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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

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 GREECE<sup>1</sup>**

*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.*

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<sup>1</sup> The present document was submitted at the above date due to resource constraints.

## **I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED**

1. Regarding the process by which this report has been prepared, the Hellenic Ministry for the Environment, Physical Planning and Public Works (MoE), through the Department of International Relations and European Union (EU) Affairs, has invited the following public authorities for consultation and contribution to the preparation of the present report: the Ministry of Foreign Affairs, the Ministry of National Education and Religious Affairs, the Ministry of Development, the Ministry of Interior Public Administration and Decentralization, the Ministry of Justice, the Ministry of Rural Development and Food, the Hellenic Food Authority (EFET) and the Ministry of Mercantile Marine and of Aegean and Island Policy. Additionally, the following departments of the MoE, competent bodies and non-governmental organizations (NGOs) were consulted for the completion of this report: the Department of International Relations and EU Affairs, the Special Service for the Environment, Environmental Planning Directorate, the Bureau of National Network for Environmental Information, Control of Air Pollution and Noise Directorate, the Central Water Service, the Special Service of Managing the Competitive Project "Environment and Sustainable Development" (EPPER), the Spatial Planning Directorate, the Urban Planning Directorate, the Directorate for Special Upgrading Projects, the National Centre of Environment and Sustainable Development and the NGO Mediterranean Information Office (MIO-ECSDE). Recent MoE reports and recent studies, as well as relevant inputs of public authorities (including regional) to the parallel OECD<sup>2</sup> environmental performance review preparation, concerning issues of this report, have also been taken into consideration.

2. The above participation included a consultation period of approximately 12 weeks before the first draft was available on the Internet and by e-mail, and where necessary, with clarification meetings and discussions. After the completion of the first draft, it was displayed for public consultation on the MoE website for four weeks. Additionally, a special e-mailbox has been set up for the public and NGOs to submit comments on the contents of the questionnaire and on the first draft of the report. Submitted comments have been integrated. Decisions 1/8 and 11/10 on reporting were taken into consideration and where possible the recommendations of the Convention's Compliance Committee. Since this is the first report by Greece, it was difficult to meet the time frames, but efforts were made to meet the quality requirements of the information included in the report.

## **II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT**

3. According to Article 101 of the Constitution, the administration of the State is organized in accordance with the principle of decentralization. Regions constitute another level of administrative organization provided by law. According to Article 102 of the Constitution, the administration of local affairs belongs to the local government agencies. The first level of local government (the municipalities and the communes) has been also established. Finally, relevant

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<sup>2</sup> Organisation of Economic Co-operation and Development.

laws provide for the second level of local government, the prefecture government whose authority extends to the territory of all the local government agencies of a prefecture.

4. International treaties and Conventions such as the Convention require, according to Article 28 of the Constitution, a national law voted by the Parliament, through which they are ratified and do not apply directly or have a direct effect upon its entry into force. Greece ratified the Convention at the end of 2005 and thus became a Party (see art. 3). For the purpose of a better understanding of this report, it should be noted that the implementation of the Convention in Greece is generally based on EU Directives, which have already been transposed into national law (see art. 3).

### **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**

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

6. The Convention was ratified by the Greek Parliament in December 2005 through Law 3422/12-12-2005 (*Official Journal of the Government* (OJG) A 303 /2005). According to article 3, paragraph 9 (a), of Joint Ministerial Decision (JMD) 11764/653/2006 (OJG 327B/17-3-2006) through which the Directive 2003/4/EC, on public access to environmental information was transposed, officials are required to support the public in seeking access to information. The 2003/4/EC Directive was formulated by the European Commission (EC) for the better implementation of the first pillar of the Convention by the EU Member States. According to Article 3, paragraph 1, of the above-mentioned JMD, public authorities make available environmental information held by or for them to any applicant at his request within the deadlines set by law. If a request is formulated in a too general manner, the public authority asks the applicant as soon as possible to specify the request and assists the applicant in doing so. If the information requested is not held by or for the public authority to which the request is addressed the public authority transfers the request to the competent authority within three days and informs the applicant accordingly (for more information, see art. 4).

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

is also ensured by Law 1599/86 (art. 16) as well as by Law 2690/1999 regarding the “Administrative Procedure Code”.

8. Citizens Service Centres (CSCs) have been established by the Ministry of Interior, Public Administration and Decentralization in regions, prefectures and local authorities all over Greece by law 3013/2002. CSCs are effectively assisting the citizens in dealing with public administration, and in accessing information and documents. . The CSC website has been designed and developed for efficient electronic information and service for citizens. In addition, it now gives citizens the possibility to submit comments and electronic applications regarding a wide series of administrative documents, thus implementing a substantial step towards e-governance in Greece. The Citizen Service Call Centre (1564) is also an important step towards provision of public information.

9. Additionally, a Citizens’ Service Bureau operates within the MoE and a Citizen’s Service Bureau or a Public Relations Department operates in other Ministries to assist citizens in dealing with public administration. In addition, a Press Department operates in every ministry that is competent for issuing press releases regarding each ministry’s activities. It should be also mentioned that a special help desk, which consists of officers especially appointed for public information and assistance on relevant issues, has been established by the Managing Unit of the Operational Environment Programme (EPPER) under the MoE. Access to environmental information concerning the EPPER can also be acquired through the respective website ([www.epper.gr](http://www.epper.gr)). Additional information on environmental matters and on activities of the MoE can also be accessed through the Ministry’s official website ([www.minenv.gr](http://www.minenv.gr)), currently under reconstruction. Information on environmental issues of other ministries can be accessed through their official websites.

10. In addition, citizens have the possibility to submit, through the line of communication with the citizens established through the Web, their questions and comments on the issues under the MoE. The National Network for Environmental Information (NNEI), established in the MoE, is an important action towards disseminating of environmental information (see below under art. 5, para. 1).

### **Article 3, paragraphs 3 and 4**

11. In the framework of actions for environmental education (EE) and education for sustainable development (ESD), Greece is following the UNECE and UNESCO<sup>3</sup> processes at a satisfactory level. Within these processes:

(a) A National Commission for ESD has been set up, which includes NGOs as well as museums, etc.;

(b) The Ministry of Education has set up a programme of action for the United Nations Decade of ESD (2005–2014), identifying focus issues for each year, and has invited NGOs to participate in the implementation of the programme;

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<sup>3</sup> United Nations Educational, Scientific and Cultural Organization.

- (c) Collaboration of the MoE with the Ministry for National Education in the framework of ESD;
- (d) The MoE/Central Water Agency, for implementation of the EU Water Framework Directive, is undertaking the following support actions:
  - (i) Establishment and operation of a related website;
  - (ii) Translation of the Water Framework Directive guidance documents;
  - (iii) Education of the competent authorities' personnel, public information and awareness (ongoing);
- (e) With the support of the Ministry of Education's Operational Programme (EPEAEK, funded by the Community Structural Funds, the Cohesion Fund and national funds) and in coordination with the MoE, projects have been approved which focus on enhancing awareness, education, training and participation in decision-making bodies of protected areas. NGOs are running these projects and local civil society is a key target group, as are local administrative bodies;
- (f) MoE supports awareness-raising efforts, giving priority to information, education and training programme issues;
- (g) In the context of the Decade of ESD, the Ministry of Education formulated a National Strategy and the progress and evaluation indicators;
- (h) During the period 2004-2007, 18,500 programmes of environmental education and 27000 programmes of health education took place in primary education; 19,000 programmes of environmental education and 18,000 programmes of health education took place in secondary education; 4,686 school programmes were financed by the EU through Aegean University; as were 380 financed school programmes on gender equality – RCGE and 820 financed interventional school programmes – by the National Youth Institute in cooperation with 6,000 schools;
  - (i) There are 35 national thematic networks, each one in 120 schools. Subjects coincide with all ESD activities;
  - (j) The training of 15,000 educators is in process, as well are teacher trainings;
  - (k) Periodical materials on sustainable development are being produced by Centres of Environmental Education (CEE);
  - (l) All academic years in the period 2005–2014 are denoted according to sustainability principles in the framework of the Decade of ESD;
  - (m) The Programmes of School Activities consist of a contemporary curriculum developed in the framework of either the school unit or environmental networks /collaborations of schools;
  - (n) A National Network of Centres of Environmental Education has been developed;
  - (o) 6,000 programmes of school awareness activities per year have been conducted;
  - (p) There are now national, regional and local thematic networks of school activities (e.g. biodiversity, energy, rivers);
  - (q) Production of educational material at the regional and local levels;
  - (r) Pilot regional programmes (schools for recycling);
  - (s) Cooperative activities with public sectors, universities, NGOs and local communities;
  - (t) The Mediterranean Information Office (MIO–ECSDE) has established the Circle of Mediterranean Journalists for Environment and Sustainable Development at the Mediterranean level;

(u) Press releases of the MoE, on the occasion of the ratification of the Convention by the Parliament, as well as on the transposition of the relevant Directives 2003/4 and 2003/35 for the information of the public on its environmental rights, have been published in newspapers and also displayed on the official MoE website;

(v) An information leaflet on Convention was published by the Athens Bar Association making available information to the public on its environmental rights under the Convention;

(w) A conference on the implementation of the Convention was held in 2007 on the initiative of the Hellenic Society for the Protection of the Environment and the Cultural Heritage in cooperation with the Athens Bar Association and the MoE, as well as representatives from the Council of State, the Ombudsman, the EU, and other stakeholders;

(x) A lot of workshops, seminars and presentations were organized, as well as publications and information leaflets were produced by the competent State bodies, for the information and awareness raising of the public and all interested parties on alternative waste management issues;

(y) According to the opinion of an NGO and a member of the public, broader public information is necessary regarding the environmental rights provided by Convention, together with training lessons on environmental rights included in the school curricula in the framework of environmental education.

#### **Article 3, paragraph 4**

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

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

14. The implementation of the Operational Programmes of (EPPERAA is monitored regularly by an established Monitoring Committee, with approved Rules of Procedure, in which several representatives from competent bodies, civil society, and NGOs participate.

15. In the framework of Operational Environmental Programmes (OEP) 2000–2006, funds have been bound for environmental awareness raising programmes, with a total budget of €2.8 million. Funds were made available to school units, classrooms or groups of teachers and students, in order to set up and complete environmental programmes. This has led to the founding of more than 200 registered non-governmental environmental and ecological organizations in Greece, whose members are often either teachers or former students who participated in one of the environmental education programmes during their schooling years.

16. NGOs in Greece are very active in awareness-raising activities. According to the opinion of an NGO, they are supported less often by Greek funds and more often by direct EU funds: 22 projects were initiated by universities and scientific institutes in the framework of the Development Assistance Programme of the MoE. These activities were implemented by 19 universities and 19 NGOs that were included in the Programme; the budget allocated to NGOs accounted for 45 per cent of the total budget. Projects implemented in the framework of the Programme were fully funded from Greek national funds. Moreover, Greece, through the Ministry of Foreign Affairs supports, coordinates and assists NGOs and other agencies in the implementation of development programmes in accordance with the United Nations Millennium Development Goals, with the focus on combating poverty.
17. Since 2002, Greece has been the lead country of the Mediterranean Component of the EU Water Initiative (MED EUWI). MED EUWI also serves as a platform for promoting strategic partnerships between the EU and the Mediterranean and South-East European countries as well as between government, civil society and the private sector.
18. NGOs are officially registered and recognized as partners in various ministries.
19. In Greece, the general public and the NGOs can submit comments and proposals on environmental issues at the preliminary stages of the decision-making process.
20. The Ministry of Education collaborates with the public sector on a range of activities with local government and environmental NGOs to promote the principles of sustainable development in initiatives linked to academic years.
21. According to the new legislation for the protection and sustainable management of water resources in Greece (Law 3199/2003, art. 3, para. 6, and art. 6), which integrates the public participation requirements of the EU Water Framework Directive (2000/60/EC), the active involvement of interested parties is ensured through their representation to the National and Regional (in the 13 Regional Water Districts) Water Councils that are being developed as part of the new administrative framework of the country. The National and the 13 Regional Water Councils are advisory boards in which all national and regional interested groups are represented, such as the involved organizations, NGOs, etc. The national Water Council has already been established by a decision of the Minister of the Environment.
22. According to Laws 1650/86 and 2742/99, 27, Management Bodies were established in protected areas of Greece. The Administrative Councils of these bodies are composed by representatives of central, regional and local authorities, representatives of local stakeholders groups, researchers and NGOs. Management Bodies are supported by the Third Community Support Framework and national funds. Moreover, the Natura 2000 Committee (provided under Law 2742/1999) consists of representatives from ministries, universities and NGOs.
23. Actions for the management of protected species are undertaken in the framework of various projects. Major projects have been funded by the EC financial instrument, Life-Nature. National funds (e.g. the ETERPS Fund of the MoE) have also been allocated. Major beneficiaries of these projects are research institutes, development companies and NGOs.

24. Projects mainly aimed at the implementation of nature conservation actions have been financed also from a national funding instrument which incorporates a percentage of the money coming from the tax for gas. Through this instrument (ETERPS Fund), approximately €7.5 million (from national funds) were allocated for the period 2000–2007, including for the programme “Voluntarism and Environmental Protection” (total of €1 million) and the Programme on Environmental Protection and Sustainable Development. Moreover, the Ministry has drawn up the Register of Environmental NGOs. In total, around 260 environmental NGOs were inventoried in mid 2007 nationwide by the Environmental Team of the Institute of Urban and Rural Sociology of the National Centre for Social Research” (<http://www.ekke.gr/estia/>) under a project financed by the MoE.

25. In Greece, there is not one single entity responsible for registering and inventorying NGOs active both on general as well as on environmental matters. Apart from the above inventory, registries are also kept by Ministry of Foreign Affairs, for different purposes. In addition, MoE has also inventoried the environmental NGOs which it has funded over the years, either with core funding or for the implementation of specific projects following a certain call. The Ministry of Foreign Affairs, on the other hand, and in particular its Service for the Implementation of the Development Assistance and Cooperation Programme of Greece (the so-called Hellenic Aid Service) has been inventorying (since 2000) NGOs active in all fields (e.g. medicine, humanitarian, environment, education) that fulfil certain “quality” criteria and are thus eligible to receive State funding to implement, as intermediaries, development aid and cooperation projects in third/developing/recipient countries.

### **Article 3, paragraph 7**

26. Greece promotes the Convention’s principles of transparency, access to information and public participation in international forums, international environmental negotiations and decision-making processes. The MoE as well as other ministries invite NGO representatives to participate as experts in international meetings. Those representatives have as far as possible been included in Greek delegations as expert members, for which their travel expenses have been partially or fully reimbursed. NGOs can also participate, upon invitation, in national preparatory meetings for international meetings.

27. Greece, through the Ministry of Foreign Affairs supports, coordinates and assists NGOs and other agencies in the implementation of development programmes, in accordance with the United Nations Millennium Development Goals, with the focus on combating poverty. The Ministry of Foreign Affairs, through YDAS-2 (Rehabilitation and Development Directorate), handles Greece’s relations with the OECD Development Assistance Committee, participating in its working groups and networks as well as in the Ministerial Councils

28. NGOs were invited by the MoE to participate in the preparation of an environmental performance review, under the auspices of OECD (2007–2008).

29. Greece has been the lead country of the Mediterranean Component of the EU Water Initiative (MED EUWI), which since 2002 has served as a platform for promoting strategic



partnerships between the EU and the Mediterranean countries as well as between government, civil society and the private sector. One key recent development is the initiation of the “Country Policy Dialogues” on water for Mediterranean non-EU partner countries.

30. The partner countries of the Development Assistance Programme of MoE belonged to the wider geographic subregion of South-Eastern Europe, and activities were implemented by NGOs and Universities which covered, inter alia, capacity-building as well as environmental information and awareness, training and education on environment and sustainable development. The actions and projects selected for funding were characterized by applicability, sustainability, perspective of actions and transferability, as well as accountability and transparency of all activities.

31. Greece participated in the following meetings:

(a) The High-level International Meeting of Education and Environment Ministries in Vilnius (17–18 October 2005) promoting environmental education, ESD and environmental awareness;

(b) The Sixth Ministerial Conference “Environment for Europe” (Belgrade, 10–12 October 2007).

32. Greece participates in the following projects:

(a) The Project of Associated Schools; in cooperation with the lead agency, UNESCO<sup>4</sup>: programmes have been implemented within the framework of the Decade of ESD by 20 of the 80 schools participating in the network

(b) The South-Eastern Mediterranean Environmental Project (SEMPEP), a network of 40 schools. It began as programme of environmental education.

(c) The official launching in Athens of the United Nations Decade of ESD in the Mediterranean Area (2005), where the Convention’s principles were mentioned by the MoE.

33. The contribution of Greece to tsunami relief in South-East Asia, the development and humanitarian assistance offered by Greek State agencies and the ever-expanding presence of civil society in international assistance projects show that the awareness of Greek public opinion has indeed been raised and that the view has taken root that our country must participate and assist countries that face natural disasters. Greece supports such initiatives and is participating in the discussions already taking place within the United Nations framework with interventions intended to increase transparency and enhance the United Nations monitoring systems, while making its actions more effective.

### **Article 3, paragraph 8**

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<sup>4</sup> United Nations Educational, Scientific and Cultural Organization.

34. There is a complete legal framework in Greece, as already mentioned, ensuring the exercise of the rights of the persons under the Convention. The right of access to information, is provided and guaranteed by the Constitution as well as by the Administrative Procedure Code.

(a) According to Article 461 of the Constitution all Greek citizens are equal before the law. Citizens have also the constitutional right of previous hearing. Articles 4 to 25 of the Constitution provide for the protection of human rights, including the free development of one's personality and recognition of the value of human dignity;

(b) Every act of the State must be in conformity with the law and must also be provided for by a law. According to the opinion of one NGO, the environmental NGOs can be critical of governmental actions, decisions, etc. without repercussions (if there is a real basis for criticism);

(c) The citizens, in the framework of their protection, have several possibilities for administrative and judicial review as well as actions for compensation according to the civil liability provisions (see art. 9).

#### **IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3**

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

(a) An inflexible timetable, which does not facilitate a relationship between school and society through active learning;

(b) Incomplete training of educators;

(c) The non-existence of up-to-date relevant educational materials;

(d) The non-existence of institutional framework of cooperation with NGOs;

(e) Activities of educators and students are on a voluntary basis (a single-digit number percentage of educators and students participate in programmes);

(f) Little (insufficient) financial support in the framework of environmental education;

(g) The implementation of the Convention is a major task demanding the collaboration of several ministries and sectors as well as the regions, prefectures and local government;

(h) Lack of sufficient resources;

(i) According to the opinion of one NGO, there is no apparent link between issues relating to access to justice and environmental issues in school curricula. However, it is not yet clear what these links should be. Through ESD, the development of critical thinking of students could be interpreted indirectly as serving this purpose.

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

36. No information was provided under this heading.

#### **VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3**

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

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

### Relevant definitions

38. Concerning relevant definitions in article 2 and the non discrimination requirement in article 3, see information under article 5 of the Convention.

### Article 4, paragraph 1

39. According to Law 3422/12-12-2005(OJG A 303/2005), public authorities, in response to a request of environmental information, make such information available to the public including where requested copies of the actual documentation containing or comprising such information. Article 7 of the JMD 11764/653/2006 also stipulates that public authorities provide copies of the actual documentation upon request and some exceptions are provided concerning the form or format of the required information (see under art. 4, para. 1 (b); art. 5 of the Administrative Procedure Code, referring to access to documents (OJG A45/9-3-1999), provides and regulates similar issues). Upon application, the Special Environmental Service and the other competent departments provide in due time the information requested concerning official documents or other documentation concerning the files on environmental impact assessment (EIA) and strategic impact assessment (SEA) submitted to it, as soon as the public participation process has begun. No internal consultation document concerning open judicial procedures is provided.

### *Article 4, paragraph 1 (a)*

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

41. According to the Constitution (Article 10), the competent service or authority is obliged to reply to requests for information and for issuing documents (see art. 3). According to article 5, paragraph 1, of Law 2690/1999 regarding the Administrative Procedure Code, every interested person is entitled to access to administrative documents by submitting a relevant request. A special interest is required only for access to private documents held by public authorities, on matter concerning the applicant (art. 5, para. 2, of law 2690/1999). Finally, Directive 2003/98/EC on the further use of public sector information has been incorporated into the Greek legislation by law 3448/2006, providing the right for further use by persons or legal entities of

documents held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose for which the documents were originally produced.

*Article 4, paragraph 1 (b)*

42. Taking into account those referred in the above point (under art. 4, para. 1) and according to article 4, paragraph 1 (b), subparagraphs (i) and (ii), of the Convention ratified by law 3422/2005 and article 3, paragraph 7, of the JMD 11764/653/2006, the form or format of the information is supplied as follows: where an applicant requests a public authority to make environmental information available in a specific form or format (including in the form of copies), the public authority makes it available unless it is already publicly available in another form or format which is easily accessible by applicants. Further details on the above issue are regulated under the above JMD (art. 3, para. 7).

**Article 4, paragraph 2**

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

44. In addition, the aforementioned time limits of the Convention are fully met (more strictly) by article 3, paragraph 3, of the JMD 11764/653/2006. More specifically public authorities, with regard to any timescale specified by the applicant, make available environmental information held by or for them to any applicant at his request, at the latest within 20 days after the receipt of the request by the public authority or within two months after the receipt of the request if the volume and the complexity of the information is such that the 20-day period cannot be complied with.

45. In addition, law 2690/1999, the Administrative Procedure Code (OJG A45/9-3-1999), stipulates also in article 4 relevant time limits for public authorities (60 days at the latest) and in article 5 a one-month time limit after the receipt of the request for informing the applicant of any rejection of his request. Additionally, according to the Constitution the competent authority is obliged to reply to requests for information and for issuing documents, especially certificates, supporting documents and attestations, within a set deadline not exceeding 60 days, as specified by law. In the event that this deadline elapses without action or in case of unlawful refusal, in addition to any other sanctions and consequences of law, special compensation is also paid to the applicant, as specified by law (Art. 10, para. 3, of the Constitution 1975/1986/2001).

46. According to Article 5 (a) of the Constitution:

(a) All persons are entitled to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, for combating crime or for protecting the rights and interests of third parties;

(b) All persons are entitled to participate in the Information Society. Facilitation of access to electronically handled information, as well as of the production, exchange and diffusion thereof constitutes an obligation of the State, always in observance of the guarantees of Articles 9, 9 (a) and 19. It is generally considered that according to the above provisions for the Constitution of a general civil right of access to information has been established.

**Article 4, paragraphs 3 and 4**

47. Public authorities may refuse a request for accessing to environmental information for the reasons and exceptions provided under article 4, paragraphs 3 and 4, of the Convention ratified by Law 3422/2005, as well as under article 4 of JMD 11764/653/2006 which transposed Directive 2003/4. Additionally, the Administrative Procedure Code (Law 2690/1999, art.5, and Law 1599/86, art.16) stipulates certain cases in which public authorities may refuse a request to access administrative documents. The reasons of refusal of the request under the Convention are fully met in the above JMD which transposed EU Directive 2003/4. Public authorities may refuse a request if the request relates to information on emissions into the environment. Concerning the confidentiality of personal data, public authorities take into consideration the requirements of the provisions of law 2472/1997 (A 50) through which Directive 95/46/EC on the protection of individuals with regard to the processing of personal data and the free movement of such data, has been transposed.

48. According to Article 4, paragraph 2 of the above JMD 11764/653/2006, the grounds for refusal mentioned in paragraphs 1 and 2 of the same article are interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal. Further details on the above issue are regulated by the same article of the above JMD which transposed Directive 2003/4. For the purposes of the application of subparaGraph (f) concerning the confidentiality of personal data relating to a natural person, public authorities take into consideration the requirements of the provisions of law 2472/1997 (A50) which has transposed Directive 95/54/EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

**Article 4, paragraph 5**

49. According to article 3, paragraph 4, of JMD 11764/653/2006, if the information requested is not held by or for the public authority to which the request is addressed, the public authority transfers the request to the competent authority within three days and informs the applicant accordingly. In addition, according to article 4, paragraph 1, of Law 2690/1999 (the Administrative Procedure Code, OJG A45/9-3-1999) if the request is addressed to a public authority which is not responsible for a response, the public authority transfers the request to the competent authority within five days and also informs the applicant accordingly.

**Article 4, paragraph 6**

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



**Article 4, paragraph 7**

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

**Article 4, paragraph 8**

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

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

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

- (a) Lack of resources (staff, funds for copies etc.);
- (b) In many cases, requests are general or unreasonable, and the administration must ask the applicant to submit documentation with more details;
- (c) In many cases, due to the complexity and a volume of the requested information, a collaboration with other authorities is required. The administration must inform the applicant within the time limits mentioned above;
- (d) A possible excess of the provided time limits by the public authorities is stated as a possible obstacle in the implementation of this article.

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

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



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

55. [www.minenv.gr](http://www.minenv.gr), [www.ggb.gr](http://www.ggb.gr).

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

56. Law 3422/2005 provides for collection and dissemination of environmental information. In addition, article 7 of JMD 11764/653/2006 (OJG B 327/17-3-2006), which transposed Directive 2003/4/EC, also regulates the dissemination of environmental information through electronic databases and public telecommunication networks.

57. The relevant definitions in article 2 and the non-discrimination requirement in article 3 of the Convention are described and met by Law 3422/2005, by which the Convention was ratified. The above article 2 definitions of the Convention are also met in article 2 of JMD 11764/653/2006, which transposed Directive 2003/4/EC.

58. In addition, according to Article 4, paragraphs 1, 2 and 3, of Constitution (1975/1986/2001), all Greeks are equal before the law. Greek men and women have equal rights and equal obligations. All persons possessing the qualifications for citizenship as specified by law are Greek citizens. Article 5 (a) paragraphs 1 and 2 of the Constitution also states that all persons are entitled to information, as specified by law and all persons are entitled to participate in the Information Society. In addition, law 3304/2005 on the “implementing of the principle of equal treatment regardless of racial or ethnic origin, religious or other beliefs, disability, age or sexual orientation” constitutes a landmark in the promotion of the principle of equality and the protection of human rights in Greece. By this law, two EU Directives were transposed into the Greek legislation: EC Directives 2000/78 and 2000/43 “for the promotion of the principle of equal treatment and the fight against discrimination on grounds of race, nationality, religion or belief, disability, age, sexual orientation”.

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

**Article 5, paragraph 1***Article 5, paragraph 1 (a)*

60. MoE operates the following monitoring systems to assure the production and update of environmental data for the following environmental sectors: air quality, air emissions, water quality and quantity, industry, emissions from stationary combustion sources installations and vehicles, fuel, waste and noise.

<b>Monitoring Main and Inventory activities</b>
Air-quality monitoring
Water quality, water quantity and ecological status monitoring
Air emissions monitoring (main industrial installations emissions)
Combustion and fuel monitoring programmes
Inventory of local and waste management authorities reporting on waste quantities, treatment and management
Noise monitoring
Environmental inspectorate monitoring
Air emissions trade registry

<b>Datasets</b>
Water quality, water quantity and ecological status <ul style="list-style-type: none"> <li>• River basins</li> <li>• Wastewater treatment plants</li> </ul>
Air quality
Air emissions
Industries and other installations
Combustion <ul style="list-style-type: none"> <li>• Stationary combustion sources installations</li> <li>• Vehicles</li> </ul>
Nature and biodiversity NATURA 2000 network Habitat types within NATURA 2000
Noise <ul style="list-style-type: none"> <li>• Noise measurements from motorcycles</li> <li>• In situ measurements of noise from installations</li> <li>• Measurements from noise control stations</li> <li>• Noise barriers and implementation bodies</li> </ul>
Environmental impact assessments
Waste <ul style="list-style-type: none"> <li>• Waste generation sources</li> <li>• Waste treatment and final disposal installations</li> <li>• Hazardous waste</li> <li>• Municipal waste</li> <li>• Register of waste management bodies</li> </ul>
CORINE land cover



*Article 5, paragraph 1 (b)*

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

62. A new project is promoted today under the EC Structural Funds for the modernization and extension of the network in order to become Web-based and to involve more environmental organizations as active users and more external interested people and organizations as viewers. Most of the data of the system will be available to the public. It will also include spatial data and services providing support for responding with environmental data to the INSPIRE Directive. The content of the system comprises the main environmental topic areas where the MoE collects data (air, water, natural environment, wastes, combustion, fuels, industry, noise, EIA) studies and areas such as waste recycling, ozone-depleting substances, physical planning, etc.). A new functionality will be added, based on Internet technologies, to facilitate and encourage electronic submission of EIA studies which will also provide more visibility on this area.

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

*Article 5, paragraph 1 (c)*

64. In case of an air pollution alarm phase, information on the evolution will be disseminated on an hourly basis through the Internet, radio and TV messages, and implementation of relevant measures (directions to people affected etc).

65. With respect to flood protection and prevention, according to the new Law on water (3199/2003), which is a transposition into national law of the EU Water Framework Directive (2000/60/EC), the 13 Regional Water Directories are the competent authorities for taking the appropriate measures for flood mitigation on a river basin basis.

66. With respect to forecasting and early warning, this issue is handled in Greece by several operational centres. Comprehensive activities and plans that have been undertaken in the field of early warning and forecasting include:

- (a) Traditional measuring instruments, radar and numerical weather forecasts;
- (b) Identification and mapping of high-risk areas through the National Bank of Hydrological and Meteorological Information, a data bank in which all the hydrological and meteorological data measured during the last 100 years have been collected and elaborated, using the most up-to-date computer science and telecommunications;

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

(d) A national emergency plan for civil protection (XENOKRATIS), covering the emergency management before, during and after the flood events.

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

### **Article 5, paragraph 2**

67. Concerning air quality in the city of Athens, an online system regularly provides information on the measurement values of a series of pollutants, as well as on pollutants exceeding basic standards and potential announced measures.

68. Public information is distributed in the following ways:

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

(b) Through the Internet ([www.minenv.gr](http://www.minenv.gr)) in Greek and English on daily basis:

(i) Analytical description of the air quality situation, including the maximum and average pollutant values for the present day and the previous one;

(ii) Extended presentation of ozone exceedance;

(iii) Tri-monthly and yearly reports.

69. With respect to air pollution alarm phases, see information provided under article 5, paragraph 1 (c) of the Convention.

70. National Reports on the state of the water environment (art. 5 and annexes II and III of the Water Framework Directive) as well as any information related to the implementation of water-related EU legislation are or will be available to the public. A related website, being developed by the Central Water Agency, will serve as an active information and discussion forum. It will include national reports and any other related documentation or information (data, maps, etc.). Furthermore, several workshops are or will be organized at the regional or national levels.

### **Article 5, paragraph 3**

71. On the above environmental areas, MoE has established relevant databases with data from the respective monitoring systems and registers as well as information on relevant activities, plans, measures, institutional structure etc. Part of the above is being displayed on the MoE website. The final objective is to gradually include all necessary data and information.

Furthermore, concerning the monitoring of the implementation of the legislation, a positive step taken by MoE has been the regular posting of all related information (on both transpositions and implementation enactments being issued) on the Ministry's website, thus ensuring a wide public diffusion of information, data and knowledge as well as a more participatory process. The following should be noted:

(a) The National Environmental Information Network, which is a national repository of environmental data and a mechanism for exchanging data between relevant environmental administrative services as well as for providing data to the public (see information provided under art. 5, para. 1 (b));

(b) The National Data Bank of Hydrological and Meteorological Information, which is a distributed database and a wide area network for exchanging and disseminating hydrological and meteorological information produced by relevant organizations belonging to the network. A new project currently being developed under the EC Cohesion Funds will upgrade and update the database with more recent information and relevant analysis and assessments. The system also provides information to the Internet;

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

(d) A specific website, in the framework of the implementation of alternative management of packaging and other waste (law 2939/2001), linked directly with the MoE homepage, which provides environmental information with respect to alternative management (recovery and recycling) of packaging waste, emissions limit values, used tires, waste oil, waste electrical and electronic equipment, batteries and accumulators, and construction and demolition waste;

(e) A website for establishing the Aarhus Clearinghouse Mechanism, in the framework of the implementation of the National Environmental Information Network (planned).

(f) In the framework of supporting actions for EU Water Framework Directive implementation, establishment and operation of a related website, translation of the Directive's guidance documents, preparation of "legislative texts" for the harmonization of the existing national legislative framework to the Water Framework Directive education of the personnel of the competent authorities, public information and awareness-raising (ongoing);

(g) Participation to the European Environment Agency's ozone-related website, with data from Athens City;

(h) Presentation on the Internet, of various reports submitted to the EC. following relevant legal obligations, as well as of relevant environmental legislation (e.g. EC Directives transposed in the Greek legislation, ratified international environmental Conventions and multilateral agreements);

(i) Development of an electronic tool to facilitate the application of the European Waste Catalogue. The tool will be accessible on the MoE website (ongoing);

(j) The Clearing House Mechanism on Biodiversity, bringing together seekers and providers of environmental information and contributing to making environmental information and data flows available to the public;

(k) A related website is under development by the Central Water Agency, which will serve as an active information and discussion forum in the framework of actions supporting Water Framework Directive implementation. It will include national reports and any other related documentation or information (e.g. data maps.).

72. An overview of current and planned activities, initiatives and events includes:

(a) In the framework of implementation of EC Directive 2002/49:

(i) A planned project on evaluation of environmental noise, which will produce noise maps of Athens Municipality (implementation in 2008);

- (ii) An ongoing project for mapping of noise from of Athens Airport, and relevant action plans.
- (b) A survey on packaging sector and packaging waste – development of a database (completed in 2007);
- (c) A survey on electric and electronic equipment sector and waste of electric and electronic equipment – Report and database development (ongoing);
- (d) A survey on construction and demolition sector and construction and demolition waste produced in Greece – Report and database development (ongoing);
- (e) An inventory of the uncontrolled dumpsites in Greece – report and database development (completed in 2005);
- (f) A national hazardous waste management plan (JMD 8668/2007 (OJG 287/B/2-3-2007; completed in 2007));
- (g) A national health-care waste management plan (ongoing);
- (h) A national plan for the management of biological sludge (Project at allocation procedure), (ongoing);
- (i) A guidance document for the industrial waste management plan (completed in 2006);
- (j) A guidance document for the internal control of the landfill sites and occupational safety (circular under preparation; completed in 2007);
- (k) A permanent inventory of control system on combustion from permanent sources and vehicles – Establishment of database and production of relevant annual report;
- (l) A programme for the re-evaluating of 69 important bird areas for their characterization as special protection areas for birds – action plans for the protection of species of priority (ongoing);
- (m) Identification of compatible activities in compliance with the qualifying species of the special protected areas.

#### **Article 5, paragraph 4**

73. Overview of current and planned activities, initiatives, dates and frequencies of reports: Regular response to the European Commission Reporting Obligations is being continued on the basis of respective national laws. Among these some specific issues are:

- (a) In the framework of the new Law 3199/9-12-2003 (OJG 280A/2003) on water protection and the sustainable management of the water resources, followed by the PD 51/8-3-2007, with which the EU Water Framework Directive (2000/60/EC) is transposed into the national legislation, some of the relevant activities concerning environmental information are:
  - (i) A project on supporting actions regarding Water Framework Directive implementation, including, inter alia, the drafting of a national guidance describing specific actions in every River Basin District (RBD) (ongoing).
  - (ii) Implementation of the Water Framework Directive's articles 5 and 6 and annexes II–IV. The Central Water Agency, aiming to reporting to the EC through the WISE system on the following topics: characterization of each RBD, analysis of anthropogenic pressures and impacts, determination of reference conditions, economic analysis of water uses, registration of protected areas (ongoing);
  - (iii) A project for the development of a new monitoring network for inland surface (rivers, lakes), transitional, coastal and ground waters, including the development of

monitoring programmes for biological quality parameters and assessment/classification of their ecological quality (ongoing);

(iv) An annual report on the quality of bathing waters;

(v) Project for the update of the National Databank of Hydrological and Meteorological Information. This project aims at the organization and dissemination of the Hydrological Information in Greece. It is a distributed relational database covering a wide area network (ongoing);

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

(b) An Athens daily air pollution report, also available on the Internet;

(c) An annual report on “Air Pollution in Athens-2006” available also on the Internet;

(d) Report on the revision of the 2002 National Strategy for Sustainable Development of Greece, encompassing the same priorities (seven challenges and two cross-cutting issues) as the Renewed EU Strategy for Sustainable Development. (2006), plus four additional priorities of national interest, i.e. culture, tourism, agriculture and physical planning.

74. To meet Greece’s convention obligations, national reports are submitted on a regular basis which include environmental information, namely:

(a) The third national report for the Convention of Biological Diversity, which is in its final stage of preparation;

(b) The national report for the Ramsar Convention on Wetlands (under preparation);

(c) The national report for the Cartagena Protocol on Biosafety (under preparation);

(d) The national report on implementation of the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA and Biodiversity Protocol) to the the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention);

(e) Regular response to the reporting of the EC Air Emissions and Climate Change Directives(88/609 (2005), 2001/81 (2005,2006,2007), 96/61 (2006), 1999/13 (2006)), in to reports to the Convention on Long-range Transboundary Air Pollution;

(f) Reports on the implementation of various Directives of the European Commission relating to waste and the protection of the environment:

(i) Directive 75/442/EEC on waste;

(ii) Directive 86/278/EEC on the protection of the environment, and in particular the soil, when sewage sludge is used in agriculture;

(iii) Directive 91/689/EEC on hazardous waste;

(iv) Directive 1999/31/EEC on the landfill of waste;

(g) Preparation of a national state-of-the-environment report (ongoing).

75. In the framework of the directive 96/61/EC concerning integrated pollution prevention and control (IPPC) and the European Pollutant Emission Register (EPER), two reports were drafted and published (Reports EPER 1 and 2) in 2004 and 2006.

76. The Ministry of Foreign Affairs, through directorate YDAS-2, handles Greece’s relations with the OECD Development Assistance Committee. It maintains the official statistical database on development assistance provided by Greece and sends detailed statistical data to the



Development Assistance Committee, in fulfilment of the country's obligation. YDAS-2 also draws up the Annual YDAS Report, which is submitted to the Parliament, as well as other publications, such as Greece's *Contribution Towards Attaining the Millennium Development Goals*.

**Article 5, paragraph 5**

77. See above under article 5, paragraphs 1 to 4.

**Article 5, paragraph 6**

78. Programmes, inter alia, for the funding of several organizations for EMAS<sup>5</sup> registration and ISO14001 certification as well as for the awarding of the Eco-label are being implemented under the third CSF. Ministerial Decision 15624/1025/2004 provides for funding for small and medium-sized enterprises (SMEs) as does Ministerial Decision 24378/2233/2006 for SMEs as well as industrial and tourist enterprises. In addition, there are no fees for EMAS registration. Under the scheme, all EMAS-registered organizations submit regularly updated environmental statements, including, inter alia, the environmental impact of their activities and products.

79. In recent years, the registry of EMAS certified organizations has been growing rapidly in Greece. The number of registered organizations jumped from 1 in January 2001 to 10 in January 2004 and to 55 in December 2007. Registered organizations come from diverse business areas, as well as organizations, universities and local authorities. Moreover, environmental services companies have been added to the registry and the public sector has started showing interest as well. The annual European EMAS awards ceremony was organized in Athens in 2006, during which the EC granted Greece the award for the Member State with the largest increase in registrations among original Member States. In the meantime, enterprises from all sectors (manufacturing, services, trade, tourism) have been receiving funding for the development of EMAS, ISO 14001 certification and the Eco-label. An increasing interest from businesses has been noticed as 180 enterprises have been included in the latest round of the pertinent call of the Operational Programme "Competitiveness" of the third CSF. Law 3325/2005 encourages companies from the Attica region whose operation carries significant environmental effects to establish and achieve EMAS or ISO14001 certification by 2010.

80. The European Eco-label has been awarded to 150 products from 22 companies and to 4 services (hotels). The indications are that there is an increasing trend since there are a number of applications waiting to be evaluated. With regard to the total number of labels that have been awarded to Greek companies' products, our country is ranks fourth among EU Member States. Emphasis is also placed on further promoting and publicizing the Eco-label.

**Article 5, paragraph 7**

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<sup>5</sup> Environmental Management Scheme.

81. Selected data from databases of the above mentioned environmental fields (air quality, air emissions, water quality and quantity, industry, emissions from stationary combustion sources installations and vehicles, fuel, waste, noise) is published on the MoE website in the section on the National Environmental Information Network (see art. 5, para. 1 (a)).

### **Article 5, paragraph 8**

82. The Cartagena Protocol, which was ratified through law 3233/2004 (OJG A 51/18-2-2004), provides for a Biosafety Clearing House Mechanism. Actions being taken for the development of a certification of products from sustainable forestry constitute a major challenge (see eco-labelling of products under art. 5, para. 3).

### **Article 5, paragraph 9**

83. With respect to the registry of emissions trading allowances (greenhouse gas emissions), the National Centre for Environment and Sustainable Development (NCESD) was made responsible for the operation of the registry according to JMD 54409/2632/27-12-2004 (OJG 1931 B 2004), which was transposed into the Greek legislation the Directive 2003/87/EC as amended by Directive 2004/101/EC.

84. The institutional framework for the management and updating of the electronic Registry of Emissions Trading Allowances has been concluded with the setting up of the Bureau for Greenhouse Gas Emissions Trading within the MoE and the assignment of the Registry's management to the above-mentioned NCESD. The Greek Registry has started to operate since 27/4/2006. All EU Directives pertinent to the Registry have been transposed into the Greek Law.

85. With respect to the European Pollutant Emission Register (EPER), the following applies. Within the framework of Directive 96/61/EC concerning IPPC and the EPER, two reports were drafted and rendered in public (Reports EPER 1 and 2) in 2004 and 2006 with statistical and inventory data from the implementation of the Directive. Most important industries in Greece continuously monitor the major pollutant emissions, aiming to enhance the relevant inventories of the country. The European Pollutant Release and Transfer Register (E-PRTR), which replaced the EPER from the 2007 reporting period onwards (EC Regulation 166/2006), has not been ratified yet.

## **XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5**

86. Possible problems may occur from:

- (a) Delayed flow of information to the central administration;
- (b) Delays in rendering of reports and data to the public.

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

87. In the framework of the Environmental Accounts–Statistics and Sustainable Development Index, a particular estimation system is being established according to the proposed methodology of Eurostat (General Secretariat of National Statistical Service).

88. In cooperation with Eurostat, the NAMEA accounts for air emissions and energy are being established (General Secretariat of National Statistical Service, annual data for five years).

89. A project is being implemented to produce estimations regarding forest accounts, according to the Eurostat methodology, in the framework of the Environmental Accounts programme (General Secretariat of National Statistical Service, annual data for five years).

#### **XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5**

90. [www.minenv.gr](http://www.minenv.gr) – MoE  
[www.minenv.gr/emas](http://www.minenv.gr/emas) – MoE site for EMAS;  
[www.edpp.gr](http://www.edpp.gr) – National Environmental Information Network;  
[www.ekpaa.gr](http://www.ekpaa.gr) – National Centre for the Environment and Sustainable Development;  
[www.mfa.gr](http://www.mfa.gr) – Ministry of Foreign Affairs;  
[www.noa.gr](http://www.noa.gr) – National Observatory of Athens;  
[www.okxe.gr](http://www.okxe.gr) – Hellenic Mapping and Cadastral Organization;  
[www.minenv.gr/medeuwi](http://www.minenv.gr/medeuwi) – EU Water Initiative/Mediterranean Component;  
[www.minenv.gr/3/31/313/31303/g3130304.html](http://www.minenv.gr/3/31/313/31303/g3130304.html) – Organization for Planning and Environmental Protection of Athens;  
[www.minenv.gr/3/31/314/g314.html](http://www.minenv.gr/3/31/314/g314.html) – Organization for Planning and Environmental Protection of Thessaloniki;  
<http://cdr.eionet.europa.eu> – EIONET;  
<http://www.ec.europa.eu/environment/ecolabel> – Eco-labels.

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

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

92. All requirements of article 6 of the Convention are met by Law 3422/2005, which ratified the Convention.

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

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

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

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

94. EU Directive 2003/35 on “providing for public participation regarding the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC” was effectively transposed into the Greek legislation through the enactment of two JMDs: the above-mentioned JMDs, 37111/2021/2003(OJG 1391B/29-9-2003), and JMD 9269/470/2007(OJG 286B/2-3-2007), define measures of judicial protection of the public against acts or omissions of the Public Administration regarding access to information and public participation during the EIA process and in particular during the procedure for approval of environmental terms. The aforementioned JMDs also meet all requirements of article 6 of the Convention.

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

(a) Screening and scoping (carried out as a preliminary EIA procedure, at the end of which the public is informed of the outcome);

(b) Submission of application (including the Environmental Impact Survey) to the competent environmental authority;

(c) Quality review of the submitted documentation;

(d) Consultation with other relevant authorities and public participation (these take place concurrently and include transboundary consultations when necessary);

(e) Opinions sent to competent authority within specified time period;

(f) Issuance of EIA decision (“decision for approval of environmental terms”);

(g) Publication of decision, so that the public is informed.

96. Moreover:

(a) Public participation takes place early enough so that all options are still open, although public administration has already expressed its preliminary opinion during the preliminary EIA opinion;

(b) The public concerned is provided enough time to express its opinion.

97. EIA studies are announced publicly to the competent Prefecture Councils. The official opinions on the preliminary environmental assessment and evaluation and on the decisions of environmental terms approval are also notified to the above competent Prefecture Councils. The preliminary environmental estimation and evaluation (PEEE) is a first opinion of the administration and it is not binding. In addition, the text of PEEE is publicized (for public information only) by the competent Prefecture Council. A similar public announcement is also provided to the authorities of a neighbour EU Member State (transboundary consultation) when there are possible environmental impacts of the assessed activities. Environmental NGOs, local

representatives and local competent bodies, as well as any person, can submit comments either to the Prefecture Council or to the competent public authority respectively.

98. During the EIA/SEA procedures (environmental permitting of projects/plans and programmes) appropriate environmental information concerning each case is submitted to the competent administration service.

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

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

101. A request for a permit for electric energy production to the competent energy authority (Ministry of Development), is rendered in public by the applicant according to procedure provided by the relevant Regulation and Law 2773/1999. A feasibility study and a preliminary environmental assessment are prerequisites. Any interested person can access to information concerning the relevant request held by the above authority and can submit reasoned objections. An EIA decision (JMD) issued by the MoE is also required.

102.

Public participation with regard to decisions permitting the deliberate release of genetically modified organisms (GMOs) into the environment under article 6, paragraph 11, of the Convention is provided for by Law 3422/05 which ratified the Convention. In addition, the deliberate release of GMOs into the environment, including their placing on the market within the EU, is provided by Directive 2001/18/EC. Article 12 of JMD 38639/2017/2005 (OJG B 1334), which transposed the above directive, provides for public participation regarding decisions permitting the deliberate release of GMOs into the environment (for experimental use). Article 15 of the above JMD provides for public participation regarding their placing on the market (for commercial use).

103. As regards GMOs, the Nature Management Section of MoE handles all non-commercial (i.e. experimental) issues of the subject. No notification files have been submitted until today regarding GMOs under Directive 2001/18/EC.

104. In addition, JMD 11642/1943/2002, which transposed Directive 98/81 regarding contained use of genetically modified microorganisms, also provides in its article 12 for public participation. Labelling and traceability of GMOs are also provided for by EU Regulation 1830/2003.

## **XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6**

105. One obstacle is possible delays during the procedure of making the EIA studies public.

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

106. No statistical data is available.

## **XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 6**

107. [www.minenv.gr](http://www.minenv.gr); – MoE;  
[www.biodiv-chm.gr](http://www.biodiv-chm.gr); – Site of Clearinghouse Mechanism of Biodiversity in Greece;  
[www.ekpaa.gr](http://www.ekpaa.gr) – National Centre for Environment and Sustainable Development;  
[www.edpp.gr](http://www.edpp.gr) – National Environmental Information Network;  
[www.epper.gr](http://www.epper.gr) – Operational Programme for the Environment;  
<http://cdr.eionet.europa.eu> – EIONET  
[www.unece.org](http://www.unece.org) – UNECE:

## **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**

108. Joint Ministerial Decision (JMD) 107017/2006 has introduced the necessary provisions for the assessment of the effects of certain plans and programmes on the environment, or strategic environmental assessment (SEA). A number of plans and programmes at the national, regional or local levels are adopted through a formal procedure in sectors such as agriculture, forestry, fisheries, energy, industry, transport, tourism, water resources management, waste management, urban or physical planning and land use, which are likely to have significant environmental effects, are made subject to an SEA.

109. In particular, a consultation process was followed on the respective SEA studies for the three Special Frameworks of Spatial Planning on Renewable Energy Sources, Industry and Tourism. In general, the SEA procedure takes place on the central level for national, interregional and regional plans and programmes and on a regional level for local (prefecture and inter-prefecture) plans and programmes, and entails the following steps:

- (a) Optional scoping;
- (b) Screening (public is informed of outcome);
- (c) Submission of application (including the Strategic Environmental Impact Study (SEIS)) to the competent environmental authority;

- (d) Quality review of the submitted documentation;
- (e) Consultation with other relevant authorities and public participation (these take place concurrently and include transboundary consultations when necessary);
- (f) Opinions sent to competent authority within specified time period;
- (g) Issuance of SEA decision, which includes monitoring measures;
- (h) Publication of the decision, so that the public is informed.

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

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

112. On request, access can be given to background documents and information used for the development of the draft river basin management plans According to the new legislation for the protection and sustainable management of water resources in Greece (Law 3199/2003, art. 3, para. 6, and art.6), which integrates the public participation requirements of the Water Framework Directive, the active involvement of interested parties is ensured through their representation to the National and Regional (in the 13 Regional Water Districts) Water Councils that are being developed as part of the new administrative framework of the country. The National and the 13 Regional Water Councils are advisory boards in which all national and regional interested groups, such as involved organizations, NGOs, etc., are represented.

113. All calls for tenders, to be financed by the Special Service for Management of the EPPER, are publicized in large and high-circulation newspapers as well as displayed on the official EPPER website.

114. The implementation of the Operational Programmes under the competence of EPPER is monitored regularly by an established Monitoring Committee which operates under approved Rules of Procedure. Representatives of competent bodies, as well as representatives of social partners (stakeholders) and NGOs, participate in this Monitoring Committee.

115. Two public consultations were held on plans of the Operational Programme drawn by the above Special Service concerning the preparation and the drafting of EPPERAA for the period 2007–2013. The first public consultation took place from 31 October 2006 to 30 March 2007. The second public consultation took place from 2 April 2007 until 20 July 2007. During these



two periods the draft of the Operational Programme were early displayed for public consultation for a long time in the MoE website, and they were also sent to 150 representatives of competent bodies asking for any kind of contribution, e.g. comments, suggestions or remarks. Many written as well as oral (phone) suggestions were submitted and were taken into consideration in the final draft of the Operational Programme, which was sent to European Commission for final approval.

116. The strategic impact assessment of EPPERAA drafted under the responsibility and guidance of the above Special Service was also opened to public consultation and press communication according to JMD107017, which introduced the necessary provisions for the assessment of the effects of certain plans and programmes on the environment, or else SEA, transposing Directive 2001/42/EK (ΦΕΚ 1225 Β).

117. The National Council for Spatial Planning and Sustainable Development (NCSPSD), established according to Law 2742/1999, had given its opinion in 2002 on a draft Special Framework of Spatial Planning of Coastal Areas prepared by the MoE, but the process was not concluded. More recently, the NCSPSD gave also its opinion on two National Frameworks of Spatial Planning, one general and one specific (i.e. thematic) on renewable energy sources. Two more National Special Frameworks of Spatial Planning are to be submitted to NCSPSD for consultation in the coming weeks: one on industry and one on tourism. When this process is concluded in the coming months, two more National Special Frameworks of Spatial Planning, currently close to being finalized by the MoE, will be submitted to NCSPSD: one on coastal and inland areas and another on mountainous areas.

118. According to Law 2508/97 the involved public authorities and relevant local stakeholders are asked to provide their official opinion for the approval of the general master city plan. Concerning urban studies and city plans, publication in newspapers is required and a consultation takes place at the local authority. The interested public can submit relevant rejections. In the case of a radical renewal project in an urban area, a consensus of 60 per cent of the landowners is required for the project to be approved.

119. The local authorities are mainly involved in urban planning and have general advisory competence, according to which the central authorities ask for their previous consultation every time they plan to adopt a regulatory measure that will affect the environment or local planning.

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

120. The adoption of policies relating to the environment rather takes the form of strategies or programmes or legislative acts. In this framework the National Strategy for Sustainable Development, drawn up by the NCESD and approved by the Ministerial Council in June 2002, was prepared through collaboration with the “National Coordination Committee of the Government Policy in the field of Spatial Planning and Sustainable Development” that was at the time also acting as the National Preparatory Committee of Greece regarding the Johannesburg World Summit on Sustainable Development, encompassing representatives from competent ministries and NCESD. Representatives from local authorities, employers and trade unions, research institutes and NGOs also participated in the preparation procedure, directly through

thematic working groups or through participation in more open workshops. Representatives from the MoE, local authorities, employer and trade unions, research institutes and NGOs also participated in the National Council for Physical Planning and Sustainable Development. Currently, we are conducting a review of the 2002 Strategy process which will be finalized shortly. Almost all ministries and civil society groups have been involved in this review process from its very initial preparatory stages. Prior to the drafting of the revised Strategy's first draft, an open invitation was uploaded via the MoE website to all groups and entities to become involved in the dialogue process in the context of a public consultation.

121. The participation of NCESD, through its official opinion as well as of other local stakeholders and civil partners, takes place in the consultation for the following programmes and plans:

- (a) Elaboration of the National Plan of Strategic Agricultural Development for the period 2007–2013, on environment issues such as water resources management, biodiversity, protected areas and climate change;
- (b) Elaboration and implementation of the policy regarding the management of water resources in a water basin based on the Agenda 21 Principles and on the Framework Directive guidance 2000/60/EE (Life 04/Env.Gr/000099 Water Agenda);
- (c) Management of Water Resources and Wetland protection in the programme for developing tourism areas (MANWATER INTEREG III, STRAND B, ARCHIMED);
- (d) Elaboration of the National Development Plan (National Strategic) Framework;
- (e) Elaboration of the European Rural Policy (2007–2013).

## **XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7**

122. Participatory processes can take a lot of time and money, affecting the timely implementation of the EU Water Framework Directive (e.g. possible delays, potential changes in the plans). Another obstacle is a lack of public ability and willingness to participate.

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

123. No information was provided under this heading.

**XXIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF  
ARTICLE 7**

124. [www.unfecc.int](http://www.unfecc.int), [www.minenv.gr](http://www.minenv.gr), [www.ekpaa.gr](http://www.ekpaa.gr), [www.ypan.gr](http://www.ypan.gr), [www.unece.org](http://www.unece.org).

**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**

125. Consultation is usually provided by law either as a consultation with national representative bodies or as a general public consultation and not as a general institutionalized procedure for public participation in preparing national legislation or executive regulations. In the Parliament, a Permanent Committee on the Protection of the Environment established in 2005 contributes in the consideration and debating of environmental issues.

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

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

(b) According to Laws 1650/86 and 2742/99, 27 Management Bodies have been established in protected areas of Greece covering approximately 1.7 million ha. Administrational Councils of these bodies are composed by representatives of central, regional and local authorities, representatives of local stakeholders' groups, researchers and NGOs. Management Bodies are entitled to draft regulations for administration and functioning for their areas.

**XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8**

127. No information was provided under this heading.

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

128. No information was provided under this heading.

**XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF  
ARTICLE 8**

129. No information was provided under this heading.

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

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

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

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

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

134. The enactment of JMD 11764/653/2006 on access to environmental information has also contributed to facilitating public seeking access to justice in environmental matters. According to article 6 of the above JMD, citizens have the following possibilities for administrative and judicial review:

- (a) File an action for compensation before the Special Committee as provided by Law 1943/1991 (art. 5, para. 13);
- (b) File an action for compensation before the competent court according to the civil liability provisions;
- (c) File a quasi-judicial recourse before the Special Committee as provided by Law 1943/1991 (art. 5, para. 13) for the modification or reconsideration of the acts or omissions of the public authority. The interested physical or legal person has the right to file an administrative recourse before the Administrative Court, against the decision of the above Special Committee.

135. JMD 11764/653/2006, which transposed Directive 2003/4, repealed JMD 77921/1440/6-9-95 on access to environmental information. By the repealed JMD, a Committee on Access to Environmental Information had been established, competent for the administrative review of the applicant's request rejection by the public authority. Today, according to the new JMD 11764/653/2006, this Committee has been replaced by a Special Committee established by Law 1943/1991 (art. 13, para. 5) as amended, which is now competent for the above administrative review of the applicant's request rejection.

136. Additionally, the enactment of JMD 9269/470/2007 (OG 286B/2-3-2007), which defines measures of judicial protection of the public against acts or omissions of the public administration regarding access to information and public participation during EIA, has also contributed essentially in facilitating access to justice in environmental matters. According to article 3 of the above JMD, citizens have the following possibilities for administrative and judicial review:

- (a) For administrative review:
  - (i) Application for remedy submitted before MoE according to law 2690/1999 (art. 24), by which the applicant asks for the annulment or modification of the initial administrative decision/act concerning public information and participation during environmental impact assessment of the relevant activities;
  - (ii) Special recourses that are submitted before MoE, by which the applicant asks for the annulment or modification of the General Secretary of the Region Initial Act concerning public information and participation during EIA of the relevant activities;
- (b) For judicial review:
  - (i) File an action for compensation before the competent court according to civil liability provisions;
  - (ii) Petition (written) of annulment before the Council of State;
    - a) Against acts or omissions of the public administration, with respect to whether an application for remedy has been submitted or not;
    - b) Against the administrative decisions/acts or against omissions of the MoE taken after the submission of the special administrative recourse or against its omission (silent rejection).

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

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

139. Additionally, the Ombudsman has jurisdiction over cases concerning disputes between citizens and public administration units, such as government services, local and regional government (e.g. communities, municipalities, prefectures), other public institutions and private law entities of the public sector, corporations and organizations that are under control either by the State or by legal entities of the public sector. The Ombudsman can intervene when, in dealing with the public administration, an individual or legal entity encounters: (a) refusal to supply information or insufficient provision of information; (b) Unreasonable delay in processing applications; (c) infringement of laws or violation of procedure; (d) administrative irregularities or omissions; or (e) discrimination against individuals.

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

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

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

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

144. Finally, concerning training curricula for judges, the school of national judges established by Law 2236/1994 provides educational seminars for judges on several issues while also providing special training for candidate judges. The judges can also take a leave of absence for a certain period of time to pursue relevant university studies in Greece or abroad. Special seminars

on the environment and environmental law are also provided by the Athens Bar Association, specialized institutions, the Technical Chamber of Greece, etc. The Fifth Section of the Council of State is responsible for environmental administrative disputes. In this framework, a Member of the Hellenic Council of State participates in the Forum of International Environmental Judges.

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

145. According to the opinion of an NGO, there is a relative scarcity of resources for access to justice.

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

146. The president of the court may at the applicant's request, exempt poor litigants from the duty to pay stamp fees and the deposit for the submission of an application if it is deemed that the applicant is in poor financial condition. In addition, Law 3226/2004 (OJG A24/2004) provides for legal aid for poor litigants in cases of civil, commercial and criminal law.

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

147. [www.Ministryofjustice.gr](http://www.Ministryofjustice.gr) – Ministry of Justice; [www.ste.gr](http://www.ste.gr) – Council of State; [www.dsa.gr](http://www.dsa.gr) – Athens Bar Association; [www.synigoros.gr](http://www.synigoros.gr) – Hellenic Ombudsman [www.minenv.gr/eyep](http://www.minenv.gr/eyep) – Hellenic Environmental Inspectorate.

#### **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**

148. The Convention's implementation constitutes an important step forward in the efforts of the international community to ensure a sustainable environment for future generations. Greece believes that the existence of time frames, practical implementation measures and the possibility for Governments to work together with civil society provide the foundations for effective environmental protection.

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