

Questionnaire for the

REPORT OF GREECE ON THE IMPLEMENTATION OF THE  
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN  
A TRANSBOUNDARY CONTEXT in the period 2006-2009

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## Responses to the Espoo Questionnaire

### PART ONE- CURRENT LEGAL AND ADMINISTRATIVE FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

#### Article 2

##### *General provisions*

#### DOMESTIC IMPLEMENTATION OF THE CONVENTION

1) The main legal instrument is Law 2540/1997 regarding the Ratification of the Convention. Procedural and other matters are covered by provisions in the following:

Law 1650/1986 as amended by Law 3010/2002: Protection of the environment and harmonization with Directive 97/11/EC;

Common Ministerial Decision (CMD) 11014/703/Φ104/2003: EIA procedure;

CMD 37111/2021/2003: Public participation during EIA process.

2) Greece intends to ratify both the Amendments to the Espoo Convention, as well as the SEA Protocol to the Espoo Convention.

#### TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE

3) a) In general, the EIA procedure involves the following steps:

- screening and scoping (carried out as a preliminary EIA procedure-public informed of outcome)

-submission of application (including Environmental Impact Study: EIS) to the competent environmental authority

- quality review of submitted documentation
- consultation with other authorities-public participation (concurrently)
- opinions sent to competent authority within specified time period
- EIA decision issued
- publication of decision-public is informed

3) b) Provisions for the transboundary EIA procedure under the Convention are incorporated within the national structure for EIA by including e.g. transboundary consultations, informing the other concerned Party of the decision taken and any other requirements.

3) c) As regards the transboundary EIA procedure:

For Notification purposes and the transmission of documents: the Hellenic Ministry for Foreign Affairs

For EIA procedures and decision making: the Hellenic Ministry for Environment Energy and Climate Change (Special Environmental Service)

For the domestic EIA procedure mainly: the central environmental authorities of the Hellenic Ministry for Environment Energy and Climate Change and the regional environmental authorities of the country's Regions.

3) d) At present there is no such authority with the responsibility of collecting information on all transboundary EIA cases under the Convention and there are no immediate plans to establish one. However, the Special Environmental Service as Espoo Convention focal point for administrative matters collects the majority of the relevant information.

4) Special provisions may be foreseen in bilateral or multilateral agreements for specific projects.

IDENTIFICATION OF A PROPOSED ACTIVITY REQUIRING ENVIRONMENTAL IMPACT ASSESSMENT UNDER THE CONVENTION

5) Appendix I to the Convention is transposed into the Hellenic Legislation by Law 2540/1997. There are no differences between the national list and Appendix I to the Convention. The terms "large" and "major" are interpreted in a way to signify the capacity of an installation, the amounts of product created, the power produced, the size of the installation e.t.c. Considering the revised Appendix I to the Convention through the Second Amendment to the Convention, it should be noted that, albeit it has not been transposed into the Hellenic Legislation yet, our legal framework for environmental permitting is stricter and more rigid in the relative cases (JMD 15393/2332/2002 about types and categories of projects and activities requiring environmental permit).

6) a) On a national level, all activities listed in Appendix I undergo a mandatory EIA and their changes are screened for such a requirement. When the relative EIA documentation is submitted by the developer, it is the competent environmental authority that determines, on the basis of the information provided, whether the project or activity is likely to cause significant adverse transboundary impacts and thereafter proceeds to conduct a transboundary EIA process.

As regards to proposed activities not listed in Appendix I but likely to cause a significant adverse transboundary impact and thus should be treated as if they were so listed, we may enter into relative discussions with the other concerned Party and determine procedural details on a case by case basis.

6) b) Greece conducts transboundary EIA cooperation via the focal points appointed for Notification, as well as via the focal points appointed for administrative matters, which are published in the website of the UNECE Espoo Convention. Besides, Greece is one of the Signatory Parties of the "Multilateral Agreement among the countries of south-Eastern Europe for implementation of the Convention on environmental impact assessment in a

transboundary context". This Agreement foresees the flexibility to establish joint bodies, whenever it is considered necessary.

6) c) A change to an activity is assessed as a "major" change through screening, on a case by case examination and in view of the significant differentiation the change might have in regard to the activity's impacts on the environment.

6) d) On a national level, the activities listed in Appendix I undergo a mandatory EIA and changes to these projects are submitted to a screening process in order to assess the potential significance of their environmental impacts. As to whether or not these activities are likely to cause significant adverse transboundary impacts will depend on the nature of the impacts and their extent. In this case, the criteria of Appendix III may be taken into consideration.

The likelihood of certain environmental impacts occurring will depend on the type and nature of the proposed activity or project, as well as the applied technologies and techniques, and is investigated in the EIS, reviewed by the expert/permitter and considered during consultations in the EIA process.

## PUBLIC PARTICIPATION

7) "The Public" is defined as the "interested public", i.e. one or more natural or legal persons, as well as their unions, organizations or groups of representation, that are affected or likely to be affected of the interests of whom are at stake by the decision taking processes for the materialization of the project or activity, including NGOs provided they promote environmental protection.

Details of transboundary EIA procedures (including public participation) may be determined between concerned Parties, or else the national provisions of each Party for public participation are upheld.

### **Article 3**

#### *Notification*

#### QUESTIONS TO PARTY OF ORIGIN

8) As soon as an application for an EIA has been submitted, the competent environmental authority ascertains whether the proposed project or activity is likely to cause a significant adverse transboundary impact, in which case, it proceeds immediately to notify the affected Party.

9) Additional information may be included, if considered necessary.

10) The guidelines may be followed, albeit not strictly, when the occasion occurs.

11) The time frame for a response is set on a case by case basis and according to the time frame for the EIA process as a whole. A lack of response is taken as an indication that there is no intention on behalf of the affected Party to participate in the transboundary EIA.

12) The information referred to in Article 3, paragraph 5, is provided with the notification.

13) The gathering of all necessary information in order to draft the EIS for a proposed activity or project falls within the responsibilities of the developer and/or consultant.

14) a) Discussions between concerned Parties may take place in order to better regulate public participation procedures, but generally matters concerning public participation and the specification of "the public" in the affected Party are dealt with according to the national legal and other provisions of the affected Party. Nevertheless, the contents of the domestic public notification may be sent to the affected Party.

14) b) The "public in the affected area" is identified on a case by case basis. Consultations about this definition may take place between the Parties concerned through the formal procedures or by informal discussions.

14) c) In case Greece is a Party of origin, the public of the affected Party is notified through the official Espoo Convention Contact Point, as well as the competent environmental authorities in its country.

In case Greece is an affected Party, the public is notified according to the provisions of National Law, after the relevant information about the proposed project or activity has reached the official Espoo Convention Contact Points.

Until today, during the period indicated (2006-2009), the Espoo Convention has been applied only once. Specifically, it has been applied to the mining installation for gold production at Krumovgrad in Bulgaria, where Greece was the affected Party. There has also been a Notification from F.Y.R.O.M. concerning a road project, but the competent authority estimated that the expected environmental consequences would not be significant. Furthermore, at the end of 2009, informal discussions began between Bulgaria and Greece concerning the implementation of the Espoo Convention in the case of "Burgas-Alexandroupolis" pipeline project.

14) d) The content of Notification may differ from one concerned Party to another, since the basic information is prescribed in the provisions of the



UNECE Espoo Convention, but its type and means to notify may be different according to the respective National Law.

15) Yes, whenever it is necessary.

#### QUESTIONS TO AFFECTED PARTY

16) Decisions are usually taken by the competent environmental authorities of the Hellenic Ministry for Environment Energy and Climate Change, on a case by case basis, considering mainly the likelihood, extent and significance of the potential adverse transboundary impacts of the proposed activity.

17) "Reasonably obtainable" information would be existing information readily available to the relative authorities. "Promptly" may mean within a requested time frame, if any, or else, as soon as possible.

18) a) This is a matter addressed by the formal Espoo procedures or through relevant informal consultations among them.

18) b) In the unique case that has evolved up to that stage, which concerns the mining installation for gold production at the region of Krumovgrad in Bulgaria, the public in the affected Greek area was defined by geographical and technical criteria (for example by its proximity to the location of the installation, the anticipated environmental consequences etc.) and it is realized through the relevant Prefectural Councils.

18) c) Public is notified according to relevant provisions independently of whether it belongs to the Party of origin or the affected Party e.g. according to each country's National Law and, specifically, the provisions for the national EIA procedure.

18) d) In Greece, the public participates in the EIA procedure, when the file of the proposed project or activity is published by the competent Prefectural or Regional Council for expression of comments within a limited timeframe, according to the provisions of the National Law.

#### **Article 4**

##### *Preparation of the environmental impact assessment documentation*

#### QUESTIONS TO PARTY OF ORIGIN

19) There are national legal provisions for the content of the EIA documentation i.e. the EIS (set out in Law 1650/1986 as amended by Law 3010/2002 and other legislative acts), which include the information described in Appendix II.

20) Under National Legislation, activities listed in Appendix I undergo mandatory scoping, in the context of a preliminary EIA procedure, during which a preliminary EIS that has been submitted by the developer is assessed and following consultations with relevant authorities, the competent authority further specifies the required contents for the EIS of the proposed project or activity.

21) "Reasonable alternatives" include the "do nothing" case. The term refers to the main alternatives examined on a case by case basis by the developer/consultant in the submitted EIS for the project or activity, unless

the competent authority requests a different or complementary proposal for alternatives during the EIA process.

22) “The environment that is likely to be affected by the proposed activity and its alternatives”, according to national legislation, will be those components of the environment that are likely to be affected significantly from the particular project or activity.

The impacts considered during an EIA are the main impacts the proposed project or activity is likely to have on the environment, including direct, indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative impacts.

23) Upon receipt of the positive response of the affected Party to the Party of Origin’s Notification the EIA documentation is provided to the affected Party.

24) Usually any official documents from the affected Party will be transferred through the Hellenic Ministry of Foreign Affairs to the competent environmental authority within the Hellenic Ministry for the Environment, Energy & Climate Change. The received comments are taken into consideration by the competent environmental authority during the EIA procedure in the same manner as domestic comments.

25) The legal time frame for receiving comments from the Party of origin cannot exceed the deadline imposed for domestic comments i.e. 35 days, although in practice it is applied in a flexible manner due to possible administrative delays. Moreover, the timeframe can be determined through formal procedures or by informal discussions, as there are no official bilateral or multilateral agreements on that. Nevertheless, upon expiration of the prescribed deadline the competent environmental authority must proceed (within 15 days), notwithstanding the receipt of any comments by the affected Party, to the final EIA decision.

26) All EIA documentation for the proposed project or activity that is made available to the domestic public is simultaneously transmitted to the affected Party, for the public to make comments.

27) The possibility and details of a public hearing to be held for a proposed project or activity may be discussed between concerned Parties or generally agreed upon through a bilateral or multilateral agreement for the particular project or activity.

On a national level, although there are no legal requirements for public hearings, they are often held on the developer's initiative, in order to complement the required public participation procedure foreseen in legal provisions. If such a hearing was to be held for a project or activity with transboundary impacts, it would probably be open, at the organizer's discretion, to representatives-including the public-of the affected Party.

#### QUESTIONS TO AFFECTED PARTY

28) Unless otherwise officially requested or agreed upon after discussions with the Party of origin, the national time frame for comments is applied.

29) Our country as affected Party after requiring specific information about the proposed project or activity and responding positively to the Party of origin's Notification enters into consultations with the competent national environmental authorities. All available EIA documentation is transmitted to these authorities for further elaboration according to the provisions of National Law. Complementary documentation may be required from the Party of Origin's competent environmental authorities. This is provided by formal or informal procedures, usually through the National authorities competent for the implementation of the Espoo Convention.

30) Unless otherwise agreed upon with a bilateral or multilateral agreement, public participation is organized according to the specifications of National Legislation, i.e. by the respective Prefectural Councils (Prefectures are 2<sup>nd</sup> level local authorities).

## **Article 5**

### *Consultations*

#### QUESTIONS TO PARTY OF ORIGIN

31) The competent authority after having officially received the EIS for the proposed project or activity from the developer, and after having reviewed the documentation for completeness or having requested and received any additional required information and documentation, is obliged within 10 days to forward the EIS file to the appropriate authorities, in order to initiate both domestic as well as transboundary consultations (provided a positive response to Notification has been received).

32) Consultations take place with relevant authorities (as specified in National Legislation and according to the nature of the proposed project or activity) on a central and local level and the "interested public". The authorities and the "interested public" comment on the EIS content. These consultations are conducted mainly by exchange of written communications, although on occasion, meetings between authorities may take place either on the competent environmental authority 's initiative or as a result of the actions of a joint permitting committee.

#### QUESTIONS TO AFFECTED PARTY

33) Consultations take place with relevant authorities on a central and local level (depending on the characteristics of the proposed project or activity and the nature and scope of its potential environmental impacts), as well as with the "interested public". These consultations are conducted mainly by exchange of written communications, although on occasion, meetings between authorities may take place either on the competent environmental authority's initiative or as a result of the actions of a joint permitting committee. Consultations are obligatory by National Legislation.

## **Article 6**

### *Final decision*

#### QUESTIONS TO PARTY OF ORIGIN

34) The "final decision" is a Ministerial or Joint Ministerial Decision (JMD) on the approval of environmental terms for the project or activity, i.e. the environmental permit for the project or activity. In Greece, it is defined as "οριστική απόφαση". All projects listed in Appendix I require such a decision.

35) A project's environmental permit constitutes a prerequisite for its development consent.

36) Yes.

37) As soon as the JMD on the approval of environmental terms for the project or activity is issued, the competent environmental authority of the Hellenic Ministry for the Environment Energy and Climate Change forwards the decision to the affected Party, through our Ministry of Foreign Affairs. The decision contains the considerations and reasons on which it is based.

38) The affected Party will be informed accordingly and, if deemed necessary, the decision may be revised.

## **Article 7**

### *Post-Project Analysis*

39) A post-project analysis would be requested possibly as a set term in the JMD, depending on the nature and characteristics of the activity and its environmental impacts.

40) If a post-project analysis is foreseen in the decision, it will be accompanied by relevant terms specifying how to inform and consult with the other Party in such a case.

## **Article 8**

### *Bilateral and multilateral agreements*

41) Greece is a Signatory Party to the "Multilateral Agreement among the countries of south-Eastern Europe for implementation of the Convention on environmental impact assessment in a transboundary context". Other Signatory Parties are Bulgaria, Croatia, Montenegro, Romania, Serbia and FYROM. The main purpose of the Multilateral Agreement is to support the implementation of the Espoo Convention, especially in the region of south-Eastern Europe. It is publicly available through the official website of the Espoo Convention. No other bilateral or multilateral agreements have been signed by Greece until today. As regards Appendix VI of the Espoo Convention, it should be mentioned that the Multilateral Agreement sets the

framework for further elaboration of all aspects related to the implementation of the Espoo Convention among the Signatory Parties.

42) No.

## **Article 9**

### ***Research Programmes***

43) No, we are not aware of any related research.

### **Ratification of the amendments to the Convention and of the Protocol on Strategic Environmental Assessment**

44) Greece is considering to ratify the 1<sup>st</sup> Amendment to the Espoo Convention, but there has not been any official decision yet.

45) Greece is considering to ratify the 2<sup>nd</sup> Amendment to the Espoo Convention, but there has not been any official decision yet.

46) Greece is considering to ratify the Protocol on Strategic Environmental Assessment to the Convention on EIA in a Transboundary Context, but there has not been any official decision yet.

## **PART TWO-PRACTICAL APPLICATION DURING THE PERIOD 2006-2009**

### **CASES DURING THE PERIOD 2006-2009**

47) The unique case in which a transboundary EIA procedure evolved during the period 2006-2009 was that of a mining installation for gold elaboration at



the region of Krumovgrad in Bulgaria. Greece was the affected Party, whereas Bulgaria was the Party of Origin. There has also been a Notification by F.Y.R.O.M. concerning a road project, but the competent National authority estimated that the anticipated environmental consequences would not be significant. Moreover, at the end of 2009, informal discussions began between Bulgaria and Greece about the implementation of the Espoo Convention in the case of "Burgas-Alexandroupolis" pipeline project.

48) No objection.

49) The national Espoo Convention Contact Points have not received information concerning any other projects that require the implementation of the Espoo Convention in the referring period.

50) There is not a fixed duration of transboundary EIA procedures as a whole due to the different legal frameworks for the EIA process in each Contracting Party to the Espoo Convention. However, the duration of the process can be determined through formal procedures or informal discussions. Otherwise, the relevant deadlines foreseen by National Law are applied.

#### EXPERIENCE OF THE TRANSBOUNDARY ENVIRONMENTAL IMPACT ASSESSMENT PROCEDURE IN 2006-2009

51) Greece has not had relevant practical experience, since the transboundary EIA that took place in the Krumovgrad case did not reach the stage of the "final decision".

52) However, if Greece came up against substantial difficulties concerning the interpretation of specific terms in a case of a project, formal procedures or informal discussions could regulate such matters and, possibly, provide exact definitions to avoid misinterpretations among the Contracting Parties. The

relevant National Law is consulted as guidance for the various terms (e.g. “major change”: a change that important, so as to cause potential significant negative consequences). In Greece, all the significant amendments of the Annex I projects or activities undergo a mandatory EIA.

53) a) Always in relation to Annex I. Furthermore, if projects do cause significant transboundary consequences, the matter is resolved through formal procedures or informal discussions between neighbouring countries. In Greece, all projects or activities expected to cause significant consequences undergo a mandatory EIA.

b) Such an item – chapter is included only when a project does cause or is anticipated to cause significant transboundary consequences. If the question concerns transboundary consequences, formal procedures or informal discussions take place between neighbouring countries.

c) Greece does not implement a certain methodology for impact assessment in a transboundary EIA procedure. All up to date methodologies that have been implemented are accepted, as long as the minimum prepositions required by National Law for EIA process are covered in general. Excluding that, it is up to the developer to decide which methodology would be more appropriate for the specific project or activity.

d) Since the needs for translations are determined according to the language differences between the Parties, Greece aims at providing the Notification, the non-technical summary and any other available EIA documentation initially in English. Nevertheless, the matter of translation of the EIA documentation may be regulated through formal procedures or informal discussions. Moreover, in the “Burgas-Alexandropoulis” pipeline project the developer will cover the costs of the translation of the main documentation in the Greek, Bulgarian and English language. Other documentation of general interest (e.g. the Notification) from Greece will be transmitted to the neighbouring countries in English.

e) Our country has organized transboundary public participation as affected Party in the Krumovgrad case only. Specifically, after the receipt by the competent environmental authority at central level of a copy of the EIA study both in written and electronic form and in the English language by the developer, the whole documentation was transmitted to the Regional Council of Rodopi-Evros, in order to inform the public about the Krumovgrad project. Both the Rodopi-Evros Regional Council and the interested public expressed their opinions and comments in writing. Finally, the central competent environmental authorities formed their own opinion taking under consideration the observations and comments expressed by the Regional Council and the interested public and forwarded it to the Bulgarian side through the Hellenic Embassy in Sofia.

f) There has not been any feedback on the Krumovgrad project from the Bulgarian side after the transmittal of the opinions of the competent environmental authorities and the comments of the interested public from Greece, neither have been expressed any comments about difficulties by the Greek side.

g) No experience of the final decision stage in the referring period.

h) No experience of the post-project analysis stage in the referring period.

i) In the Krumovgrad case, which was the unique transboundary EIA case in the period 2006-2009 (except for the F.Y.R.O.M. Notification, where it was estimated that no significant transboundary consequences would be expected), there was not a cross-border project involved. However, informal discussion have begun at the end of 2009 concerning the "Burgas-Alexandroupolis" pipeline project that are still at the initial phase.

j) There is not such an example or a case to mention.

k) The Espoo Convention is applied through the official focal points as they are defined in the Convention's webpage, multilateral agreements which may have been signed and joint bodies, if so agreed or prescribed at the text of the multilateral agreements. There is very limited experience related only to the first two options.

#### CO-OPERATION BETWEEN PARTIES IN 2006-2009

54) No such experience.

#### EXPERIENCE IN USING THE GUIDANCE IN 2006-2009

55) a) In the Krumovgrad case the guidance on public participation in EIA in a transboundary context proved to be quite helpful in understanding and considering all aspects of the procedure. As a result, the National Law regarding the provisions about public participation was applied more thoroughly and precisely.

b) Taking under consideration the guidance on subregional cooperation, a "Multilateral agreement among the countries of south-Eastern Europe for implementation of the Convention on Environmental Impact Assessment in a Transboundary Context" was signed in Bucharest in 2008. The Signatory Parties were: Bulgaria, Croatia, Greece, Montenegro, Romania, Serbia and FYROM.

c) As long as neither the Multilateral Agreement among the countries of south-Eastern Europe is in force yet nor any other bilateral agreements have been signed, the guidelines on good practice and on bilateral and multilateral agreements has not been utilized until now. Nevertheless, the "Guidance on the practical application of the Espoo Convention" may be used for the

resolution of potential problems. However, Greece has very limited relevant experience.

#### CLARITY OF THE CONVENTION

56) Greece has not encountered any particular difficulties while implementing the transboundary EIA procedure described in the Espoo Convention as affected Party in the referring period. There are some unclear provisions in the text of the Convention, for example those concerning the process and content of the Notification (Article 3), the preparation of the environmental impact assessment documentation (Article 4) and the post-project analysis (Article 7), as well as the matter of joint and complex projects or activities involving more Parties, but all these are dealt with through the available guidance documents. Since there is not enough experience of the Espoo Convention implementation, it is not possible to analyze the strengths, weaknesses or variations of the transboundary EIA process in Greece.

#### AWARENESS OF THE CONVENTION

57) No such activities have been undertaken yet.

58) Greece is in favour of improving the application of the Espoo Convention in transboundary EIAs. A first step towards this direction would be the ratification of both the Amendments to the Espoo Convention and the Protocol on Strategic Environmental Assessment in a transboundary context (SEA Protocol).

#### SUGGESTED IMPROVEMENTS TO THE REPORT

59) Perhaps an improvement would be to provide a more concise and less detailed questionnaire.