affect the elements of the environment;
 - Measures, including legislation and administrative measures, such as policies, plans, programmes, environmental agreements and activities affecting or likely to affect the elements and factors, as well as measures or activities designed to protect these elements;
 - Reports on the implementation of environmental legislation;
 - Economic analyses and assumptions used within the framework of the measures and activities referred to above; and
 - The state of human health and safety, including the contamination of the food chain, conditions of human life, sites and built structures, in as much as they are or may be affected by the state of the elements or through the factors or measures mentioned above.
- iv. In addition, "applicant" has been defined as any natural or legal person requesting environmental information, "information held by a public authority" as environmental information in its possession which has been produced or received by that authority; and "information held for a public authority" as environmental information which is held by a natural or legal person on behalf of a public authority.
- v. The competent Minister is the Minister of Agriculture, Natural Resources and Environment.

Public access to environmental information (Article 3)

Public authorities are obliged to provide environmental information held by or for them to any applicant,

without his having to state an interest. The information must be provided to the applicant within one month after receipt of the application by the public authority, or within two months, in cases when the volume and complexity of the information requested is such that the one month period cannot be complied with. The applicant must be informed as soon as possible and before the end of the one month period of any such extension and the reasons for it.

Clarifications (Article 4)

When the request is formulated in too general a manner, the public authority asks the applicant, within the one month time period, to specify the request and offers assistance, for example by providing information on the use of registers or lists of the environmental information held.

Requests for information of a specific form or format (Article 5)

Where an applicant requests environmental information in a specific form or format, the public authority satisfies the request unless the information is already publicly available in another form or format which is easily accessible to the applicant, or it is reasonable for the public authority to provide this information in another form or format, in which case, the reasons for this must be stated. Public authorities must endeavor to ensure that environmental information held by or on their behalf is available in a form or formats that are readily reproducible and accessible by computer telecommunications and other electronic means. The reasons for refusal (in whole or in part) of the request in the form or format requested must be communicated to the applicant within the one month time limit.

Assistance provided by public authorities (Article 6)

Public authorities must ensure that officials support the public in seeking access to information and that their lists are publicly accessible. For this purpose, public authorities must define practical measures to ensure that access to environmental information is exercised effectively. This may include the designation of information officers, the establishment and maintenance of facilities for the examination of the information requested, and the maintenance of registers or lists of environmental information held by public authorities with clear references to where such information can be found.

Informing the public (Article 7)

The public must be informed of their rights under the Law and provide, to the appropriate extent, information, guidance and advice to this end.

Exceptions (Article 8)

Public authorities may refuse a request for environmental information if:

- i. The information requested is not held by or for the public authority to which the request is addressed. In this case, where the public authority is aware that the information is held by or for another public authority, it shall forward the request to that authority and inform the applicant accordingly or notify the applicant of the public authority to which it believes it is possible to apply to obtain the information.
- ii. The request is manifestly unreasonable, formulated in too general a manner, concerns material in the course of completion or unfinished documents and data, or internal communications.

A public authority may also refuse requests for information if the disclosure of such information could adversely affect:

- i. The confidentiality of the proceedings of public authorities where such confidentiality is provided for by law.
- ii. The international relations of the Republic of Cyprus, public security and national defense.
- iii. The course of justice, the right of any person to a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature.
- iv. The confidentiality of commercial or industrial information where such confidentiality is provided for by national or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy.

- v. Intellectual property rights.
- vi. The confidentiality of personal data or records relating to a natural person where that person has not consented to disclosure of the information.
- vii. The interests or protection of any person who supplied the information requested voluntarily unless that person has consented to the disclosure of the information.
- viii. The protection of the environment to which such information relates, such as the location of rare species.

Public authorities may not refuse a request for access to information on emissions into the environment. A refusal for the provision of information must be communicated to the applicant in writing, if the request was in writing or if the applicant so requests, within the time frames mentioned above, also stating the reasons for the refusal and information on the appeals procedure can be separated. Where possible, the information may be made available in part, if the information that is exempted. The grounds for refusal are interpreted in a restrictive manner, taking into account the public interests served by disclosure or refusal.

In the case of a refusal, the Law provides that if the public authority is aware that the information requested is held by or for another public authority, it shall, as soon as possible, forward the request to the authority concerned and inform the applicant accordingly, or inform the applicant of the public authority to which it believes it is possible to apply for the information requested. Furthermore, where the request is refused on the basis that it concerns material in the course of completion, the public authority shall inform the applicant of the name of the authority preparing the material and the estimated time for completion.

To date, no request for access to information has been refused on the grounds of the exceptions listed in Article 4. In the case of registers kept under specific laws, such as the environmental impact assessment legislation, waste management legislation, etc, information considered as confidential under the law, is withheld. When requests for information are formulated in too general a manner, assistance is given in further specifying the request.

Charges (Article 9)

Access to public registers and lists compiled and maintained in accordance with this law is free. Public authorities may apply a charge for providing environmental information provided that such charges do not exceed the reasonable cost of providing the information. When charges are made, public authorities must publish a schedule of charges and information regarding the circumstances under which charges may be levied or waived.

Most public authorities holding environmental data have not to this point applied charges for supplying environmental information. Charges are made by certain departments only when supplying copies of planning permits, maps, including digital maps, and statistical publications which relate to the environment. Detailed schedules of charges are always posted in the offices of the competent authorities and their websites, and applicants are informed when making an application if a charge needs to be made and where detailed schedules can be found.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

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

Answer:

Regarding the definition of "environmental information", which covers measures affecting or likely to affect the environment, problems were encountered in the case of development consents. It was unclear whether development consents fall under the remit of this law. According to paragraph 1(c) "environmental information" includes measures such as policies, legislation, plans and programmes, environmental agreements and activities affecting or likely to affect the environment. Given that all development essentially impacts on the environment, in theory all development consents must fall under the remit of the law. This has the potential to place a significant burden on the Department of

Town Planning and Housing given the considerable amount of relevant information that would be covered by this. Nevertheless, it is the customary practice of the Department of Town Planning and Housing to supply information as requested, at a charge which represents the costs of replicating the requested information, albeit the time limits imposed by Law 119(I)/2004 may be exceeded due to the volume of, and the complexities in gathering, the information.

IX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 4

Provide further information on the practical application of the provisions on access to information in article 4, e.g. are there any statistics available on the number of requests made, the number of refusals and their reasons?

Answer:

Application of these provisions has had a positive impact on the involvement of civil society particularly on projects and plans that may have an impact on the environment, as well as the implementation of permits and decisions. The public now has better access to environmental information so as to formulate more informed opinions and participate more effectively in decision-making. Access to particular information, such as consents and permits also ensures that they can voice their concerns and report cases of non-compliance. The negative impact is the administrative burden imposed on public authorities, particularly in cases where a significant volume of information may be requested, in a particular format, especially since such information may be held by a number of different departments.

No statistics are available as to the number of requests made.

X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

Give relevant web site addresses, if available:

www.moa.gov.cy

XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF ENVIRONMENTAL INFORMATION IN 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:

DISSEMINATION OF INFORMATION UNDER THE PROVISION OF LAW 119(I)/2004

With respect to Article 5 of the Convention, according to the Law on Public Access to Environmental Information (119(I)/2004) public authorities shall organize the environmental information which is relevant to their function and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunications and/or electronic technology where available. Specifically, it implements the following provisions:

Requests for information of a specific form or format (Article 5)

Public authorities must endeavor to ensure that environmental information held by or on their behalf is available in a form or formats that are readily reproducible and accessible by computer telecommunications and other electronic means.

Informing the public (Article 12)

All public authorities shall organize the environmental information relevant to their functions which is held by or for them, for its active and systematic dissemination. Generally, environmental information must progressively become available in electronic databases which are easily accessible to the public through public telecommunication networks. The information to be made available and disseminated includes the texts of international treaties, conventions or agreements, and of Community and national legislation on the environment or relating to it; policies, plans and programs relating to the environment; progress reports on the implementation of laws and policies; reports on the state of the environment; data or summaries of data from the monitoring of activities affecting or likely to affect the environment; permits that have a significant impact on the environment and environmental agreements or a reference to where these can be found; environmental impact studies and risk assessments or references to where these can be obtained. In the event of an imminent threat on human health or the environment as a result of human activities or natural causes, public authorities must without delay disseminate all information which could enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat.

In practice, all public authorities holding environmental information are progressively making such information available in electronic format which is more easily accessible by the public and uploading it on their websites, including in particular national legislation and regulations relating to the environment, as well as links to texts of international treaties, conventions and agreements; any policies, plans and programmes relating to the environment, e.g. the sustainable development strategy, the green public procurement strategy, etc.; the state of the environment reports; and monitoring data, e.g. air quality data, water monitoring data, etc. Environmental impact studies carried out from 2007 onwards are also available on the website of the Department of Environment, as well as the decisions issued by the

environmental authority on development projects, plans or programmes since 2001.

Competent authorities ensure that information is regularly updated on their websites. So far most legal texts are already available in electronic format, while since the entry into force of the Law all information is progressively becoming available in electronic format, including the digitization of maps and spatial data.

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

Moreover, according to the Law, a National State of the Environment Report must be published and disseminated to the public every two years, and which includes information on the quality of, and pressures on, the environment. Public authorities must provide all the available data, reports and evaluations necessary for the preparation of the report. The first report published was for 2007 and the second will be published in the coming months. The National State of the Environment Report is prepared by the Department of Environment, with the contribution of all public authorities dealing with environmental issues and holding environmental information. The report is published and uploaded on the website. The 2010 Report will include a printed report as well as a more detailed web-based report.

Quality of environmental information (Article 13)

Public authorities shall, to the extent possible, ensure that the information collected by or their behalf is up to date, accurate and comparable. Upon request, public authorities must respond to requests for environmental information, indicating to the applicant where information (if available) can be found on the measurement procedures, including methods of analysis, sampling and pre-treatment of samples used in compiling the information, or referring to the standard procedure used. To a large extent, the information held by public authorities is collected and compiled based on the reporting and monitoring requirements of environmental European Directives and the related national legislation, according to well defined procedures and formats, which ensures that they are up to date, accurate and comparable. There has been no request so far about the method used, although in the case of monitoring data, the methods of sampling and analysis is usually explained when reporting on the data.

DISSEMINATION OF INFORMATION UNDER THE PROVISIONS FOR PUBLIC PARTICIPATION

In addition, the Law on the Assessment of the Impacts on the Environment from Certain Projects (140(I)/2005), also provides that every government or public administrative body that holds information that could be considered relevant or necessary for the preparation or evaluation of an environmental impact assessment study or the preliminary environmental impacts assessment report has to make such information available to the developer, if it is requested, unless the information is considered to be of a confidential nature or it cannot be made available in accordance with the provisions of Law 119(I)/2004. The Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) also provides that, in accordance with the provisions of Law 119(I)/2004, every public business, local authority or government service which holds information that could be considered relevant or necessary for the preparation or evaluation of an impact study is obliged to make such information available to the relevant authority, if this information is requested, unless it is considered to be of a confidential nature according to legislation. According to these Laws, the competent authorities must keep in the public registers information on how the opinions of the public were taken into account in the decisions over the projects, plans and programmes examined under these Laws, as well as the reasons and assessments on which the final decisions were based. Similarly, the registers maintained under other environmental legislation are publicly accessible.

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

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

Answer:

XIII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 5

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:

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

Give relevant web site addresses, if available:

www.moa.gov.cy

XV. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON PUBLIC PARTICIPATION IN DECISIONS ON SPECIFIC ACTIVITIES IN ARTICLE 6

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

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

- (a) With respect to paragraph 1, measures taken to ensure that:
 - (i) The provisions of article 6 are applied with respect to decisions on whether to permit proposed activities listed in annex I to the Convention;
 - (ii) The provisions of article 6 are applied to decisions on proposed activities not listed in annex I which may have a significant effect on the environment;
- (b) Measures taken to ensure that the public concerned is informed, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, of the matters referred to in paragraph 2;
- (c) Measures taken to ensure that the time frames of the public participation procedures respect the requirements of paragraph 3;
- (d) With respect to paragraph 4, measures taken to ensure that there is early public participation;
- (e) With respect to paragraph 5, measures taken to encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit;
- (f) With respect to paragraph 6, measures taken to ensure that:
 - (i) The competent public authorities give the public concerned all information relevant to the decision-making referred to in article 6 that is available at the time of the public participation procedure;
 - (ii) In particular, the competent authorities give to the public concerned

the information listed in this paragraph;

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

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

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

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

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

Answer:

Decisions on whether to permit specific activities are subject to the provisions of the Law on the Assessment of the Impacts on the Environment from Certain Projects (140(I)/2005), which has replaced Law 57(I)/2001. According to this the projects listed in Annex I, which is similar to Annex I of the Aarhus Convention, are subject to an environmental impact assessment study. Projects listed in Annex II are subject to a preliminary environmental impact report to decide whether to permit the project or whether a full study is required prior to taking a decision. Law 140(I)/2005 applies the provisions of Article 6 of the Convention regarding public participation in decisions on whether to permit specific activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

impose terms to eliminate or minimize impacts.

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

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

1. A description of the project and in particular:
 - a description of the physical characteristics of the whole project and land use requirements during the construction and operational phases,
 - a description of the main characteristics of the production processes,
 - an estimate by type and quantity of expected residues and emissions resulting from the operation of the proposed project.
2. An outline of the main alternatives studied by the developer and an indication of the main reasons for this choice, taking into account the environmental impacts.
3. A description of the aspects of the environment likely to be significantly affected by the proposed project and its alternatives, including in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape, and the inter-relationship between these factors.
4. A description of the possible significant impacts of the proposed project on the environment resulting from, the existence of the project, the use of natural resources, and the emission of pollutants, creation of nuisances and disposal of waste, and a description of the forecasting methods used to assess the impacts on the environment.
5. A description of the measures proposed to prevent, reduce and, where possible, offset, or compensate for, any significant adverse impacts on the environment.
6. A non-technical summary of the information listed above, including a visual presentation with maps, drawings, diagrams, tables, photographs, etc., where necessary.
7. A description of the prediction methods used to assess impacts on the environment and the basic assumptions and hypothesis that have been adopted, as well as the data and measurements used, the models, and the calculations followed. An indication of any difficulties encountered in compiling the required information.
8. Where relevant, a detailed monitoring and management programme, and suggestions for the assessment of the situation following project completion and the examination of long term environmental and social impacts that will be identified.

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

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

(h) The comments and opinions expressed by the public during the 30-day period are taken into account by the Technical Committee when evaluating the environmental impact assessment study and the environmental authority when preparing its opinion. Moreover, the opinion expressed by the representative of the local authority, who represents the opinions of the community where the project will be executed, together with the opinions expressed by the Federation of Environmental and Ecological Organizations of Cyprus, as the representative of non-governmental environmental

organizations in the Technical Committee, the two independent members of the Committee and the Cyprus Scientific and Technical Chamber, are taken into account by the environmental authority and have an important weight in the decision-making process.

(i) Once the final decision is taken by the competent authority, the environmental authority notifies the public of the decision in two daily newspapers of the Republic and through the Internet. The content of the decision is kept in the Register which is publicly available, together with a description of the way in which the concerns and opinions expressed by the interested public were taken into account in the decision-making process, and the main reasons and assessments on which the decision was based, including information on the public participation process.

(j) Annex I of the Law includes any change to or extension of any of the projects listed in the Annex, where such a change or extension in itself meets the thresholds, if any, set out in the Annex. In such a case, the proposed change or extension is subject to an environmental impact assessment study and the provisions set out above regarding public participation will apply.

(k) Projects involving installations where genetically modified organisms are produced or used, or are planned to be produced or used, are included in Annex I of the Law and are therefore subject to an environmental impact assessment study and the provisions of the Law, as set out above regarding public participation. Where the project will involve the storage or use of genetically modified organisms the study must include a scientific description of the organisms and an assessment of their origin and the necessary means and measures for their conservation.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

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

Answer:

XVII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6

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:

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

Give relevant web site addresses, if available:

www.moa.gov.cy

XIX. PRACTICAL AND/OR OTHER PROVISIONS MADE FOR THE PUBLIC TO PARTICIPATE DURING THE PREPARATION OF PLANS AND PROGRAMMES RELATING TO THE ENVIRONMENT PURSUANT TO 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, pursuant to article 7. Describe the transposition of the relevant definitions in article 2 and the non-

discrimination requirement in article 3, paragraph 9.

Answer:

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

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

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

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

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

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

- the submission date of the study and the name of the competent authority which has submitted it,
- the nature of the proposed plan and/or programme and the area it concerns,
- that the study can be examined during the working days and hours at the offices of the Environmental Authority and the competent authority,
- that any person can submit comments or opinions to the Environmental Authority regarding the content of the study or the impacts likely to result on the environment from the approval of the plan and/or programme, within 35 days from the date of the notification.

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

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

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

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

- a description of the plan and/or programme as this was approved,
- a summary statement regarding:
 - the way in which the environmental parameters were incorporated in the plan and/or programme,

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

The Environmental Authority keeps a Register of the following information:

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

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

Implementation of Article 2 of the Directive 2003/35/EC on Public Participation

Apart from Law 102(l)/2005, a number of other existing laws relating to the environment and which require the preparation of plans and programmes, but did not incorporate sufficient provisions on public participation, have been amended so as to ensure consistency regarding participation and compliance with the Aarhus Convention and EU legislation. These include:

- (a) the amending Law on the Control of Water and Soil Pollution (160(l)/2005),
- (b) the amending Law on Solid and Hazardous Waste (162(l)/2005),
- (c) the amending Law on Packaging and Packaging Waste (159(l)/2005),
- (d) the amending Law on the Control of Air Quality (161(l)/2005), and
- (e) the amending Law on Integrated Pollution Prevention and Control (15(l)/2006).

These amending Laws introduce provisions for public participation in the preparation, modification or review of those plans and programmes referred to in Annex I of the Directive. The public covers one or more natural or legal persons, and their associations, organisations or groups. The following plans and programmes are covered by these provisions:

- Packaging management programmes, and systems for the return, collection and recovery of packaging waste (N. 159(l)/2005).
- Action programmes for the protection of nitrate vulnerable zones (160(l)/2005).
- Ambient air quality plans and programmes in zones where pollution levels are above limit values (161(l)/2005).
- Waste management strategies, and programmes for the management of batteries and accumulators (162(l)/2005).

The amendments to these laws cover the following basic provisions regarding public participation:

1. The competent authority must ensure early and effective public participation in the preparation, modification or review of the specified plans and programmes.
2. The competent authority must issue a public notice in the Official Gazette of the Republic, two daily newspapers and the internet, informing the public:
 - Of every proposal made for a new plan and/or programme, or the modification or review of an existing one,
 - That any information relevant to the proposal is available to the public during working days and hours at the offices of the competent authority, and
 - That any person may submit comments or opinions regarding the proposed plan and/or programme within 35 days from the date of the notification.

The competent authority also makes an announcement through the Internet every time opinions are submitted regarding the proposal.

3. Based on a justified recommendation by the competent authority, the Council of Ministers may decide for a public hearing to be conducted in the cases of proposals for significant plans and programmes. The public hearing must be carried out before the decision-making process is completed.
4. During the evaluation of the plan and/or programme the competent authority may carry out consultations with the public. This includes the public that is affected or may be affected, or whose interests are at stake from the decision-making process regarding a plan and/or programme, and includes non-governmental organizations promoting environmental protection.
5. Before a decision is taken regarding a plan or programme the competent authority must duly take into account the opinions expressed and representations submitted by the public, as well as the results of the public hearing if one was held.
6. Once the decision is taken it must be notified to the public. The competent authority must issue a public notice in the Official Gazette of the Republic, two daily newspapers and through the Internet informing the public of the decision and that the following information is kept in the Register, specifying the times and place where it can be obtained:
 - A description of the plan and/or programme as this was approved,
 - A summary statement regarding the way in which the opinions and representations expressed by the public and the results of the public hearing if one was held were taken into account in the final decisions, and the reasons and assessments on which the final decisions were based, including information about the public participation process.
7. The competent authority must maintain a register in which the following information is kept:
 - Any proposals made for the specified plans or programmes, or the modification or review of an existing one.
 - The opinions and representations submitted by the public.
 - The results of the public hearing when one is held.

The Registers are accessible to the public and can be inspected during working days and hours.

Public Hearings

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

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

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

XX. OPPORTUNITIES FOR PUBLIC PARTICIPATION IN THE PREPARATION OF POLICIES RELATING TO THE ENVIRONMENT PROVIDED PURSUANT TO ARTICLE 7

Explain what opportunities are provided for public participation in the preparation of policies relating to the environment, pursuant to article 7.

Answer:

Within a framework of transparency and the principles of the Aarhus Convention, a number of public hearings have been conducted so far for all major policy plans, including the Revised National Sustainable Development Strategy, the use of Genetically Modified Organisms, the positions submitted to the Copenhagen Convention on Climate Change and the national Green Public Procurement Action Plan.

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

Describe any obstacles encountered in the implementation of article 7.

Answer:

XXII. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 7

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

Answer:

The provisions relating to Articles 6 and 7 of the Convention have introduced uniform procedures for public participation in the decision-making process over plans, programmes and projects relating to the environment. The practical arrangements which are now in place have provided the public with the opportunity to be informed in a timely manner regarding a possible decision and enabled concerned citizens to participate in the decision-making process more effectively. Through these arrangements, all information relevant to a possible decision is now accessible and the public, including non-governmental associations and other bodies concerned, can express opinions which must then be taken into account when the final decision is taken. This has also enabled public authorities to evaluate public opinion on a specific project or plan at a stage when it is still possible to introduce changes and measures to minimize any possible impacts and ensure wider acceptance. As a result, the decision-making process has become more efficient, the decisions taken meet the needs and concerns of a wider proportion of the population, and are more transparent and with added validity. In many instances, public participation has also increased public awareness in specific issues, such as waste management and energy production.

The major advantage is the involvement of the public from an early stage in the decision-making process. This allows the public the opportunity to express their opinions and concerns regarding a possible decision, and the public authority to assess those opinions at a stage when it is still possible to change the parameters of a project or plan to reduce impacts and increase public acceptance. Additionally, implementation has ensured a uniform approach to public participation by incorporating procedures already found in other legislation (EIA and SEA Laws) in the decision-making process.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

Give relevant web site addresses, if available:

www.moa.gov.cy

XXIV. EFFORTS MADE TO PROMOTE PUBLIC PARTICIPATION DURING THE PREPARATION OF REGULATIONS AND RULES THAT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT PURSUANT TO 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, pursuant to article 8. To the extent appropriate, describe the transposition of the relevant definitions in article 2 and the non-discrimination requirement in article 3, paragraph 9.

Answer:

In 2009 the Ministry of Finance, in cooperation with the Legal Services, published a Consultation Guide for public authorities providing guidance over the public participation procedures to be followed during the preparation of legislative and regulatory acts. The Guide forms part of the Impact Assessment questionnaire that must accompany a draft bill when submitted to the Legal Services for legal vetting and, following this, the Council of Ministers and the House of Parliament. One of the central aspects of the questionnaire is the public dialogue conducted with interested parties, and the Guide provides assistance to public authorities in this. The Guide covers the types of consultation that can be carried out when preparing a new legislative act or amending an existing one, ways to identify and engage interested bodies in the participation procedure, the preparation of the documents necessary for the participation process, and ways of evaluating the contributions made by interested parties, while setting timeframes for the participation process.

The Guide covers two types of participation procedures which may be followed, informal and formal participation. During the informal procedure there is a preliminary exchange of opinions with affected parties and an initial evaluation of responses to the proposed legislation. Based on this it is then decided whether it is necessary to conduct a formal participation procedure, which involves the notification of information material to interested parties, the submission of written comments, and the possible conduct of public hearings, meetings campaigns, public enquiries and expert committees, in case the written communication yielded no results. Interested parties are informed as to how their opinions have been utilised.

To oversee the process, Public Participation Officers have been appointed in each public service, informing the Coordinator of each Ministry, on an annual basis, as the public hearings conducted and their effectiveness in the preparation of legislative acts, who then prepares an overall annual report for the Ministry. The collective results will be submitted to the Council of Ministers.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

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

Answer:

XXVI. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 8

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

Answer:

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

Give relevant web site addresses, if available:

www.moa.gov.cy

XXVIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON ACCESS TO JUSTICE IN ARTICLE 9

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

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

- (a) With respect to paragraph 1, measures taken to ensure that:
- (i) Any person who considers that his or her request for information under article 4 has not been dealt with in accordance with the provisions of that article has access to a review procedure before a court of law or another independent and impartial body established by law;
 - (ii) Where there is provision for such a review by a court of law, such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law;
 - (iii) Final decisions under this paragraph are binding on the public authority holding the information, and that reasons are stated in writing, at least where access to information is refused;

(b) Measures taken to ensure that within the framework of national legislation, members of the public concerned meeting the criteria set out in paragraph 2 have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6;

(c) With respect to paragraph 3, measures taken to ensure that where they meet the criteria, if any, laid down in national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of national law relating to the environment;

- (d) With respect to paragraph 4, measures taken to ensure that:
- (i) The procedures referred to in paragraphs 1, 2 and 3 provide adequate and effective remedies;
 - (ii) Such procedures otherwise meet the requirements of this paragraph;

(e) With respect to paragraph 5, measures taken to ensure that information is provided to the public on access to administrative and judicial review.

Answer:

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

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

Has the right within 30 days from the notification of the decision or the end of the one-month (or two-month when warranted) period to appeal to the Minister to review the actions or omissions of the public authority in question. The Minister examines the matter and makes a decision, which is then notified to the interested person and the public authority.

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

To date no appeals to the Minister of Agriculture, Natural Resources and Environment or before the Supreme Court have been made. In 2009 there was one request for an appeal; however this was not within the 30-days time frame specified by the Law for such appeals. The applicant was notified of this, as well as of their right to appeal before the Supreme Court. The complaint was resolved with the provision of all necessary information by the competent authority.

Moreover, Law 140(I)/2005 on the assessment of the impacts on the environment from certain programmes, provides that any legal person, registered for at least 5 years under national legislation, and, in accordance with its charter, has been created with the purpose of promoting environmental protection, is considered to have sufficient interests that may be affected by a decision taken under the law and has the right to appeal before the court against the decision, in accordance with Article 146 of the Constitution.

According to Article 146 of the Constitution, the decision of the Supreme Court is binding. In cases of annulment of a decision the public authority concerned must ensure to restore things to the way they were prior to the decision.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

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

Answer:

XXX. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 9

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:

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 9

Give relevant web site addresses, if available:

www.moa.gov.cy

Articles 10-22 are not for national implementation.

XXXII. 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:

XXXIII. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING THE PROVISIONS ON GENETICALLY MODIFIED ORGANISMS PURSUANT TO ARTICLE 6bis AND ANNEX I bis

Concerning legislative, regulatory and other measures that implement the provisions on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms in article 6 bis, describe:

- (a) With respect to paragraph 1 of article 6 bis and:
 - (i) Paragraph 1 of annex I bis, arrangements in the Party's regulatory framework to ensure effective information and public participation for decisions subject to the provisions of article 6 bis;
 - (ii) Paragraph 2 of annex I bis, any exceptions provided for in the Party's regulatory framework to the public participation procedure laid down in annex I bis and the criteria for any such exception;
 - (iii) Paragraph 3 of annex I bis, measures taken to make available to the public in an adequate, timely and effective manner a summary of the notification introduced to obtain an authorization for the deliberate release or placing on the market, as well as the assessment report where available;
 - (iv) Paragraph 4 of annex I bis, measures taken to ensure that in no case the information listed in that paragraph is considered as confidential;
 - (v) Paragraph 5 of annex I bis, measures taken to ensure the transparency of decision-making procedures and to provide access to the relevant procedural information to the public including, for example:
 - a. The nature of possible decisions;
 - b. The public authority responsible for making the decision;
 - c. Public participation arrangements laid down pursuant to paragraph 1 of annex I bis;
 - d. An indication of the public authority from which relevant information can be obtained;
 - e. An indication of the public authority to which comments can be submitted and of the time schedule for the transmittal of comments;
 - (vi) Paragraph 6 of annex I bis, measures taken to ensure that the arrangements introduced to implement paragraph 1 of annex I bis allow the public to submit, in

any appropriate manner, any comments, information, analyses or opinions that it considers relevant to the proposed deliberate release or placing on the market;

(vii) Paragraph 7 of annex I bis, measures taken to ensure that due account is taken of the outcome of public participation procedures organized pursuant to paragraph 1 of annex I bis;

(viii) Paragraph 8 of annex I bis, measures taken to ensure that the texts of decisions subject to the provisions on annex I bis taken by a public authority are made publicly available along with the reasons and the considerations upon which they are based;

(b) With respect to paragraph 2 of article 6 bis, how the requirements made in accordance with the provisions of annex I bis are complementary to and mutually supportive of the Party's national biosafety framework and consistent with the objectives of the Cartagena Protocol on Biosafety to the Convention on Biodiversity.

Answer:

Law 10(III)/2009 has been passed amending Law 33(III)/2003, which ratifies the Aarhus Convention, to incorporate Articles 6 bis and Annex I bis.

The Scientific Committee established by Law 160(I)/2003 to review and evaluate the applications for release of placing on the market of GMOs, is comprised of both government departments and public organizations, including the Cyprus Consumers Association, Cyprus National Bioethics Committee and the Federation of Environmental and Ecological Organizations of Cyprus.

The national legislation regarding the deliberate release into the environment and placing on the market of genetically modified organisms, Law 160(I)/2003, has an established procedure for providing the public with adequate information. Specifically, Part IV of the Law refers to Record Keeping and Public Notification, where the procedure is laid out. When the Scientific Committee receives an application for authorization of the release of placement on the market of GMOs, the applicant has to publish in two widely distributed newspapers. The public is given 30 days to provide written comments on the application. Regardless of this provision, the law also states that the Scientific Committee is obligated to carry out a public consultation, in the form of a public hearing. The records kept by the competent authority are available for inspection and include all applications submitted, all authorizations given, the Opinions of the Scientific Committee, the location where the GMOs were released and other relevant information.

Although the national legislation has been established on the matter, Cyprus has not authorized any GMOs and has kept a firm negative stance on the matter of GMO authorization.

XXXIV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Describe any obstacles encountered in the implementation of any of the paragraphs of article 6 bis and annex I bis.

Answer:

XXXV. FURTHER INFORMATION ON THE PRACTICAL APPLICATION OF THE PROVISIONS OF ARTICLE 6bis AND ANNEX I bis

Provide further information on the practical application of the provisions on public participation in decisions on the deliberate release into the environment and placing on the

market of genetically modified organisms in article 6 bis, e.g. are there any statistics or other information available on public participation in such decisions or on decisions considered under paragraph 2 of annex I bis to be exceptions to the public participation procedures in that annex?

Answer:

XXXVI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6bis

Give relevant website addresses, if available, including website addresses for registers of decisions and releases related to genetically modified organisms:

www.moa.gov.cy