



**Economic and Social
Council**

Distr.
GENERAL

ECE/MP.PP/IR/2008/CYP
3 June 2008

Original: ENGLISH

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**

Third meeting
Riga, 11–13 June 2008
Item 6 (a) of the provisional agenda
Procedures and mechanisms facilitating
the implementation of the Convention:
Reports on implementation

IMPLEMENTATION REPORT SUBMITTED BY CYPRUS*

Article 10, paragraph 2, of the Convention requires the Parties, at their meetings, to keep under continuous review the implementation of the Convention on the basis of regular reporting by the Parties. Through decision I/8, the Meeting of the Parties established a reporting mechanism whereby each Party is requested to submit a report to each meeting of the Parties on the legislative, regulatory and other measures taken to implement the Convention, and their practical implementation, according to a reporting format annexed to the decision. For each meeting, the secretariat is requested to prepare a synthesis report summarizing the progress made and identifying any significant trends, challenges and solutions. The reporting mechanism was further developed through decision II/10, which addressed, inter alia, the issue of how to prepare the second and subsequent reports.

* The present document was submitted on the above date due to resources constraints.

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

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

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

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

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

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

Article 3, paragraph 2

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

5. 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 European Union (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/her request and without having to state an interest. Furthermore, according to article 6 of this Law, public authorities must ensure that:

- (a) Its officials support the public in seeking access to information, and
- (b) 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:

- (i) The designation of information officers,
- (ii) The establishment and maintenance of facilities for the examination of the information required,
- (iii) The keeping of registers or lists of the environmental information held by public authorities or information centers with clear references of where such information can be found.

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

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

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

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

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

The competent authorities are obliged to notify the public of any opinions expressed, any decisions taken and how the registers can be accessed.

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

Article 3, paragraph 3

12. The Environment Service actively supports environmental awareness campaigns and has an annual budget assigned to financially assist their organization.

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

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

Article 3, paragraph 4

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

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

Evaluation of Environmental Impact Assessments, the Committee for the Evaluation of Strategic Environmental Assessments, and others. It is noted, however, that the views of the NGOs, although taken into consideration, are not necessarily endorsed. This is also the case with all stakeholders, whose views are always sought and taken into consideration in decision-making.

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

17. No information was provided under this heading.

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

18. See above.

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

19. www.moa.gov.cy.

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

20. 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.

Relevant definitions

Article 2, paragraph 2 (definition of “public authority”)

21. 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 the national, regional and local levels.

Article 2, paragraph 3 (definition of “environmental information”)

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

- (a) In Article 2, paragraph (a) of the Law, natural sites have been specified to include wetlands and coastal and marine areas.
- (b) Article 2, paragraph 3(b) of the Convention has been divided as follows:
 - (i) 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);
 - (ii) 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) (i), as well as measures or activities designed to protect these elements;
 - (iii) Reports on the implementation of environmental legislation;
 - (iv) Cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (ii).
- (c) With respect to article 2, paragraph 3 (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.

23. 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.

24. Additional definitions are provided in the Law for the following:

- (a) “Applicant” means any natural or legal person requesting environmental information;
- (b) “Information held by a public authority” means environmental information in its possession which has been produced or received by that authority;
- (c) “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.

Article 4, paragraph 1

Article 4, paragraph 1 (a)

25. 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 or her request and without his or her having to state or prove an interest.

Article 4, paragraph 1 (b)

26. 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:

- (a) The information is already publicly available in another form or format which is easily accessible by applicants; or
- (b) 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.

Article 4, paragraph 2

27. Paragraph 2 of article 3 of the Law states that with regard to any timescale specified by the applicant, the environmental information shall be made available to him or her:

(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.

28. Although every effort is being made to respond timely to enquiries from the public, not all answers are provided in due course, mainly due to the limited human resources available.

Article 4, paragraph 3 and 4

29. 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.

30. Paragraph 1 of article 8 states that the public authority may refuse a request for environmental information when:

(a) The information requested is not held by or for the public authority to which the request is submitted;

(b) The request is manifestly unreasonable;

(c) The request is formulated in too general a manner;

(d) The request concerns material in the course of completion or unfinished documents or data;

(e) The request concerns internal communications, taking into account the public interest served by the disclosure of this information.

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

(a) The confidential nature of the proceedings of the public authority, if such confidentiality is provided for by law;

(b) The international relations of the republic, public security and national defense;

(c) 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 of a criminal or disciplinary nature;

(d) 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;

(e) Intellectual property rights;

(f) 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);

(g) The protection of interests of any person who supplied the requested information on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned;

(h) The protection of the environment to which such information relates, such as the location of rare species.

32. The grounds for refusal mentioned in paragraphs 1 and 3 of the Law 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 weighed 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.

Article 4, paragraph 5

33. In accordance with article 4, 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)).

Article 4, paragraph 6

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

Article 4, paragraph 7

35. 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).

Article 4, paragraph 8

36. According to article 9, of the Law, 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.

**VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF
ARTICLE 4**

37. No information was provided under this heading.

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

38. There are no statistics. No complaints have been received.

**X. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF
ARTICLE 4**

39. www.moa.gov.cy.

**XI. LEGISLATIVE, REGULATORY AND OTHER MEASURES IMPLEMENTING
THE PROVISIONS ON THE COLLECTION AND DISSEMINATION OF
ENVIRONMENTAL INFORMATION IN ARTICLE 5**

Article 5, paragraph 1

Article 5, paragraph 1 (a)

40. 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 5, paragraph 1 (b)

41. Article 18 of the Law on the Assessment of the Impacts on the Environment of Certain Projects (57(I)/2001) provides that every government or public administrative body that holds information that could be considered relevant or necessary for the preparation or evaluation of an

environmental impact assessment study or the preliminary environmental impacts assessment report has to make such information available to the developer, if it is requested, unless the information is considered to be of a confidential nature or it cannot be made available in accordance with the provisions of Law 119(I)/2004. Article 16 of the Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) provides that in accordance with the provisions of Law 119(I)/2004 every public business, local authority or government service that holds information which 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.

Article 5, paragraph 1 (c)

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

Article 5, paragraph 2

43. 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:

- (a) The designation of information officers;
- (b) The establishment and maintenance of facilities for the examination of the information required;
- (c) 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.

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

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

Article 5, paragraph 3

46. 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.

47. Article 12 of the mentioned law 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:

- (a) The texts of international treaties, conventions and agreements, as well as those of Community and national legislation on the environment or relating to it;
- (b) Policies, plans and programmes relating to the environment;
- (c) Progress reports that public authorities prepare or hold in electronic form on the implementation of the items referred to in points (a) and (b) above;
- (d) Reports on the state of the environment;
- (e) The data or summaries of the data derived from the monitoring of activities affecting, or likely to affect the environment;
- (f) 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;
- (g) Environmental impact studies and risk assessments concerning environmental elements or a reference to the place where information can be requested or found within the framework of the current Law.

48. 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.

Article 5, paragraph 4

49. According to paragraph 5 of article 12 of the Law, the Minister of Agriculture, Natural Resources and the Environment will prepare a report on the state of the environment every two years, 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.

Article 5, paragraph 5

50. 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 under Article 5, paragraph 3 above. Such information has already been included on the website of the Environment Service.

Article 5, paragraph 7

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

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5.

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

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

53. Information is held and published by a multitude of agencies.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

54. www.moa.gov.cy.

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

55. 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 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.

56. According to the Law, “public” is defined as one or more natural or legal persons.

Article 6, paragraph 1

57. Law 140(I)/2005 applies to any project listed in annex I or 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.

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

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

Article 6, paragraph 2

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

- (a) The application;
- (b) That the project is subject to an environmental impact assessment procedure;
- (c) The date of submission of the study and the name of the person or public authority submitting it;
- (d) The nature of the possible decisions or the decision plan;
- (e) The nature of the proposed project and the area where it will be executed;
- (f) 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 it concerns a public project, 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;
- (g) 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.

61. 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 by the environmental authority when preparing its opinion.

62. 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:

- (a) The content of the decision and any terms that accompany it;
- (b) 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 the provision of information regarding the public participation process;

(c) Where necessary, a description of the main measures necessary to avoid, reduce and, if possible, compensate the major adverse impacts.

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

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

- (a) All the environmental impact assessment studies and preliminary environmental impact reports submitted;
- (b) Any document submitted by another state in the case of transboundary impacts;
- (c) All the opinions submitted by the environmental authority to the town planning or other public authority responsible for the project;
- (d) The opinions submitted by any organization, body or person to the environmental authority regarding an environmental impact assessment study or preliminary environmental impact report;
- (e) The decision of the town planning or other public authority responsible for the project;
- (f) The minutes of the meetings of the Technical Committee;
- (g) Information on any projects which were excepted from the provisions of the Law.

65. 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, it.

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

- (a) An Environmental Impact Assessment (EIA);
- (b) Any document submitted by another state;
- (c) Its opinion to the town planning or other public authority responsible for the project;
- (d) The opinions of any organization, body or person degrading an environmental impact assessment.

Article 6, paragraph 3

67. According to article 13 of Law 140(I)/2005, once the environmental authority receives the environmental impact assessment study, it has to send, within 30 days from the date of submission, a copy to the Technical Committee, which will evaluate it. The person or public authority submitting the environmental impact assessment report has to publish, at the same time, a notification (as mentioned under article 6, par. 3 above) for the study. Any person may examine the study and submit opinions to the environmental authority regarding the content of the study and the possible environmental impacts of the project, also within 30 days from the date of the notification. These opinions and representations are then taken into account by the

Technical Committee when evaluating the report. This ensures that the public is informed at an early stage in the process and allows sufficient time to prepare and participate effectively during the decision-making.

Article 6, paragraph 4

68. The provisions mentioned above (under article 6, paras. 2 and 3) 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.

Article 6, paragraph 5

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

Article 6, paragraph 6

70. As mentioned under article 6, paragraph 2 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:

- (a) A description of the project and in particular:
 - (i) A description of the physical characteristics of the whole project and land use requirements during the construction and operational phases;
 - (ii) A description of the main characteristics of the production processes;
 - (iii) An estimate by type and quantity of expected residues and emissions resulting from the operation of the proposed project;
- (b) 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;
- (c) 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;
- (d) A description of the possible significant impacts of the proposed project on the environment resulting from:
 - (i) The existence of the project;
 - (ii) The use of natural resources;

- (iii) 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;
- (e) A description of the measures proposed to prevent, reduce and, where possible, offset, or compensate for, any significant adverse impacts on the environment;
- (f) A non-technical summary of the information listed above, including a visual presentation with maps, drawings, diagrams, tables, photographs, etc., where necessary;
- (g) 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;
- (h) An indication of any difficulties encountered in compiling the required information;
- (i) 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.

71. All this information is contained in the study and is publicly accessible, together with the information listed under article 6, paragraph 2 above.

Article 6, paragraph 7

72. 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.

Article 6, paragraph 8

73. 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 environmental NGOs in the Technical Committee, are taken into account by the environmental authority and have an important weight in the decision-making process.

Article 6, paragraph 9

74. 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 a 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.

Article 6, paragraph 10

75. In the new Law, annex I was extended to include any change to or extension of any of the projects listed in the annex, where such a change or extension in itself meets the thresholds, if any, set out in this annex. In such a case, the proposed change or extension is subject to an environmental impact assessment study and the provisions set out above regarding public participation will apply.

Article 6, paragraph 11

76. Projects involving installations where genetically modified organisms (GMOS) 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 EIA study and the provisions of the Law, as set out above regarding public participation. Where the project will involve the storage or use of GMOs, 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

77. No obstacles were encountered.

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

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

XVIII. _WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6

79. 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

Law on the Assessment of the Impacts on the Environment from Certain Plans and Programmes (102(I)/2005) is of relevance to this item.

80. The Law introduces environmental issues in the preparation and approval of plans and programmes, ensuring the assessment of the impacts on the environment of 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:

- (a) 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
- (b) Which results in impacts in especially protected areas.

81. 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.

82. 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.

83. 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 has to, at the same time, issue a public notice in the *Official Gazette of the Republic*, two daily newspapers and through the Internet, in which it announces:

- (a) The date of submission of the study and the name of the competent authority that has submitted it;
- (b) The nature of the proposed plan and/or programme and the area it concerns;
- (c) That the study can be examined during working days and hours at the offices of the Environmental Authority and the competent authority;
- (d) That any person can submit comments or opinions to the Environmental Authority regarding the content of the study or the environmental impacts likely to result from the approval of the plan and/or programme, within 35 days after the date of the notification.

84. 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 in the decision-making process regarding a plan and/or programme, and includes NGOs promoting environmental protection.

85. 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.

86. 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.

87. 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 of the fact that the following information is available to the public, specifying the time and place where it can be obtained:

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

88. The Environmental Authority keeps a register of the following information:

- (a) All the studies submitted;
- (b) The opinions and comments expressed by the public;
- (c) The opinions of the environmental authority;
- (d) The information mentioned above;
- (e) The results from the monitoring of the environmental impacts that may result from the approval of the plan and/or programme.

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

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

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

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

- (a) The competent authority must issue a public notice in the Official Gazette of the Republic and two daily newspapers, informing the public:

- (i) Of every proposal made for a new plan and/or programme, or the modification or review of an existing one;
 - (ii) Of the nature of the possible decisions which may be taken;
 - (iii) That any information relevant to the proposal is available to the public during working days and hours at the offices of the environmental authority;
 - (iv) That any person may submit comments or opinions regarding the proposed plan and/or programme within 35 days after the date of the notification.
- (b) The competent authority also makes an announcement through the Internet every time that:
- (i) A proposal is submitted for a plan and/or programme, or the modification or review of an existing one;
 - (ii) Opinions are submitted regarding the proposal.
- (c) 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 in 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.
- (d) Once the decision is taken it must be communicated 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 of the fact that the following information is kept in the register, specifying the times and place where it can be obtained:
- (i) A description of the plan and/or programmes as this was approved;
 - (ii) A summary statement regarding:
 - a. the way in which the opinions expressed by the public were taken into account in the final decisions;
 - b. the reasons and assessments on which the final decisions were based, including information about the public participation process.

Public Hearings

92. According to the provisions of the amending Law mentioned above, the Council of Ministers may decide, following the suggestion of the competent authority, to conduct 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.

93. Under this 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 where the hearing will be open to the public, the competent authority must emphasize this in its notification. However, only persons who have submitted written comments may participate in the hearings.

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

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

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

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

96. No obstacles were encountered.

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

97. See above.

XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 7

98. www.moa.gov.cy.

XXIV. EFFORTS 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

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

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

100. No information was provided under this heading.

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

101. No information was provided under this heading.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 8

102. No information was provided under this heading.

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

Article 9, paragraph 1

103. 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 or her request for environmental information was (a) unjustifiably ignored, wrongfully refused, whether in full or in part, (b) was answered inadequately, or (c) was not dealt with in accordance with the provisions of the Law, has the right within 30 days after the notification of the decision or after 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.

104. 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.

Article 9, paragraph 2

105. The proposed Law, which will amend the Law on the Assessment of the Impacts on the Environment of Certain Projects (57(I)/2001), will introduce provisions for access to justice. According to this, any member of the interested public (a) having a sufficient interest; or (b) 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.

106. The Council of Ministers will issue Regulations regarding the following:

- (a) At what stage the decisions, acts or omissions may be challenged;
- (b) What constitutes a sufficient interest and impairment of a right, consistent 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 an organization shall also be deemed to have rights capable of being impaired;
- (c) If judged necessary, the adoption of a preliminary review procedure before an administrative authority.

Article 9, paragraph 3

107. Similar provisions as mentioned under article 9, paragraph 2 above were included in the proposed amendment to the Law on Integrated Pollution Prevention and Control (56(I)/2003).

Article 9, paragraph 4

108. According to the proposed amendment to Law 57(I)/2001, the procedures that will be adopted through the Regulations mentioned under article 9, paragraph 2 above must be fair, equitable, timely and not prohibitively expensive.

Article 9, paragraph 5,

109. 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.

**XXIX. __ OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION
OF ARTICLE 9**

110. No obstacles were encountered.

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

111. No information was provided under this heading.

**XXXI. __ WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION
OF ARTICLE 9**

112. www.moa.gov.cy.

**XXXII. CONTRIBUTION OF THE IMPLEMENTATION OF THE CONVENTION 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**

113. No information was provided under this heading.
