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ECONOMIC COMMISSION FOR EUROPE

Meeting of the Parties to the
Convention on Access to Information,
Public Participation in Decision-making and
Access to Justice in Environmental Matters

(Second meeting, Almaty, Kazakhstan, 25 - 27 May 2005)
(Item 6 (a) of the provisional agenda)

IMPLEMENTATION REPORT

Cyprus^{*/}

Based on the reporting format annexed to decision I/8

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.

This is the first report which has been prepared for the Aarhus Convention and, due to serious time constraints and the need to translate all the relevant legislation and measures in English, was prepared internally. However it will be posted on the website.

2. 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).

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

^{*/} This document was submitted after the second meeting of the Parties in accordance with Decision II/10 of the Meeting of the Parties (ECE/MP.PP/2005/2/Add.14) that called upon all Parties at the time of the deadline for submission of the implementation reports and that failed to submit such reports to the secretariat to do so by 15 September 2005. The document will be considered at the sixth meeting of the Working Group of the Parties to the Aarhus Convention (5-7 April 2006).

ARTICLE 3

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

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

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

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

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

(b) The Environment Service actively supports environmental awareness campaigns and has an annual budget assigned to financially assist in their organization. A study has also been conducted (2003-2004), in collaboration with the University of the Aegean, on environmental awareness based on the requirements of the EU Directives. The study assessed the current situation in Cyprus and identified the needs for environmental awareness initiatives. Appropriate material was also prepared for each segment of the population, so as to promote environmental education, awareness and public participation based in the requirements of the EU legislative framework.

The Ministry of Education, in consultation with the Environment Service and other bodies, has prepared a Strategic Action Plan for Environmental Education, which introduces environmental education into the school curriculum. Moreover, a plan has been prepared for the establishment of a network of Environmental Education Centers throughout Cyprus.

The Environment Service's website has been designed to facilitate the dissemination of information on a variety of topics, promoting the education of the general public and environmental awareness raising.

(c) The Environment Service supports environmental non-governmental organizations through an annual funding amount which is offered to organizations active in the field of environmental protection, in addition to the financial assistance offered to organizations for individual environmental awareness raising and educational activities.

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

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

None.

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

See above.

6. Give relevant website addresses, if available:

www.moa.gov.cy

ARTICLE 4

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

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

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

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

1. In paragraph (a), natural sites have been specified to include wetlands, coastal and marine areas.

2. Paragraph (b) of the Convention has been divided as follows:

“(b) factors, such as substances, energy, noise, radiation, or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);

(c) measures, including legislative and administrative measures, such as policies, plans, programmes, environmental agreements, and activities affecting, or likely to affect, the elements and factors referred to in (a) and (b) as well as measures or activities designed to protect these elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c).”

3. In paragraph (c) of the Convention the state of human health and safety has been defined in the Law to include also the contamination of the food chain, where relevant.

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

Additionally, definitions are provided in the Law for the following:

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

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

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

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

(b) Paragraph (2) of article 3 of the Law states that regarding any timescale specified by the applicant, the environmental information shall be made available to him: (a) as soon as possible or, at the latest, within one month after the receipt of the relevant application by the public

authority, or (b) within two months after the receipt of the request by the public authority if, due to the volume and complexity of the requested information, the one-month period referred to in (a) cannot be complied with. In such a case, the applicant must be informed as soon as possible and in any case before the end of the one-month period, of any such extension and the reasons necessitating it.

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

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

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

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

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

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

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

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

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

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

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

None.

9. 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?

No statistics. No complaints received.

10. Give relevant website addresses, if available:

ARTICLE 5

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

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

Article 18 of the *Law on the Assessment of the Impacts on the Environment from Certain Projects* (57(I)/2001) provides that every government or public administrative body holding 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 confidential or it cannot be made available in accordance with the provisions of *Law 119(I)/2004*. Article 16 of the *Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes* (102(I)/2005) provides that, in accordance with the provisions of *Law 119(I)/2004*, every public business, local authority or government service which holds information that is 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 the legislation.

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

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

These arrangements can include:

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

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

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

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

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

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

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

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

(e) According to article 12 of the Law, the environmental information held by or for public authorities must be organized with the purpose of its active and systematic dissemination to the public, in particular through computer telecommunication and/or electronic technology. The information that will be made available and disseminated will include at least the information

listed in point (c) above. Such information has already been included on the website of the Environment Service.

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

None.

13. 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?

Information is held and published by a multitude of agencies.

14. Give relevant web site addresses, if available:

ARTICLE 6

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

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 (57(I)/2001). According to this the projects listed in Annex I, which is similar to Annex I of the text of the Aarhus Convention, are subject to an environmental impact assessment study. Projects listed in Annex II are subject to a preliminary environmental impact report to decide whether to permit the project or whether a full study is required prior to taking a decision. This Law is now in the process of being amended to include more detailed provisions on public participation, in accordance with the relevant EU Directive (2003/35/EC).

According to this Law and the proposed amending Law:

- "public" means one or more natural or legal persons and, in accordance with the provisions of other legislation or practice, their associations, organizations or groups,
- "the public concerned" means the public affected or likely to be affected by, or having an interest in the decision-making procedures for the granting of permits or approval of projects covered by this Law. Non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest. Both definitions are in accordance with the text of the Convention.

(a) *Law 57(I)/2001* and its proposed amending Law apply 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 impact assessment report. Based on this, it is then determined whether it is necessary to request a full environmental impact assessment study or to permit the project by simply imposing terms and measures to minimize or eliminate impacts.

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

Law 57(I)/2001 and its proposed amendment apply the provisions of article 6 of the Convention regarding public participation in decisions on whether to permit specific activities.

(b) According to article 20 of Law 57(I)/2001, every person or public authority submitting an environmental impact assessment study has, at the same time, to issue a public notice in at least two daily newspapers of the Republic, announcing the following:

1. The date of submission of the study and the name of the person or public authority submitting it.
2. The nature of the proposed project and the area where it will be executed.
3. 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.
4. That any person may submit comments and opinions to the environmental authority regarding the content of the study or the possible environmental impacts that could result from the project.

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

According to the proposed amendment to Law 57(I)/2001, a new article will be inserted after Article 20 which will provide that once a decision is taken by the competent authority on whether to permit the project, the environmental authority notifies the public of the decision in two daily newspapers of the Republic and through the Internet; that the following information is listed in the Register kept according to article 21 of the Law; and the time and place where the information can be obtained:

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, where necessary, a description of the main measures necessary to avoid, reduce and, if possible, compensate the major adverse impacts.

According to article 21, 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, and, according the proposed amendment of the Law,
5. the opinions of any organization, body or person submitted to the environmental authority regarding any matter that concerns any project listed in Annexes I and II.

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, itself.

(c) According to article 13 of Law 57(I)/2004, once the environmental authority receives the environmental impact assessment study it has to send a copy, within 30 days from the date of submission, to the Technical Committee which will evaluate it. The person or public authority submitting the environmental impact assessment report has to publish, at the same time, a notification (as mentioned in point (c) above) for the study. Any person may examine the study and submit opinions to the environmental authority regarding the content of the study and the possible environmental impacts of the project, also within 30 days from the date of the notification. These opinions and representations are then taken into account by the Technical Committee when evaluating the report. This ensures that the public are informed at an early stage in the process and allows them sufficient time to prepare and participate effectively during the decision-making.

(d) The provisions mentioned above (points (b) and (c)) ensure that the public are involved early in the decision-making process, when all options are still open. This is also strengthened by the requirement 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 Law 57(I)/2001, when the Technical Committee convenes to evaluate an environmental impact assessment study, a representative of the local authority of the community where the project will be implemented is invited to express his opinions. This provides an incentive to the person or public authority submitting the study to identify the public concerned, inform them of the project, get their opinions and concerns and enter into discussions to ensure their support. The opinions of local communities have an important weight in the decision-making process.

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

1. A description of the project and in particular:
 - a description of the physical characteristics of the whole project and land use requirements during the construction and operational phases,
 - a description of the main characteristics of the production processes,

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

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

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

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

non-governmental environmental organizations in the Technical Committee are taken into account by the environmental authority and have an important weight in the decision-making process.

(i) Once the final decision is taken by the competent authority, the environmental authority notifies the public of the decision in two daily newspapers of the Republic and through the Internet (article 20A of the proposed amendment to Law 57(I)/2001 and article 21 of Law 57(I)/2001). 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) According to the proposed amendment to Law 57(I)/2001, Annex I will be extended to include any change to or extension of any of the projects listed in the Annex, where such a change or extension in itself meets the thresholds, if any, set out in this Annex. In such a case, the proposed change or extension is subject to an environmental impact assessment study and the provisions set out above regarding public participation will apply.

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

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

Not any particular ones.

17. 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.

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

18. Give relevant web site addresses, if available:

ARTICLE 7

19. 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.

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

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

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

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

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

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

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

During the evaluation of the study, consultations are carried out with the public. The public with which the Environmental Authority carries out consultations includes the public that is affected or likely to be affected, or whose interests are at stake from the decision-making process regarding a plan and/or programme. This 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 any relevant public hearing procedure must be taken into account when the Committee

members form their opinions and suggestions on which the Environmental Authority will base its opinion.

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

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

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

The Environmental Authority keeps a Register of the following information:

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

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

2. Apart from *Law 102(I)/2005*, a number of other existing laws relating to the environment and which require the preparation of plans and programmes, but do not contain sufficient provisions on public participation, are now in the process of being amended so as to ensure consistency regarding participation and compliance with the Aarhus Convention and EU legislation. These include:

- (a) the *Law on the Control of Water and Soil Pollution* (106(I)/2002),
- (b) the *Law on Solid and Hazardous Waste* (215(I)/2002),
- (c) the *Law on Packaging and Packaging Waste* (32(I)/2002),
- (d) the *Law on the Control of Air Quality* (188(I)/2002), and
- (e) the *Law on Integrated Pollution Prevention and Control* (56(I)/2003).

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

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

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

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

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

Full opportunities.

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

Law not yet implemented in practice.

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

See above.

23. Give relevant web site addresses, if available:

ARTICLE 8

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

The Committees to which NGOs participate also debate proposals for regulations/rules before they are submitted for approval.

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

None.

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

27. Give relevant web site addresses, if available:

ARTICLE 9

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

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

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

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

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

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

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

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

The Council of Ministers will issue Regulations regarding the following:

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

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

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

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

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

Not yet tested.

30. 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?

31. Give relevant web site addresses, if available:

32. 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.