



MINISTRY OF
ENVIRONMENT
& ENERGY



GREECE
2017

NATIONAL IMPLEMENTATION REPORT



AARHUS CONVENTION

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Acknowledgments:

This report has been compiled based on the data received from the competent services of the MoEE, the relevant Ministries, the 13 Regional units and the 7 decentralized administrations of Greece as well as NGOs. The report has been based on the report from the previous reporting cycle and has been updated with new information.

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AARHUS CONVENTION NATIONAL IMPLEMENTATION REPORT OF GREECE (2017)

I. PROCESS BY WHICH THIS REPORT HAS BEEN PREPARED

1. In 2015, the Ministry of Environment, Energy and Climate Change (MoEECC) has been renamed to Ministry of Environment and Energy (MoEE). The fundamental purpose of the Ministry is the protection of the natural environment and resources, the improvement of quality of life, the mitigation and adjustment to the implications of climate change and the enhancement of mechanisms and institutions for environmental governance. Among Ministry's key priorities are the improvement of energy efficiency, the promotion of green products, the sustainable consumption and production, the protection and promotion of Biodiversity and the natural landscape, the effective management of water resources and forests, the sustainable management of mineral resources, the prevention of environmental crises and the effective risk management, the improvement of air quality and soundscape, the promotion of accessibility and sustainable mobility for all, the promotion of sustainable regional planning and urban development, the efficient waste management and the promotion of recycling, the promotion of environmental research, innovative technologies and accessibility to environmental information according to the Principles of International Environmental Law.

2. Regarding the process by which this report has been prepared, the MoEE, has invited the following Public Authorities for consultation and contribution to the preparation of the present report: Ministry of Foreign Affairs, Ministry of Interior and Administrative Reconstruction, Ministry of Education, Research and Religious Affairs, Ministry of Economy, Development and Tourism, Ministry of Justice, Transparency and Human Rights, Ministry of Rural Development and Food, Ministry of Maritime Affairs and Insular Policy, Ministry of Finance, Ministry for Health, Hellenic Food Authority (EFET), General Chemical State Laboratory and the Greek Ombudsman. In addition, they have also been invited for contribution and comments to this report, the competent Services (Departments and Directorates) of the MoEE, the 13 Regional units and the 7 decentralized administrations of Greece as well as NGOs.

3. This report has been based on the report from the previous reporting cycle and has been updated with new pieces of information. The above participation included a consultation period of approximately 8 weeks before the first draft is displayed on the Internet (by e-mail, regular mail and where necessary, with clarification meetings and discussions). After the completion of the first draft, it was open for public consultation on the official website of MoEE for a period of five weeks. The remarks were incorporated in the final version of the report. This is the fourth report of Greece.

II. PARTICULAR CIRCUMSTANCES RELEVANT FOR UNDERSTANDING THE REPORT

4. According to Article 101 of the Constitution, the administration of the State is organized in accordance with the principle of decentralization. According to Article 102 of the Constitution, the administration of local affairs shall be exercised by local government agencies while the State shall supervise local government agencies, without infringing upon their initiative and freedom of action.. The most recent administrative organization that came into force in 2011 is the "Kallikratis" Law (Law 3852/2010, OJG A' 87). By "Kallikratis", the former system of 13 regions, 54 prefectures and 1033 municipalities and communities was replaced by 7 decentralized administrations, 13 regions and 325 municipalities. Specifically, according to the aforementioned law the administrative divisions of Greece are the following: Municipalities (Dimoi in Greek) constitute the first level of government. The Municipalities are subdivided into the municipal units (Dimotikes enotites in greek) and further the municipal units are subdivided into communities (Koinotites in Greek). Regions constitute the second level of government which are divided into regional units (Perifereiakes Enotites in Greek). Finally, the third level consists of decentralised administrations (Apokentromenes Dioikiseis in Greek).

5. The generally recognized rules of international law, as well as international treaties including convention and protocols according to Article 28 of the Constitution require ratification by a national law voted by the Parliament in order to entry into force, thus are not applied directly without becoming an integral part of domestic the Greek legal framework.

6. Greece ratified the Aarhus Convention at the end of 2005 and thus became a Contracting 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

7. In Greece, there is an integrated legal framework regulating access to information in general and specifically environmental information in order to ensure that officials and authorities provide to citizens the required information and guidance.

8. 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).

9. According to article 3, paragraph 9 (a), of Joint Ministerial Decision (JMD) 11764/653/2006 (OJG 327B/17-3-2006) by 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 upon his request within the deadlines set by law. According to the majority of reports received by central and regional authorities officials are generally familiar with the right to environmental information and support the public in seeking access to it.

10. In Greece, the right of access to information is not limited only to environmental issues. According to “Administrative Procedure Code” (Law N. 2690/1999(A 45)) any interested party is entitled, by written application, to be informed of administrative documents. Administrative documents are documents drawn up by public services, such as reports, studies, minutes, statistical data, circulars, replies of the Administration, opinions and resolutions. Furthermore, any person having special legal interest is entitled, by written application, to be informed of private documents kept in public services that are related to his/her case pending before them or handled by them. The right of access to information is not applicable in cases when the document concerns the private or family life of a third party or if there is violation of confidentiality stipulated by special provisions. The competent administrative authority may refuse to satisfy this right if the document refers to the discussions of the Cabinet of Ministers or if the satisfaction of this right may substantially obstruct the investigation of judicial, police or military authorities concerning the commission of a crime or an administrative violation. The refusal of the-right should be justified and notified in writing to the applicant within one (1) month after the submission of the application.

11. Furthermore, according to the article 5A(1) of the Constitution, all persons are entitled to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of

protecting rights and interests of third parties". The Article 5A (2) specifies that that "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".

12. Additionally, Law N.3979/2011 (OJG 138A/16.6.2011) on e-governance provided the framework for the promotion of eGovernment in public administration. This law lays particular emphasis on:

- electronic communication and data exchange between natural/legal entities and the public sector;
- providing information by the public sector for the facilitating citizens and businesses;
- promoting the capacity of institutions in taking initiatives to facilitate natural/legal entities;
- issues regarding personal data protection and privacy;
- matters such as e-payments and the automatic search request for files and documents etc.

13. Presidential Decree (P.D) 28/2015 "Codification of regulations for the access to public documents and data", codified all the provisions of laws regarding access to information and specified:

- the access to meteorological data and services of the National Meteorological Service (articles 50 to 54)
- the restrictions to the access to geospatial data and services by third parties (article 64)
- the access to geospatial data and services by third parties (article 65, 76 and 78)
- the terms and restrictions in the access to the maps of the Hellenic Military Geographical Service (articles 79-80 in combination with articles 12-13 of the Legislative Decree 1013/1971)
- the access to cadastral data (articles 81-84)
- the access to statistical data (articles 85-91)

14. Citizens Service Centres (CSCs) have been established by the Ministry of Administrative Reform and e-Governance in regions, 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, where a "Guide for the Citizen" is displayed. In addition, it offers the option to submit comments and electronic applications regarding a large number of administrative documents, thus implementing a substantial step towards e- governance in Greece./

15. The network of the 'KEP' is also supported by an online platform - 'eKEP'. (<http://www.kep.gov.gr/portal/page/portal/kep/>). The Citizen Service Centres are linked together by an IP network and use the 'eKEP' platform to file and manage citizens' requests, create a relevant eDirectory, electronically register 'KEP' mail, and monitor the requests' progress all the way through settlement. Accessible through the one-stop service centres across the country or through the Internet, the eKEP platform supports the use of certified digital signatures, enabling real time on-line transactions between Public Administrations.

Article 3, paragraphs 3 and 4

16. Greece continues to work for the implementation of the Global Action Programme on ESD and the roadmap of its implementation.

17. The Ministry of Education, following the needs of contemporary society, as well as the intrinsic needs of the student's population, has advanced in planning actions and applications for the integration of basic principles of sustainable development including the Principle of information and participation at all levels of education supported by a number of laws and Ministerial Decisions.

Specific provisions in the legislative framework promote the protection of the natural and human environment at all levels of education including the principles of sustainable development which are subject to the general education policy supporting the National SD Strategy.

18. The Special Secretariat for Water (SSW) according to no. 322/2013 CMD is responsible for the design, development and implementation of policy for the protection and management of water resources, for the implementation of water quality and quantity monitoring system, as well as for the registration, processing and dissemination of measurement data. In that framework, the SSW designs and implements information and awareness programs for stakeholders and public regarding its responsibilities for the operation, management and updating of national databases concerning quantitative and qualitative water characteristics, as well as floods data, the operation, maintenance and updating of National Hydrological and Meteorological Information Bank, the monitoring Programme of Bathing Water Quality, in cooperation with the competent authorities, the operation of the National Wastewater Treatment Plants Database, in coordination and cooperation with the competent bodies and the operation of the National Register of Water Abstraction Points (EMSY), under the No 145026/2014 CMD

19. The Institute of Educational Policy coordinates projects in the direction of competence-building like “Actions of implementation of the new curriculum of formal education on environment and ESD” which aimed at the diffusion of principles and values of ESD in order to achieve the greening of other curricula. The overall aim was to integrate the principles of ESD in curricula at all educational levels. Educational material was developed; seminars were programmed for the training of School Counselors, Principals and teachers, in over 200 schools. Moreover, sustainable development issues are integrated into curricula of primary and secondary education and various chapters are included in textbooks. Additionally, more actions were taken in order to promote the realization of an ESD plan in every school by 2015.

20. According to data in 2015-2016, 8650 ESD Projects were developed, with 18840 teachers and 216.160 students. Additionally, 440 seminars were organized for teachers as well as the local community.

21, The above mentioned activities are also supported by the **53 Environmental Education centers in 2015-2016 and 57 in 2016-2017**, which coordinate national thematic networks for students, as well as for adults, such as “The Sustainable City: the city as a place for educating for SD” or “Turning used cooking oil into biodiesel: we all collect everyone benefits”, “climate change”, “biodiversity” etc. These Centers are entities of the Ministry of Education, under the Regional Directorates of Education all over the country. They promote the Ministry’s policy for ESD in all levels of education, adopting the whole school approach from primary to upper secondary school.

22. The Directorate of European and International Affairs, of the Ministry of Education, coordinates the so called “**UNESCO Associated Schools Project**” (ASPnet). The majority of the Greek ASP net schools develops projects related to ESD thematic guidelines through a holistic approach. The activities undertaken help to equip students with the necessary skills and social competences making use of the educational material produced by UNESCO (platform, on line course, games, pilot projects). They also run projects and develop synergies with UNESCO Chairs and other stakeholders (academics, centers of research). Seminars, workshops, webinars as well as other meetings have been organized for the teachers - coordinators.

23. **At the level of Higher Education**, there have been some important developments. The majority of the Greek Universities have introduced SD-related themes in their curricula. Most of them are running Environmental and ESD related courses at post graduate level. Some of them have established the “whole institution approach”. In that direction, the rectors of Greek Universities at

their 67th Conference have adopted a “Charter for Sustainability”, largely based on the UNECE Strategy and introduces many elements of the UNECE documents on indicators, competences etc to the higher education practices. There are five UNESCO Chairs related to ESD:

- a) UNESCO Chair on ICT’s in ESD (University of Crete)
- b) UNESCO Chair on Disaster Risk reduction (National Observatory of Athens)
- c) UNESCO Chair on “Management and Education for Sustainable Development in the Mediterranean” (University of Athens)
- d) UNESCO Chair on Conservation and Ecotourism of Riparian and Deltaic Ecosystems Eastern Macedonia and Thrace Institute of Technology (EMaTTech), Greece
- e) Geophysical and geological risk reduction, Institute of Technology, Crete

24. An interesting ESD related activity run by the **Ministry of Culture and Tourism**, which could be considered as a Good Practice is the implementation of educational projects in archeological sites, museums and monuments. The Directorate of Museums, Exhibitions and Educational Programs, in the framework of youth awareness regarding issues on the protection of cultural heritage and the natural environment, elaborates and implements educational programs in archaeological sites and museums. The acquaintance and familiarization of the youth with the above issues contributes to the reinforcement of a wider education and political upbringing.

Based on the above, the Directorate General of Antiquities and Cultural Heritage of the Hellenic Ministry of Culture, along with its regional offices, initiated a communication action throughout the country entitled “Environment and Culture”. In this framework, a number of events are being organized, aiming at the awareness of the citizens towards the protection of the cultural and natural heritage, the youth awareness about the existing bonds between the cultural heritage and the natural environment, the promotion of the environment as a means of inspiration and creativity and at the reinforcement of the belief that cultural issues go hand in hand with the sustainable management of natural resources. This campaign aims also at raising awareness at the local level.

25. Apart from the formal education delivered by State Institutions, Greece has a long tradition of non-formal and informal education schemes. Several of the non-formal ones, are well integrated in formal education and cover all priority areas, sometimes obtaining also the transversal interlinkages suggested by ESD.

26. The educational programme, entitled “The Gift of Rain”, is run by the MEDIES Educational Network of MIO-ECSDE and GWP-Med and is supported by the Campaign “Mission Water”, which includes several interventions. The programme carried out voluntarily but is available in schools of all levels and types of 26 Islands of the Cyclades and Dodecanese of the Aegean Archipelago, for ESD focusing on water issues, promoting rainwater harvesting and non-conventional water resources.

27. The Marine Environment Protection Directorate of the Ministry of Maritime Affairs and Insular Policy/Hellenic Coast Guard Headquarters, launched an awareness campaign for students and circulating brochures regarding marine litter and coastal pollution in order to enhance environmental consciousness.

28. According to Law 4109/2013 (OJG 16A’) regarding the management and protection of Lake Kastoria, the competent Services of the West Macedonia develops capacity building programmes and awareness raising campaigns. Regarding awareness actions a number of Authorities (Ministry of Maritime Affairs and Insular Policy, Ministry of Education, General Chemical State Laboratory) report that they organize conferences and workshops pursuing the maximum participation of relevant bodies in order to acknowledge their work..

29. One of the main operational objective of Action Plan for Biodiversity and the Natural Environment 2007 – 2015, which was adopted as a component of the National Strategic Reference Framework for Environment and Sustainable development 2007 – 2013, was the Strengthening of environmental awareness and participatory process of social partners and the public regarding the importance of biodiversity and ecosystems for the quality of life.

30. In addition, Biodiversity issues are being promoted through the press and celebration of significant anniversaries, such as International Biodiversity Day, World Wetland Day, European Sustainable Development week etc.

Article 3, paragraph 4

31. In Greece, the public and the NGOs can submit comments and proposals on environmental issues at the preliminary stages of the decision-making process as well as during the public consultation processes, NGOs are officially registered and recognized as partners in various ministries. In Greece, there is not one single entity responsible for registering and inventorying NGOs active both on general as well as on environmental matters. PRegistries are also kept by the Ministry of Foreign Affairs, for different purposes. In addition, MoEE has also inventoried the environmental NGOs which it has funded previous 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.

32. According to the 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 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.

33. According to Law 3044/2002 25 Protected Areas were established. Today, 28 Management Bodies are currently operated in Greece The 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 supported by the Third Community Support Framework, NSRF 2007-2013, MFF 2014 -2020 and national funds. Moreover, the Natura 2000 Committee (provided under Law 2742/1999) consists of representatives from ministries, universities and NGOs.

Article 3, paragraph 7

34. 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 MoEE as well as other Ministries invite NGO representatives to participate as experts in international meetings. NGOs can also participate, upon invitation, in national preparatory meetings for international Conferences, Events and processes such as the process of adopting and adapting the global Sustainable Development Goals (SDGs) in national circumstances and priorities

and consequently the on-going process of their implementation. It should be pointed out that regarding SDGs particular emphasis has been given, from the start, to raising awareness at all levels. Greece intention is to build strong partnerships with all relevant stakeholders in the implementation process, from Parliaments, public administrations and local authorities to civil society and the private sector. A series of multistakeholder Meetings, to exchange ideas and best practices, were launched in May 2016 by the Ministry of Foreign Affairs. Now as we are moving towards the “operational” phase of our national efforts, a formal mechanism for the consultation with stakeholders is at the final stages of being set up to ensure balance, regularity of consultations in a structured manner, transparency, awareness raising at all levels, partnerships building and accountability. Our communication strategy will include, inter alia, the organization of a series of thematic Round Table discussions on selected cross-cutting themes that the SDGs touch upon, to be undertaken by individual line Ministries, according to the theme, like circular economy or adaptation to climate change impacts (indicative issues relevant to MoEE). In this manner, ownership to the overall national process by Ministries is further raised while relevant stakeholders - apart from only central and local administrations – like NGOs, the private sector, Academia; philanthropic institutions etc are involved in a practical output-oriented way.

35. Greece was 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. In this context various "Country Policy Dialogues" on water for Mediterranean non-EU partner countries have been carried out. More recently, MED EUWI has been focusing on the promotion of the linkages between ICZM-IWRM and of the notion of the ‘water-food-energy nexus’.

36. Greece participated actively in the Conferences or Meetings of Parties of Conventions / protocols to which is contracted party, including the Rio + 20 Conference. Additionally, Greece hosted CoP 19 of the Barcelona Convention in which Mediterranean Ministers reiterated their commitment to continue their common efforts to tackle the existing and emerging challenges to achieve the Mediterranean Ecological Objectives, and contribute to sustainable development.

37. During the Greek Presidency of the EU in 2014, MoEE issued daily press briefings in order to inform the general public about the activities and meetings.

38. The Marine Environment Protection Directorate of the Ministry of Maritime Affairs and Insular Policy/ Hellenic Coast Guard Headquarters, provides constant information to the institutions of the Greek shipping industry and other specialized institutions, shipping centre operators, such as the Hellenic Centre of Marine Research (HCRM about the international forums and meetings for the environment, in order to give them the possibility to participate.

39. The ***Executive Authority of ESI Funds on Environmental Sector*** is the instrument for the implementation of the Financial Mechanism of the European Economic Area (EEA). In that content Greece has signed a Memorandum of Understanding with Norway, Iceland and Lichtenstein on Integrated Management of Marine and inland waters. The ***Executive Authority of ESI Funds on Environmental Sector*** has outlined a plan to that end after broad public consultation, as provided by the EU Regulation for the implementation of the European Economic Area Financial Mechanism.

40. The Special Secretariat for Water : (a) coordinates the relevant authorities and participates in EU bodies for all matters concerning the protection and management of water resources (b) prepares the required reports submitted to the EU, as well as the annual reports to the National Water Commission (c) represents the country in international and EU institutions and the Ministry of Environment and Energy in national level (d) cooperates with other EU Member States and Third Countries, for a common approach and coordination on development and implementation of Marine Strategies, in

accordance with the guidelines of the National Committee of Marine Environmental Strategy (e) provides to the EU, through the National Infrastructure of Geospatial Information, access on data regarding the state of EU Marine Environment.

Article 3, paragraph 8

41. There is an integrated 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.

42. According to Article 4 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, the participation in the social, economic and political life of the country and the recognition of the value of human dignity.

43. Article 24 of the Greek Constitution enshrines the mixed rights (individual, social and political ones) of everyone in the natural and cultural environment and, at the same time, establishes the State's obligation of the State to protect and take preventive or enforcement action under the principle of sustainability. Through this constitutional provision, one of the most important principles of International Environmental Law is transposed into the national legislation namely, the Preventive Principle, which relates to the obligation for taking measures to avoid scientifically verified risks of damages.

44. Every act of the State must be in conformity with the law and must also be provided for by a law.

45. 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).

46. The Ministry of Administrative Reform and e-Governance has issued the "Guide of Good Administrative Behavior" and the "Rights of citizens and enterprises in their transactions with public services", seeking to inform the public about its rights, available at the website of the Ministry.

47. Additionally, the Ministry of Justice in cooperation with the competent Ministries adopted the Human Rights National Action Plan 2014-2016. In this Action Plan there is particular reference to the right to environment including actions for its protection

IV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 3

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

- Limited financial support in the framework of environmental education;
- Lack of sufficient resources due to the current financial situation;
- In some cases there are delays in replying to public due to the understaffing of the public sector.
- Some Services mentioned that in some cases they receive abusive requests for information which poses difficulties to public servants to accomplish their tasks.
- -Lack of appropriate infrastructure
- Need for further codification of existing environmental legislative framework.

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

VI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 3

<http://www.ypeka.gr>

<http://www.coe.int/t/commissioner/source/NAP/Greece-National-Action-Plan-on-Human-Rights.pdf>

(Human Rights National Action Plan

<http://www.mfa.gr>

<https://www.yen.gr/>

<http://www.minedu.gov.gr/>

<http://www.epperaa.gr/el/Pages/Default.aspx>

<http://www.kep.gov.gr/portal/page/portal/kep/>

<http://www.e-per.gr/>

https://joinup.ec.europa.eu/sites/default/files/ckeditor_files/files/eGovernment%20in%20Greece%20-%20February%202016%20-%20v%2018_0_2_00.pdf

<https://www.hcg.gr>

<http://bathingwaterprofiles.gr>

<http://nmwn.ypeka.gr>

<http://wfd.ypeka.gr>

<http://lmt.ypeka.gr>

<http://floods.ypeka.gr>

<https://www.et.gr>

<http://www.apdaigaiou.gov.gr/>

<http://www.gcs1.gr>

http://www.gcs1.gr/index.asp?a_id=556

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

Relevant definitions

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

50. No particular difficulties concerning the definitions in article 2 and the interpretation of the definition "environmental information" were met. Limited difficulties identified in some cases concerning the exceptions and in particular the identification of confidentiality of industrial information. A legal opinion of the State Council (no 135/2010) addressed this issue and concluded positively towards issuing copies.

Article 4, paragraph 1

51. 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 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 (OJG A45/9-3-1999), referring to access to documents, provides and regulates similar issues.

52. According to article 6 of Law N.3979/2011 (OJG 138A/16.6.2011), 1.“Subject to the conditions, terms and restrictions prescribed by the laws in effect on document accessibility (Article 5 of the Code of Administrative Procedure), on the further use of information relating to the public sector (Law 3448/2006) and on personal data processing and protection (Law 2472/1997), public sector agencies are required to publish and make accessible, particularly on their web sites, information that they hold and falls within the scope of their authority and activities. In particular, these agencies are required to make easily accessible to all interested parties the key laws referring to their scope of authority and activities, information on their services and facilities, which are provided mainly with the use of ICT, as well as any other information, access to which will facilitate the exercise of the rights or the fulfilment of the obligations provided by the law.2. Public sector agencies shall make available the above-mentioned information in a format which permits further use and processing, with automated means. Public sector agencies are required, in particular, to make available at their web sites, in a format permitting further use and processing, with automated means, exemplars-texts of the applications, statements, declarations which are necessary for the exercise of the rights or the fulfilment of the obligations of the persons interacting with these agencies, irrespective of whether the relevant communication or interaction shall be carried out electronically or otherwise.3. Public sector agencies shall guarantee the validity and legality and shall provide for the quality and updating of the information and documents posted on their web site or notified for posting on the Hellenic State’s Central Web Portal or on the relevant accessible portal or site.4. Subject to the provisions on the protection of individuals from personal data processing, the provisions on the protection of intellectual and industrial property and the provisions on the further use of information relating to the public sector, any information published, announced and notified in accordance with the provisions of this Article may be freely downloaded, acquired, stored, processed, disseminated and further used provided their source is clearly mentioned and it is not represented as original information, if it has been subjected to changes. 5. Notice of the restrictions and terms of use of the information and documents posted must be clearly and conspicuously given in the public sector agency’s web site. Any amendments to the limitations and terms of use must be directly and easily recognizable. 6. Public sector agencies are required to provide for the indexing and documentation of the information they provide, and to provide for directory, search and automated public sector information and document request and provision services”.

53. According to article 9 of the aforementioned law “1. Access to documents, pursuant to the provisions of Article 5 of the Code of Administrative Procedure which has been ratified by Article 1, Law 2690/1999, also applies to electronic documents and may also be exercised with the use of ICT in accordance with the specific provisions of this Law.2. Where the right of access to electronic documents kept by a public sector agency of Article 5 of the Code of Administrative Procedure is exercised, the document may be studied and copied with the use of ICT”.

Article 4, paragraph 1 (a)

54. 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). It 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.

55. Public Authorities, in their majority, make available environmental information held by or for them to any applicant at his request. However due to lack of staff and workload the deadlines set by law are not always met. The main obstacle that is reported is the lack of human and other resources

(staff and funding). If a request is formulated in a too general manner, the public authority asks from the applicant to specify the request.

56. If the information requested is not held by the public authority to which the request is addressed, the public authority transfers the request to the competent authority usually, but not always, within 3 days, due to limited human resources, and informs the applicant accordingly.

57. According to the Constitution (Article 10), the competent authority is obliged to reply to requests for information and to issue 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 matters concerning the applicant (art. 5, para. 2, of Law 2690/1999). Directive 2003/98/EC on the re-use of public sector information has been incorporated into the Greek legislation by law 3448/2006. Additionally, Directive 2013/37/EC amending Directive 2003/98/EC on the re-use of public sector information has been incorporated into the Greek Legislation by law 4305/2014 which stipulates open access to data published by the public sector. According to article 10 of Law 4305/2014 Public Authorities are authorised to record, classify and evaluate the set of documents, information and data which are either publicly available or may be available upon particular conditions. The MoEE issued the Ministerial Decree No 42487/5-9-2016 implementing the requirements of the abovementioned Law. Until now, 2490 data sets have been available on <http://www.data.gov.gr/>

Article 4, paragraph 1 (b).

58. 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 the 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 to the applicants. Further details on the above issue are regulated under the above JMD (art. 3, para. 7).

59. Additionally, according to article 25 of Law N.3979/2011 (OJG 138A/16.6.2011) and article 4 of the Presidential Decree N.28/2015 (OJG34A/23-03-2015): “1. Public sector agencies may notify electronically documents to natural persons or private law entities with the use of ICT, if the latter have requested or suggested this medium or have explicitly consented to its use. Both the request or suggestion of the preferred electronic medium and the relevant consent may be transmitted and sent, in any case, with the use of ICT, provided all the identity confirmation and authentication conditions are met. 2. The notification system must permit the verification of the exact time at which transmission, receipt and access to the contents of the document took place, which result in the commencement of the legal effects and the running of the relevant time limits, such as these pertaining to the introduction of legal remedies and appeals. Any necessary technical issues pertaining to the specifications and standards of the notification system design and implementation, in such a manner as to comply with the needs of verifying the exact time of transmission and receipt and access to its contents, shall be determined by decision of the Minister of the Interior, Decentralization and eGovernment. It is presumed that the recipient of the notified document shall have access to the contents of the notification at the latest ten full days from the date of the notification, unless the recipient can prove the presence of an event of force majeure which prevented him from gaining access to the contents of the document notified with the use of ITC, or if such failure was due to reasons attributable to the public sector agency. 3. Electronic access by the party concerned to the contents of the public sector agency’s actions and

relevant documents shall be equivalent to notification, provided the public sector agency can prove safely and without doubt that said party has indeed gained access”.

Article 4, paragraph 2-8

60. Legislation and Information provided under this Article remain the same as it is in the Report of the previous reporting cycle.

VIII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 4

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

- a) Lack of resources (staff, funds etc.):
- b) Administrative burden due to lack of staff and because while in some cases a specific request is general or unreasonable and officials ask and assist the applicant to specify the request or submit documentation with more details;
- c) Delays due to the complexity of the requested information, requiring time consuming and collaboration with other competent authorities
- d) Limited difficulties, concerning the interpretation and management of the definition "environmental information"
- e) Lack of material and technical infrastructure (lack of storage for studies, lack of PCs and related programmes for creating databases), lack of electronic filing, increased volume of work and documents for distribution
- f) According to the Greek Ombudsman, in some cases the public does not know what information is available as well as the competent services which are responsible to provide such information.
- g) Lack of legal Services, in the case of some local authorities, in order to efficiently assess whether an information requested can indeed be provided or is falls under the scope of commercial or industrial property rights and is, thus, confidential.
- h) Distance of the competent authority from the place of residence of the citizen, (in case no database is available and the citizen has to travel on his own expense to the seat of the county).
- i) According to Greek Ombudsman, in some cases there is not further classification and specification of information. This gap leads to additional administrative barriers for the citizens.
- j) There is a need for further interoperability between data bases and/or registries
- k) According to Greek Ombudsman there is a need for construction of Monitoring Information System which will ensure the transparency and immediacy.
- l) According to one NGO, despite all efforts, there are still instances of non implementation of article 4.1.a, from particular public legal entity which according to the NGO refuses to turn over environmental information without an interest stated, and it uses for this purpose a form to inform public.

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

62. Upon application, the Directorate of Environmental Licensing 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.

The Special Secretariat for Water (SSW) has the responsibility for the operation, management and updating of national databases concerning water quality and quantity characteristics, the collection of

available flood event log data, the development of Areas of Potential High Flood Risk (APHFR), Flood Hazard Maps and Flood Risk Maps, as well as the operation of National RegistryWater Abstraction Points (EMSY).

IX. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 4

<http://www.ypeka.gr>

<http://www.coe.int/t/commissioner/source/NAP/Greece-National-Action-Plan-on-Human-Rights.pdf>
(Human Rights National Action Plan

<http://www.mfa.gr>

<https://www.yen.gr/>

<http://www.minedu.gov.gr/>

<http://www.epperaa.gr/el/Pages/Default.aspx>

<http://www.kep.gov.gr/portal/page/portal/kep/>

<http://www.e-per.gr/>

https://joinup.ec.europa.eu/sites/default/files/ckeditor_files/files/eGovernment%20in%20Greece%20-%20February%202016%20-%20v%2018_0_2_00.pdf

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

63. 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. Additionally, the aforementioned Law N.3979/2011 contains provisions for public sector information and the method to be useful in facilitating citizens and businesses

64. 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.

65. 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 state 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".

66. There are also two bodies in Greece with similar responsibilities both assigned with combating discrimination in the private sector: the Labor Inspectorate (SEPE), whose competence covers ordinary employment contracts and the Equal Treatment Committee of the Ministry of Justice (Law 3304/2006, OJG A' 16) whose competence covers the rest of the private and public sector. The

General Secretariat for Equality of the Ministry of 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 operates in the Greek Parliament.

Article 5, paragraph 1 (a)

67. Data processing systems are operated by various environmental and sectoral authorities. The MoEE supervises the collection and publication of core environmental data. Additionally, the MoEE contributes regularly to the EIONET (European environment information and observation network) Priority Data Flows. The Ministry of Environment and Energy also cooperates closely with the Hellenic Statistical Authority on environmental monitoring data, which collaborates with Eurostat and the European Commission, as well as with the National Statistical Institutes of other EU Member States. (The Ministry of Environment and Energy, according to Law 3832/2010 "Greek Statistical System, establishment of ELSTAT as an independent authority" and No 12629 / 82-896 / 2014 Decision of the Greek Statistical Authority constitutes a National Authority of the Greek Statistical System).

68. The Ministry of Environment and Energy also ensures collection and update of environmental data through:

1. Air-quality monitoring
2. Air emissions monitoring (main industrial installations emissions)
3. Combustion and fuel monitoring Programmes
4. Inventory of local and waste management authorities reporting on waste quantities, treatment and management
5. Noise monitoring
6. Environmental inspectorate monitoring
7. Air emissions trade registry
8. Ozone Depleting Substances
9. Operation of National Water Monitoring Network
10. Monitoring of Bathing Water Quality Programme, in cooperation with the competent authorities
11. Operation and Updating of the Hydrological and Meteorological Information National Bank
12. Operation of the National Wastewater Treatment Plants Database, in coordination and cooperation with the competent bodies
13. Collection of available flood events data (historical floods) at country level
14. Development of Areas of Potential High Flood Risk (APHFR), as well as of Flood Hazard Maps and Flood Risk Maps at country level
15. Operation of Water Abstraction Points National Register Database (EMSY)

The information is available on MoEE's official site.

The General Chemical State Laboratory (GCSL) analyses water, waste and other environmental samples. The results are available in form of an annual work report on GCSL's official web site, <http://www.gcsl.gr>

Article 5, paragraph 1 (b)

69. Greece contributes to the preparation of the State of the Environment Report of the European Environment Agency (EEA), published every 5 years (last report published in 2015).

70. The National Environmental Information Network was designed as 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 and legislation). It comprises 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. However, some software's updates are needed in order to be fully operational.

71. The project for the modernization and extension of the network is completed. The system is now web based involving more environmental organizations as active users and more external interested people and organizations as viewers. A big part of the data of the system is available to the public. It also includes spatial data and services providing support for responding with environmental data to the INSPIRE Directive. The content of the System concerns the main environmental topic areas where the MoEE collects data (air, water, natural environment, wastes, combustion, fuels, industry, noise, environmental impact assessment studies and areas like waste recycling, Ozone Depleting Substances, Physical Planning, etc.). A new functionality has been added based on INTERNET technologies to facilitate and encourage electronic submission of Environmental Impact Assessment studies which will also provide more visibility on this area. The system also includes functionalities for supporting national EIONET communication as well as for operating the Clearing House Mechanism for the Aarhus Convention. According to a NGO, there is a need for more systematic, real-time air pollution monitoring in all areas of Greece

72. Environmental data is collected and processed in compliance with the EU legislation and in accordance with the environmental reporting obligations and specifications of EEA and Eurostat. Generally data are provided free of charge but in some cases, such as meteorological data or map data there is a fee.

Article 5, paragraph 1 (c)

73. In case of an air pollution incident, information will be disseminated on an hourly basis through the Internet, radio, TV messages and Web site of the Ministry, and implementation of relevant measures (directions to people affected etc). According to a NGO, there is a need for more systematic, real-time air pollution monitoring in all areas of Greece

Polluters have an obligation to directly inform the public in emergencies, according to the Presidential Decree 148/2009 "Environmental responsibility to prevent and repair damage to the environment: in compliance with the 2004/35/EC Directive.

74. According to Article 10 of Directive 2007/60 / EC and Article 9 of the 31822/1542/E103 CMD (FEK 1108/B/21-07-2010) which incorporated into national law the EU Directive 2007/60 / EC of the European Parliament and of the Council of 23 October 2007 on the "Assessment and management of Flood Risks", disclosed the details of the Preliminary Flood Risk Assessment for the 14 Water Districts and determined a list of stakeholders at all stages of risk management plans (Prevention, Protection, Preparedness, Recovery and Review).

75. 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. According to a NGO there is a lack of evaluation reports with post emergency information.

(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.

(f) In cases endangering the health of the general public relating to fishery products for which the Competent Authority is aware, then subsequently informed in writing all competent Prefecture Fisheries Services, Veterinary Medicine and Public Health Services as well as the fishing operators in the region.

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

Article 5, paragraph 2

76. The quality of bathing waters in Greece is systematically monitored since 1988 according to Directive 76/160/EEC "on the quality of bathing waters" under a Programme organized and coordinated by the MoEE (Ministry of Environment and Energy). Since 2010, the quality of bathing water is monitored in accordance with the new Directive 2006/7/EC "on the management of bathing water quality" as transposed to Greek legislation with JMD 8600/416/E103/2009 (GG 356V/2009) under the "Country's Monitoring Programme for bathing water quality" (hereinafter called the "Programme"). The "Programme" aims to protect the marine environment and public health (bathers) and to comply with the new Directive 2006/7/EC. At the same time, it aims to identify problem areas, in order to take appropriate measures to reduce pollution and improve the quality of recipient water body.

77. The results of the "Programme" are made public to inform both Greek citizens, and the member states of the European Union on the quality of bathing waters, resulting in public awareness and international promotion of our country. Based on the Programme results, bathing waters are evaluated, classified and quality status thereof is determined and an annual report is drafted, to inform the relevant departments, agencies and the public. This report is prepared in accordance with the provisions of the Directive and the guidelines of the European Commission and submitted no later than December 31 of each year to the Central Data Repository of the European Environment Agency.

78. Furthermore, the results of the "Programme" are also used in the preparation, revision and updating of Bathing Water Profiles, in accordance with Article 7 of Directive 2006/7/EC and Annex III thereof. A total of 2155 sites are included in the "Programme", from 2010 to this day, which refer to coastal (2149 points) and inland water bodies and particularly lakes (6 points). In 2014 and 2015 the bathing water monitoring network was revised and now consists of 1542 bathing water sites assigning a single representative monitoring point at each bathing water. From the 1542 bathing water, 1540 are located in coastal waters and 2 in inland waters.

Article 5, paragraph 3

79. MoEE has established relevant databases with data from the respective monitoring systems and registers as well as information on relevant activities, Part of the above is being displayed on the MoEE website. The final objective is to gradually include all necessary data and information.

(a) National Environmental Information Network: It is a national repository of environmental data and a mechanism for exchanging data between relevant environmental administrative services as well as for providing information to the public;

(b) National Data Bank of Hydrological and Meteorological Information: (www.hydroscope.gr) :It 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. The bank

includes data measured during the last 100 years that have been collected and elaborated, using the most updated computer science and telecommunications.

(c) Specific website, in the framework of the implementation of alternative management of packaging and other waste (Law 2939/2001), linked directly with the Internet homepage of MoEE, provides environmental information in respect to alternative management (recovery and recycling) of packaging waste, emissions limit values(ELVs), used tires, waste oil, waste electrical and electronic equipment(WEEE), batteries and accumulators, and construction and demolition waste;

(d) Aarhus Clearinghouse Mechanism, in the framework of the implementation of the National Environmental Information Network ;

(e) The official website of Greek Ministry of Environment and Energy (www.ypeka.gr), in the thematic category Water Resources provides information on the issues, responsibilities and actions of SSW (e.g Water Resources Management, Water Framework Directive, Nitrates Monitoring Programme, Wastewater Management, Flood Risk Management, Bathing Waters, Marine Strategy, International and Mediterranean Issues, Revised River Basin Water Management Plans. Moreover in website www.ypeka.gr, under the supervision of SSW, the following web pages contain data and information for the immediate notification of bodies and public:

- ✓ Bathing Water Profiles (<http://bathingwaterprofiles.gr>). The web site <http://www.bathingwaterprofiles.gr> provides important information about the quality of bathing waters in Greece and serves as a Register of Bathing Water Profiles which is being applied to approximately 1,400 beaches across the country. The aim of the Register is to describe and present the basic characteristics of the coasts, identify the pollution sources that may affect water quality and assess the magnitude of the effects. The Register serves also as a guide for selecting appropriate measures in order to minimise the impact of pressures in bathing waters and allows for a more efficient management of resources. This interactive website, related to the Registry, aims not only at informing the public regarding the bathing water quality and the appropriate measures taken but also in accommodating comments and responses by the website visitors
- ✓ Preliminary Flood Risk Assessment (PFRA) (<http://maps.ypeka.gr/flexviewers/gis/> and EIONET European Database)
- ✓ National Water Monitoring Network (<http://nmwn.ypeka.gr>)
- ✓ River Basin Management Plans (<http://wfd.ypeka.gr> και <http://maps.ypeka.gr> and EIONET European Database)
- ✓ Wastewater National Database (<http://astikalimata.ypeka.gr>)
- ✓ Flood Risk Management Plans, Flood Hazard Maps and Flood Risk Maps (<http://floods.ypeka.gr> and EIONET European Database)
- ✓ Flood Risk Management Plans, Flood Risk and Flood Hazard Maps (<http://floods.ypeka.gr>)
- ✓ Preliminary Assessment Data on environmental condition of Marine Waters (<http://marinestrategy.opengov.gr>)

(f) Geodata.gov.gr is an initiative facilitating open access to the Greek government's geospatial data. The website provides users the opportunity to search and download statistical and geographical information.

(g) National Geospatial Information Infrastructure (Law 3882/2010 transposition of Directive 2007/2/EC (Inspire) of the European Parliament and Council of March 14, 2007 and other provisions.(OJG A/166/22.09.2010). There is a Working Group with the task of gathering data and metadata for the implementation of the Inspire Directive specifications and creating website for listing the data and metadata available to the public.

(h) The MoEE through <http://aepo.ypeka.gr> provides the possibility for the submission, tracking and evaluation process for the Environmental Permitting (AEPO) and thus enable applicants to submit their application of the AEPO online including submission of all documents.

- (i) National Information System for Energy: (NISE)The purpose of NISE of (MoEE) is to develop infrastructure for energy information services to the public and to create a tool to support decision making on Energy Policy and Planning. The main sections of NISE include: related to energy agencies, legislation, standards. It comprises of: a) A database descriptive information b)A geographic Information System (GIS) and c) A Database Statistical information. (<http://195.251.42.2/cgi-bin/nisehist.sh>)
- j) On the official site <https://www.espa.gr/el/pages/staticOPInfrastructureEnvironment.aspx> are published information about the OP Competitiveness, Entrepreneurship and Innovation, annual reports, invitations, notices announcements as well as environmental legislation.
- (k)The Ministry of Foreign Affairs, (Hellenic Aid – YDAS -Directorate YDAS-3,) 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 compliance with the country's obligation.
- l) Since 1 October 2010, all Ministries are obliged to upload their decisions on the Internet site <http://diavgeia.gov.gr>, through the Diavgeia programme («Clarity»). Cl@rity is one of the major transparency initiatives of the Ministry of Interior and Administrative Reconstruction. Henceforth, the decisions of the public entities cannot be implemented if they are not uploaded on the Clarity website, and unless each document is digitally signed and assigned an automatic transaction unique number. Clarity covers all public institutions, regulatory authorities and local government. For the first time in Greece, the Clarity programme introduces the obligation to publish all the decisions on the Internet, with the exception of decisions that contain sensitive personal data and/or information on national security.
- (m)The Digital Environmental Registry which enables the online submission of Environmental Impact Studies for activities that belong to the A1 and A2 categories, as well as the monitoring of the process of issuing, renewal or amendment of the Environmental Conditions Approving Decisions and the Standard Environmental Commitments.
- (n). National Portal Ermis is the Governmental Portal of Public Administration aiming to inform citizens and businesses, and ensure the safe use of eGovernment services through digital certificates established and operated for the first time. The portal provides, from a central point, completed briefing to the citizens and the enterprises with regard to all their transactions with the Public Administration (natural or electronic).
- (o). “Opengov.gr” is a portal dedicated to respond to citizens' needs for information, merit and participation in draft legislation. The portal is designed to serve the principles of transparency, deliberation, collaboration and accountability.
- (p). The national printing house (www.et.gr) is the public service for the dissemination of Greek law. It is a technical production unit responsible for publishing and distributing the Official Gazette. The Official Gazette publishes laws, presidential decrees, communications, acts of the Ministerial Council etc, ministerial decisions of a regulatory nature; decrees and decisions concerning urban planning and town design; acts relating to the creation and management of public and private limited companies and local development; agreements relating to regional planning; public works contracts; trademark and patent registration notification
- (q)certain information is provided in realtime mode, such as the daily wildfire danger prevention map, from General Secretariat for Civil Protection

80. In the Executive Authority of the Partnership Agreement (PA) on the environmental sector of the Ministry for Environment and Energy (MEE), a national Environmental Network has been established (it is called “GEN” – Greek Environmental Network) by the Ministerial Decision (n. 135259/10-4-2012). The aim of the GEN is a continuous exchange of experience and environmental information between Implementing Bodies of co-funded programs and projects through the European Structural Investment Funds (ESIF) (ERDF, CF, EARDF, EMFF & ESF) for the programming period 2014-2020 and Environmental Policy Makers. This environmental dissemination of information contributes to the best possible support of the public consultation, which must precede

any programming at operational level or institutional initiative in the field of public policies relating to the environment. Furthermore, the GEN monitors the implementation and achievement of the environmental targets as set out by the Community and National environmental legislation. The public and competent bodies have access to the Network through the websites www.eysped.gr. The GEN is a member of the European Network of the Environmental and Managing Authorities (ENEAMA) of the General Directorate of Environment of the European Commission. One of the main goals of this interface with the ENEA-MA network, is the best horizontal and vertical integration of “Sustainable Development” principle into all programs and projects funded by ESI Funds 2014-2020. Members of the GEN are Environmental Directorates of 10 Ministries of the Public Administration in Greece, Managing Authorities & Intermediate Managing Authorities responsible for the implementation, management and monitoring of the EU co-financed programs for the period 2014-2020 and General Secretariats of Planning Development for the environment and infrastructures in 13 regions of the Country. In addition, members of the GEN could be NGOs, universities, research institutes, EU General Directorates (DG ENV, AGRI, CLIMA) and etc.

Article 5, paragraph 4

81. Regular posting on the official site of the MoEE (www.ypeka.gr) of various Reports submitted to E.C. following relevant reporting obligations, on the basis of respective national laws. (EC Directives transposed in the Greek legislation, ratified international environmental Conventions and multilateral agreements).

82. Environmental data in Greece is collected and processed in compliance with EU Legislation on environmental reporting obligations, in relevant formats and with the use of standard and state-of-the-art scientific methods and technical solutions.

83. The competent General Directorate for Forests is keeping updated a legal data basis on Cites Convention (Law 3208/2003, OJG A 303) on the official web page of MoEE and is organizing seminars and trainings for school students on the creation of a forest friendly spirit.

84. The Ministry of Health publishes a report every three years on the quality of drinking water according to direction 98/83/EC that has been incorporated in national law with the JMD Y2/2600/2001 (OJG 892 B/11.7.2001). The above-mentioned data is available in the site of the Ministry (<http://www.moh.gov.gr/articles/health/dieythynsh-dhmosias-ygieinhs/ygieinh-periballontos/prostasia-poiotitas-ydatwn/prostasia-neroy-anthrwpinhs-katanalwshs/3650-ektheshs-trietias-2011-2013-gia-thn-poiotita-toy-neroy-anthrwpinhs-katanalwshs-ths-xwras-symfwna-me-stoixeia-twn-ypeythynwn-ydreyshts-o-t-a-deya-klp>))According to an NGOs which participate in the consultation process for the drafting of this report, it will be more useful and understandable to public if this report contains also text instead of simply excel data.

Article 5, paragraph 5

85. See above under article 5, paragraphs 1 to 4. Article 5, paragraph 6

86. To facilitate public access to environmental information, the EMAS official website is regularly updated and the EMAS register was redesigned in September 2012 to provide additional information for all registered organisations and sites, as well as all the environmental statements available in electronic format of the EMAS registered organisations (even multiple versions for previous years).

87. The European eco label has been awarded to detergent products, to paints and varnishes products and hotels. The aforementioned licenses have been issued by the National Competent Body - the Hellenic Council for Ecolabel Awards - ASAOS, which forms an integral part of the Hellenic Ministry of Environment and Energy.

88. As far as GGP issues are concerned, Greece is currently finalising the National Action Plan and associated policies on Green Public Procurement. This contains mainly an assessment of the existing situation regarding public procurement in Greece, sets targets for the following years, specifying the measures that will be taken in order to achieve them.

Article 5, paragraph 7

89. 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 website of the MoEE in the section on the National Environmental Information Network (see art. 5, para. 1 (a)). Furthermore, regulations, circulars, general or regional emergency plans and guiding documents regarding the environment are published or/ AND are provided upon request.

Article 5, paragraph 8

90. The Cartagena Protocol, which was ratified through Law 3233/2004 (OJG A 51/18-2-2004), provides for a Biosafety Clearing House Mechanism. The Cartagena Protocol on Biosafety to the Convention on Biological Diversity is an international agreement which aims to ensure the safe handling, transport and use of living modified organisms (LMOs) resulting from modern biotechnology that may have adverse effects on biological diversity, taking also into account risks to human health.

Article 5, paragraph 9

91. The MoEE (Climate Change Directorate) established and maintains a register to record the precise issue, holding, transfer and cancellation of the GHG emissions' trading allowances. (JMD 54409/2632/27-12-2004, OJG B 1931, transposition of Directive 2003/87/EC as amended by Directive 2004/101/EC). The registry is accessible to users through: <http://ec.europa.eu/environment/ets/account.do> . Additionally, relevant information is available on [YPEKA.gr](http://ypeka.gr) . Furthermore, the Climate Change Directorate of the MoEE is responsible for the drafting and submission of national reports in the framework of UNFCCC (Law 3017/2002, OJG 117A') and EU Regulation 525/2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change and repealing Decision No 280/2004/EC. The annual GHG Emissions report provide information on emissions of GHG and other gases from energy production and transport, industrial processes, solvent and other products, agriculture, waste and use changes land and forestry. The report describes the methods for calculating emissions present activity data and emission factors used and calculate the uncertainty in the estimation of emissions. The annual national inventories submitted each April 15 to the Secretariat of the Convention on Climate Change, cover emissions from 1990 until two years prior to submission. The national report is available at: http://unfccc.int/national_reports/annex_i_ghg_inventories/national_inventories_submissions/items.php
http://cdr.eionet.europa.eu/gr/eu/mmr/art_07_inventory/ghg_inventory
<http://ypeka.gr>

92. In the framework of Directive 96/61/EC concerning integrated pollution prevention and control (IPPC), and the European Pollutant Emission Register (EPER), reports with statistical and inventory data were drafted .

XII. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 5

93. 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.
- (c) Lack of staff and resources.
- (d) Not systematically kept records by some Authorities
- (e) Legal Complexity
- (f) Misunderstanding as far as the rights of public is concerned as well as the obligations of public servants
- (g) Lack of cooperation between public services.
- (h) Lack of catalogue for all environmental data sources

94. Other problems are as follows:

- In some cases, more than one environmental data bases are available for the same region with differentiated inputs. Additionally relevant databases in some cases are seldom interconnected.
- There are several quality controls on the data produced, in accordance to the technical specifications of each program. However, in some cases the databases as well as the environmental data are not regularly updated, nor is there an established mechanism to determine the need for revision
- According to NGOs, studies of environmental interest conducted by regulated entities such as public institutes and universities upon administrative request are not always published

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

95. 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). Within the official web page of the Hellenic Statistical Authority there is a special section on “Environmental Statistics”.

XIV. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE 5

www.ypeka.gr - Ministry of Environment Energy and Climate Change (MoEECC)
www.mfa.gr - Ministry of Foreign Affairs;
www.noa.gr - National Observatory of Athens;
<http://cdr.eionet.europa.eu> - EIONET;
<http://www.ec.europa.eu/environment/ecolabel>
www.hydroscope.gr National Data Bank of Hydrological and Meteorological Information:
<http://ec.europa.eu/environment/ets/account>.
<http://www.ermis.gov.gr/portal/ermis/newsletter>
www.geodata.gov.gr
www.ktimatologio.gr
www.aepo.gr
www.statistics.gr
<http://www.minadmin.gov.gr/>
<http://maps.ypeka.gr/flexviewers/gis/>
<http://www.yyka.gov.gr>

<http://ec.europa.eu/environment/ets/account.do>
<http://www.bathingwaterprofiles.gr/>
<http://195.251.42.2/cgi-bin/nisehist.sh>
www.eysped.gr
www.aepo.ypeka.gr
www.e-per.gr
<http://nmwn.ypeka.gr/>
<http://wfd.ypeka.gr/>
<http://astikalimata.ypeka.gr/>
<http://epad.web.auth.gr>
<http://marinestratgefy.open.gov/>
<http://floods.ypeka.gr/>
<http://bathingwaterprofiles.gr>, Bathing Water Profiles
<http://maps.ypeka.gr/flexviewers/gis/>, Preliminary Flood Risk Assessment Data
<http://nmwn.ypeka.gr>, National Water Monitoring Network
<http://wfd.ypeka.gr> και <http://maps.ypeka.gr>, River Basin Management Plans
<http://astikalimata.ypeka.gr>, Wastewater National Database
<http://marinestrategy.opengov.gr>, Preliminary Assessment Data on environmental condition of Marine Waters
<http://floods.ypeka.gr>, Flood Risk Management Plans, Flood Risk and Flood Hazard Maps

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

96. Laws 4014/2011 and 4042/2012 considerably contribute to the implementation of the article 6 objectives through the procedural simplification of the environmental permitting process of projects and activities, the criminal protection of the environment and the restructuring of the national system for waste management, giving emphasis to waste minimization, recycling, reduce and reuse in practice.

97. More specifically, Law 4014/2011 (OJG A' 209) aims at accelerating environmental permitting and licensing procedures, decentralizing competencies for environmental licensing, reducing bureaucratic and administrative burdens, enhancing transparency and promoting stakeholder participation in decision making. To this end, the following steps/tools are established:

1. Standardization of the administrative procedure for the approval, renewal or amendment of the decision setting the environmental terms for the operation of activities and projects.
2. Minimization of the number of competent Ministries involved in the permitting procedure.
3. New classification of projects and activities based on their environmental impact and introduction of Standardized Environmental Specifications for the permitting of low-impact installations.
4. Improvement of the administrative structure of environmental licensing services by establishing a single licensing authority at central level under the Ministry of Environment.
5. Introduction of dispute resolution councils dealing with particular cases, both at central/Ministry of Environment level, as well as at regional level.
6. Establishment of a Digital Environmental Registry enhancing public access to environmental information

98. The DER platform enables the online submission of Environmental Impact Studies for activities that belong to the A1 and A2 categories, as well as the monitoring of the process of issuing, renewal

or amendment of the Environmental Conditions Approving Decisions and the Standard Environmental Commitments. The main **users** of DER are:

- the **studier** that uses the platform to submit the Environmental Impact Study and monitor the whole procedure
- the **competent authorities** that contact the environmental permit
- other **bodies** that are involved in the environmental permitting procedure
- **citizens & environmental organizations** that are offered the ability to be informed and to keep track of any environmental permitting procedure and its results

The **benefits** of the DER are:

- the **automation** of the environmental permitting procedures through the use of the online management system
- the **improvement** of the whole process with more qualitative and transparent procedures
- the **simplification** of the permitting procedure, the reduction of the time required for the monitoring and approval of the study, the **reduction of bureaucracy and related costs**

99. Secondary national legislation regarding the article 6 of the Aarhus Convention is the followings: (a) Joint Ministerial Decision 48963/2703/5.10.2012 on content specifications of environmental permits for projects and activities category A of JMD 1958/13.1.2012 of the Minister of Environment, Energy and Climate Change (B-21), as applicable, in accordance with Article 2 § 7 of Law 4014/2011 (b) Ministerial Decision 167563/EYIIE on the procedure and the environmental clearance criteria for projects and activities (OJG964/B/2013), (c) Ministerial Decision no 1958/12 on the classification of projects and activities into categories/subcategories on the basis of their potential impact on the environment (OJG B/21/2012) & Ministerial Decision 3764/2016 (OJG 2471 B'), for amendment and codification of MD 1958/2016 (d) Ministerial Decision no 20741/12 for the modification and completion of Ministerial Decision no 1958/12 (OJG 1565/B/2012), (e) Ministerial Decision 1649/45/2014 on the specification of the procedures of consultation procedure and information to the public and participation of the interested party in the public consultation procedures within the context of the environmental licensing of category A projects and activities as set forth by Ministerial Decision 1958/2012, in accordance with the provisions of Article 19 para. 9 of Law 4014/2011 (OJG 1649/B/27.01.2014), (f) Ministerial Decision 1070225/2014 on the specification of the contents of the environmental clearance files for category A projects as set forth by Ministerial Decision 1958/2012, in accordance with the provisions of Article 11 of Law 4014/2011 (OJG 45/B/15.01.2014) (g) Ministerial Decision 15277/12/2012 relating to the specifications of the procedure for the incorporation of forest interventions into the AEPO (OJG 1077/B/12), (h) Circular of the Ministry of Environment Energy and Climate Change no 27953/5.6.12 in connection with the operation of a special internet site for the posting of AEPOs in accordance with Article 19(a) of Law 4014/2011, Ministerial Decision 3764/2016 (OJG 2471 B'), for amendment and codification of MD 1958/2016

100. The provisions of the following legislation ensure that the public concerned is informed early in any environmental decision making process: Law. 1650/86, Law 3010/2002, Law 4014/2011 and Ministerial Decision 1649/45/2014.

101. Strategic Environmental Assessment is covered by the Joint Ministerial Decision 107017/28.8.2006, which is in accordance with the EU Directive 2001/42/EK for the assessment of plans and projects.

XVI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 6

102. Need for better cooperation among competent services regarding the inspections.

According to NGOs Greek law does not provide for early public participation, when all options are open and effective public participation can take place. Additionally stakeholders' commentaries on the EIA report, submitted during the authorisation process for environmental permit, cannot be viewed by other members of the public throughout the procedure

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

103. Through the website 'Open Governance' citizens can be informed on the important legislative initiatives of the Ministry of Environment & Energy and participate in public consultation (see more under article 8).

XVIII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE

www.opengov.gr official site for public consultation

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

104. Legislation and Information provided under this Article remain the same as it is in the Report of previous reporting cycle.

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

105. According article 75 of Law 3852/2010 (OJG A' 87) Quality of Life Committees must be established, in every Municipality with a competence on environmental issues. The Quality of Life Committees shall submit an annual activity report in the areas of its competencies, which will be discussed and approved by the City Council. The Quality of Life Committees with a special decision taken by an absolute majority of its members may refer a matter that lies in its competencies to the City Council for the latter to decide, if this is deemed necessary by the particular severity of the matter at hand. According to para.10 of article 75, the decisions of the Committee are published in the Municipality's website .

106. According to articles 76 and 78 of Law 3852/2010 (OJG A' 87) a Consultation Committee in all Municipalities and Regional Administrations must be established, by decisions of the local council or regional governor respectively. These Committees are composed – among others- by representatives of the local society, scientific unions, and trade unions . Their sessions are open to the public. Apart from the abovementioned committees, online consultation is provided for by Law 3852/2010.

107. One of the main priorities of MoEE for the Programme Period 2014-2020 as far as Guidelines Development Strategy on environmental matters are concerned is the enhancement of institutions and mechanisms of environmental governance (connection between spatial and environmental planning, clarification of competencies on central, regional and local level, awareness and training, enhancement of access to environmental information and participation to the "civil society".

108. The Special Secretariat for Water of MoEE has conducted extensive public consultation on Water Management Resources Plans, which are available on the its official website.

109. Each OP or ROP financed by ESI Funds and which is likely to have significant effects on the environment is subjected to the Strategic Environmental Impact Assessment Study (SEIA) process

before its adoption by the EU. The SEIA constitutes a precondition for the program's approval in compliance with the Directive 2001/42/EC "on the assessment of the effects of certain plans and programs on the environment" and the Joint Ministerial Decision (JMD with n. 107017 (Government Gazette - FEK 1225/B/2006), which harmonized the Directive into National Law. During the SEIA process of the draft plan or program, the consultation process carried out by the public authorities and the public concerned in accordance with the JMD. The competent authority makes publicly available the Strategic Environmental Impact Assessment Study (SEIA) folder, before its adoption, to acknowledge and give to the public the opportunity to comment their views in writing or electronically, if they wish, via the website of MEE (www.ypeka.gr) or on the respective website of the competent regional authority. The competent consulting authority besides the electronic means, it may use any other appropriate means such as public hearings, interviews, open discussions, dialogue via internet, making the public participation meaningful. The conclusions are sent to the competent authority within 45 days by the delivery of the folder. In case that the pertinent authority considers that the implementation of a program could have significant effects on the environment in another EU Member State or at the request of a State in EU, which may suffer significant environmental effects by the implementation of a Greek program, the relevant authority must forward as quickly as possible the relevant documents of SEIAS to Member State concerned before adopting the SEIAS. Moreover, any additional information concerning transboundary environmental effects of the program's implementation is forwarded to the other Member State including guidelines and measures to prevent, reduce or eliminate such effects. The transboundary consultation process with the other EU Member State and the public concerned is described in detail in the above JMD. In addition, the relevant authority ensures that the information referred to the program and any other relevant information related to the likely transboundary environmental effects, as well as the information concerning the envisaged measures to reduce or eliminate such effects are made available within a reasonable time to the public authorities and the public concerned. The above Executive Authority of MEE within the framework of its responsibilities, evaluates the annual reports of the environmental monitoring of the OP/ROP implementation as provided by the approved JMD of the approve Strategic Environmental Impact Assessment Studies of the respective OP/ROP for the period 2007-2013 and for the current period of 2014-2020. The evaluation results are made publicly available on the websites www.eysped.gr and www.ypeka.gr .

110. In early 2014, the Action Plan for Biodiversity and National Environment 2007-2015 was uploaded for public consultation by the MoEE. The Action Plan was adopted as a component of the National Strategy for Biodiversity.

It should be pointed out that the NBSAP for Greece was adopted as a Ministerial Decision and published in the Official Journal of the Government (OJG 2383 B / 08 September 2014).The National Biodiversity Strategy takes into consideration the following:

- Scientific knowledge about the wealth, value-of, and pressures-to the biodiversity in Greece
- Legal framework – national, European and international – including International Treaties and European Directives
- Strategic framework, as defined by various national, European and international documents that Greece has adopted
- General principles that are considered a priori acceptable, since they originate from moral values, national needs and capabilities, as well as from corresponding scientific approaches
- Integration of preservation and sustainable development into a national policy framework

XXI. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 7

111.

- Participatory processes can take a lot of time and money, affecting the timely implementation of the legislative act under public consultation (e.g. possible delays, potential changes in the plans).

Another obstacle is limited public ability and willingness to participate as well as in some cases the large amount of irrelevant information/ views.

- In some cases due to international and European obligations there is not enough time in order to be followed by public administration the practice of four-week consultation

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

112. Law 2742/1999 on Spatial Planning and Sustainable Development (art.4) provides for the involvement of non-governmental organizations in environmental decision-making within the National Council for Planning and Sustainable Development and the information of the public on urban planning through the public consultation.

113. As part of the consultation for the formulation of the Development Strategy in the field of Environment of ESPA 2014-2020, the Executive Authority of MEE organized a development conference, in May 2013, with the participation of a wide range of partners including environmental, social and economic partners, NGOs, research institutes, universities, bodies representing civil society and etc. The thematic sessions were held during the conference in order to better prepare the development strategy in the environmental sector addressed environmental issues such as resource management and protection (water, nature, soil), Energy, RES and climate change issues and entrepreneurship and innovation in the field of resource efficiency, energy and climate change. The results of the above mentioned discussions, the comments and recommendations of the partners within the thematic meetings and the conclusions of the consultation process during the development conference are accessible to the competent stakeholders and the public concerned on the website of MEE www.ypeka.gr.

114. All the above referred partners including environmental partners, NGOs, bodies representing the civil society, etc., participate in the Monitoring Committees of OPs/ROPs of ESPA 2014-2020 in accordance with the art. 48 of CPR 1303/2013. The monitoring committee of each OP/ROP meets once a year and reviews the implementation of the program and the progress towards achieving its objectives including environmental objectives. In this regard, it considers the financial data, common and program specific indicators including environmental indicators and changes in the values of result indicators and progress towards quantified targets and milestones.

XXIII. Website addresses relevant to the implementation of article 7

www.ypeka.gr,

www.opengov.gr

www.hellenicparliament.gr

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

115. In October 2009, the Greek Open Government Initiative was established in Greece in order to ensure the diffusion of information and to involve all citizens and stakeholders in the decision making mechanism. A website has been created that gives the opportunity for participation on the consultation of draft laws, ministerial decisions etc.

- Opengov.gr has been designed to serve the principles of transparency, deliberation, collaboration and accountability and includes three initiatives:

- Open calls for the recruitment of public administration officials. Top level and mid-level openings in the public sector are available on the Internet. Applications are submitted on-line using a platform available on the opengov.gr website.
- Electronic deliberation. Almost every piece of Draft Laws by the government, are posted in a blog like platform prior to their submission to parliament.

Citizens and organisations can post their comments, suggestions and criticisms article-by-article.

As part of the voting process in the Greek Parliament, the legislative proposal will be preceded, among others with the public consultation document which should be taken into consideration by legislators. All relevant documents are published on the parliament's website.

XXV. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 8

116. Consultation legislative provisions published on opengov.gr are used to not be accompanied with appropriate supporting material as an explanatory memorandum and a priori feasibility study. Additionally consultation, is non compulsory for regulatory acts unless is explicit foreseen in the law.

Furthermore, according to NGOs there is no provision for multiple stages of public consultation. The notification part of the process is underdeveloped, since open hearings and conferences, do not take place often.

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

117. No information was provided under this heading.

XXVII. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE

www.opengov.gr

<http://et.diavgeia.gov.gr>

<http://hellenicparliament.gr>

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

GENERAL FRAMEWORK

118. The Greek Constitution establishes three jurisdictions, the administrative, the civil and criminal, which are organized in three instances: the courts of first instance (lower courts), the courts of appeals (higher, appellate courts) and the Supreme Courts. The Council of State is at the top of the hierarchy of ordinary administrative courts (administrative courts of first instance and administrative courts of appeal). The Council of State and the ordinary administrative courts decide on all matters of administrative - law disputes: issues regarding the function of the civil service, social security claims, public works' and supplies' competitions, compensation claims against the State, challenges to the legality of administrative acts in general. The judgments of the Council of State provide the highest authority on legal precedent for the lower administrative courts and set the standards for the interpretation of the Constitution and the laws and for the advancement of legal theory and practice. Like all judicial decisions, the judgments of the Council of State provide the authority of *res judicata* principle and are subject to compulsory enforcement against the Public Sector, local government agencies and public law legal persons.

119. The Council of State rules in Plenum and six chambers. The fifth chamber of the Council has jurisdiction on environmental cases and its decisions usually define the legal interest in a broad way in favor of environmental protection

120. Types of administrative actions for appeal against administrative decisions:

- Remedy's request: submitted to the same administrative body which issued it
- Hierarchical appeal: submitted to the superior authority of the one which issued the administrative decision.
- Special appeal: provided by a special legal provision setting a deadline within which should be exercised. It examines the legitimacy .
- Quasi-judicial action: This action examines not only the legitimacy, but also the substance of the case.

121. The right to judicial protection is stipulated on article 20 par. 1 of the Greek Constitution, "Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law". Additionally, according to par.2 of the aforementioned article " The right of a person to a prior hearing also applies in any administrative action or measure adopted at the expense of his rights or interests".

122. The Greek Ombudsman, the Inspectors-Controllers Body for Public Administration, the Environmental Inspectors Body and the Administration Inspector General are other means to remedy environmental matters.

123. The Greek Ombudsman is a specialized constitutionally independent administrative authority (founded in October 1998 and operating under the provisions of Law 3094/2003) with, inter alia, environmental responsibilities. The Ombudsman investigates individual administrative actions or omissions of material actions taken by government departments or public services that infringe upon the personal rights or violate the legal interests of individuals or legal entities. The Ombudsman provides its services to the public free of charge and is an option available to citizens prior to their decision to resort to court for resolving their disputes. Public can submit a complaint to the Greek Ombudsman Institutions (Quality of Life Department). A complaint may be submitted by any individual, legal entity, or association. It should be pointed out that the Greek Ombudsman has the role of mediator.

124. Additionally, there is the Inspectors-Controllers Body for Public Administration –I.C.B.P.A. (Corps des Inspecteurs-Controleurs de l'Administration Publique-C.I.C.A.P.), known by its Greek acronym SEEDD which was established by Law 2477/1997. Among the main responsibilities and tasks of the SEEDD are the following:

- it conducts inspections, controls and investigations,
- it collects evidence for the prosecution of potential criminal offences committed by civil servants,
- it conducts inquiries/preliminary examinations after a mandate by the competent Public Prosecutor.
- it examines the implementation of article 10 of the law No.4305/2014 regarding the open data.

After the completion of an inspection, control or survey, the competent Inspectors-Controllers and Assistant Inspectors-Controllers shall draw up a documented report

124. Relevant legislation: Article 5 of the Administrative Procedure Code, article 6 of the Joint Ministerial Decision No.11764/653/2006, article 3 of the Joint Ministerial Decision No.9269/470/2007, article 25 of Law 4210/2013, Law 4014/2011, Ministerial Decision No.21398/2012.

125. In the Greek law [Administrative Procedure Code Law No.2717/1999 (Official Journal of the Government First Issue No. 97) & Council of State Code (Presidential Degree No. 18/1989 (OJG First Issue No. 8)] there are concrete provisions that limit the losing party's liability for costs, such as Co-responsibility and Reasonable Doubt.

126. Currently there is no specific committee for review of refusals of access to environmental information. Initially, Greek law provided for review of these decisions by a specific committee- the Special Committee of article 5(13) of law 1943/1991.Later this committee was abolished (article8(2) of law 2266/1994) reinstated again (article 2(2) of law 2690/1999) and abolished yet again in 2013 (article 25(5) of the law 210/2013). Its responsibilities were not transferred to an existing body. However, it is still possible, under the general provision of the Greek Code of Administrative Procedure, to request reconsideration either by the body that refuses access (remedy's request) or by its superior body but these forms of review undertaken by administrative hierarchy and not an independent body.

XXIX. OBSTACLES ENCOUNTERED IN THE IMPLEMENTATION OF ARTICLE 9

See 126.

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

127. Law 3226/2004 (OJG A24/2004) provides for legal aid for poor litigants in cases of civil, commercial and criminal law. 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 situation.

128. Hellenic Ombudsman, as reported in previous reporting cycles has received a numerous public complaints and petitions concerning denial to access to environmental information.

XXXI. WEBSITE ADDRESSES RELEVANT TO THE IMPLEMENTATION OF ARTICLE

www.Ministryofjustice.gr - Ministry of Justice;
<http://www.adjustice.gr>- Council of State;
www.dsa.gr - Athens Bar Association;
www.synigoros.gr - Hellenic Ombudsman
www.ypeka.gr

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

129. 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.

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

Legislation and Information provided under this Article, remain the same as it is in the Report of the previous reporting cycle.

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

No available information

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

No available information

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

130. The list of authorized genetically modified organisms and the exact scope of authorisation is in the register of GM food and feed in the EU, on the site: www.ec.europa.eu/food/dyna/gm_register/index_en.cfm